

General Assembly

Committee Bill No. 6921

January Session, 2019

LCO No. 6295



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by: (LAB)

AN ACT CONCERNING DISCRIMINATION BASED SOLELY ON A PERSON'S CRIMINAL HISTORY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. Section 46a-51 of the general statutes is repealed and the
- 2 following is substituted in lieu thereof (*Effective October 1, 2019*):
- 3 As used in section 4a-60a and this chapter:
- 4 (1) "Blind" refers to an individual whose central visual acuity does
- 5 not exceed 20/200 in the better eye with correcting lenses, or whose
- 6 visual acuity is greater than 20/200 but is accompanied by a limitation
- 7 in the fields of vision such that the widest diameter of the visual field
- 8 subtends an angle no greater than twenty degrees;
- 9 (2) "Commission" means the Commission on Human Rights and
- 10 Opportunities created by section 46a-52;
- 11 (3) "Commission legal counsel" means a member of the legal staff
- 12 employed by the commission pursuant to section 46a-54;
- 13 (4) "Commissioner" means a member of the commission;

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- 14 (5) "Court" means the Superior Court or any judge of said court;
- 15 (6) "Discrimination" includes segregation and separation;
- 16 (7) "Discriminatory employment practice" means any discriminatory 17 practice specified in section 46a-60, as amended by this act, or 46a-81c;
- 18 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-19 60a, 4a-60g, 31-40y, 46a-58, 46a-59, as amended by this act, 46a-60, as amended by this act, 46a-64c, as amended by this act, 46a-64c, as amended by this act, 46a-68c to 46a-68f, inclusive, or 46a-70 to 46a-78, inclusive, as amended by this act, subsection (a) of section 46a-80 or sections 46a-81b to 46a-81o, inclusive;
- 25 (9) "Employee" means any person employed by an employer but 26 shall not include any individual employed by such individual's 27 parents, spouse or child;
- 28 (10) "Employer" includes the state and all political subdivisions 29 thereof and means any person or employer with three or more persons 30 in such person's or employer's employ;
- 31 (11) "Employment agency" means any person undertaking with or 32 without compensation to procure employees or opportunities to work;
- 33 (12) "Labor organization" means any organization which exists for 34 the purpose, in whole or in part, of collective bargaining or of dealing 35 with employers concerning grievances, terms or conditions of 36 employment, or of other mutual aid or protection in connection with 37 employment;
- 38 (13) "Intellectual disability" means intellectual disability as defined 39 in section 1-1g;
- 40 (14) "Person" means one or more individuals, partnerships, 41 associations, corporations, limited liability companies, legal

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representatives, trustees, trustees in bankruptcy, receivers and the state and all political subdivisions and agencies thereof;

- (15) "Physically disabled" refers to any individual who has any chronic physical handicap, infirmity or impairment, whether congenital or resulting from bodily injury, organic processes or changes or from illness, including, but not limited to, epilepsy, deafness or being hard of hearing or reliance on a wheelchair or other remedial appliance or device;
- 50 (16) "Respondent" means any person alleged in a complaint filed 51 pursuant to section 46a-82 to have committed a discriminatory 52 practice;
- 53 (17) "Discrimination on the basis of sex" includes but is not limited 54 to discrimination related to pregnancy, child-bearing capacity, 55 sterilization, fertility or related medical conditions;
 - (18) "Discrimination on the basis of religious creed" includes but is not limited to discrimination related to all aspects of religious observances and practice as well as belief, unless an employer demonstrates that the employer is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business;
 - (19) "Learning disability" refers to an individual who exhibits a severe discrepancy between educational performance and measured intellectual ability and who exhibits a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in a diminished ability to listen, speak, read, write, spell or to do mathematical calculations;
 - (20) "Mental disability" refers to an individual who has a record of, or is regarded as having one or more mental disorders, as defined in

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the most recent edition of the American Psychiatric Association's
"Diagnostic and Statistical Manual of Mental Disorders"; [and]

