

Lawmaker Butler rewriting landlord protection bill

BY MIKE PATRICK REPUBLICAN-AMERICAN

WATERBURY — After his bill to ease the punishment for landlords who break certain fair housing laws raised the eyebrows — and ire — of tenant advocates statewide, state Rep. Larry Butler, D-72nd District, has brought it back to the drawing board.

Their original idea got a scathing reception, but Butler and a local landlord said the controversial proposal was successful in one aspect: It began a conversation about a system that they say unfairly punishes unsophisticated landlords unfamiliar with the state's complicated fair housing laws.



Bob DeCosmo, president of the Connecticut Property Owners Alliance Inc., and owner of the Waterbury-based Tenant Tracks landlord resource firm.

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"It woke everybody up," said Bob DeCosmo, president of the Connecticut Property Owners Alliance Inc., and owner of the Waterbury-based Tenant Tracks landlord resource firm. "When I get this many complaints about the system being complicated, biased and unfavorable to the taxpayers, I get concerned."

DeCosmo is the one who approached Butler with the idea for a bill that would create a "first offender" status for people accused of discriminatory housing practices, essentially lessening the penalty while also requiring the landlord attend training on fair housing laws.

Butler said a personal event in his life helped convince him DeCosmo was right.

After both his parents passed away within months of each other, Butler said, he inherited their three-family house, and suddenly became a landlord.

"If somebody would have come and tested me, there's a good likelihood I would have failed. I definitely didn't know all the fair housing laws at the time," Butler said. "Can we put a mechanism in place that could help people like that?"

WELL-INTENTIONED OR NOT, housing and human rights officials attacked Proposed Bill No. 6133 at a public hearing last month, saying it could have "grave" consequences and could "legitimize illegal discrimination."

The proposed bill "weakens Connecticut's long-standing fair housing laws," Evonne Klein,

commissioner of the state Department of Housing, said in her written testimony to the Housing Committee.

"Victims of housing discrimination are often the most vulnerable individuals and families in the greatest need of housing," she wrote. "When they are prevented from accessing housing opportunities for which they are financially eligible, we see the effects in further segregation and a worsening of income and achievement gaps, and potentially in an increase in housing instability and homelessness."

Joseph A. Pelletier, director of the Fair Housing Assistance Program for the U.S. Department of Housing and Urban Development, wrote to the committee that sanctions against a landlord who violates fair housing laws serve "an important deterrence function" that would be lost under Butler's proposal, and that "its enactment would jeopardize the continued certification of Connecticut's fair housing law as substantially equivalent to the federal Fair Housing Act."

And that, according to Cheryl Sharp, deputy director of the Connecticut Commission on Human Rights and Opportunities (CHRO), which is paid by HUD to investigate and prosecute fair housing violations, would jeopardize its funding.

"Such a considerable change to our statute to allow such leniency for a first time offender would throw our statute out of compliance with the federal fair housing act," Sharp said in her written testimony. "In turn, the commission would lose a contract with HUD worth \$400,000 per fiscal year."

According to its 2013 annual report, more than 1,000 people reached out to the CHRO for help that year. It investigated more than 200 discrimination claims and brought in more than \$500,000 in damages and attorneys' fees for victims.

DeCosmo said he didn't expect the proposal to meet such widespread opposition.

"Everybody jumped down our throats," he said.

The proposal wasn't meant to excuse egregious violations of fair housing law, he said, only to protect landlords ignorant of the complexities of the law from prosecution that could have a severe and, he said, unfair financial impact.

For example, he said, if a mother with three children expresses interest in a one-bedroom rental unit, and the landlord refuses on the grounds that one bedroom is not enough space for the family, the landlord would be in violation of fair housing laws that state housing space sufficiency is to be based on square footage, not the number of bedrooms.

Stiff financial sanctions for what would be, he said, ostensibly an unintentional mathematical error, would be unfair in that case, DeCosmo said.

"It was never intended to make the fair housing laws in Connecticut go away," DeCosmo said. "It was more about, we're hearing stories of stiff fines and penalties, and should the first

approach be a fine?"

THE BEST SOLUTION, Butler said, is in educating landlords about fair housing laws, to prevent violations from occurring in the first place.

That's why he's in the process of re-writing the proposal to, instead of relaxing the law, provide educational pamphlets to rental property owners.

"We're working on drafting the language to make the requirement for training as we speak," Butler said, adding the new proposal will be geared toward providing information on fair housing laws at the closing of any real estate transaction that involves multiple rental units.

"If we're trying to promote affordable, first-time home ownership, especially with multi-families, we should make sure people know what the laws are," DeCosmo said.

And despite the flurry of opposition it prompted, DeCosmo said he's pleased the proposal served as a "conversation starter" on the topic of fair housing.

"It wasn't like we were trying to legitimize any kind of discrimination," he said. "We're just thinking, because Connecticut's laws are so expansive and there is no education for owners, there should be a recognition that a one-size-fits-all model may not work."

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