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HB [XXX] An Act Concerning Collateral Consequences of Criminal Records on Housing

Prevents blanket housing discrimination based on criminal history, ensuring that individuals with prior convictions are evaluated fairly for rental housing opportunities.

Key Requirements for Housing Providers:

- Must not ask about criminal history or conduct background checks before making a conditional offer
- Cannot consider arrests without convictions, juvenile records, sealed/erased records, misdemeanors, or parole/probation violations that wouldn't be crimes on their own

When Criminal History Can Be Considered: After a conditional offer, only the following convictions can be considered:

- **Without Time Limits or Age Restrictions:** Murder, felony murder, trafficking in persons, sexually violent offenses including those against minors, and specific violent firearm offenses.
- **Felonies with Defined Time Limits and Age Restrictions:**
 - Felonies with 20+ year maximum term of imprisonment: If release was within past 5 years and the offense occurred after age 24.
 - Felonies with 5-20 year maximum term of imprisonment: If release was within past 3 years and the offense occurred after age 24.
 - Felonies with under 5 year maximum term of imprisonment: If release was within past year and the offense occurred after age 24.

Why Use Maximum Sentences? Using maximum sentences as a metric ensures fairness and clarity by building on the legislature's established framework, avoiding the need to reinvent the wheel. This approach simplifies the process for housing providers, requiring only consideration of the maximum sentence for a felony offense and the release date, while eliminating the need for complex, offense-specific exceptions. It creates a consistent, objective standard for housing decisions while offering individuals a meaningful opportunity to rebuild their lives.

Required Review Process and Individual Assessment: If a qualifying conviction is found after conditional offer:

1. Housing provider must provide written notice that further review is needed
2. Applicant gets 5 business days to provide mitigating information
3. Housing provider must conduct individualized assessment considering:
 - Nature and severity of the crime
 - Relationship of crime to potential tenancy
 - Evidence of rehabilitation
 - Time elapsed since conviction

*Please contact ACLU-CT Policy Counsel Jess Zaccagnino at
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Evidence and Response Opportunity:

- Applicants can provide evidence including the facts and circumstances of the offense, age at time of offense, prior tenant history, current employment status, evidence of rehabilitation and good character, or any information showing the offense is unlikely to reoccur.
- Housing providers must issue written decision within 10 business days of receiving mitigating information.

Unit Availability: If unit is rented during review process and applicant is later approved:

- Must offer any comparable available unit(s)
- Must give applicant opportunity to lease an alternative unit

Incentives for Landlords: This bill incentivizes landlords to rent to formerly incarcerated individuals by granting limited immunity from liability in civil actions related to their decision to rent to such individuals or to forgo criminal background checks, while preserving tenants' protections against harmful conduct during the tenancy.

Pathways for Remedies: The Connecticut Commission on Human Rights and Opportunities will handle complaints related to housing discrimination based on criminal records, ensuring there are clear remedies for those who are wrongfully denied housing.

Comparable Laws: New Jersey, Cook County, Illinois (Chicago), and San Francisco have passed similar laws protecting people with criminal records from housing discrimination.¹

Why We Need It

Connecticut residents with a criminal record face over 550 legal barriers to meeting their basic needs, making it difficult to reintegrate into society and to support themselves and their families.² Because people of color are disproportionately incarcerated, they similarly disproportionately face barriers ranging from background checks as part of rental and public housing applications, exclusion from fair housing law protections, eviction and housing forfeiture, and denial of rental or sale.³

- 79% of formerly incarcerated people have been denied housing due to a criminal conviction, and they are 10 to 13 times more likely to experience homelessness than people who have not been incarcerated.⁴

Connecticut Voters' Strong Support for Reducing Collateral Consequences⁵

- 74% support passage of a law prohibiting formerly incarcerated people from being discriminated against due to their criminal record when it comes to housing.
- 82% agreed that “people who have been convicted of a crime can turn their lives around and become productive members of our community if they can get the right kind of help.”
 - 92% of Democrats ▫ 80% of Independents ▫ 71% of Republicans

¹ Justin Dorazio, *Strengthening Access to Housing for People with Criminal Records is Key to Successful Reentry*, CTR. AM. PROGRESS (Apr. 17, 2023), <https://www.americanprogress.org/article/strengthening-access-to-housing-for-people-with-criminal-records-is-key-to-successful-reentry/>.

² February 11, 2020 Meeting Minutes, COUNCIL ON THE COLLATERAL CONSEQUENCES OF A CRIMINAL RECORD (Feb. 11, 2020), https://www.cga.ct.gov/lab/dfs/20190827_Council%20On%20The%20Collateral%20Consequences%20Of%20A%20Criminal%20Record/20200211/CCCOA%20CR%20Minutes%2002.11.2020.pdf; Duke Chen, *Felony Convictions and Employment*, OFFICE OF LEGISLATIVE RESEARCH (Feb. 5, 2021), <https://www.cga.ct.gov/2021/rpt/pdf/2021-R-0049.pdf?i=1637693662794>.

³ Connecticut Profile, PRISON POLY INITIATIVE (last visited Nov. 23, 2021), <https://www.prisonpolicy.org/profiles/CT.html>; Emily Widra & Tiana Herring, *States of Incarceration: The Global Context 2021*, PRISON POLY INITIATIVE (Sept. 2021), <https://www.prisonpolicy.org/global/2021.html>; Lucius Couloute & Daniel Kopf, *Out of Prison & Out of Work: Unemployment Among Formerly Incarcerated People*, PRISON POLY INITIATIVE (July 2018), <https://www.prisonpolicy.org/reports/outofwork.html>; David S. Kirk & Sara Wakefield, *Collateral Consequences of Punishment: A Critical Review and Path Forward*, 2018 ANN. REV. CRIM. 171 (2017), <https://www.nationalreentryresourcecenter.org/resources/collateral-consequences-punishment-critical-review-and-path-forward> (surveying collateral consequences literature); Michelle Natividad Rodriguez & Maurice Emsellem, *65 Million "Need Not Apply": The Case for Reforming Criminal Background Checks for Employment*, NAT'L EMPLOYMENT L. PROJECT (2011), <https://www.nelp.org/publication/65-million-need-not-apply-the-case-for-reforming-criminal-background-checks-for-employment/> (finding that approximately 65 million American adults with criminal records experience employment-related collateral consequences).

⁴ *Who Pays? The True Cost of Incarceration on Families*, FORWARD TOGETHER & ELLA BAKER CTR. HUM. RTS. (Sept. 2015), <https://forwardtogether.org/tools/who-pays/>; Lucius Couloute, *Nowhere to Go: Homelessness Among Formerly Incarcerated People*, PRISON POLY INITIATIVE (Aug. 2018), <https://www.prisonpolicy.org/reports/housing.html>; *Five Charts That Explain the Homelessness-Jail Cycle—And How to Break It*, URBAN INST. (Sept. 16, 2020), <https://www.urban.org/features/five-charts-explain-homelessness-jail-cycle-and-how-break-it>.

⁵ ACLU of Connecticut, *Criminal Justice Poll*, BENENSON STRATEGY GROUP (Sept. 25, 2018), https://www.aclu.org/sites/default/files/field_documents/9.25.2018_aclu-ct_criminal_justice_topline_memo_9.25.18.pdf.

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