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with this addition on this bill I think we can do timely.

REP. KUPCHICK: Thank you.

JUDY DECINE: Thank you.

REP. BUTLER: Are there any other questions?

Thank you for your testimony. Really appreciate it.

JUDY DECINE: Yes, sir. I'm sorry if I was a little long, sir. But thank you for inviting us to speak that length. Thank you.

REP. BUTLER: Yes, thank you.

Next is Barbara Johnson, followed by William Acostis.

BARBARA JOHNSON: Good morning, Mr. Chairman and Committee members. My name is Barbara Johnson and I come before you today to address Raised Bill No. 94, An Act Concerning the Equal Treatment of Renters With Mental Disabilities. I am advocating particularly in favor of the change of the protective language in Section 1, Subsection A letter C and proposed addition of the language that includes mental impairment.

I am a proud member of Bridge House, Incorporated in Bridgeport. Bridge House is a psychosocial rehabilitation program for adults recovering from the persisting effects of psychiatric illness. The mission of Bridge House is to provide a positive, encouraging environment of programs and support which will give people with mental disabilities opportunities to live productive and satisfying lives.

So, the question of the day is not about housing, persons with mental illness, but where. The deinstitutionalization or the emptying of mental hospitals has caused overpopulation of jails, prisons and homeless shelters. The mentally ill, including myself, are not society's misfits who have to be subjected to chopping block every time the budget must be cut.

We are your family, your friends, and your lovers. We are employed, educated, and above all, we're voters. Long gone are the days when we were housed in hospitals that were unsanitary, overcrowded and unsympathetic. We do not need more advocacy, we need action. We do not need another hearing, we need action. The Declaration of Independence reads, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain inalienable rights," those among these are "life, liberty and the pursuit of happiness."

We are not asking to be your neighbors, but no one has the right to deny us the right to be someone else's. Thank you.

Are there any questions?

REP. BUTLER: Thank you. That's my line.

Are there any questions? No.

BARBARA JOHNSON: If not, may I thank my -- take time to thank Senator Gomes. Thank you for your continued support with people with mental illness. I'm glad to see you in good health.

SENATOR GOMES: I've got friends down in Bridge House.

BARBARA JOHNSON: You sure do. We hope to see real soon. (Inaudible). Thank you for your time.

REP. BUTLER: All right, thank you for your testimony.

William Acosta. Next will be John Souza and Dennis Cahill.

WILLIAM ACOSTA: Good morning.

REP. BUTLER: Good morning.

WILLIAM ACOSTA: Good morning, Committee members, Mr. Chairman, Committee members. My name is William Acosta, and I come before you today also to address Raised Bill No. 94, An Act Concerning the Equal Treatment of Renters With Mental Disabilities. I come today to advocate for the addition of that protective language in Section 1 Subsection A Letter C that would enhance the existing language to read "person with a physical or mental impairment that substantially limits one or more major life activities and who has a record of such impairment or is regarded as having such an impairment." And in Section 2 Subsection I to include "or mental impairment."

I'm a caseworker at Bridge House in Bridgeport. As Barbara, the speaker before me pointed out, Bridge House is a nonprofit psychosocial day program that is certified by the International Center for Clubhouse Development and funded by the Department of Mental Health and Addiction Services. Bridge House has an impeccable, impeccable 25-year history of providing an encouraging environment of support and daily program to persons with psychiatric disabilities. Thanks in large part to your individual work on

behalf of programs like Bridge House, great strides have been made in recent years to enhance the quality of how persons with such disabilities are able to lead better and in many cases satisfying lives.

I also come as an interested party. I am the parent and child of people with psychiatric disabilities. My mother suffers from a psychotic disorder as well as cerebral palsy, and my son has been diagnosed with major depressive disorder and attention deficit disorder. The excruciating emotional pain of witnessing them in their distress when they're not doing well cuts to the core of my own ability to cope with what many of us take for granted in our everyday lives.

The proposed edition to the language of the existing law, in my view, gives credibility and equality to those who might otherwise not be able to fend for themselves because of a mental impairment. For as long as all of us in this room can remember, people living with mental illness have been stigmatized, seen as less than equal, seen as people who have to be kept subdued and seen as people who must be kept out of the way. When it comes to housing, now, this proposed language addition will clearly help all of us along the path to abolish that stigma. It will go a long way in preventing evictions based solely on a person's mental impairment because it will be a part of the law in writing, if you will, so there can be no mistake.

On behalf of so many, I simply would like to say thank you for your vision and your compassion to ensure that this language is added and that it is unmistakable.

Thank you.

REP. BUTLER: Thank you.

Are there any questions?

All right. Well, I'd like to thank you for your testimony and also for your work down at Bridge House helping those that can otherwise probably not help themselves. So, thank you for your work.

WILLIAM ACOSTA: Thank you.

REP. BUTLER: Next is John Souza, followed by Dennis Cahill.

JOHN SOUZA: Good morning. I'll be testifying on S.B. 190, the bed bug bill to be straight.

Good morning. My name is John Souza. For 24 years I've been a landlord and property owner. I also serve as treasurer at -- how's that? I also serve as treasurer of the Connecticut Coalition for Property Owners. The Connecticut Coalition of Property Owners is the largest landlord property owners association in Connecticut. We have chapters in Hartford, Bridgeport, and several other cities around the state. Collectively our members own approximately 20,000 rental units throughout Connecticut.

Both Connecticut Coalition of Property Owners and myself strongly oppose S.B. 190 in the form that it is presently. I understand that the thought of biting insects is quite disturbing. And now for unknown reasons bed bugs have made a reappearance in America, forcing everyone to deal with the problem, including myself. Neither tenants nor landlords want to deal with the prospect of the infestation, but like most new problems,

DANIELA GIORDANO: Good afternoon, Senator Gomes and Representative Butler and members of the Housing Committee. My name is Daniela Giordano and I'm the Public Policy Director of the National Alliance of Mental Illness here in Connecticut. I am here today on behalf of NAMI CT to support S.B. 94, An Act Concerning the Equal Treatment of Renters With Mental Disabilities.

We would like to commend the Governor and the Legislature for making affordable and adequate housing a central part of our State's goal. Equalizing the treatment of renters to include not only people with physical disabilities, but also with mental disabilities is a necessary and overdue step. This move will add a level of extra protection for renters with mental impairment by not allowing individuals to be evicted based solely on having a mental impairment.

Thinking of people with mental and physical disabilities as equally deserving and having equal rights protection also moves us further toward integrating mental and physical wellness in our thinking and actions. Additionally, this bill also treats people equally who are 62 years of age and older and people with challenges connected to their health.

We do request two changes to the bill to fulfill in its intention of equalizing protection and allowing people to live in their communities while being treated with respect, regardless of challenging conditions such as physical or mental impairment. The first change request refers to Section 1 where it states that "a person with a physical or mental impairment that substantially limits one or more major life activities, and who has

a record of such impairment or is regarded as having such an impairment and changing the "examine" in the first part of the sentence to an "or" which will also make it more consistent with federal law.

The second change request refers to Section 2. We request to eliminate that section because of the requirement of a physician statements as overly restrictive as many of the health care providers successfully treat mental health conditions, including psychologists, advance practice registered nurses, APRNs, and licensed clinical social workers, etc.

Thank you very much for your time, and I'll be happy to answer any questions you have.

REP. BUTLER: Thank you. Are there any questions?

Yes. Well, I will just comment on your first suggestion about that and replace it with a "or." I agree with that assessment after reading this a little bit more thoroughly, and that's something that we need to work on. I'm not sure. Could you speak a little bit -- your second request for the change in Section 2? What specifically are you looking for in that language?

DANIELA GIORDANO: So, the language really requests the physician's note to give proof that somebody has a disability. And that is really -- for people -- I'm really coming from a mental health perspective. For people with mental health issues, it's not necessarily a physician who is going to be treating or who is treating that person. A lot of it -- it's a much wider range of health care professionals, including APRNs and licensed social workers or psychologists.

REP. BUTLER: So, it's my understanding that for anyone who has either a physical or mental disability as we're looking for in this bill has to have a doctor's note, so to speak?

DANIELA GIORDANO: That's how -- coming from a mental health perspective, that's how I'm reading the bill as it currently stands.

REP. BUTLER: Well, I don't think that's the intent here. I mean, the bill is just to -- this is for good faith evictions just to make sure that nobody's being discriminated on these basis. So, just to give you an intent of what the bill is trying to address.

So, I like your first change. I'll think about the second one. I don't see where it really applies here, but we'll think about it.

Any other questions?

Thank you for your testimony.

DANIELA GIORDANO: Thank you very much for your time.

REP. BUTLER: Next is Tim --

TIMOTHY J. CALNEN: Calnen.

REP. BUTLER: Okay. I couldn't really -- it's kind of hard to tell what that first letter, so, please excuse me.

TIMOTHY J. CALNEN: Thank you, Representative Butler, Senator Gomes, members of the Housing Committee. My name is Tim Calnen. I'm a Government Affairs Director for the Connecticut Association of Realtors. I'm speaking on the bill that the previous speaker spoke, but we say this bill needs serious

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amending.

If you go back to the history of this so-called just cause eviction law, in the mid 1980s there were divided votes on it. And what you need to know is that that section of the law sets up a protected class of tenants. It's not just being broadened to include the mentally impaired or somebody regarded as mentally impaired. I hope -- regarded by whom? By the son, the daughter? Now maybe the APRN would be more reliable to be regarded as, but that's a very loose word. But it broadens the protected class extensively.

What does a protected class consist of now? Well, it includes me, anybody over 62 years old. I can't be evicted from a rental property. Doesn't matter what my assets are and income. I'm a protected tenant when the lease is up. That was what the big thing was in 1985 when this was the subject of huge debates with the Connecticut citizens action group, the realtors, private property owners, and many others. It abrogates the contract's fairness. It says that you cannot ask a tenant to leave when the 12 months of his or her lease is up even if you want to rent to your own blind daughter.

So, if I'm 62 and I'm earning plenty of money, you're extending this so-called lifetime tenancy law -- because that's what I want to call it. These people that like to come up with nice little names like just cause eviction can be turned around and it's a lifetime tenancy law because they also can't ask the tenant to leave unless you can justify the rent increase meets a government standard imposed by so-called fair rent commissions, which some towns have and like. But most towns in Connecticut do not have fair rent

commissions dictating to the owner how he should charge rents, but this broadens that. So, this bill needs serious amendment if you're expanding the protected class of tenants.

Who in the world is going to want to invest in private rental housing in the great state of Connecticut with the kind of laws we're seeing? I mean, the previous speaker that represented the large property owners association, those are large property owners associations. We've got many realtors who own small properties. There's mom and pop owners who have no idea of what you're saying in these bills.

So, I say that this bill needs serious clarification. If it's just to keep the current protected class in place, we have no opposition to it. But if it's expanding it, we do oppose it. As far as Representative Butler's bill, there was so much time spent in the first hour -- I came to speak on the Waterbury pilot program and the urban homesteading bill, the Connecticut Association of Realtors is supporting that bill. I can't even find the number here because I got my stuff so mixed up. But Sharon Hallock from the Waterbury Board of Realtors wants to support the help people buy properties that are abandoned or foreclosed in urban areas, and there's about 31 -- it doesn't have to be Waterbury, could be Meriden -- a pilot program to get those properties back on the tax rolls and to train the owners to be responsible landlords and rent the properties out through a private sector program, not public housing.

REP. BUTLER: All right. Thank you.

TIMOTHY J. CALNEN: And the last bill I just want

to say, if I can get 30 seconds in.

REP. BUTLER: 20.

TIMOTHY J. CALNEN: 20, thank you, Representative Butler.

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The last bill is the bed bug bill. We think this is a problem you're not going to solve by legislation. Mrs. Decine who was up here for an hour with two other State-paid employees was saying that they reached out to the private sector. They didn't reach out to the 15,000 member Connecticut Association of Realtors. And I found out from the landlord group, they didn't reach out to them. And this is the second year in a row this kind of bill on bed bugs has surfaced.

So, I'm just saying that should be solved through public education. You're not going to solve it through a bill. And the Connecticut Association of Realtors will willingly help.

REP. BUTLER: Okay, thank you.

Senator McKinney.

SENATOR McKINNEY: Thank you, Mr. Chairman.

Are we afternoon yet? Good afternoon, Tim. How are you?

TIMOTHY J. CALNEN: Good afternoon, Senator.

SENATOR McKINNEY: Let's talk about Senate Bill 94. I know you testified on a number of bills. The current law which I guess passed in 1980 or early 1980s includes renters with physical disability, correct?

TIMOTHY J. CALNEN: Yes.

SENATOR McKINNEY: And as I understand --

TIMOTHY J. CALNEN: A serious -- they expect it to result in death or a 12-month period at least. That's --

SENATOR McKINNEY: Understood.

TIMOTHY J. CALNEN: Not just an earache.

SENATOR McKINNEY: Understood. But in, in, in the, the current law, as I understand it, doesn't prohibit you from evicting somebody. It just pro -- it requires you to cite the cause, correct? Nonpayment of leases --

TIMOTHY J. CALNEN: No, no, not quite. It does prohibit -- there's only so many so-called just cause codified in the existing law. And if you -- you're asking a tenant to leave when the lease is up, that's not a just cause. So, the lapse of lease for a hold-over tenant is no longer the owner's ability -- he cannot repossess the property if he wants to rent to his son or if he wants to convert it to a condominium unit.

SENATOR McKINNEY: Okay. So, here's, here's my struggle. Our State constitution, I think correctly, prohibits discrimination against people for mental disabilities. And, and the equal treatment of mental health and physical health issues, I think, is one that we have been slow to acknowledge in our society with our insurance coverage laws, etc. So, putting aside whether or not you may not have liked the original law in 1980 and maybe there's fair justification for that, how can we have a law that covers physical disability and doesn't cover mental disability when our constitution requires the same -- afford the

same protection against discrimination?

