

# Can they do that?

*A conversation about tenants' legal rights in Connecticut.*

*Connecticut Coalition to End Homelessness Annual Training Institute · October 5, 2020*

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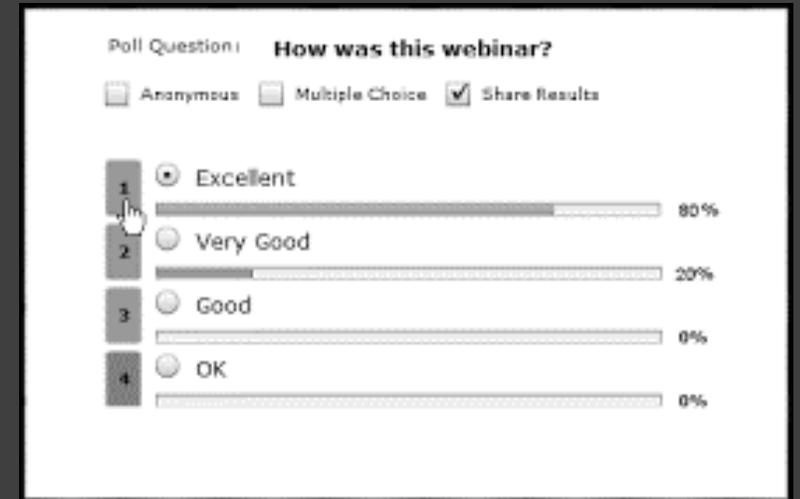
All attendees entered the workshop on mute.

You can put your questions in the chat window.



You can tweet at us!

You can participate in audience polls.



# How is this workshop going to answer my questions?

# Panel Presenters



- Michelle Dumas Keuler, Human Rights Attorney III, Commission on Human Rights and Opportunities
- Amy Eppler-Epstein, Staff Attorney, New Haven Legal Assistance Association
- Jessica Labrencis, Staff Attorney, Connecticut Fair Housing Center

*Moderator: Fionnuala Darby-Hudgens, Connecticut Fair Housing Center*

# Agenda

- Introductions and organizations
- Race & national origin discrimination
- Barriers in tenant screening practices
- Familial status discrimination
- Common tenant concerns
- Question and answer session (if time permits)



Audience Poll:  
Do you know how each of  
the organizations can serve  
you and your clients?

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Please respond to the question that appeared on your screen.

# Three Legal Organizations for Tenants

## **Connecticut Fair Housing Center**

A private non-profit that provides free legal services to residents who believe they have been the victims of housing discrimination or predatory lending.

Provides free legal services to homeowners facing foreclosure.

Provides free support for tenant organizing efforts.

Provides free legal education for community groups.

## **Commission on Human Rights and Opportunities**

Investigative State agency that enforces human rights laws that ban illegal discrimination in employment, housing, public accommodations and credit transactions.

Monitors state compliance with contract laws and affirmative action personnel practices.

## **New Haven Legal Assistance Association (NHLAA)**

A private non-profit that provides legal services to individuals and groups unable to obtain legal services because of limited income, age, disability, discrimination, and other barriers.

Areas of service: child protection, education, family and housing law, immigration, public benefits, disability rights, workers' rights.

# Audience Poll: Who is represented in our audience today?

Please respond to the question that appeared on your screen.

# Race and National Origin Discrimination

*Case study: A current tenant of a unit only speaks Spanish.*

A person who is homeless speaks Spanish as their primary language and speaks limited English. A caseworker is trying to help this person find housing. They find an appropriate unit. The landlord says, “This is an English-speaking-only property, and I will need to see your papers to prove that you are legal.” Can they do that?

Poll 3: Can they do that?

# Recovery from Substance Abuse

*Case study: A prospective tenant in recovery from substance abuse is struggling to find housing.*



A prospective tenant who is in recovery for alcohol addiction is searching for housing. Three years ago, the prospective tenant was evicted for lease violations related to her misuse of alcohol. Since then, the prospective tenant completed an in-patient recovery program and then lived with a family member. She has not used alcohol in three years. When she applies for an apartment, the landlord rejects her based on her eviction history. Can the landlord do that?

Poll 4: Can they do that?