- (21) "Gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose; [.]
- 84 (22) "Veteran" means veteran as defined in subsection (a) of section 85 27-103; and
- 86 (23) "Criminal matters of public record" means information obtained 87 from the Judicial Department relating to arrests, indictments, 88 convictions, outstanding judgments and any other conviction 89 information, as defined in section 54-142g.
- 90 Sec. 2. Subsection (b) of section 46a-60 of the general statutes is 91 repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):
 - (b) It shall be a discriminatory practice in violation of this section:
 - (1) For an employer, by the employer or the employer's agent, except in the case of a bona fide occupational qualification or need, to refuse to hire or employ or to bar or to discharge from employment any individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment because of the individual's race, color, religious creed, age, sex, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning

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disability, physical disability, including, but not limited to, blindness, [or] status as a veteran <u>or criminal matters of public record, as defined</u> in section 46a-51, as amended by this act;

- (2) For any employment agency, except in the case of a bona fide occupational qualification or need, to fail or refuse to classify properly or refer for employment or otherwise to discriminate against any individual because of such individual's race, color, religious creed, age, sex, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability, physical disability, including, but not limited to, blindness, [or] status as a veteran or criminal matters of public record, as defined in section 46a-51, as amended by this act;
- (3) For a labor organization, because of the race, color, religious creed, age, sex, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability, physical disability, including, but not limited to, blindness, [or] status as a veteran or criminal matters of public record, as defined in section 46a-51, as amended by this act, of any individual to exclude from full membership rights or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer, unless such action is based on a bona fide occupational qualification;
 - (4) For any person, employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because such person has opposed any discriminatory employment practice or because such person has filed a complaint or testified or assisted in any proceeding under section 46a-82, 46a-83 or 46a-84;
- (5) For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any act declared to be a discriminatory employment practice or to attempt to do so;

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(6) For any person, employer, employment agency or labor organization, except in the case of a bona fide occupational qualification or need, to advertise employment opportunities in such a manner as to restrict such employment so as to discriminate against individuals because of their race, color, religious creed, age, sex, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability, physical disability, including, but not limited to, blindness, [or] status as a veteran or criminal matters of public record, as defined in section 46a-51, as amended by this act;

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(7) For an employer, by the employer or the employer's agent: (A) To terminate a woman's employment because of her pregnancy; (B) to refuse to grant to that employee a reasonable leave of absence for disability resulting from her pregnancy; (C) to deny to that employee, who is disabled as a result of pregnancy, any compensation to which she is entitled as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by the employer; (D) to fail or refuse to reinstate the employee to her original job or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits and other service credits upon her signifying her intent to return unless, in the case of a private employer, the employer's circumstances have so changed as to make it impossible or unreasonable to do so; (E) to limit, segregate or classify the employee in a way that would deprive her of employment opportunities due to her pregnancy; (F) to discriminate against an employee or person seeking employment on the basis of her pregnancy in the terms or conditions of her employment; (G) to fail or refuse to make a reasonable accommodation for an employee or person seeking employment due to her pregnancy, unless the employer can demonstrate that such accommodation would impose an undue hardship on such employer; (H) to deny employment opportunities to an employee or person seeking employment if such denial is due to the employee's request for a reasonable accommodation due to her pregnancy; (I) to force an employee or person seeking employment

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affected by pregnancy to accept a reasonable accommodation if such employee or person seeking employment (i) does not have a known limitation related to her pregnancy, or (ii) does not require a reasonable accommodation to perform the essential duties related to her employment; (J) to require an employee to take a leave of absence if a reasonable accommodation can be provided in lieu of such leave; and (K) to retaliate against an employee in the terms, conditions or privileges of her employment based upon such employee's request for a reasonable accommodation;

(8) For an employer, by the employer or the employer's agent, for an employment agency, by itself or its agent, or for any labor organization, by itself or its agent, to harass any employee, person seeking employment or member on the basis of sex or gender identity or expression. "Sexual harassment" shall, for the purposes of this subdivision, be defined as any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (A) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (B) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (C) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment;

