

A HOSTILE ENVIRONMENT FOR CONNECTICUT LANDLORDS

We have discussed a lot of issues that Connecticut landlords run into with State and Federal agencies. The CT Property Owners Alliance has received one too many complaints from its members about just how unfair the Connecticut “Fair Housing” laws can be and the process of investigating a housing discrimination claim by the Commission on Human Rights and Opportunities is a penalty in and of itself.

There is no more heartbreaking example of the Commission on Human Rights and Opportunities (CHRO) running-a-muck than the case of Bill and Mary Luth. The Luths are mom and pop landlords owning just 2 rental properties. When they advertised a vacancy, they were contacted by a number of individuals who were interested in the apartment.

One applicant submitted an incomplete application, failed to produce a valid photo I.D. and reported income of less than the two times the monthly rent. She also happened to be African-American.

The successful applicant: completed the application, provided a copy of a valid photo I.D. as required and reported income of over four times the monthly rent. He also happened to be African-American.

A housing advocacy group sent out anonymous paired testers to try and persuade the Luths into making discriminatory statements and test whether the African-American tester was treated less favorably than the Caucasian tester. The testing proved: the two individual testers were treated identically by the Luths; they were given identical information about the availability of the unit, they were given identical terms with respect to rent and security deposit and both were treated well by the Luths.

Nevertheless, a housing discrimination complaint was filed at CHRO. A fair and impartial investigator conducted a thorough and complete investigation of this claim and concluded that there was no discrimination involved: the Luths had selected a more qualified applicant than the woman who cried racism; they selected the successful applicant for a legitimate non-discriminatory reason (income), race was not a factor in their decision.

It is important to note that the Federal government monitors many of the discrimination complaints at CHRO. The department of Housing and Urban Development pays the State of Connecticut to conduct many of their housing discrimination investigations. HUD pays CHRO more for finding that discrimination occurred than they do if an investigation finds that no discrimination occurred. The federal government, HUD reviewed the findings of the CHRO investigator and approved the finding that no discrimination occurred. HUD dismissed the complaint against the Luths

The unsuccessful tenant applicant requested “reconsideration” of the finding that no discrimination had occurred. “Reconsideration” is only available to individuals claiming discrimination. It only applies to applicants/tenants who get a second bite at the apple if they don’t like the outcome of a particular investigation. Landlords do not have the right for reconsideration under Connecticut’s Fair Housing law, only tenants/applicants.

So the Luths fully cooperated with a second CHRO housing discrimination investigation. To their relief the second investigation also found that no discrimination had taken place. They thought their nightmare of being falsely accused of racial discrimination was over and finally came to an end.

Unfortunately, the Luths were not aware that tenants/applicants can request reconsideration an unlimited number of times. The right that CHRO refuses to give to landlords under any circumstance is given to tenants/applicants without any restriction.

The Luths prepared themselves for a third housing discrimination investigation. Unfortunately, the reconsideration decision required that the housing investigators write a finding that discrimination had occurred without conducting any further investigation. The Luths were not aware that the individuals who determine the outcome of reconsideration requests are not neutral – the CHRO reconsiderations are conducted by CHRO staff Attorneys rather than a neutral third party. The CHRO staff Attorney demanded that the two previous findings that no discrimination had occurred be now turned into a finding that discrimination had indeed occurred without any additional investigation!

The federal government did not reverse their finding that no racial discrimination occurred and they endorsed the initial investigation declaring no discrimination.

The investigator who twice found that no racial discrimination had occurred felt adamantly that the Luths were being treated unfairly. This investigator was fired directly due to her involvement in trying to help the Luths out of this terrible nightmare they had now been living with daily for over three years.

Eventually the case proceeded to litigation in the Court system. CHRO threatened the Luths directly. They specifically indicated that even if the Luths won at trial, appeals would follow and the process already three years old at this point would drag out several more years costing the Luths several hundreds of thousand of dollars more in legal fees and CHRO would appeal to the US Supreme Court if necessary.

The Luths had to already expended substantial sums of monies on legal expenses directly related to these investigations and legal proceeding now had to pay out an enormous settlement in order to avoid dragging this terrible nightmare on for more years.

CHRO wronged Bill and Mary Luth. There is no “fairness” in Connecticut’s Fair Housing law.

- CHRO should not have the ability to ignore the findings of the Federal Government and continue to harass taxpayers of the State of Connecticut.
- CHRO should not give tenants/applicants an unlimited number of reconsiderations requests and refuse to extend this right to landlords.
- CHRO should not have reconsiderations reviewed by biased CHRO Staff Attorneys; they should be reviewed by a neutral third party such as the office of Attorney General.
- CHRO should not be paid more for findings of discrimination than findings of no-discrimination; it adds an incentive to find discrimination occurred even when none existed.
- CHRO Staff Attorneys should not have the power to mandate that a finding of no-discrimination be turned into a finding that discrimination had occurred.

Connecticut landlords can and have been treated terribly by CHRO, a tax-payer funded agency that is supposed to be neutral. The problem is people do not understand how unfairly the process is until it happens to them personally. We think if it can happen to Bill and Mary Luth, it can happen to anyone.

CTPOA believes that if more residents and elected officials in the State of Connecticut were aware of what happened to the Luths they would be outraged and demand immediate reform and more accountability of the CHRO.