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**FAIR HOUSING
and related issues
FOR PEOPLE WITH MENTAL
HEALTH CONDITIONS**

Presented by
CHRO AND CLRP STAFF

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Commission on Human Rights and Opportunities (CHRO)

- Oldest state governmental civil rights agency in the country
- The only agency in the state empowered to enforce civil rights statues including the fair housing act
- Eliminate illegal discrimination in employment, housing, public accommodations and credit transactions through investigation and enforcement

CHRO duties continued

- Education and Outreach
- Contract Compliance and Affirmative Action

CLRP
Connecticut Legal Rights project, Inc.

a statewide non-profit agency that provides legal services to low-income adults living with mental health conditions

CHRO and CLRP – HUD grant partnership

The goal of this training is to educate
members of the mental health community
about housing discrimination under state and
federal law



What is Fair Housing?

The right to choose
where to live, to raise a
family, to own a home
regardless of your
protected class

[Apartment building]

There are Exceptions

- In some circumstances owner-occupied buildings with two or four units may be exempt.
- Also certain elderly housing is exempt.

HUD

- Mission: “[T]o eliminate housing discrimination, promote economic opportunity, and achieve diverse, inclusive communities by leading the nation in the enforcement, administration, development, and public understanding of federal fair housing policies and laws.”
- What they do: administer federal laws and establish national policy to ensure citizens have access to housing of their choice.
- You can file directly with HUD, or you can chose to dual-file with both the CHRO and HUD by contacting the CHRO

FEDERAL & STATE LAWS PROTECT PEOPLE FROM HOUSING DISCRIMINATION

- Federal Fair Housing
- Americans with Disabilities Act
- Rehabilitation Act
- State Fair Housing Act

What is Prohibited?

- Refusal to rent
- Refusal to negotiate for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny housing is available for inspection, sale or rental

Prohibited Activities Cont'd

- Blockbusting - for profit, induce owners to rent or sell
- Deny anyone access to or membership in a facility or service such as MLS
- Steering – restrict or attempt to restrict the choices of any buyer or renter (require or suggest)
- Discriminatory ads
- Discriminatory Statements
- Sexual Harassment (ie. landlord asking for sex in lieu of rent)

Protected Classes – Federal and State

- Race
- Color
- National Origin
- Ancestry
- Religion/creed (all religions or no religions)
- Gender/Sex
- Familial Status
- Disability



[Mother and child]

State ONLY Protected Classes

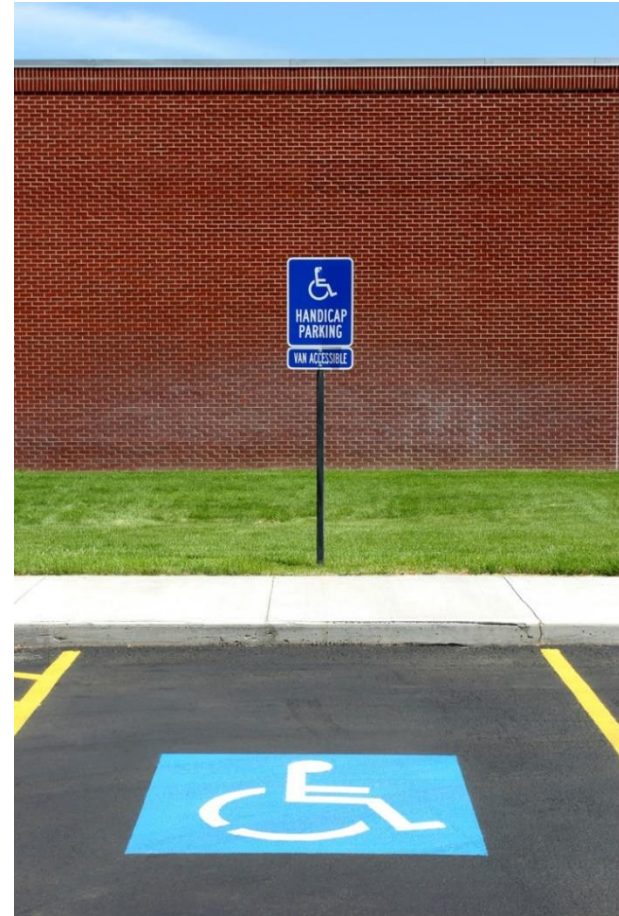
- Age
 - Marital Status
 - Source of Income
 - Sexual Orientation
- Gender identity/expression
 - Veterans Status

Disability – Physical, Mental or Learning

Has a disability, has a record of having a disability or regarded as having a disability

Duty to Accommodate/Modify

- Interactive process
- Reasonableness
- Undue financial or administrative burden
- Examples:
assigned parking space, ramp
- Modifications cost is on the tenant unless federal funded



[Handicapped parking space]

Service animals and Emotional Support Animals – they are not pets

- Service animals are trained to perform specific tasks for an owner with a disability, like a guide dog
- Emotional support animals provide emotional support to owners with mental and emotional disabilities.
- You may need a medical note
- No “pet fee”
- Not limited to dogs or cats, any breed, weight

Reasonable accommodations for housing searches

- Can turn a “no” into a “yes”
- A denial of a publicly funded subsidized housing opportunity must be in writing with the opportunity to file a grievance (not tax credit or section 8)
- A wrongful denial of a request for an accommodation = **DISCRIMINATION**

Asking for a reasonable accommodation

. . .