(9) For an employer, by the employer or the employer's agent, for an employment agency, by itself or its agent, or for any labor organization, by itself or its agent, to request or require information from an employee, person seeking employment or member relating to the individual's child-bearing age or plans, pregnancy, function of the individual's reproductive system, use of birth control methods, or the individual's familial responsibilities, unless such information is directly related to a bona fide occupational qualification or need, provided an employer, through a physician may request from an employee any such information which is directly related to workplace

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exposure to substances which may cause birth defects or constitute a hazard to an individual's reproductive system or to a fetus if the employer first informs the employee of the hazards involved in exposure to such substances;

- (10) For an employer, by the employer or the employer's agent, after informing an employee, pursuant to subdivision (9) of this subsection, of a workplace exposure to substances which may cause birth defects or constitute a hazard to an employee's reproductive system or to a fetus, to fail or refuse, upon the employee's request, to take reasonable measures to protect the employee from the exposure or hazard identified, or to fail or refuse to inform the employee that the measures taken may be the subject of a complaint filed under the provisions of this chapter. Nothing in this subdivision is intended to prohibit an employer from taking reasonable measures to protect an employee from exposure to such substances. For the purpose of this subdivision, "reasonable measures" shall be those measures which are consistent with business necessity and are least disruptive of the terms and conditions of the employee's employment;
- (11) For an employer, by the employer or the employer's agent, for an employment agency, by itself or its agent, or for any labor organization, by itself or its agent: (A) To request or require genetic information from an employee, person seeking employment or member, or (B) to discharge, expel or otherwise discriminate against any person on the basis of genetic information. For the purpose of this subdivision, "genetic information" means the information about genes, gene products or inherited characteristics that may derive from an individual or a family member.
- Sec. 3. Subsection (c) of section 8-169s of the general statutes is repealed and the following is substituted in lieu thereof (*Effective* October 1, 2019):
- (c) The legislative body may, by resolution, vote to transfer the urban homesteading property with or without compensation to the

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applicant selected pursuant to subsection (b) of this section. Such transfer shall be made pursuant to a contract of sale and rehabilitation or construction which shall provide among other things that (1) the property transferred be rehabilitated or constructed predominantly for residential use and be brought into and maintained in conformity with applicable health, housing and building code standard; (2) the rehabilitation or construction shall commence and be completed within a period of time as determined by the urban homesteading agency; (3) prior to the issuance of a certificate of occupancy by the building official no transfer of the property or any interest therein, except a transfer to a bona fide mortgagee or similar lien holder, may be made by the homesteader without the approval of the urban homesteading agency, provided any such transfer may only be made for a consideration not in excess of the cost of the property to the homesteader together with the costs of any improvements made or construction thereon by the homesteader; (4) in the sale or rental of the property, or any portion of such property, no person shall be discriminated against because of such person's race, color, religion, sex, gender identity or expression, [or] national origin or criminal matters of public record, as defined in section 46a-51, as amended by this act; and (5) representatives of the urban homesteading agency, the municipality, and where state or federal assistance is involved, representatives of the federal and state governments, shall have access to the property during normal business hours for the purpose of inspecting compliance with the provisions of this subsection.

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Sec. 4. Section 8-265c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

The authority shall require that occupancy of all housing financed or otherwise assisted under this chapter be open to all persons regardless of race, creed, color, national origin or ancestry, sex or gender identity or expression and that the contractors and subcontractors engaged in the construction or rehabilitation of such housing shall take affirmative action to provide equal opportunity for

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266 employment without discrimination as to race, creed, color, national 267 origin or ancestry, sex, [or] gender identity or expression or criminal

matters of public record, as defined in section 46a-51, as amended by

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270 Sec. 5. Subsection (c) of section 8-294 of the general statutes is 271 repealed and the following is substituted in lieu thereof (Effective 272 October 1, 2019):