TIMOTHY J. CALNEN: Your point is well taken, but the phraseology here that, that underlying sentence in Senate, whatever the bill is, Senate Bill 94 doesn't say a mental disability. It says "mental impairment." And the previous couple of speakers have said here, oh, we're not going to require a doctor's note. The current law says at least the mental impairment would require, and who has a record of such impairment. Doesn't say it's a doctor's record. So, I don't know if that record would be the APRN or not, but at least it says a mental impairment and who has a record of such impairment.

But mental disability, I'd be honest with you, I'm not a knowledgeable person on the Americans with Disabilities Act. Maybe it's trying to make it consistent with that and there might be some worthiness in the legislation to do that. But then that next sloppy phrase, "or is regarded as having such an impairment." Regarded by who? You know? I mean, if, if, if I've got an impairment, is a physical impairment -- because this is both physical and mental impairment, remember. I take Viagra. Is that a physical impairment? If I'm a little bit obsessive compulsive, is that a mental impairment? Oh, yes, it is, because my mother says it is. So, you know, you can't ask that person to leave.

SENATOR McKINNEY: All good points. So, I think maybe we're finding an area of agreement here. I don't think -- wasn't involved in drafting the bill. I don't think that was the intention, you know. I serve in the Senate. I look around the Circle and I think we're all crazy. So, does that mean that I regard Senator Doyle --

SENATOR GOMES: I take offense to that. I take offense.

SENATOR McKINNEY: So, I don't think -- I don't think that's the intention here. I guess my last question is can we all try to sit down and work together to, to draft the language which does cover people with mental disabilities that are recognized in society and by medical professions and different professions and make sure the language reflects just that?

TIMOTHY J. CALNEN: That's an affirmative.

SENATOR McKINNEY: Great. Thank you.

REP. BUTLER: Well, thank you for your testimony. And also, just to let you know that what we tried to do was just make this consistent with the federal law. Even with this not being spoken in our statutes, there would be a default that you couldn't discriminate or eviction under federal law. So, we're just kind of finding that on the State level. It started off as a two-word change in two areas that when we tried to answer some of the questions that you brought up in trying to put more definition into it, that's where it gets to be questionable as to how different people try to define it. So, we'll tweak the language little bit, but really just -- the language that we have now is trying to make it consistent with the, the federal language which, without what we're trying to do here, would be in effect anyways, just to FYI.

TIMOTHY J. CALNEN: That's the benefit of a public hearing. People get a better idea why and the wherefore of the bill besides reading it in the General Assembly website, you know.

REP. BUTLER: Yes. Because I can tell you, it started off as a simple revision that we -- we started asking ourselves questions when we started drafting this language and we just try to do our best to put explanations sometimes. And when we do that, it gets to be, you know, areas that cause more questions than we probably would have originally had had we not tried to explain it.

So, thank you for your testimony today.

TIMOTHY J. CALNEN: Thank you, sir.

REP. BUTLER: All right. Next is Cathy Branch --

CATHY BRANCH STEBBENS: Stebbens.

REP. BUTLER: Stebbens. You're writing your name across lines there. And next is Donna Karnes.

CATHY BRANCH STEBBENS: Good morning -- good afternoon. Is it morning or afternoon? It's afternoon already. Good afternoon, Senator Gomes, Representative Butler, members of the Housing Committee. How are you? My name is Cathy Branch Stebbens. I'm the Executive Director of CNAHRO, the Connecticut National Association for Housing and Redevelopment Officials. CNAHRO is a membership organization composed -- comprised of many Public Housing Authorities in Connecticut and also many supporters of affordable housing.

On behalf of the membership, I'm here today to support House Bill 5225, An Act Concerning Security Deposits of Senior Citizens and Persons with Disabilities in Public Housing. This legislation would essentially do three things. The first is it would link the interest rate to the State banking -- the rate

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JANET AUSTER: Hi, everybody. I'm glad to be -- I thank you. The psychiatrically disabled should be given a chance and shouldn't be evicted from their apartments. The very nature of our predicament is to lay ourselves on the line with trust and love so that we will offer the whole world or wherever we live new insight so that we may recover and move on with our lives. To evict us and kick us out of our homes is a self-defeating crime in and of itself. If people don't live us live our dreams and find ourselves, they will not be living their dreams as well. You are needed for our recovery, but so are we.

I'm not speaking in a vacuum here because I have lived at Shepherd Park for over 20 years and they have not kicked me out. They have helped me in the roughest of times and they did not get scared away because I needed help or had concerns. To this day they are honoring me as a person and making sure I am fulfilled as a person and don't give up on any of my dreams. They even let me have a housekeeper that is paid for by the State to come in once a week and take me food shopping so that my apartment is not only a place to live, but a lovely home.

If our landlords help us to build homes of our dreams that we don't want to leave, they will probably, if their hearts are in the right place, won't want us to leave either. However, if accommodations are not made for us, then we're going to have to think about getting architects and planners to build and create apartments for us. That's all there is to it.

Please, Legislators, don't give up on us. Housing for us can be discovered. When we

let -- when landlords start discovering how wonderful we are, we will start rejoicing over how wonderful our permanent living situations are.

REP. BUTLER: Thank you. Senator Gomes.

SENATOR GOMES: I want to thank you for coming. I want to thank you for your testimony as how innovative it is, to show people how disabled people are really people that should be regarded as something special. And the way you put your thing together here, it shows that you are something special. Like you said, if they won't do it for you, you'll do it for yourself.

JANET AUSTER: Thank you so much.

SENATOR GOMES: All right. And we appreciate you coming. It's just so refreshing to see somebody come here with testimony and put it together so positive and make it sound so nice and also stick up for yourself.

JANET AUSTER: Thank you so much.

SENATOR GOMES: Thank you. All right.

JANET AUSTER: You made my life. Now I'm really happy.

SENATOR GOMES: You made my day.

JANET AUSTER: You might want to know that I'm working on a novel. And the novel is about like this.

SENATOR GOMES: Reading your testimony here, I wouldn't --

A VOICE: Wouldn't doubt it.

JANET AUSTER: Great.

REP. BUTLER: All right. Any other questions?

JANET AUSTER: Oh, I'm sorry.

REP. BUTLER: I'd like to also say that I really enjoyed your testimony. It was wonderful.

JANET AUSTER: Oh, thank you.

REP. BUTLER: It was very well written and I love the way you delivered it. So, I'm looking forward to the novel, too.

JANET AUSTER: Oh, fantastic. You're all getting a free copy.

REP. BUTLER: All right, thank you.

SENATOR GOMES: And thank you for keeping our schedule right. I heard you call out some names.

JANET AUSTER: Thank you so much.

REP. BUTLER: Mr. Wilbur Cooper.

WILBUR COOPER: Yes, I am.

REP. BUTLER: All right. Followed by Brenda Cowett.

WILBUR COOPER: Oh, good afternoon.

REP. BUTLER: Good afternoon.

SENATOR GOMES: Good afternoon.

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WILBUR COOPER: Okay. As you announced my name is Wilbur Cooper and I live in Hartford. I'm

just here to testify in support of the Senate Bill 94, the bill which proposed language would extend protection from evictions to people with mental health disabilities as well as people who are physical disabled.

I live with posttraumatic stress. It's a disorder which, like -- I would like to stress the importance of being able to maintain my housing. Right now my housing, much more than expensive than I can afford. I have worked hard to move from a shelter to having my own independence of having a place where I could rent. I take that very seriously, as like taking baby steps from moving on. Not because my mother or father threw me out the house. It was because of situations because of my mental capacity, I couldn't make all the right decisions. There are many people in the same position as I.

I don't want you to feel that I'm alone in this. I need the support of this bill in order to carry on. Rather than just speaking for the Hartford area, it's geographical in Connecticut of situations of this nature. The importance, I can't stress enough of it, of Bill 94. Without this protection I would face eviction.

I thank you for giving me this opportunity, with all my sincerity and the sincerity that I'm getting from you, to testify.

REP. BUTLER: Thank you for your testimony.

Senator Gomes?

SENATOR GOMES: I want to thank you for coming. I want to thank you because I understand where you're at. I just recently got sick and I had to go into rehabilitation. And when I first

came, they were asking me, do I live alone, can I handle anything by myself, and so on and so forth. So, for the disabled and those with disabilities, I understand this because it is important for somebody to be able to do for themselves. And I never realized how important it was when it sounded like they were threatening my individuality.

So, I understand what you're talking about. Disabled people, they need people that support them to be on their own and live alone. They were teaching me how to reach and get something out of a cabinet. I had to learn to walk all over again and stuff like that. Could I get into a car, could I drive a car, stuff like that. And you see I'm not even disabled as of now, except for my clumsiness. Last week I fell down some stairs. But the thing of it is, is I realize now how important it is for these people that come before us who are disabled but are looking to live on their own and for somebody to provide some sort of means where they have some individuality.

So, I just wanted you to know that. And if there is anybody that I would go to bat for, it would be you guys because people need, need to be somebody. People need them to know that they're somebody. People need to know, "You don't have to look down on me like I'm something odd. I am somebody." And that's just where I was at.

Thank you for coming.

WILBUR COOPER: No, thank you for listening to me.

SENATOR GOMES: Well, it was easy.

REP. BUTLER: Thank you, Senator Gomes.

Before you go, Representative Morris?

REP. MORRIS: Wilbur, I'd like to just add, add my comments to those of our Chairs. To both of you and Janet and every other person who has testified earlier today in support of this bill, who's come -- who has a mental illness.

You know, I look at you and, I mean, we don't even know what your issue was, what caused your posttraumatic --

WILBUR COOPER: Disorder.

REP. MORRIS: -- disorder. But we know full well we've got a lot of vets that are coming back from Afghanistan and different places with posttraumatic disorder. We know that there are a number of people because of the difficult economic times that we live in are suffering with depression and all other types of mental disorders that, as a society, we need to be more caring, concerned about. So, I applaud you and each other -- every other person who has come here to testify today, to put a face, to put a story to a bill that I think is very progressive.

We in the state of Connecticut have done some phenomenal things other states are taking a look at. Certainly this is one of those things that I think needs to happen nationally because we're going to have more and more people in our society that are going to be suffering from mental health disorders as a result of the difficult times in which we live.

So, again, thank you for adding your voice, your name, and your face to the issue.

REP. BUTLER: Thank you.

Yes. Also, I'd just like to add my comments. I'd like to thank you for coming and speaking to this legislation that we're considering. I'm actually proud of you and Janet for coming forward because it takes, it takes a lot of courage to come and speak at these public hearings as it's -- you know, we're accustomed to this on this side of the equation, but when people step up to that seat, sometimes it can be a little intimidating.

So, I just want to commend you on your courage to come and step forward and share your concerns with us. So, thank you.

WILBUR COOPER: No, thanks. Thank you.

SENATOR GOMES: You have a good day.

WILBUR COOPER: You also.

REP. BUTLER: Next is Brenda Cowett. We're down to our last seven people, so. And we only have 10 minutes, so -- no.

BRENDA COWETT: I can cut my thing. You can pull it out.

REP. BUTLER: No, just teasing. That's all right.

BRENDA COWETT: Pull out 5225. Your notes, whatever, okay, all right.

All right. Hi. Let's see, I'm Brenda Cowett and I'm a director at one of the 70 small Public Housing Authorities in Connecticut with the small Housing Authority. Well, each of us ranges in the number of housing units that we offer. It could be from 17 to 245. There's 50 of us Housing Authorities with less than a hundred units. All of us are normally

RASHID RAJI: Ra-gee.

SENATOR GOMES: Ra-gee.

REP. BUTLER: Ra-gee, see? All right.

RASHID RAJI: Good afternoon, honorable members of the Housing Committee. My name is Rashid Raji, I'm a graduate student at the University of Connecticut School of Social Work. I also work with people with mental disabilities. I live in Hartford.

I'd like to thank you for this opportunity to testify --

REP. BUTLER: Can you speak up a little?

RASHID RAJI: I'd like to thank you for this opportunity to testify. I'm here to support the bill raised -- the Raised Bill Number 94, An Act Concerning Equal Treatment of Renters with Mental Disabilities.

My father was diagnosed with mental disability when he was -- when he had stroke and he passed away in 1998 at the age of 53. During this time there was, there was a need for the family to negotiate the separate housing accommodation for him where he could be cared for because he could no longer utilize existing facilities in the home where we lived at. Negotiating the new home proved extremely difficult because of the social barriers stemming from discrimination and stigma that is associated with people with disabilities.

Access to new home that was eventually negotiated was financially, emotionally burdensome for my family because we had to restructure the home in order for him to be able to use the new facility.

Secondly, my experience from -- my experience from the people that I serve -- that I serve are supported -- that support with real similar situation that my father went through. And this reminds me of the difficult times because of my -- because of their own disabilities. However, in the case of the people that I support, they suffer much discrimination on daily basis. Homelessness among people with mental disabilities is high often due to discrimination against them. Having said that, in a situation with depreciation of property values it's associated with home occupied by people with mental disabilities. They must (inaudible) one aspect of multiple discrimination that people with mental disability face.

Thirdly, experience have shown that discrimination and -- discrimination and homelessness against people with dis -- mental disability hurts everyone. My family was impacted severely and I had to give up going to school for a couple of years because, because of that.

I support this bill because it's morally in the right direction because it equalizes the rights that people have regardless of their abilities or disabilities. My father's experience and the experiences of the people that I support have helped me appreciate the aspect of discrimination against people with mental disability. If my family -- if my family wasn't impacted and became advocates and negotiated home for my father before he passed, my father would have passed in a highly undeserving health circumstance all because we didn't have a home. This situation is too -- it's not too different from the population that I support.