# Criminal Background

*Case study: A prospective tenant with a criminal background is denied housing.*

A private landlord runs a background check. Landlord says to the potential tenant, “I won’t rent to you because of the results of your criminal background check.” The background check shows a misdemeanor conviction from 8 years ago for shoplifting. Can the landlord do that?



Poll 5: Can they do that?

# Victim of Intimate Partner Violence

*Case study: A prospective tenant who experienced intimate partner violence is rejected as a tenant.*

A tenant experienced intimate partner violence by her former boyfriend at her last apartment. During her tenancy, the police were frequently called to their apartment. The tenant broke her lease during the lease term in order to flee to a shelter. The tenant applied for federally subsidized housing. She just received a rejection letter from the housing provider based on a bad landlord reference. The former landlord told the new housing provider that she and her former boyfriend were a nuisance to neighbors, who complained about noise and police visits, and that she broke her lease. Can the subsidized housing provider reject her based on this reference?

# Mother with a Housing Choice Voucher

*Case study: A prospective tenant with a teenage child is using a Section 8 voucher to pay for her rent.*

A mother is trying to leave the shelter. She has a new Section 8 housing voucher and is seeking an apartment for herself and her 15-year-old son. The landlord explains to the woman that he does not like teenagers. She views the unit and determines it will fit them perfectly. She applies for the property, and the landlord then tells her that the unit is not eligible for Section 8. Can the landlord do this?

Poll 6: Can they do that?

# Emotional Support Animal

*Case study: A shelter resident requests an emotional support animal.*

A mother and her daughter enter a shelter. The shelter has a no-pet policy. The child experiences depression and anxiety, and her therapist has recommended that she get a dog as an emotional support animal. The mother asks a shelter worker for permission to get a dog for emotional support for her daughter. The shelter says no because that is their policy. The mother persists, explaining that her daughter really needs the dog for emotional support and gives the shelter a letter from the therapist supporting the request for the dog. The shelter says the note is insufficient and they want to review her medical records from the date she was diagnosed. Can they do that?

Poll 7: Can they do that?

# Occupancy Limitations

*Case study: A large apartment complex has occupancy restrictions.*

A large complex owned by a well-known rental company has the following policy:

*There is a maximum of two people per bedroom  
at the Elms Apartment Complex.*

A woman with three children ages 3, 5, and 6, would like to rent a two-bedroom apartment because her children are all young, and that is all she can afford. The property owners explain that she must rent a three-bedroom for \$300 more per month. Can the apartment complex insist that she rent a three-bedroom apartment?

# Common Landlord/Tenant and Discrimination Issues

*Examples of common scenarios housing counselors face.*

- How much money in the form of security deposits can a landlord require at the signing of the lease?
- If a landlord writes a letter to a tenant telling them they need to vacate their unit by a certain date and the tenant doesn't vacate, can the landlord change the locks or turn off their electricity?
- Can landlords agree to accept housing assistance and then rent to someone else without housing assistance because the paperwork is taking too long?
- If a housing coordinator approaches a landlord about a prospective tenant with a Rapid Rehousing assistance or a Security Deposit Guarantee and the landlord verbally refuses to accept the housing assistance but gives a different reason for the rejection after reviewing the tenant's application, can they do that?

# Housing Stability and COVID-19

The websites below provide significant information on the resources available to tenants and homeowners who are impacted by the COVID-19 public health care crisis.

[www.ctfairhousing.org](http://www.ctfairhousing.org)

[www.ctlawhelp.org](http://www.ctlawhelp.org)

If your organization would like a training on COVID-19 moratoria or fair housing laws, please email [Finn@ctfairhousing.org](mailto:Finn@ctfairhousing.org)

Thank you for attending.  
We hope you can complete  
the evaluation in your  
inbox.

Please respond to the question that appeared on your screen.

# Tenant Screening – Criminal Records

*Obligations of a housing provider.*

No blanket bans on arrest records

No blanket bans based on convictions in general

Blanket bans on categories of crimes are likely to violate the fair housing laws

Landlords should evaluate criminal records on a case-by-case basis, looking at:

1. The date of the offense and how much time has passed since then, including the age of the tenant at the time of the offense.
2. The nature and severity of the offense.
3. The tenant's personal history before and after the offense, including rehabilitation efforts, community ties, and rental history before and after the offense.