



Legislative Testimony
765 Asylum Avenue, 2nd Floor
Hartford, CT 06105
860-523-9146
www.acluct.org

Written Testimony Supporting Senate Bill 168, An Act Establishing a Right to Housing

Senator Lopes, Senator Williams, Ranking Members Polletta and Cicarella, and distinguished members of the Housing Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in support of Senate Bill 168, An Act Establishing a Right to Housing.

The ACLU-CT believes in a society where all people, including those who have been convicted or accused of a crime, have equal opportunity to contribute to their communities and build successful and fulfilling lives. People who were previously involved in our criminal legal system who have paid their debt to society have earned the ability to live their lives in Connecticut's communities free from discrimination that can impede their progress. Connecticut is stronger and safer when a person who is formerly incarcerated has a fair chance of accessing a job, housing, and education.

Yet, there are people who are formerly incarcerated are nearly ten times more likely to be homeless than other members of the public.¹ Rates of homelessness are especially high among people of color and women with criminal records.² Across the country, almost 50,000 people every year enter homeless shelters directly from

¹ Memo to Members, *Formerly Incarcerated People are Nearly 10 Times More Likely to Be Homeless*, NAT'L LOW INCOME HOUSING COALITION (Aug. 20, 2018), available at <https://nlihc.org/resource/formerly-incarcerated-people-are-nearly-10-times-more-likely-be-homeless>.

² Lucius Couloute, *Nowhere to Go: Homelessness Among Formerly Incarcerated People*, PRISON POL'Y INITIATIVE (Aug. 2018), available at <https://www.prisonpolicy.org/reports/housing.html>.

incarceration.³ For people reentering their communities after incarceration, being homeless or unstably housed heightens the risk of reoffending.⁴

The reasons for this appallingly high rate of homelessness among people with criminal records are complex and many, fueled by systemic racism, but discrimination by landlords, inadequate reentry services, and underfunded transition services upon a person's end of sentence are contributing factors. Connecticut needs to invest in housing programs and services specifically for people leaving incarceration. The state also needs to remove barriers that make it impossible for a person to rejoin their family at the end of their sentence.⁵

Codifying a right to housing that specifically contemplates the needs of people living with a criminal record is a great first step. This group of people face different challenges than other populations susceptible to experiencing homelessness, and those challenges cannot be addressed if they are not included. Inclusion of directly impacted people, or advocates for them, in advising and decision-making through the right to housing committee is especially important. With these voices, Connecticut can ensure that the housing needs of people with records are not forgotten or swept under the rug.

One way that Senate Bill 168 could be further strengthened is by creating a remedy for redress when people's rights to housing are violated on the basis of their criminal record history, either through administrative processes or the courts. Currently, Connecticut statutes make employment discrimination on the basis of a criminal record actionable,⁶ but similar discrimination by landlords or home sellers

³ Mindy Mitchell, *Homelessness and Incarceration Are Intimately Linked. New Federal Funding Is Available to Reduce the Harm of Both*, NAT'L ALLIANCE TO END HOMELESSNESS (Mar. 29, 2018), available at <https://endhomelessness.org/homelessness-incarceration-intimately-linked-new-federalfunding-available-reduce-harm/>.

⁴ Patricia McKernan, *Homelessness and Prisoner Re-Entry: Examining Barriers to Housing*, VOLUNTEERS OF AMERICA (last accessed Feb. 28, 2022), available at <https://www.voa.org/homelessness-and-prisoner-reentry>.

⁵ For example, Regs., Conn. State Agencies §§ 8-68f-12, 17b-812-12(c)(4) (2020).

⁶ Conn. Gen. Stats. § 46a-80 (2020).

is not actionable. Without such a remedy, the right to housing established by Senate Bill 168 will not exist for people living with a criminal record.

We also encourage this Committee to do even more in this session and in coming years to strengthen housing protections for people living with a criminal record. For example, the ACLU-CT believes that when people with criminal records seek housing, a housing provider should have the obligation to consider the person individually. Blanket bans should not be used, and we should have laws that make clear that a person's criminal record cannot be the sole reason for denying them housing. Additionally, there are several measures before this Committee this session that would help people with records in their efforts to secure stable, safe, habitable housing.

Codifying a fundamental right to housing is a pivotal measure to codify the values of Connecticut, values that the ACLU-CT agrees with. Adding in provisions to make the goals of Senate Bill 168 enforceable would go even further to making a right to housing real and tangible for the people who desperately need it. We encourage this Committee to add in measures providing real remedies for people whose rights to housing is violated. We also encourage the Committee to pick up the mantle of ensuring housing for people living with a criminal record by removing other barriers to their ability to obtain housing, including improving reentry and transition services. We urge this Committee to support Senate Bill 168 with those suggested additions.