I therefore urge the bill be considered because it protects the vulnerable population and also addresses the discrimination against people well mental disabilities.

Thank you for your time. I thank you for having me.

REP. BUTLER: Thank you for your testimony.

Is there any questions? Senator Gomes.

SENATOR GOMES: I want to say the same thing I said to the other person who testified on the people with disabilities, mental disabilities, too. I understand where you're coming from.

RASHID RAJI: Right.

SENATOR GOMES: And I don't have to say that much to you because you service these people. You work at this.

RASHID RAJI: Right.

SENATOR GOMES: Not only because of your father, but you work at it. So, you understand what the whole issue is about, people need some sort of individuality. They need to be recognized and helped with their disabilities. But I don't need to say that to you because you do it already. Thank you.

RASHID RAJI: Thank you very much.

REP. BUTLER: Thank you.

Okay. Rounding out the field today is going to be -- need a score card -- Bob DeCosmo, Raphee Podolsky is going to follow him, followed by Gale Ridge, John Chamberlain, and

and, you know, it's part of the continuing education division of what we see is what we need to make this successful.

REP. BUTLER: All right. Well, thank you so much for your testimony.

Is there any other questions? Because I like the whole concept, is providing housing, revitalization of neighborhoods. It's creating jobs. I like the concept of the saturated -- let's revitalize a street, a block versus the scattered, you know, site housing that we've had for years that really, you know, nobody could really see the difference. The model that you talked about in New London is great. I know they also had that type of model in New Haven and they're really, they're really impressive. So, I think that we need to do more of that, and I think this is a good step towards that.

So, thank you again for your testimony.

ROBERT DeCOSMO: Thank you, Representative Butler.

REP. BUTLER: All right. Raphee Podolsky. We heard you weren't ready to speak until 3 o'clock. Do you want us to kill a couple minutes?

RAPHAEL PODOLSKY: (Inaudible).

REP. BUTLER: Oh, okay. Just teasing.

RAPHAEL PODOLSKY: Thank you very much, Representative Butler, Senator Gomes, Representative Wright, Representative Morris. My name is Raphael Podolsky. I'm with the Legal Assistance Resource Center which is part of the legal aid programs. I'm going to try and speak to, briefly, on four bills. I've

SB 94
HB 5225
SB 190
HB 5224

submitted written testimony on all four of them, but I do want to hit the highlights of each.

First is Senate Bill Number 94 which deals with the equal treatment of renters with mental disabilities. We support the bill. We've suggested what I will call some clean-up language. I think it's worth noting to you that the bill actually does less than meets the eye because there are significant parts of it that have really been the law for a long time.

The final bill that I hope will come out of this Committee I think should do two things. It should make clear that the law covers both mental and physical disability. And you should realize that to some extent it does already. People have certainly argued that a mental disability that can be treated with medicine is also a physical disability and is therefore already covered.

In addition, since this law was adopted -- the existing law was adopted in 1980. We've amended our constitution to prohibit discrimination based on mental disability. In some sense this bill simply conforms to that.

The second thing the bill should do, and is actually not in the bill now, is it should make clear that it doesn't matter whether the person with a disability is the primary tenant or a permanent occupant. And we've proposed some language that would make that clear.

That is not a true change in the law because in 1990 the Supreme Court said that is what the law means. The case decided in my written testimony, it's O'Brien Properties versus Rodriguez. But if you read the statute, you

would think that for the elderly it doesn't matter whether you're a primary tenant or not. You're protected, but for the disabled it does. But in fact, it's the same and the reason is they are all tenants. Doesn't matter -- it's not just if you're a tenant only if your name is on the lease. So, we support Senate Bill 94.

House Bill Number 5225 is the bill that you had a lot of conversation on dealing with security deposits in State elderly disabled housing. First of all, we don't have any objection to coordinating the interest rate under that statute with the general interest rate. And the reason we have no problem is from the beginning they were always intended to be coordinated. This was a slip up that nobody remembered. When you amend one statute, you need to amend the second one.

We oppose, however, the changing the law by -- that is proposed in the bill that would eliminate the fact that -- eliminate the part of the statute that says you return the security deposit in those programs after a year. We traced the statute back. It was adopted in 1979. It was adopted specifically for State elderly deposit -- elderly disabled housing. So, it's not some accident that it hasn't been repealed. It's been in effect for 32 years. There's no apparent reason to change it. We've submitted some substitute language that would accomplish that.

And I would just note that when people talk about you, they don't -- the Housing Authority doesn't have this pool of money. They can't make repairs with it. Apart from the points Representative Butler made, you're talking about security deposits of a couple hundred dollars.

bottom line on that.

REP. BUTLER: Any other questions?

Well, thank you so much for your testimony.

RAPHAEL PODOLSKY: Thank you very much.

REP. BUTLER: Next is Gale Ridge. Gale Ridge. Going once, going twice, gone.

Okay. John Chamberlain. And then finally we have Dominique Thornton, which I see is here, too. So, John Chamberlain? No?

All right. Well, no John Chamberlain, no Gale Ridge. Dominique Thornton, come on down.

DOMINIQUE THORNTON: Thank you.

Thank you so much. Good afternoon. I am delighted to be your last speaker this afternoon at this public hearing. You had a robust debate about many issues, but the one that is dearest to my heart is Senate Bill 94, An Act Concerning Equal Treatment of Renters with Mental Disabilities. And Senator Gomes, Representative Butler, I want to thank you for the opportunity to speak in favor of this bill.

To be clear, the bill does not prohibit the eviction of seniors or tenants with disability. It merely requires good cause for the eviction other than lapse of time. And only those reasons be stated and it applies to dwellings of five or -- does not apply to buildings of five or less. So, almost 30 years ago the Connecticut Constitution was amended to provide that "no person shall be denied the equal protection of the law nor be subjected to segregation or discrimination and

the exercise or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin, sex, or physical or mental disability." And we're very proud of that and we would like our Connecticut Good Cause Eviction statute to conform to the Connecticut Constitution. And

We feel that this bill, Raised Bill 94 supports that concept of equal treatment, but we think there's a little bit of a problem with the LCL language as it came out of the LCL. And we've provided some substitute language so that people who are 62 or older, people who are disabled, whether they be physically or mentally disabled as that is defined in Section 46a-64, and that is your fair housing statutes, that they be protected in the same way, including whether or not they have a spouse, sibling, child, parent or grandparent living with the person with the disability if they permanently reside.

Now, Raphee gave you a legal reason why you should protect people who are permanently residing together in a building because the Supreme Court has said they are tenants also. But I'll give you a policy reason, and that is when older people or people with disabilities reside in the community, they very frequently need people living with them to support them. And this state has some, but it's good policy to have people living in the community to have -- to encourage families and other friends and family members, loved ones to support them in that effort and that they have -- so that they can enjoy the -- living in the least restrictive environment.

And, so, I hope that you will substitute the language that I've provided and, and go with the fair housing statute language which is

there. It's just a little bit different. There's an, there's an "or" instead of an "and." So, you don't have to have either the substantial limitation and the record of impairment, but if you do have that record that that would be good enough.

And finally, I'd like to ask the section to be amended to be completely deleted. For one thing, that was a condominium conversion act that preceded the current condominium act. And I think it's somewhat outdated. And secondly, I think it's overly restricted because it requires physician and, you know, people with mental health disabilities are not necessarily treated by physicians. It could be psychologists, psychiatrists, OCSW, etc.

So, I thank you for the right to be treated equally and free from discrimination in housing and make that goal of independent living a -- one that everyone in the state of Connecticut can enjoy equally.

Thank you.

REP. BUTLER: Thank you.

Any questions?

SENATOR GOMES: You waited all this time and we don't even have a question.

DOMINIQUE THORNTON: That's wonderful.

REP. BUTLER: No, thank you very much. And we have really vented this and vetted it very much so.

So, I thank you for your suggested language revisions and thank you for bringing this forward.

DOMINIQUE THORNTON: Thank you very much. Thank you very much.

A VOICE: And your patience.

DOMINIQUE THORNTON: And your patience.

REP. BUTLER: Now, is there anyone who hasn't signed up who would like to speak?

SENATOR GOMES: (Inaudible).

REP. BUTLER: Yeah, they've been talking all along.

Going once, going twice, okay.

Well, I do claim this public hearing is over. Thank you very much for your patience.

Testimony to the Housing Committee
March 1, 2012
Support for Raised Senate Bill #94: AN ACT CONCERNING THE EQUAL TREATMENT OF RENTERS WITH MENTAL DISABILITIES.
By Nora Duncan, Executive Director

The Arc Connecticut is a 60-year old advocacy organization committed to protecting the rights of people with intellectual, cognitive, and developmental disabilities and to promoting opportunities for their full inclusion in the life of their communities.

We support the added protections for renters "with a physical or mental impairment that substantially limits one or more major life activities and who has a record of such impairment or is regarded as having such an impairment" that Raised Senate Bill #94 proposes. While the language in statute is not totally in keeping with the respectful language that The Arc Connecticut supports, the purpose of clarifying certain protections under state housing law for persons with disabilities certainly is and we are happy to support the bill.

Thanks you for your efforts and please do not hesitate to call upon The Arc Connecticut for more information or further clarification of our position.

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TESTIMONY FOR THE HOUSING COMMITTEE
March 8, 2012
Barbara Sloan
Supporting SB 94
AN ACT CONCERNING THE EQUAL TREATMENT OF RENTERS WITH MENTAL DISABILITIES

Dear Committee Members:

My name is Barbara Sloan. By the grace of G-d, I own my home. However, given the state of my mental and physical health, I might not if I had not inherited the means to buy it.

I urge you to PASS Senate Bill 94, which extends protections already given to people with purely physical disabilities to people who have mental disabilities.

In fact, mental disabilities are brain disorders, physical in basis.

Our state has an illustrious history of extending parity to those with mental disablities. I hope you will continue this tradition by voting FOR Senate Bill 94.

Respectfully,

Barbara Sloan
Wallingford, CT

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SB94

Testimony on fair housing for the phsyciatricaly disabled
Janet Auster
March,2012
The psyciatrically disabled should be given a chance and shouldn't be evicted from their apartments. The very nature of our predicament is to lay ourselves on the line with trust and love so that we will offer the whole world or wherever we live, new insight so that we may recover and move on with our lives.

To evict us, and kick us out of our homes is a self defeating crime in and of itself. I f people don't let us live our dreams and find ourselves they will not be living their dreams as well.You are needed for our recovery but so our we.

I am not speaking in a vacuum here because I have lived at Shepherd Park for over 2o years, and they have not kicked me out. They have helped me in the roughest of times . And they did not get scared away because I needed help or had concerns . To this day they are honoring me as a person and making sure I am fulfilled as a person and don't give up on any of my dreams.

They even let me have a housekeeper that is paid for by the state to come in once a week and take me food shopping so that my apartment is not only a place to live but a lovely home.
If our landlords help us to build homes of our dreams that we don't want to leave they will probably, if their hearts are in the right place, won't want us to leave either.

However , if accomodations are not made for us then we are going to have to think about getting architects and planners to build and create apartments for us , that's all there is to it.

Please , legislatures don't give up on us , housing for us can be discovered. When landlords start discovering how wonderful we are, we will start rejoicing over how wonderful our permanent living situations are.

Testimony before the Housing Committee
March 8, 2012
SB 94
DENI YOUNG

Good afternoon members of the Housing Committee and thank you for the opportunity to discuss "Fair Housing" issues concerning ***SB 9,4 An Act Concerning the Equal Treatment of Renters with Mental Disabilities.***

My name is Deni Young. I am a 47 year old white female with disabilities. I am a strong woman. I raised five children (four of which had individual disabilities) as a single parent. I survived homelessness with children and again years later with disabilities of my own.

Thank goodness, I didn't have my disabilities while raising my children as they so very needed my full attention.

Barriers are a daily circumstance faced by persons with disabilities. Removing barriers will not only help the persons with disabilities but the community in which the disabled live-*"We must live as a village!"*

The more we help one another, the more we help ourselves. The more we help ourselves, the more we are able to help the ones closest to our hearts. Who knows when a disability will show itself?

As human beings, we should be recognizing the dignity and worth of other human beings in all areas including but not limited to equal housing and employment.

Disabilities cover a broad range and degree of conditions, some visible, some not so visible. Some are more degenerative than others, (meaning, as time goes by, people may still be able to fully function with the help of added accommodations.)

People need to be protected from discriminations because of disabilities.

As you well know--housing discriminations based upon race, color, religion, sex, national origin, disability or family status is illegal.

Cordially,

Deni Young

CONNECTICUT LEGAL RIGHTS PROJECT

P.O. Box 351, Silver Street, Middletown, CT 06457
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TESTIMONY OF SALLY R. ZANGER, STAFF ATTORNEY
HOUSING COMMITTEE PUBLIC HEARING MARCH 8, 2012
RE: SB 94

CLRP is a legal services organization that advocates for low-income individuals who have, or are perceived to have, psychiatric disabilities. We promote initiatives that integrate clients into the community. An important part of our work is protecting people's housing, which includes negotiating with landlords and representing tenants in summary process.

Connecticut Legal Rights Project (CLRP) supports S.B. 94 and urges the Committee to revise the language of the bill as proposed.

SB 94 proposes a slight change to Conn. Gen. Stat. Sec. 47a-23c, which is the part of the summary process statute that applies to tenants who are senior citizens or disabled who have landlords who own complexes of five or more units. Those tenants are protected from "no cause" evictions (when the lease has run out and the landlord chooses to rent to someone else.)[1] The proposal makes explicit that all people with disabilities are included in the protected group, not just those who are "physically disabled or blind."

Without that correction, the statute as it stands violates Article XXI of the Amendments to the Constitution of the State of Connecticut[2] as well as Americans with Disabilities Act.