- The request can be made at any time before or during the tenancy, (even during an eviction) but the sooner the better!
- It is NOT necessary to disclose your entire medical file or sign a release to authorize the disclosure of that file
- You may be required to provide a relevant medical letter

Common Tenancy Issues

- Disturbing neighbor's quiet enjoyment
- Maintaining a clean and safe apartment
- Failing to comply with requirements such as inspections and recertification

Inspections, repairs & entry

Landlord

- May inspect, show and repair the unit with notice
- Not done to harass
- Enter at reasonable times (unless emergency)
- Can get court order with damages if tenant refuses entry

Tenant

- Can't unreasonably refuse entry
- Consent not required in emergency
- Can sue for unauthorized entry
- Can file a criminal lockout complaint

What if the tenancy issues ARE related to a tenant's disability?

- Might a reasonable accommodation solve the problem?
- No duty to accommodate a person who poses a direct threat
- Assessment of threat should be made on conduct – not misperception or bias based on diagnosis
- Don't forget this is an interactive process, landlord can't just say no

Important papers in an eviction

- Pre-termination Notice (KAPA)
- Notice to Quit
- Summons & Complaint
- Motion for Default
- Notice of Judgment
- Affidavit of noncompliance
- Summary process execution

Being a member of a protected class does not guarantee housing

- You still need to be qualified to obtain the tenancy
- You still need to pay your rent
- You still need to follow the rules

Covid -19 and tenancy issues

- Pursuant to Governor's Executive Order, tenants were given 60 extra days to pay their April 2020 rent.
- **If a tenant pays April rent within 60 days of its due date**, a landlord cannot
 - start an eviction case for April rent,
 - charge a late fee or any interest for April rent, or
 - report the April rent as late to a credit bureau or tenant screening service.
- Tenants should have tried to talk to their landlords about their situation. Any tenants who could have paid April rent, should have, and should keep good records
- Under the Governor's order, tenants can also get an additional 60 days to pay their May rent, but the tenant must take some extra steps

UPDATE: COVID-19 TENANCY ISSUES

- New Executive Order (EO-7DDD) dated June 29, 2020 extended the eviction moratorium
- No notice to quit or service of summary process before August 22, 2020, with exceptions:
 - Nonpayment of rent due on or before February 29, 2020
 - Serious nuisance as defined in C.G.S. 47a-15
- All notices to quit for nonpayment of rent served during the extension of the moratorium (i.e. through August 22) must state the pre-March 2020 months for which landlord claims nonpayment
- Extended use of security deposit for unpaid rent at tenant request
- Creation of funding streams for eviction prevention programs

If you are low income and need help with eviction related issues . . .

You can contact Statewide Legal Services at 1-800-453-3320 or www.ctlawhelp.org.

“Mental Health” during the Pandemic

- What are we actually talking about?
- What do we mean when we say this?
- The conversation some people are having vs. the conversation that we perhaps ought to be having.
- Interested in learning more? 90 minute plus conversation if you have time
<https://www.youtube.com/watch?v=vedR8LP8V-A>

OVERVIEW OF CHRO COMPLAINT- PROCESSING RESPONSIBILITIES

- **RECEIVE COMPLAINTS OF DISCRIMINATION**
- **INITIATE COMPLAINTS OF DISCRIMINATION**
- **INVESTIGATE COMPLAINTS**
- **MEDIATE COMPLAINTS OF DISCRIMINATION**
- **LITIGATE COMPLAINTS OF DISCRIMINATION**
- **ADJUDICATE COMPLAINTS OF DISCRIMINATION**

FILING A CHRO FAIR HOUSING COMPLAINT

- CHRO Fair Housing Unit - located at 450 Columbus Boulevard in Hartford
- Initial contact over the phone 860-541-3403
- All services are at no cost
- Drafting complaint
- Investigation
- Filing period– 180 days (consider tolling)

Other filing periods

- HUD – one year
- Court complaint – two years
If you want to go directly to court you may want to consult with a lawyer

CHRO investigation

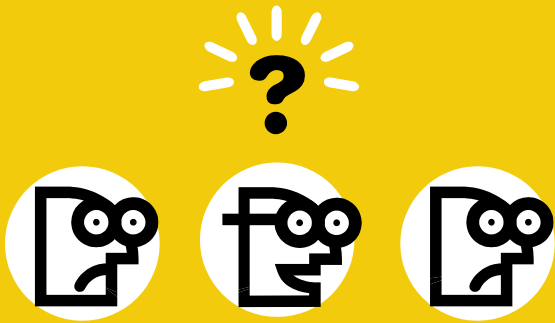
- Mandatory Mediation conferences
- Fact-finding conferences
- Witness Interviews
- Site Visits
- Duty to Cooperate

Findings and Prosecution

- Reasonable Cause or No Reasonable Cause
- Defaults
- Post Cause Conciliation
- Administrative Hearing or Court Hearing, CHRO becomes a party to the action

Fair Housing Damages

- Specific Performance
- Actual damages such as rent differential, storage and moving expenses, etc.
- Emotional Distress Damages
- Attorneys Fees
- Punitive damages (in court)
- Civil Penalty (in court)



It's QUESTION TIME !!

[Three faces]

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