

**FAIR HOUSING
AND RELATED ISSUES
FOR PEOPLE WITH MENTAL
HEALTH CONDITIONS**



**Presented by
CHRO AND CLRP STAFF**

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 CONT'D:

- 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 a mental health condition



CONNECTICUT
LEGAL
RIGHTS
PROJECT, INC.



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



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 STATUTES

- Civil Rights Act of 1866 (enacted in response to slavery)- since 1866, it has been illegal to discriminate in housing based on race.
- Federal Fair Housing Act 42 U.S.C. 3604 (1968)
Gave first protected classes (race, color, religion or national origin)
- 1988 added disabilities and families with children as protected classes
- Federal Fair Housing Amendments Act - (further codified in the Americans with Disabilities Act of 1990).



STATUTES CONT'D

- Rehabilitation Act of 1973 – antidiscrimination statute for recipients of federal funds
- Americans with Disabilities Act– Further codified disability as a class basis. Also dealing with accessibility in design and construction
- Equal Access to Housing in HUD Programs, 24 CFR 5



STATE STATUTES

Conn. Gen. Stat. § 46a-64c –

- It shall be a discriminatory practice to...
- Refuse to sell or rent
- Discriminate in terms and conditions of sale or rental
- Make, print or publish discriminatory statements or advertisements

Conn. Gen. Stat. 46a-58 (Umbrella Statute)- It shall be a discriminatory practice in violation of Sec. 46a-58 for any person to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges or immunities, secured or protected by the Constitution or laws of CT or of the U.S.



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. LL 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



STATE ONLY PROTECTED CLASSES

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



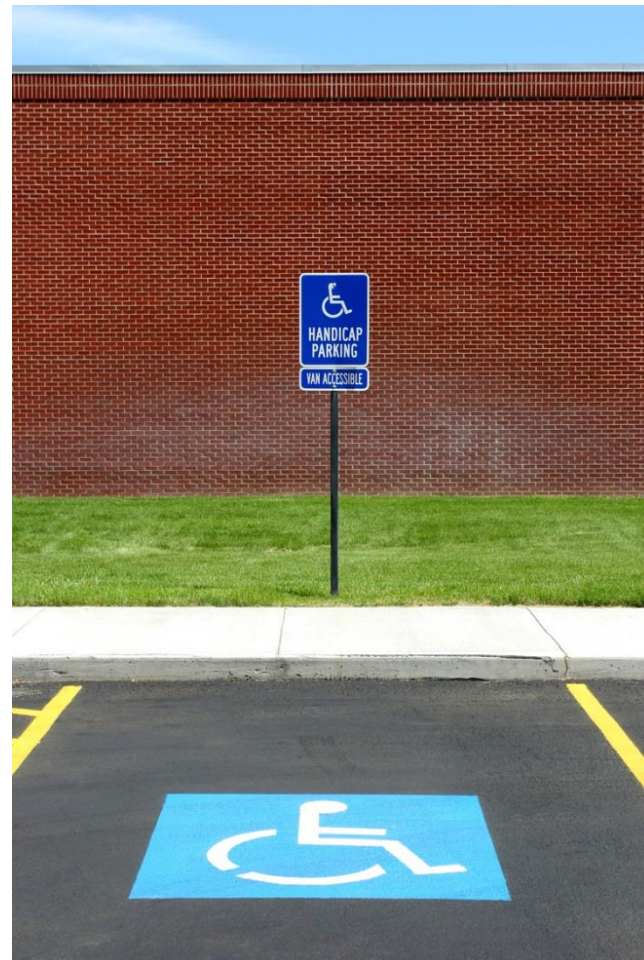
DISABILITY – PHYSICAL, MENTAL OR LEARNING

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



SERVICE ANIMALS AND EMOTIONAL SUPPORT ANIMALS – THEY ARE NOT PETS

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



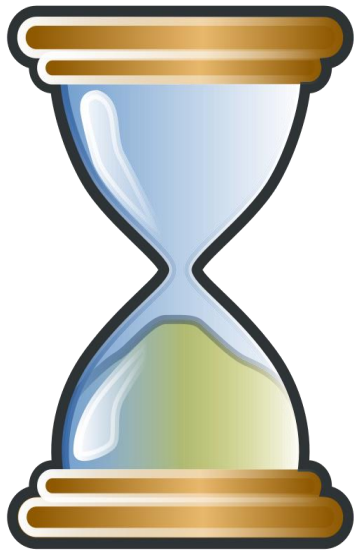
REASONABLE ACCOMMODATIONS FOR HOUSING SEARCHES

- Can turn a “no” into a “yes”
- A denial of a publically 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



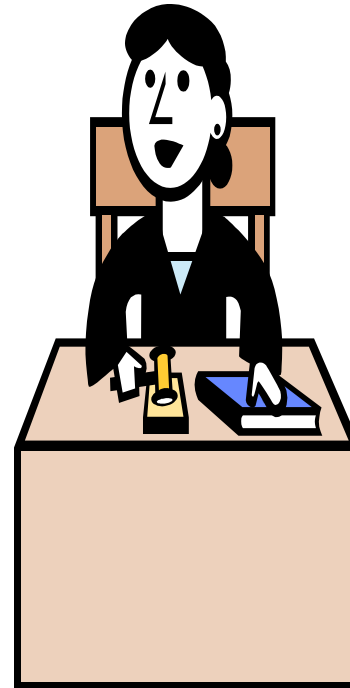
KEY CASES

- Sullivan 1 and 2
- Little
- CHRO ex rel.
Westphal v.
Brookstone Court,
LLC
- Arnold
- CHRO v. Litchfield
Housing Authority



RAISING A FAIR HOUSING ISSUE IN AN EVICTION PROCEEDING

- Defense
- Counterclaim: See, CHRO v. Chappelle Gardens decision on Summary Judgment



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.



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 !!

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