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[1] Under C.G.S. 23c (b) (1), landlords can evict any tenant who does not pay rent, violates the lease or the tenant's responsibilities under the statute or creates a nuisance or a serious nuisance. Similarly, if the landlord intends to remove the unit from the rental market, or move into it him/herself, this provision does not apply. This statute requires a "good cause" eviction for the protected tenants.

[2] "Article fifth of the amendments to the constitution is amended to read as follows: No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin, sex or physical or mental disability." Adopted November 28, 1984.

Proposed Language for SB 94.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subdivision (1) of subsection (a) of section 47a-23c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

"(a) (1) Except as provided in subdivision (2) of this subsection, this section applies to any tenant who resides in a building or complex consisting of five or more separate dwelling units or who resides in a mobile manufactured home park and who is either: (A) Sixty-two years of age or older, or whose spouse, sibling, parent or grandparent is sixty-two years of age or older and permanently resides with that tenant, [;] or (B) [blind, as defined in section 1-1f; or (C) physically disabled, as defined in section 1-1f] a person with a physical or mental disability, as defined in subdivision (8) of section 46a-64b, or whose spouse, sibling, child, parent or grandparent is a person with such a disability and permanently resides with that tenant, but only if such disability can be expected to result in death or to last for a continuous period of at least twelve months."

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CONNECTICUT ASSOCIATION OF
REALTORS® INC.

Statement on

SB 94 (raised): An Act Concerning the Equal Treatment of Renters with Mental Disabilities

THIS BILL NEEDS AMENDING !

Submitted to the Housing Committee
March 8, 2012

By Timothy Calnen, Vice President Government Affairs

Connecticut Association of REALTORS®, Inc.

Good day Senator Gomes and Representative Butler, and members of the committee. My name is Tim Calnen and I am for the Connecticut Association of REALTORS®. In regard to Senate Bill No. 94: Concerning the Equal Treatment of Renters with Mental Disabilities, we have extreme difficulty giving meaningful comment because of the questionable wording and intent. It proposes changes in a longstanding Connecticut law, the origin of which was extremely controversial when debated in the mid-1980's. SB 94 must be significantly clarified in order to be clear to landlords, tenants, and judges and to assure that the so-called "just cause eviction" law is not expanded to an ever broader class of "protected tenants."

(over)

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The Association has been philosophically opposed to interference with the contractual rights of landlords and tenants. It would seem logical that if a landlord and a tenant (or the tenant's representative) contract for a rental for a certain period of time that this rental is not converted as a matter of statute to a "lifetime

tenancy" unless certain conditions are met. If this particular bill simply clarifies the existing protections for disabled individuals, not broadens them, we would not oppose it, but we ask that it be changed to eliminate the troubling phrase "or is regarded as having such an impairment." How would a landlord know how a tenant is "regarded" Regarded by whom?

There is nothing in the bill that even says that American with Disabilities Act (ADA) standards are to apply when a question arises. Amending the bill therefore is essential to guide the tenants and landlords who will need to conform their actions to the requirements of this Bill . . . and to the judges who will need guidance to resolve disputes when there is a difference of opinion.

Thank you for your time and I would be happy to take any questions.

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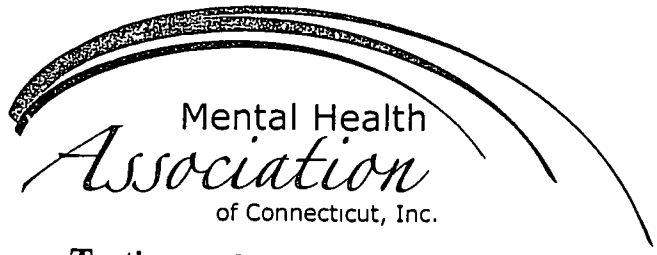

Testimony before the Housing Committee
March 8, 1012
SB 94, AA Concerning the Equal Treatment of Renters with Mental Disabilities

Submitted by: Domenique S. Thornton, Esq., Mental Health Association of CT, Inc.

Senator Gomes, Representative Butler and members of the committee, my name is Domenique Thornton and I am the General Counsel and Director of Public Policy for the Mental Health Association of Connecticut, Inc. (**MHAC**). MHAC was established in 1908, the first private nonprofit dedicated to service, education and advocacy for people experiencing mental health disabilities. Thank you for the opportunity to come before you today to testify in support of SB 94, AA Concerning the Equal Treatment of Renters with Mental Disabilities amending **CGS Sec. 47a-23c.** Commonly known as the Good Cause Eviction Statute, this legislation protects certain classes of individuals from eviction except for good cause. The prohibition from eviction of certain tenants except for good cause extends to persons sixty-two years of age or older, or to those who permanently reside with a family member in such a protected category, or who are blind or who are physically disabled. It does not protect persons who are mentally disabled. The current law protecting persons age sixty-two and over and family members should also protect persons who are physically or mentally disabled and family members from eviction without good cause. To be clear, this law does not prohibit the eviction of seniors or tenants with disabilities. It merely requires that there be a good cause reason for the eviction, other than lapse of time, and those reasons are stated and it does not apply to dwellings of five or less units.

The Connecticut Constitution, federal laws including the ADA require persons with mental disabilities be treated the same as persons with physical disabilities. Adopted November 28, 1984, Article fifth of the amendments to the state constitution was amended to ensure that:

> **"No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin, sex or physical or mental disability."**

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I applaud and wholeheartedly support the concept of equal treatment of renters proposed in Raised Bill 94 but request that the LCO 873 language be further amended as follows:

"(a) (1) Except as provided in subdivision (2) of this subsection, this section applies to any tenant who resides in a building or complex consisting of five or more separate dwelling units or who resides in a mobile manufactured home park and who is either: (A) Sixty-two years of age or older, or whose spouse, sibling, parent or grandparent is sixty-two years of age or older and permanently resides with that tenant, [;] or (B) [blind, as defined in section 1-1f; or (C) physically disabled, as defined in section 1-1f] a person with a physical or mental disability, as defined in subdivision (8) of section 46a-64b, or whose spouse, sibling, child, parent or grandparent is a person with such a disability and permanently resides with that tenant, but only if such disability can be expected to result in death or to last for a continuous period of at least twelve months."

The definition in Subdivision (8) of section 46a-64b of "Physical or mental disability" includes, but is not limited to, mental retardation, as defined in section 1-1g, and physical disability, as defined in subdivision (15) of section 46a-51 and also includes, but is not limited to, persons who have a handicap as that term is defined in the Fair Housing Act. The federal Fair Housing Act (FHA) makes it illegal to discriminate on the basis of mental or physical disability in the sale or rental of housing. The FHA's ban on disability discrimination reflects a "clear pronouncement of a national commitment to end the unnecessary exclusion of people with handicaps from the American mainstream."1 An Act Concerning the Equal Treatment of Renters promotes an end to the exclusion of persons with disabilities from the mainstream because it prevents unnecessary dislocation and upheaval in their living arrangement from which they have fewer resources to respond and are less able to adapt.

The LCO 873 language is similar to the federal definition except that it erroneously places an "and" instead of an "or" between the first and second requirements on line 14. Thus, it would require a person have both the substantial limitation and have a record of the same instead of one or the other requirement. We support treating renters with actual impairments the same as defined in federal law, but not to be more restrictive. I also strongly support that its protection extend to family members of persons who have physical or mental impairments

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1 Committee on the Judiciary, U.S. House of Representatives, H R. Rep. No. 100-711. Fair Housing Amendments Act of 1988, at 18 (1988), reprinted in 1988 U S.C C A N 2173, 2179 (hereinafter "H R. Rep ")

that substantially limits one or more major life activities or a record of such an impairment in the same manner that protection is afforded to persons sixty-two years of age or older and permanently residing with a spouse, sibling, parent or grandparent. I think it is important that the state encourage and protect family members who are supporting elders and persons with disabilities in the community.

Connecticut has determined it to be good policy that more persons with disabilities be provided greater opportunities to reside in the community. It only makes sense to support the efforts of family members who struggle to care for them and not be forced to move out of their homes for lapse of time. Family support is so often needed to make a life in the community a possibility.

Finally, I would like to ask that Section 2 amending section 47-88b be omitted because it refers to a section in the Condominium Act Chapter 825 that was superseded in 1983 by C.G.S. 47-290, which is part of the Common Interest Ownership Act Chapter 828 and also because it appears to require a "statement of physician." This requirement is an overly restrictive because so many persons experiencing mental health issues are successfully and safely treated by other health care providers in the community who are not physicians such as: psychologists, APRN's, LCSW's, MSW's, etc.

The right to be treated equally and to be free from discrimination is essential to make the goal of independent living in the community a reality. The Amendment to this act will further the goal to ensure that all people have equal access to housing but also recognize the reality that people with disabilities may need extra tools to achieve equality.

Thank you.

Rashid Raji

University of Connecticut,

School of Social Work

3rd March, 2012

My Testimony: a testimony delivered at the Connecticut Legislature to the Housing Committee

Good afternoon honorable members of the Housing Committee. My name is Rashid Raji, I am a graduate student at the University of Connecticut, School of Social Work, and I also work with people with mental disabilities. I live in Hartford, Connecticut. I like to thank you for the opportunity to testify on this bill. I am here to support the "Raised Bill No. 94" "*An Act Concerning Equal Treatment of Renters with Mental Disabilities.*" My recommendation is to urge that this bill pass and become a law.

My story & rational for testimony

Firstly, my father became mentally disabled having suffered from stroke in 1993 and passed in 1998; he was 53years old. During this time there was a need for my family to negotiate a separate housing accommodation for him, where he could be cared for, because he could no longer utilize existing facilities in the house; negotiating for a new home proved extremely difficult because of the social barriers stemming from discrimination and stigma that is

attached to people with disabilities. Access to the new home that was eventually negotiated became finally and emotionally burdensome for the family because we had to restructure the new facility to suit the condition of my father.

Secondly, experience from the people that I support reveal similar situation that my father went through and it reminds me of the difficult times, because of their own disabilities. However, in the case of the people that I support, they suffer multiple discriminations on daily basis. Homelessness among people with disabilities is high partly due to discrimination against people with mental disabilities. Having said that, in a situation in where depreciation of property values is associated with homes occupied by people with mental disabilities demonstrates one aspect of the multiple discriminations that people with mental disabilities face

. Thirdly, experiences have shown that discrimination and homelessness hurt everyone; my family was impacted severely and I had to give up going to school for a couple of years because of that. Fourthly, this bill is morally in the right direction because it equalizes the rights that people have regardless of their ability or disability.

My father's experience and the experience of the people that I support have helped me appreciate these aspects of discrimination against people with mental disability. If my family wasn't impacted and became advocate and negotiated a home for my father where he lived as a person with disability

before he passed, my father would have passed in a highly undeserving health circumstance all because we didn't have a home. The situation is not too different from the population that I support; I therefore urge that the bill be considered for passage because it will protect this vulnerable population and also help address some of these discriminations against people with mental disabilities. It will discourage acts of discrimination on the basis of one's disability and reduce homelessness among this population.

Thank you for your time and thank you for having me.

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March 8, 2012

Good Morning Chairs and Members of the Housing Committee. My name is Wilbur Cooper and I live in Hartford, CT. I am here to testify in support of Senate Bill 94, the bill which proposes language which would extend protection from eviction to people with mental health disabilities as well as people who are physically disabled.

I live with post-traumatic stress disorder and would like to stress the importance of being able to maintain my housing. Right now, my housing is much more expensive than I can afford. I have worked hard to move from a point of being homeless to stable housing. There are many people who struggle to maintain their housing. I am not alone in this. I hope that my testimony will help us as a whole, not just as me as an individual. I want to stress the importance of what it means to us to have this housing protection. I speak not only for myself but for the whole community.

Rather than speaking just to a specific geographical area, I want to stress the importance of including all of those who struggle with both housing and mental disabilities. We have case managers, therapists, doctors, who work with us each day. But none of these can provide assistance that this law would. Without this protection, if I were faced with eviction, I would not have a leg to stand on.

I thank you for giving me the opportunity to testify here today and I hope that my words will encourage you to be supportive to the needs of the less fortunate in Connecticut.

Wilbur Cooper
240 Sargeant St
Hartford, Ct 06105-1325

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NAMI Connecticut
National Alliance on Mental Illness

Testimony before the Housing Committee
March 8, 2012
Support for SB 94

Good afternoon, Senator Gomes, Representative Butler and members of the Housing Committee. My name is Daniela Giordano, and I am the Public Policy Director for the National Alliance on Mental Illness, CT (NAMI-CT). I am here today on behalf of NAMI-CT to support SB 94 - An Act Concerning the Equal Treatment of Renters with Mental Disabilities.

We would like to commend the Governor and the Legislature for making affordable and adequate housing a central part of our state's goals. Equalizing the treatment of renters to include not only people with physical disabilities but also with mental disabilities is a necessary and overdue step. This move will add a level of extra protection for renters with mental impairment by not allowing individuals to be evicted based solely on having a mental impairment. Thinking of people with mental and physical disabilities as equally deserving and having equal rights protections also moves us further toward integrating mental and physical wellness in our thinking and actions. Additionally, this bill also treats people equally who are sixty-two years of age and older and people with challenges connected to their health.

We do request two changes to the bill to fulfill on its intention of equalizing protection and allowing people to live in their communities while being treated with respect regardless of challenging conditions such as physical or mental impairment.

The first change request refers to Section 1 where it states "a person with a physical or mental impairment that substantially limits one or more major life activities and who has a record of such impairment or is regarded as having such an impairment." Changing this "and" to an **"or"** will make it consistent with federal law.

The second change request refers to Section 2. We request to eliminate Section 2 because the requirement of a physician's statement is overly restrictive as many other health care providers successfully treat mental health conditions including psychologists, Advanced Practice Registered Nurses (APRNs), Licensed Clinical Social Workers (LCSWs) etc.

Thank you for your time. I am happy to answer questions you may have.
Respectfully yours, Daniela Giordano

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TESTIMONY OF WILLIAM ACOSTA – HOUSING COMMITTEE

SUPPORTING
S.B. No 94
ACC THE EQUAL TREATMENT OF RENTERS WITH MENTAL DISABILITIES

March 8, 2012

My name is William Acosta and I come before you today to address Raised Bill No. 94, "An Act Concerning the Equal Treatment of Renters with Mental Disabilities." I come today to advocate *for* the addition of the protective language in Section 1, Subsection "a" Letter (C) that would enhance the existing language to read "person with a physical or mental impairment that substantially limits one or more major life activities and who has a record of such impairment or is regarded as having such an impairment" and in Section 2, Subsection (i) to include "or mental impairment."

I am a case worker at Bridge House, Inc. in Bridgeport. Bridge House is a nonprofit psychosocial day program that is certified by the International Center for Clubhouse Development and funded by the Department of Mental Health and Addiction Services. Bridge House has an impeccable twenty-five year history of providing an encouraging environment of support and daily programming to persons with psychiatric disabilities.

Thanks in large part to your individual work on behalf of programs like Bridge House, great strides have been made in recent years to enhance the quality of how persons with such disabilities are able to lead better and—in many cases—satisfying lives.

I also come as an interested party. I am the parent *and* child of people with psychiatric disabilities. My mother suffers from a psychotic disorder (as well as cerebral palsy), and my son has been diagnosed with Major Depressive Disorder and Attention Deficit Disorder. The excruciating emotional pain of witnessing them in their distress

when they are not doing well cuts to the core of my own ability to cope with what many of us take for granted in our everyday lives.

The proposed addition to the language of the existing law, in my view, gives credibility and equality to those who might otherwise not be able to fend for themselves because of a mental impairment. For as long as all of us in this room can remember, people living with mental illness have been stigmatized—seen as less than equal; seen as people who have to be kept subdued and seen as people who must be kept out of the way. When it comes to housing, now, this proposed language addition will clearly help all of us along the path to abolish that stigma. It will go a long way in preventing evictions based solely on a person's mental impairment, because it will be a part of the law—in writing, if you will—so there can be no mistake. On behalf of so many, I simply would like to say ***thank you*** for your vision and your compassion to ensure that this language is added, and that it is unmistakable.

TESTIMONY OF BARBARA JOHNSON before the HOUSING COMMITTEE
SB 94
March 8, 2012

My name is Barbara Johnson and I come before you today to address Raised Bill No. 94, "An Act Concerning the Equal Treatment of Renters with Mental Disabilities." I am advocating ***particularly*** in favor of the change in the protective language in Section 1 subsection "a", letter "C" and the proposed addition of the language that includes "mental impairment."

I am a member of Bridge House, Inc. in Bridgeport. Bridge House is a psychosocial rehabilitation program for adults recovering from the persistent effects of psychiatric illness. The mission of Bridge House is to provide a positive, encouraging environment of programs and support which give persons with psychiatric disabilities opportunities to live productive and satisfying lives.

The question of the day is not about housing people diagnosed with a mental illness...but where

The deinstitutionalization or the emptying of mental hospitals has caused the over population of jails, prisons and homeless shelters.

Those diagnosed with a mental illness, including myself, are not societies misfits who have to be subjected to the chopping block every time the budget must be cut.

We are your family, friends and lover's.

We are employed, educated and above all we're voters.

Long gone are the days when we were housed in hospitals that were unsanitary, overcrowded and unsympathetic.

We do not need more advocacy...We need action!

We do not need another hearing...we need action!

The Declaration of Independence reads:

"We hold these truth to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the Pursuit of Happiness.

We are not asking to be your neighbor's.

And no one has the right to deny us the right to be someone else's.

Thank You

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Legal Assistance Resource Center ❖ of Connecticut, Inc. ❖

44 Capitol Avenue, Suite 301 ❖ Hartford, Connecticut 06106
(860) 278-5688 x203 ❖ cell (860) 836-6355 ❖ fax (860) 278-2957 ❖ RPodolsky@LARCC.org

S.B. 94 -- Equal treatment of renters with mental disabilities

Housing Committee public hearing -- March 8, 2012

Testimony of Raphael L. Podolsky

Recommended Committee action: **APPROVAL OF THE BILL (with substitute language)**

Existing Connecticut law has long required that the landlord of a building with five or more units cannot evict an elderly or disabled tenant without citing a cause (non-payment of rent, breach of the lease, nuisance, etc.). C.G.S. 47a-23c, however, defines disability to cover only blindness or "physical" disability. Since the statute was passed in 1980, the Connecticut Constitution has been amended to prohibit discrimination based on mental disability. In addition, our attitudes toward mental disability have changed, and the Americans with Disabilities Act and the state and federal Fair Housing Acts both prohibit discrimination and require reasonable accommodation for all persons with disabilities. Moreover, the distinction between "physical" and "mental" disabilities has always been murky, since most mental disabilities have a physical component (e.g., they can be treated with medication).

S.B. 94 recognizes that physical and mental disabilities should not be treated differently. In doing so, it conforms the statute to numerous other Connecticut statutes that apply to both physical and mental disability and to the Connecticut Constitution itself.

S.B. 94, however, fails to correct one other inequality in the wording of the existing statute. In regard to seniors, C.G.S. 47a-23c applies to seniors, whether they are viewed as the primary tenant or are living permanently in an apartment with a primary tenant who is a close relative. The existing statute appears at first glance to exclude disabled permanent household residents if they are not the primary tenant. The Supreme Court, however, has explicitly held that they are covered by 47a-23c because permanent occupants are also tenants. See O'Brien Properties, Inc. v. Rodriguez, 215 Conn. 367 (1990). We urge the Committee to correct this unnecessary linguistic distinction between disabled and elderly occupants.

We also suggest some other drafting changes, which are incorporated into the draft that appears on the second page of this testimony.

(Please see the reverse side for the proposed substitute draft.)

Proposed substitute language (in entirety -- no Section 2):

Section 1. Subdivision (1) of subsection (a) of section 47a-23c of the general statutes is repealed and the following is substituted in lieu thereof *(Effective October 1, 2012):*

(a) (1) Except as provided in subdivision (2) of this subsection, this section applies to any tenant who resides in a building or complex consisting of five or more separate dwelling units or who resides in a mobile manufactured home park and who is either: (A) Sixty-two years of age or older, or whose spouse, sibling, parent or grandparent is sixty-two years of age or older and permanently resides with that tenant, [;] or (B) [blind, as defined in section 1-1f; or (C) physically disabled, as defined in section 1-1f] a person with a physical or mental disability, as defined in subdivision (8) of section 46a-64b, or whose spouse, sibling, child, parent or grandparent is a person with such a disability and permanently resides with that tenant, but only if such disability can be expected to result in death or to last for a continuous period of at least twelve months.

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Necessary for adoption	70
Those voting Yea	140
Those voting Nay	0
Those absent and not voting	11

DEPUTY SPEAKER GODFREY:

The bill as amended is passed in concurrence.

Mr. Clerk, please call calendar 457.

THE CLERK:

On page 29, calendar 457 substitute for Senate Bill number 94, AN ACT CONCERNING THE EQUAL TREATMENT OF RENTERS WITH MENTAL DISABILITIES. Favorable report by the committee on the judiciary.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the housing committee, Representative Larry Butler.

REP. BUTLER (72nd):

Thank you, Mr. Speaker. I move for an acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER GODFREY:

The question is on acceptance and passage. Will you explain the bill please, Sir.

REP. BUTLER (72nd):

Yes. Thank you, Mr. Speaker. This bill amends the just cause eviction law for seniors and persons with disabilities so persons with mental disability will be treated equally as seniors where persons with physical disabilities.

Since the underlying statute was adopted in 1980 we have amended the State Constitution to prohibit discrimination based on mental disability and adjusted many other statutes. This bill will provide equal treatment for those with mental disabilities.

The bill was unanimously approved by both the judiciary committee and the housing committee and actually passed on the Senate on the consent calendar. I urge adoption of the bill.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. The distinguished ranking member of the housing committee, Representative Larry Miller.

REP. MILLER (122nd):

Thank you, Mr. Speaker. I rise for a couple of questions and some comments.

DEPUTY SPEAKER GODFREY:

Proceed, Sir.

REP. MILLER (122nd):

The bill was passed in the housing committee unanimously. There were quite a few people that spoke in favor of the bill. They were all organizations that -- that dealt with this kind of activity. The realtors were the only ones that came and spoke not in opposition to the bill but they had some questions about the bill.

So let me start with some of the things they might have asked if they were able to talk at that particular time. Through you, Mr. Speaker. And through you, Mr. Speaker, the mental disabilities -- to what extent is that -- how is a person classified? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Butler, do you care to respond?

REP. BUTLER (72nd):

Through you, Mr. Speaker, I could barely hear you, Representative Miller. Could you please turn up your volume?

REP. MILLER (122nd):

I'll put it in my mouth. Yes. Again, through you, Mr. Speaker, how do you classify somebody with -- you know, that are mentally impaired? What's the standard or how do you classify them to what degree? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Were you able to hear that, Representative Butler?

REP. BUTLER (72nd):

Yes. That's better. This is for persons that are at least 62 years of age. Through

REP. MILLER (122nd):

Thank you. And through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Yes. Representative Miller.

REP. MILLER (122nd):

Besides the age how would you gauge their impairment? Is there a standard that they're using or what would -- what would be the minimum impairment they might have to be able to live in the unit? Through you, Mr. Speaker.

REP. BUTLER (72nd):

Yes. We would go by the guidelines set by federal law that speaks to this mental disability which is disability that pretty much results in death or disability that would result in more than 12 months of impairment. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miller.

REP. MILLER (122nd):

And through you, Mr. Speaker, that timeframe is that the allowable time they could live there? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Butler.

REP. BUTLER (72nd):

Excuse me. I didn't hear you. Could you --

REP. MILLER (122nd):

You mentioned 12 months. Is that the allowable time they could live in that unit? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Butler.

REP. BUTLER (72nd):

No. That's the expected timeframe that one would have their disability. Through you, Mr. Speaker.

REP. MILLER (122nd):

Thank you. And through you, Mr. Speaker, in a private residence -- in a private residence would there have to be any work done to say put in some handicap stairs or banisters or walkways? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miller.

REP. BUTLER (72nd):

Representative Butler will respond.

DEPUTY SPEAKER GODFREY:

Sorry. Representative Butler.

REP. BUTLER (72nd):

To the good ranking member of the housing committee, all other ADA laws apply. This bill simply addresses good cause eviction and -- and it just speaks to the level of discrimination to make sure that there's no discrimination for someone with mental disabilities. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miller.

REP. MILLER (122nd):

Thank you. And through you, Mr. Speaker, so the person would be living in that unit already. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Butler.

REP. BUTLER (72nd):

That's what the bill intends to cover. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miller.

REP. MILLER (122nd):

And if in fact during that course of occupancy of that unit the person gets further impaired and does require some expense to the apartment to make it feasible for him to get around will the landlord have to pay for that? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, again all ADA laws apply -- were applicable. This is simply to address good cause eviction. Through you, MR. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miller.

REP. MILLER (122nd):

Thank you. I won't belabor the discussion anymore but I did vote for it in committee. The -- as I said the realtors did have a problem with some of it and by and large most of the testimony given at the meeting was favorable for this so I would recommend that the Chamber vote for this particular amendment. Thank you very much, Representative Butler and thank you, Mr. Chair -- Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. Representative Miner.

REP. MINER (66th):

Good evening, Mr. Speaker. If I might a few questions to the proponent of the bill.

DEPUTY SPEAKER GODFREY:

Proceed, Sir.

REP. MINER (66th):

Thank you, Mr. Speaker. I'm trying to understand the purpose of this piece of legislation and so if I could through you, under our current statute we make certain distinctions in terms of who is eligible to live in certain places and who isn't. And in the case

of senior housing -- let's say a senior affordable housing complex, would that be a housing facility that would come under this statute? Through you.

DEPUTY SPEAKER GODFREY:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, the bill speaks to any building that has more than five units so if we're talking about -- if you're asking about a facility that had over five units it would be covered in this bill. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker, and I thank the Gentleman. And so on lines 12, 13, and 14 of this bill there are other individuals who would be additions to the tenant theoretically and as those are defined here they would also be eligible to live in such a senior housing complex? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Butler.

REP. BUTLER (72nd):

Well this speaks to who's covered by this bill to be determined as one with mental disabilities that is intended to be covered by this bill. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. And so included in those who are intended to be covered by this bill individuals over the age of 62 are included in that bracket? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

And in that case if they qualified for entry to a senior housing complex as a renter would they be included here, Mr. Speaker?

DEPUTY SPEAKER GODFREY:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, the intent of the bill is just to cover the people who are outlined in this bill and as is stated here in lines 11 through 14 covering 15. And inclusion to those who are 62 years and over and as it speaks to whether or not you're spouse, sibling, parent, grandparent and the threshold is 62 years or older. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. It's my recollection that there was a time not that long ago that we took

up a situation similar to this and I think under our former statutes we included those with disabilities as being eligible for senior housing. And I think I'm right on that. And some of the issues came to us was that that might not be the best mix especially when there were some individuals who may be dealing with a number of other issues.

And I thought we had reached some resolution that would have kind of separated those populations in an effort to provide kind of a safe retirement location for seniors and not have them let's say have to worry or be influenced by a younger population. And what I want to make sure is that as we -- as we try to allow families to stay together and in some cases may have siblings, children that may suffer from any disability that if -- if we're intending to allow them to live there that this doesn't put us right back into the situation we were in some years ago.

And so am I correct that under this statute -- well let me ask this question. If a senior were to gain residence, let's say be -- move into a senior housing complex for which they would be eligible and with them were to bring a child with either a physical

or mental disability, would this allow the child with that physical or mental disability to remain a resident should the senior predecease them? Through you.

DEPUTY SPEAKER GODFREY:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, there is nothing in this language that wouldn't allow for that to happen. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

So if there was nothing in this language that wouldn't allow that to happen am I correct that that could happen and so therefore if -- if I was -- if I applied to get in the Bantam Falls Housing -- affordable housing in Litchfield and with me came my child with a disability -- mental disability, then should I die and be a resident at that time, that

child would then be allowed to remain in the facility. Am I correct with that? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, I believe that as it -- as it speaks here we're just talking about good cause eviction and if you look at the list of eligible items for eviction I don't believe that that child necessarily be evicted because they're 62 plus parent, grandparent is no longer living. It talks about those who are on the lease and have the relationships that are based here in this bill. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Butler.

REP. MINER (66th):

Thank you, Mr. Speaker. And I thank the Gentleman for his answers.

DEPUTY SPEAKER GODFREY:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker. Questions through you to the proponent.

DEPUTY SPEAKER GODFREY:

Proceed.

REP. BACCHIOCHI (52nd):

Thank you. To the Chairman of housing I think it's very important that we offer protections to people with disabilities whether those people have mental disabilities or physical disabilities but I just want to make sure that I'm very clear about what we're doing with this law. And I did listen carefully to what I could hear when the ranking member of housing asked questions as well as my colleagues asked questions but I still don't clearly understand what we're doing.

Am I correct, Mr. Speaker, through you, that we are adding mental disabilities to the list of people who cannot be evicted for lapse of time? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, lapse of time is one of the qualifications that you can evict somebody for. So through you, Mr. Speaker, that would be one of the reasons that you could evict somebody. There's several reasons. This -- this law isn't -- this isn't going to -- meant to circumvent good cause eviction that already exists for all the reasons that already exist for good cause eviction they still apply. Throng you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Through you, Mr. Speaker, so I do understand -- I am clear about what the statutory list is of reasons why a landlord can evict a tenant. What does this bill do? It adds mental disabilities to the list of people who can't be evicted under what circumstance? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Butler.

REP. BUTLER (72nd):

Thank you, Mr. Speaker. Simply this bill is just being put in place to make sure that people with mental disabilities aren't discriminated against very much the same way people who are blind or physically disabled. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

I believe that it's currently in the fair housing laws. Yeah, under the Fair Housing Act I do believe it currently states that a landlord cannot discriminate based on a variety of factors, one of which it's my understanding clearly states disability. So do you -- are we doing this bill because we want to broaden the Fair Housing Act to specifically say mental disability? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Butler.

REP. BUTLER (72nd):

Thank you, Mr. Speaker. That's a very good question. We're -- the term disability applies to disabilities such as blindness or physical disabilities. I don't believe it specifically states mental disability and I think that's really degenerate to the genesis of this bill. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker. So what I believe I hear the housing Chairman say is the purpose of this bill is to expand the Fair Housing Act to specifically state that mental disability would fall under the same category as physical disability when it comes time to either lease a unit or to process an eviction. So we're expanding the Fair Housing Act. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, again this bill is strictly to make sure that no one is discriminated against for mental disability purposes. All other leasing agreements and good cause eviction process stays intact. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker. And I can say that I think most landlords very much want to comply with the State statutes that are in regards to discrimination. What I think most landlords suffer from is not clearly understanding how they are supposed to behave, what questions they are supposed to ask on their lease, for what reasons can they discriminate.

And if you have an application, I believe federal law currently allows you to ask somebody do you have a disability. But I'm under the understanding that federal law prevents you from asking what is your disability. So my concern with the bill while I appreciate the intent and want to support the intent,

I want to make sure we make it clear what this bill does. If we're expanding the Fair Housing Act to make it clear that we cannot discriminate on mental disability I understand that.

But what I don't understand is what the -- how is the landlord going to A, determine if a tenant has a mental disability when it's my understanding federal law prevents that question from being asked. And B, if a person enters into a rental agreement and they do not acknowledge to the owner that they have a mental disability can they come back and add that in after the lease?

I'm sorry. That's a twofold question but hopefully the good Chairman got both points. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, I think what is important for any landlord, owner to recognize is as long as they follow the current guidelines for just

cause eviction then there will not be a problem. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Bacchiochi.

REP. BACCHIOHCI (52nd):

Thank you, Mr. Speaker. I know landlords when they start to do an eviction. They understand what the reasons that they can convict someone. And generally I think it's well known you will not evict someone strictly due to having a disability.

So this bill is stating that you must treat fairly a person with a mental disability. So am I correct to assume you would still be -- a landlord would still be able to evict a tenant who has a mental disability so long as it fell under the just cause reasons in the State statute. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER GODFREY:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Well thank you, Mr. Speaker. If the Chairman then could explain to me, I still do not clearly understand what in fact this bill will do. You can still evict a person who has a mental disability. What protection specifically does this bill offer a person who has a mental disability? I just don't understand. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, simply said this bill doesn't circumvent what is now acceptable for good cause eviction. All of those items stay intact. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Bacchiochi.

REP. BACCHIOCHI. (52nd):

Thank you, Mr. Speaker, and I appreciate the answer. If -- if I could, through you, Mr. Speaker, how will a tenant provide to the landlord -- I don't want to say proof but to substantiate that they have a mental disability? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, I don't believe that the tenant necessarily has to share with the landlord that there's a mental disability and certainly as we know the landlord doesn't have the right to ask upon the leasing process. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker, and that does sort of point out the problem that I'm faced with here as I'm thinking about this bill. The landlord cannot ask the tenant do you have a mental disability. And the

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tenant doesn't seem to be required at any point to disclose that they have a mental disability.

Therefore how would the landlord even be accused of discriminating if A, the landlord doesn't know the tenant has a disability and the tenant is not required to inform the landlord that he has a disability.

Again I just want to state that I want to make sure we're offering protections for people with both physical and mental disabilities but I think that the bill is very, very vague. And if we cannot even define how a tenant and a landlord are going to share that information I do not understand what protections we're actually giving to the person with the disability.

But moving on, Mr. Speaker, through you, would -- if you are evicting a tenant for just cause -- let's just call it lapse of time. The tenant has paid the rent. The tenant has not substantially violated the lease but the landlord decides they prefer to end the lease.

I believe that is called an elapse of time eviction. Would the homeowner -- or in this case for

five or more units, the landlord be able to continue on a lapse of time eviction even if the tenant in the property had a mental disability? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, I think I said this about three times already in this line of questioning. Every just cause eviction process that is currently intact can be used by a landlord. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker. And I did hear that answer. And I'm not going to ask that question again. I do still struggle with understanding what protection this bill offers a person with mental disabilities and I hope as the debate continues that that question can be fully answered.

And I also struggle with understanding how do we define a person with a mental disability. I think that obviously people suffering with mental disabilities should never be discriminated against but speaking for landlords I don't think it's going to be easy for them to interpret this law when as I've pointed out and the Chairman has -- I don't want to put words in his mouth. I feel like he agreed with me. The landlord is not allowed to ask to the tenant do you have a mental disability.

The tenant is not required to tell the landlord I have a mental disability. But yet what we're doing with the underlying bill is saying the landlord must -- must follow certain protocols for people with mental disabilities. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative Bacchiochi. Representative Hetherington of the 125th.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker. Through you to the proponent if I may please.

DEPUTY SPEAKER RYAN:

Please proceed, Sir. If a -- if a tenant falls within the category of a disabled person physical or mental and continues to pay rent although the rent -- although the lease expires my understanding is as I think under current law with physical disabilities that the landlord cannot evict the tenant. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Mr. Speaker, all of the current good cause evictions still apply to this group of people and it's the same as people with blindness or any other physical disability. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Well -- and -- but it's not that -- through you, Mr. Speaker, the result that -- that as long as the rent is paid and the person is otherwise an orderly tenant not subject to any of the reasons for eviction

that Representative Bacchiochi referenced that the tenant can remain. I mean it's -- I'm just trying to make sure that I'm clear on the -- on the impact of this. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, that's correct.

REP. HETHERINGTON (125th):

Okay.

DEPUTY SPEAKER RYAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker. Now is -- is mental disability defined anywhere within this statute or by reference in this statute? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Yes. On line 12 it talks about section 46A through 64B, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Okay. All right well I see that. So that I don't have to hesitate to go to the statute here I wonder if the proponent could just tell me what the definition is. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler, do you have a definition for Representative Hetherington?

REP. BUTLER (72nd):

Through you, Mr. Speaker, the definition is within sections 46A through 64B. That's where the definition is. I believe that's quite a bit of sections and I have not devoted over almost 20 sections worth of definition in my mind. Through you, Mr. Speaker.

REP. HETHERINGTON (125th):

Okay well--

DEPUTY SPEAKER RYAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

I thank the proponent and certainly I can do that. I don't think it's 20 sections. I think it's one section but it's a subsection. But in any event following up with the colloquy the proponent had with Representative Bacchiochi. How does the landlord -- and you know, I think this is a good bill. I really do. But -- and I would like to know how the landlord knows that the person has a mental disability. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, I believe the tenant can provide the landlord with a doctor's note explaining such. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you but yes -- thank you. I assume that to be true but through you, Mr. Speaker, short of trying to evict the tenant and have it raised as a defense to a eviction that the tenant is disabled and provide whatever proof the court might require the landlord

REP. HETHERINGTON (125th):

-- would ordinarily not know that one of his or her tenants suffers from a mental disability. Is that right, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, as I alluded to earlier, as long as the landlord follows the list of cause evictions there won't be a problem. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. And, I realize that neither the

proponent nor I have gone to that section, does the proponent know, for example, would acute alcoholism be within the definition of a mental disability? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

I don't know if that is included in that section. If it is included in that section, then I guess it would be. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. But -- not but, in fact if whatever the mental condition is as long as it does not result in behavior that would represent a cause for eviction, that behavior is not in itself relevant. That's correct, is it not? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Excuse me, Mr. Speaker, could you repeat that question? I'm not sure I understood.

REP. HETHERINGTON (125th):

Whatever the mental condition is, even if it's alcoholism, drug addiction, whatever -- as long as that behavior -- as long as that condition does not result in behavior which would form the basis of a permissible eviction, then the tenant is secure in the premises. Isn't that right? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

As long as the behavior doesn't encroach upon all of the listed good cause evictions, that is correct.

DEPUTY SPEAKER RYAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

I think that's right. Okay. Thank you. I thank the proponent. I think this is a good Bill. I think it protects people that ought to be protected as long as they are having quietly enjoying the premises and that they're not creating a disturbance and otherwise creating a condition which would subject to an eviction, I don't think anyone would object. But, I am a little troubled and maybe we can -- I hope at some point we can resolve the question of how a

landlord may know of the condition -- and, that's not just a mental condition, but even a physical condition which is not readily apparent, and cannot be asked about, that continues to be a problem for me because I can see a situation where a landlord might want to make sure that the property remains rented, make contingency plans after a lease expires, and until a situation arises where the tenant is subject -- is faced with eviction because of the expiration of the lease, the landlord know that there is an absolute defense. So, I am concerned about that. But, I would hope that that would be resolved and I frankly, would support this even with that concern because I think that there's no reason to give the people with possibly mental disabilities the same protection as those who now enjoy it for physical disabilities. And, by the way, the lack of notice to the landlord, of the landlord's ability to know of the disability would apply equally really with respect to physical or mental disabilities. So, I thank you for the chambers time, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Smith of the 108th, you have the

floor, sir.

REP. SMITH (108th):

Thank you, Mr. Speaker. A few questions to the proponent, please.

DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. SMITH (108th):

Thank you. I've heard the gentleman talk about the fact if a landlord evicts the tenant for all the -- any good cause, then the statute as proposed would not apply and I've been looking at this Title 47 and I'm wondering if the gentleman knows what those good causes would be so that this subsection would not apply. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Well, they are, lapse of time, non-payment of rent, refusal to agree to a fair and equitable rent increase, material non-compliance with the tenant statutory responsibilities which materially affects the other tenants health and safety or (inaudible) physical condition, material non-compliance with or voiding the rental agreement, material non-compliance

with the landlords rules and regulations, permanent removal of the dwelling unit from the housing market or a bonafide intention by the landlord to use the dwelling unit as his or her principal residence. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Is that the complete list, sir?

REP. BUTLER (72nd):

That's the complete list, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you.

Representative Smith.

REP. SMITH (108th):

And, thank you for that answer and that's what I thought you were talking about and I believe it's set forth in Title 47A-23. So, I appreciate that. I'm glad we're -- I understood what you were saying. If a tenant with a mental disability who the landlord does not know that he has or she has, files a notice to quit and proceeds with an eviction based on the fact that the tenant was disruptive to the other tenants in the building, would that be a legitimate grounds in which to proceed with the eviction? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, that's one of the items I just explained on the list, so, the answer is, yes.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

And, I was looking at the amendment and it seems to take out the disability of being blind and replaces it with a more general definition of a person with a physical or a mental disability. Am I correct though in that someone who is blind would still fall under the category of having a physical disability? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Thank you, Mr. Speaker, yes. The term blind, blindness is already defined within disability itself, so I guess it was taken out as to not be redundant. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

And, thank you for that answer and the reason I ask the question, is because I looked at the definitions that are referenced here 46A-64B, Subsection 8, and I did not see disability or blindness as being a disability that was defined. It could be under the Fair Housing Act which is referenced in that Subsection 8, but it's not spelled out. So, am I correct that it would be in the Fair Housing Act as part of the disability? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, yes, that's correct, it's under the Fair Housing Act.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

I thank the gentleman for his answers. It just cleared up some of the questions in my mind and that's all I had. Thank you, Mr. Speaker and thank you.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Crawford of the 35th District.

REP. CRAWFORD (35th):

Thank you, Mr. Speaker. A question for the proponent, through you, please.

DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. CRAWFORD (35th):

Mr. Speaker, it appears to me that this particular Bill extends the protection, not only to the tenant, but to family members who are related to the tenant and may in fact have, as an example, an intellectual disability. Through you, sir, is that the case?

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Thank you, Mr. Speaker. Yes, that's correct.

DEPUTY SPEAKER RYAN:

Representative Crawford.

REP. CRAWFORD (35th):

Thank you, Mr. Speaker. So, in fact the intention of this may be merely to extend those protections so that a tenant who has a member of his family who has some form of mental disability, cannot

be evicted based on that particular family member's disability. Is that correct? Through you, sir.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Thank you, Mr. Speaker. Yes, this is -- just to make it clear, this is just to make sure that they or one of their family members can't be discriminated solely for the purpose of them having a mental disability. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Crawford.

REP. CRAWFORD (35th):

Thank you. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Carter of the 2nd.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker. Actually, I'm just going to make a few comments based on what I've seen so far and listening to the debate. I too had a chance to look through the statutes and I think the real problem that I have with the confusion is that when you read what we're looking at in Section 46A-

64B, which is supposed to be a mental disability, it refers us to mental retardation and it defines that in the very first statute that we have, in Section 1. And, when they talk about mental retardation, they're very specific to say that it's an individual that has been tested and there are some very specific things listed in the statute about that individual. So, if -- I understand the intent of this is really laudable in the sense that we're trying to protect those with mental retardation or a mental disability, but I think it's kind of unclear to me what the original intent was. So, a question thorough you, to the proponent of the Bill would be, were we trying to as a body also protect those with mental illness or mental disability separately? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, I am not trying to make any delineation between both those terms. I simply look at it as mental disability and that's how it's spelled out here in the Bill. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker. So, this might put things in a little bit of a different light because right now in our current statute as I read it, if a tenant wants protected status, then they shall provide to the landlord proof of that protected status which also includes a doctors submission for a physical disability or blindness -- actually I believe the term is alleged blindness. Now, I think the problem we're going to have here is, and it's come up with other colleagues, we haven't figured out any way to prove to a landlord that this individual has some sort of mental disability and we're worried about being in conflict with federal laws and some things like that. So, I think if we really want to consider this Bill before we should even consider passing something like this, we should make sure it's looked at thoroughly and for that matter, that we're providing maybe a further amendment to our law that says we've got to find a way to put a proof in, similar to what we do for a physical disability or for blindness. So, you know, I'm really concerned the way we're looking at this. I think we're kind of doing it

half-way. I'd be less inclined to support this unless we were going to fix it and make it complete, make it clear that a landlord has proof. Until we do that, then I think we're kind of putting a lot of people in a difficult position. Thank you very much.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Rigby of the 63rd.

REP. RIGBY (63rd):

Thank you. Good evening, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Good evening.

REP. RIGBY (63rd):

If I could, a couple of questions for the proponent of the Bill?

DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. RIGBY (63rd):

Thank you. Mr. Speaker, through you, Section 1 of the Bill before us refers to resident of the property in question, it uses the term tenant. Mr. Speaker, through you, would that person have to be named on the lease agreement for the unit?

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, no, because that person could be a sibling or a child of the individual. Through you, Mr. Speaker. Also, in the previous questioner, Representative, outlined some areas about whether or not people with blindness or physical disability present information to the landlord -- in the case of eviction that would be the same. In the case of someone would admit to a disability, they would present the landlord with a note from their doctor outlining that if that would help the previous questioner sign onto the Bill as being good legislation. I just wanted to make sure that I actually answered that because he just made a comment and didn't question. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Rigby.

REP. RIGBY (63rd):

Thank you. I appreciate the Representative's answer and for clarifying the point that was made by Representative Carter. A second question, the Bill before us says that the party covered by the Bill must

be a permanent resident of the unit, the dwelling in question. And, through you, Mr. Speaker, if a person, a sibling or a grandparent was to reside for a period of time, say six months, eight months, you know, over a calendar year, would they be covered under the Bill before us?

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Excuse me, could you please repeat your question.

REP. RIGBY (63rd):

Sure.

DEPUTY SPEAKER RYAN:

Representative Rigby.

REP. RIGBY (63rd):

Thank you. Through you, Mr. Speaker, if the Bill before us uses the term permanent in referring to the resident that would be covered under the Bill before us. If that person was to live in the dwelling for six months or eight months out of a calendar year, would that be considered permanent?

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

The length of -- the time that's considered here is for the length of the disability, so as long as there is -- you know, their name's -- they're on the lease and it doesn't matter what the time of the lease is, we're looking at the disability itself; the disability is determined one that will either result in death, or one that will be the person would have to live with for more than 12 months, this is where this Bill kicks in. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Rigby.

REP. RIGBY (63rd):

Thank you. I appreciate Representative Butler's answers to my questions and I intend to support the Bill and I thank him for the -- bringing the Bill before us today.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Candelora of the 86th.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. If I may, a question to the proponent of the Bill?

DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. In lines 13 we have, I guess, protections afforded to spouses, siblings and children, parent or grandparent, if the persons with a physical or mental disability. My question is, in the first sections in line 12, we are protecting a tenant with a physical or mental disability as defined by the Section eight. But, this same statutory reference is not included in the spouse, child, parent or sibling in line 14. We merely just state that a person is protected with a physical or mental disability. Is it the intent that those individuals also have to have a disability that is defined under Connecticut General Statutes 45A-63B, Subsection eight? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, I believe that's correct.

DEPUTY SPEAKER RYAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. So, when we're

referencing those words, physical or mental disability, even though we have not made a statutory reference or define them, the intent is that those words are meant to be defined by Section 46A-64B? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, I believe that's correct.

DEPUTY SPEAKER RYAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And, just going forward in that line 14 and 15, the reference is that the protections are afforded to spouses, siblings, etc., and there's a reference, who reside with "that tenant." Does that phrase, with "that tenant", refer to a tenant who has a physical or mental disability as defined in lines 11 and 12 or does "that tenant" refer to any tenant referenced in line five? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

I'm not sure I understand your question. Could you rephrase that or try to make that a little bit more clear? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Candelora you heard his request?

REP. CANDELORA (86th):

Yes, thank you, Mr. Speaker. Generally, what this entire provision speaks to is protections that we afford tenants. And, so in the beginning of the Bill's line in four and five, we have a reference to any tenant that resides in a building and exhibits certain either physical disabilities or who are over the age of 62 -- I think those are the two classes, so it's generally in line five, any tenant who is 62 or older or who has physical or mental disability are afforded protections. In lines 14 and 15, we have a reference -- a phrase of "that tenant" and my question is, that that section refers to -- generally, is speaking to spouses and children who are physically and mentally disabled residing in a building. I'm wondering if the reference to "that tenant" is referring back to only Subsection B, which would mean that the underlying tenant would also need to be

physically or mentally disabled in order to have the protections, or does the term "reside with that tenant" refer back to line five meaning that if a child or a sibling, etc., has a physical or mental disability, that this protection can be afforded even though the underlying tenant has a physical or mental disability? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler was that clearer.

REP. BUTLER (72nd):

Excuse me, I'm sorry. Through you, Mr. Speaker, the way you word it, it seems that it would be correct, but for legislative intent, as long as all of these relationships, any of these relationships exist with the tenant or the person who qualifies in the first section that you're referring to, the answer to your question would be, yes.

DEPUTY SPEAKER RYAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And, maybe just to phrase it a little bit differently, if a tenant is renting and their child has a mental disability as defined by Subdivision eight of Section 46A-64B, but

the tenant is not mentally or physically disabled but the child is. Would that tenant be afforded the protections under this Bill? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Thank you, Mr. Speaker and thank you for rephrasing that, and the answer to that question is, yes. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Candelora. Thank you, Mr. Speaker. So, given that your answer is yes, then I would say that the phrase "that tenant" in lines 14 and 15 would then refer back to any tenant in line five of the Bill? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

I suppose you could draw that conclusion, yes, as it reads. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And, just getting to a point I think that Representative Bacchiochi had spoke to. As I understand it from reading the OLR report, individuals who are 62 years of age under -- as defined under the first section A of this Bill, cannot be evicted for lapse of time under our current laws and I think there was some questions over whether the prohibition of evicting a tenant for lapse of time would then extend to individuals with a physical or mental disability and I think your answer was that it would not. So, just to be clear, a tenant with a physical or mental disability that would be defined under this Bill, they could be evicted for lapse of time? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, no.

DEPUTY SPEAKER RYAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And, then I think the final question, I guess, is now if a tenant enters into a lease, a lot of times, for instance, a lease

can state if it's a one bedroom apartment, may state that the lease is for that individual and no other individuals can reside with them. So, if a tenant is violating that provision of a lease, where maybe only one tenant is allowed to be on the lease and reside, yet an individual, a sibling, with a physical or mental disability under this statute, if they move in, in violation of that provision, would the landlord be able to seek an eviction action on the basis of breach of lease even though that individual whose residing has a physical or mental disability? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, that is one of the good cause evictions as I stated earlier. Material non-compliance with or voiding the rental agreement would be a good cause eviction rule. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker and I appreciate the

Chairman of the Housing Authority's answers to my questions. I think generally that the intent of this Bill is certainly a good one. I am a little concerned of what implications this may have to the ability for a tenant to -- or a landlord to terminate an individual due to lapse of time because I think as what we heard today on the floor, I think a legitimate concern here is knowing whether or not an individual has a physical or mental disability, how you prove that and a lot of times landlords may have verbal agreements, they don't enter into written leases and so they typically do that by choice; they'll typically want to have a month-to-month relationship and I think that tenants and landlords enter in that type of contractual relationship mutually and enjoy that. So, I'm not sure if this provision would frustrate that relationship and that as a result we're sort of taking away the flexibility of landlords and tenants being able to enter into verbal month-to-month leases that we may end up seeing written leases that clearly define, you know, who the tenants can be because out of concern that they don't want to be inadvertently violating the protection of this law and in addition that we don't want tenants using this section as an

abuse to tie the hands of the landlord. So, I think it's well intentioned, but it may be something that we need to revisit in the future to make sure that we keep the integrity of the month-to-month tenancy intact in Connecticut because I do think it's an important aspect of our landlord/tenant laws. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Will you remark further? Will you remark further?

Representative Bacchiochi for the second time.

REP. BACCHIOCHI (52nd):

For the second time, Mr. Speaker. I really want to support this Bill and I'm struggling because I'm hearing conflicting answers and I don't understand. If I could, Mr. Speaker, with your indulgence, the OLR Bill analysis states, "the law prohibits landlords from evicting tenants who are elderly or have a physical disability and reside in a building or complex with five or more units, or a mobile manufactured home park, because their lease expires, i.e., lapse of time. They may be evicted for other reasons such as non-payment of rent. Covered

disabilities" -- that's the part -- the OLR analysis says, that the protections offered to tenants currently are for tenants over the age of 62, tenants who are blind or tenants who have a physical disability. It's my understanding, and what the OLR Report seems to affirm, those tenants cannot be evicted for lapse of time. It's my understanding that when we add mental illness or mental disability, we are including them and protecting them from being evicted for lapse of time. But, Mr. Speaker, through you, I believe I hear the Chairman saying that a landlord could still evict for lapse of time, but yet the OLR Report says something different. Through you, Mr. Speaker, could the Chair please tell me, is the OLR Report correct, or is what he said correct?

DEPUTY SPEAKER RYAN:

Representative Butler could you clarify that?

REP. BUTLER (72nd):

Yes, I'm sorry if I might have misrepresented, but when I did give the list of good cause evictions, I was actually reading from the OLR Report and the first item on the list was lapse of time. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Bacchiochi

REP. BACCHIOCHI (52nd):

I know that by law grounds for evicting a covered tenant include lapse of time. I also believe that we offer protections to tenants who are over the age of 62 or who have a physical disability and we are not allowed to evict them for lapse of time. And, I believe what we are doing is adding into that protected class, people with mental disabilities which overall I would be comfortable with if we could clearly define mental disabilities and if we could clearly define that that is the intent of this Bill. The other part, Mr. Speaker, that I did want to get a little bit more understanding about, is the piece that discusses the tenants spouse, child, parent, or grandparent. Mr. Speaker, through you to the good Chairman of Housing, is that piece covering the spouse, child, parent or grandparent found elsewhere in the current statutes and the current protections that are provided to tenants? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, I don't know if it's spelled out anywhere else. I just know it's spelled out here just to be specific in to who would be covered under this Bill in terms of not being discriminated against. Through you, Mr. Speaker

DEPUTY SPEAKER RYAN:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Mr. Speaker, even though this is a small Bill by the number of words, it has a huge and significant impact on the rental industry. No longer are we talking about the tenants who are on the lease having a mental or physical disability. From what I can gather, we are also stating that if the person who's name is on the lease -- they don't necessarily have to have a mental disability or a physical disability -- if their child does, or if their grandparent does, or their siblings -- if anyone in that household has mental disability, the landlord from there forward would not be able to terminate that lease. These are -- we're talking a lifetime tenant if anyone including your spouse, child, parent or grandparent has a mental disability. And, again, to my colleagues in this chamber, I have -- not only do I have no problem

supporting a Bill that would protect tenants with disabilities, this Bill is so vague and so difficult to interpret, the entire industry is going to struggle forever more after the passage of this Bill because landlords are not going to know who or what or when or what they can do. Nowhere in this language does it state how a landlord is going to determine if a person has a mental disability. And, I can tell you a scenario that I see playing out again and again and again. You're going to have families moving into rental properties; there's going to be no claim of a disability until for some reason the landlord decides that they want to terminate the lease based on lapse of time. Immediately, you're going to have a significant amount of tenants who are now going to claim that they have a mental disability because the minute that they claim they have a mental disability, they are not going to be -- they are going to be a protected group of people that cannot be evicted for lapse of time. And, so that you don't think I'm strictly trying to play hardball with the tenants, another scenario that you're going to see, are landlords are going to become so much stricter about the families that they will rent to. I can guarantee

you when we pass this Bill so vaguely written, that landlords will have no idea anymore who they can rent to and who they can evict under lapse of time. They have the right under state law to have a tenant selection policy. That tenant selection policy is going to change drastically because if there's a hint that you are going to get into that unit and they are never going to be able to ask you to leave -- I think we're doing a huge disservice to the tenants in the State of Connecticut. I am all for passing protections that truly will protect people with disabilities, whether they're mental or physical disabilities. But, when we do it like this and we don't even clearly define who these people are, it's going to be a problem and, it's not truly going to help the people that we are trying to protect. I wish we could go back, clearly outline what this Bill really does, how it actually is going to happen, how people are going to state that they have a disability, when they're going to state that disability to the landlord. We do owe protections to people with disabilities. But, we have a responsibility to do it correctly. I can't support this Bill and it is not because I don't want to offer those protections. It's

because we are capable of doing so much better than what we're doing in this Bill. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative Bacchiochi.

Representative Piscopo of the 76th.

REP. PISCOPO (76th):

Thank you, Mr. Speaker. A question through you to proponent, please, Mr. Speaker?

DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. PISCOPO (76th):

Thank you, Mr. Speaker. I understand this was asked of you earlier by a Representative and I didn't -- I just -- your answer to the question I just can't recall, so forgive me if I just ask you one more time about this. It seems that we're deleting physical disability in lines 10 with the brackets around blind to 11 and the closed bracket on 11. Can you explain to me what the purpose of deleting the physically disabled is? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, yes. Those items are already defined under disabilities so, we didn't want to be redundant. That's the only reason why it was bracketed out. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Piscopo.

REP. PISCOPO (76th):

Through you and I thank the proponent for his answer. And, I pulled on Section eight of 46-64B real quick because that's the statute that this refers to as far as mental disabilities. And, it's a very short section, you know, it's just a very short paragraph in out statutes and now I better understand the proponent's answer with physical and mental disabilities so I appreciate that and I'm glad I got up again to ask it. But, it describes this as not limited to mental retardation as defined in that Section one and as defined in Subsection 15 of Section 4651, also includes but not limited to persons who have a handicap under the Fair Housing Act. Fair Housing Act seems pretty broad and it seems like a pretty broad definition. A lot can fall under mental disabilities under the Fair Housing Act such as something inhibiting major life activities,

impairments -- but, it doesn't include illegal use of or addiction to controlled substances. But, then if I -- then further on in the definition of the Fair Housing Act, it can be as a result of chronic alcoholism or chronic mental illness. So, how do we do that -- how do we understand that you can in fact discriminate against -- you can discriminate against somebody for using alcoholism, but then you can't for the impairments caused by chronic alcoholism further down in the Fair Housing Act. Does the gentleman understand this question? Is it pretty vague? Through you, Mr. Speaker?

DEPUTY SPEAKER RYAN:

Sir, do you understand the question?

REP. BUTLER (72nd):

Through you, Mr. Speaker, I believe I understand it, and it would be the tenants -- it would be incumbent upon them to prove their mental disability in court if I understand your question. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Piscopo.

REP. PISCOPO (76th):

Thank you, Mr. Speaker. I just wanted to -- I

want to get that straight. I guess a scenario would be that if you have a tenant in one of these units and they're being real disruptive, I mean they're scaring the other tenants -- this happens in some senior housing, you know, a guy sets up a five units, rents to seniors 62 or over and one of them is scaring the other tenants, not necessarily illegal, veiled threats, maybe a territorial, maybe being up late at night, kind of a little noisy, but not enough for an eviction, they're undergoing rehab because of a chronic substance abuse problem and the landlord says, boy when they're lease is up, just for the sake of the other tenants, I think I'm going to let this one go because they're really -- they're really frightening my four other tenants. Under this law now, if this scenario happened, would they be able to do that? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, if they're harassing another tenant, they can be dismissed. That's one of the good cause eviction items. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Piscopo.

REP. PISCOPO (76th):

Thank you, Mr. Speaker. I guess in that scenario, I was just kind of -- and, we all have that -- we all see this happening at our senior housing centers. There's one person really making life miserable for the whole wing of people and not necessarily illegal, but just the threat. I mean -- and everybody knows who it is and they're just kind of making life miserable. They're up late at night, nothing illegal, no real harassment in our criminal descriptions of what harassment would be, but just kind of making life miserable. The landlord would just kind of -- life would be a lot more peaceful if that person went away at the end of the lease. Under this scenario, would that be possible? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Butler.

REP. BUTLER (72nd):

Through you, Mr. Speaker, if they violate one of these rules and I believe what you just asked me, would violate one of those rules, then they could be

evicted. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Piscopo.

REP. PISCOPO (76th):

Thank you, Mr. Speaker. I think just through my questioning I kind of -- I just wanted to highlight my kind of real concern about this proposed legislation. It's -- you know, I think it's intentions are good and I understand that and I understand what the gentleman's getting to and the proponents of this Bill are getting to, but I just still have real concerns on it. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Will you remark further on the Bill before us? Will you remark further on the Bill before us?

Representative Carter of the 2nd for the second.

REP. CARTER (2nd):

Thank you, Mr. Speaker. For the second time, Mr. Speaker. You know, as I've listened to the debate over and over it puts us in a really difficult spot with this kind of Bill because you know what, I know it's crunch time, I know we only have a few days left,

but it's important when we do these things that we get it right. And, the thing that's missing for me out of this legislation that's the most important thing, is the proof aspect that allows the landlord to know they're really dealing with somebody that has a mental disability by whatever definition we're going to decide that is. And, in this Bill, it's missing that very key element. And, it puts me in a really difficult spot as it does all of us because we want to protect people with mental disabilities. Everybody in this chamber wants to support this Bill. And, honestly, I'm going to, but I'm going to because I have to; I don't have a choice; we have to get it through, its eleventh hour. Unless somebody wants to come up and take this Bill back and look at it again. Because, you know what, without that proof part, if you have a physical disability or if you have alleged blindness, you're allowed to have a doctor's note. It doesn't spell it out in the law for a mental disability even though a very objective test exists for that and also objective determinations of what a handicap is under the Fair Housing Act. But, we don't have the ability to let anybody prove it. So, you know, it's unfortunate that we're putting something

through like this. It's the best we can do, I guess. So, with that, I will support it, but I really wish we didn't have to do it. Thank you.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Jack Thompson of the 13th.

REP. THOMPSON (13th):

Good evening, Mr. Speaker. I've been listening to the debate and what is impressing me is the question of someone with mental impairment, not being welcome in anyone's place under our present laws. We have people being retired from our state government who are retired under disability with mental impairment as being the cause of their disability, we see young men and women in our military services who come back from combat with mental impairment who are welcome home and we home that they will be protected under out laws. Social security people retire on disability with mental impairment problems. The Fair Housing Act I think clearly defines this impairment, so, it's not as if we're discussing something new. What we are discussing is the problems that people with certain types of disabilities may have in securing and retaining housing and as the explained by

the legislator bringing out the Bill, there's a whole list of causes for really addressing the issue of somebody who has violated whatever code there is for people who rent and that can be acted upon. So, I don't think we're talking about the exceptional case; we're talking about a lot of people with this disability who are able to live in a home, rental or whatever, without any problems and people with that type of disability are often seen on a regular and continuing basis. So, to discriminate against them because they have that sort of disability would be wrong and I'm sure that it -- we have recognized this disability in our society for many, many years. I have been involved in worker's compensation cases where a mental disability was recognized and the person was compensated. It doesn't mean that that person can violate the rules of the rental agreement and so on, and that's protected. So, I think we're extending this to provide a protection that where for some reason people think that has to be spelled out clearly. And, I think it's spelled out clearly in the law; there are certain impairments that prevent some people from going back to work and living in a community, but we know that's not so. People with

mental impairments do. But, if they violate that trust with a landlord, I think they're not protected under this law. There are clear reasons, non-payment, constant disruption of the peace of the apartment or the peace of the neighborhood, and those things will be addressed under present law and resolved. So, we're simply saying that you just can't simply get rid of a person because they have been diagnosed with a mental impairment. They deserve the protection of a normal landlord/tenant relationship and, if they violate that relationship, they can be removed and evicted. If they don't violate it by any reasonable standard, then they should be protected. So, I suggest that we should move ahead on this Bill and let it play out and I think we will find that it works. If it doesn't work then we can come back and change it. But, it will be a one-on-one situation where the tenant and the landlord have a disagreement and there's grounds on either side for either side to be right or wrong and we should let that scenario play out. Thank you.

DEPUTY SPEAKER RYAN:

Thank you, Representative Thompson.

Will you remark further on the Bill? Will you

remark further on the Bill before us?

If not, staff and guests please come to the well of the House. Members have their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is taking a roll call vote. Members to the chamber please.

DEPUTY SPEAKER RYAN:

Have all the members voted? Have all the members voted? Will the members please check the board to see if their vote is properly cast. If all members have voted the machine will be locked and the Clerk will announce the tally -- take a .

Clerk please announce the tally.

THE CLERK:

Senate Bill 94 in concurrence with the Senate.

Total number voting	143
Necessary for adoption	72
Those voting Yea	126
Those voting Nay	17
Those absent and not voting	8

DEPUTY SPEAKER RYAN:

The Bill passes.

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As I said they -- they actually won the middle school mock trial state championship a month or so ago and they -- they won it at the Connecticut Appellate Court right here in Hartford. This is a remarkable group of young people. Those of us who are attorneys are going to urge you to think about the legal profession but I just want to ask the Circle to give them a warm welcome and support.

THE CHAIR:

As the Senator says we hope that you do become lawyers but we prefer you to be Senators some of us. So please look to that also and congratulations. We know how difficult that must have been for you but keep up the good work. Thank you for coming and visiting us.

At this point are there any other points of personal privilege?

Seeing none, Mr. Clerk is there any business on your desk?

THE CLERK:

Madam President, there is no business on the Clerk's desk.

THE CHAIR:

Good afternoon, Senator Majority Leader Looney. How are you this afternoon?

SENATOR LOONEY:

Good afternoon, Madam President.

Madam President, we will begin by marking several calendar items and will then return for additional markings thereafter.

First beginning propitiously, two items to place on a Consent Calendar to begin and those are under Matters Returned From Committee on calendar page 31, Calendar 184, Senate Bill Number 94. Madam President, move to place that item on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

And also, Madam President, calendar page 32, Calendar 185, Senate Bill Number 190, would move to place that item on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Now to mark some items as go, returning to Favorable Reports, first calendar page 2, Calendar 116, marked go. Then moving to calendar page 10, Calendar 318, Senate Bill 137, marked go. Also calendar page 10, Calendar 319, Senate Bill Number 177, marked go. Calendar page 12, Calendar 336, Senate Bill Number 141, marked go. Calendar page 13, Calendar 344, Senate Bill 143, marked go.

In addition, Madam President, like to mark on Calendar -- under Matters Returned from Committee, calendar page 30, Calendar 134, Senate Bill 289 also marked go and, Madam President, under Matters Returned from Committee calendar page 33, Calendar 220, Senate Bill 351 marked go.

So we will begin with those items, Madam President.

Thank you.

THE CHAIR:

Thank you, Senator.

Mr. Clerk, please start with the Calendar.

THE CLERK:

Calling from today's calendar, page 2, Calendar 116, SB282

Bill 5096; on page 9, Calendar 3 -- 312, Senate Bill Number 114; page 11, Calendar 327, Senate Bill Number 378; page 13, Calendar 344, Senate Bill Number 143. Also on page 13, Calendar 343, Senate Bill 116; page 14, Calendar 350, Senate Bill Number 198; page 26, Calendar 74, Senate Bill Number 196. On page 27, Calendar 83, Senate Bill Number 263. On page 31, Calendar 184, Senate Bill Number 94; page 31, 1 -- Calendar 166, Senate Bill Number 62. Also on page 31, Calendar 167, Senate Bill 64; page 32, Calendar 185, Senate Bill 190; page 33, Calendar 220, Senate Bill 351.

THE CHAIR:

Are those all the bills on the -- oh, Agenda 3, sir. The last one on Agenda 3. I think it --

Senator Looney.

SENATOR LOONEY:

Just wanted to -- just to reconfirm that the item from Senate Agenda Number 3 --

THE CHAIR:

Was not called.

SENATOR LOONEY:

-- is on the Consent Calendar that we had taken up under suspension, substitute House Bill Number 5445.

THE CLERK:

Yes, sir.

THE CHAIR:

Thank you.

Are there any questions?

If not, Mr. Clerk, I will call for a roll call vote. Will you call for a roll call vote and I'll open the machine for the Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators please return to the Chamber.

Immediate roll call has been ordered in the Senate.

THE CHAIR:

Have all members voted? Have all members voted. The machine will be closed. And, Mr. Clerk, will you call the tally on the Consent Calendar, please.

THE CLERK:

On today's Consent Calendar,

Total number voting		35
Necessary for Passage		19
Those Voting Yea	35	
Those Voting Nay	0	
Those absent and not voting		1

THE CHAIR:

Consent Calendar passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, would move for a suspension for immediate transmittal to the Governor of Substitute House Bill Number 5445, AN ACT CONCERNING SUPPLEMENTAL PAYMENTS UNDER THE CONNECTICUT ENERGY ASSISTANCE PROGRAM, which was just adopted as part of our Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.