(c) The legislative body may, by resolution, vote to transfer the urban rehabilitation property with or without compensation to the person selected pursuant to subsection (b) of this section. Such transfer shall be made pursuant to a contract of sale and rehabilitation which shall provide among other things that (1) the property transferred be rehabilitated predominantly for industrial or commercial use and be brought into and maintained in conformity with applicable health, housing and building code standards; (2) that the rehabilitation shall commence and be completed within a period of time as determined by the urban rehabilitation agency; (3) prior to the issuance of a certificate of occupancy by the building official, no transfer of the property or any interest therein, except a transfer to a bona fide mortgagee or similar lien holder, may be made by the rehabilitator without the approval of the urban rehabilitation agency, provided any such transfer may only be made for a consideration not in excess of the cost of the property to the rehabilitator together with the costs of any improvements made thereon by the rehabilitator; (4) in the sale or rental of the property, or any portion of such property, no person shall be discriminated against because of such person's race, color, religion, sex, gender identity, [or] expression or national origin or criminal matters of public record, as defined in section 46a-51, as amended by this act; (5) representatives of the urban rehabilitation agency, representatives of the municipality, and if state or federal assistance is involved, representatives of the federal and state governments shall be allowed access to the property during normal business hours for the purpose of inspecting compliance with the provisions of this subsection.

LCO No. 6295 **10** of 30 Sec. 6. Section 8-315 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

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The municipality shall take all necessary steps to insure that occupancy of all housing financed or otherwise assisted pursuant to this chapter be open to all persons regardless of race, creed, color, national origin or ancestry, sex, gender identity or expression, age₂ [or] physical disability or criminal matters of public record, as defined in section 46a-51, as amended by this act.

Sec. 7. Subsection (b) of section 10a-6 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(b) Within the limits of authorized expenditures, the policies of the state system of higher education shall be consistent with (1) the following goals: (A) To ensure that no qualified person be denied the opportunity for higher education on the basis of age, sex, gender identity or expression, ethnic background, [or] social, physical or economic condition or criminal matters of public record, as defined in section 46a-51, as amended by this act, (B) to protect academic freedom, (C) to provide opportunities for education and training related to the economic, cultural and educational development of the state, (D) to assure the fullest possible use of available resources in public and private institutions of higher education, (E) to maintain standards of quality ensuring a position of national leadership for state institutions of higher education, (F) to apply the resources of higher education to the problems of society, and (G) to foster flexibility in the policies and institutions of higher education to enable the system to respond to changes in the economy, society, technology and student interests; and (2) the goals for higher education in the state identified in section 10a-11c. Said board shall review recent studies of the need for higher education services, with special attention to those completed pursuant to legislative action, and to meet such needs shall initiate additional programs or services through one or more of the constituent

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- 331 units.
- Sec. 8. Subsection (a) of section 11-24b of the general statutes is
- 333 repealed and the following is substituted in lieu thereof (Effective
- 334 *October* 1, 2019):
- 335 (a) Each principal public library, as defined in section 11-24a, shall
- be eligible to receive a state grant in accordance with the provisions of
- 337 subsections (b), (c) and (d) of this section provided the following
- 338 requirements are met:
- 339 (1) An annual statistical report which includes certification that the
- grant, when received, shall be used for library purposes is filed with
- 341 the State Library Board in such manner as the board may require. The
- 342 report shall include information concerning local library governance,
- 343 hours of service, type of facilities, library policies, resources, programs
- 344 and services available, measurement of levels of services provided,
- 345 personnel and fiscal information concerning library receipts and
- 346 expenditures;
- 347 (2) Documents certifying the legal establishment of the principal
- 348 public library in accordance with the provisions of section 11-20 are
- 349 filed with the board;
- 350 (3) The library is a participating library in the Connecticard program
- 351 established pursuant to section 11-31b;
- 352 (4) Except for the fiscal years ending June 30, 2010, to June 30, 2015,
- inclusive, the principal public library shall not have had the amount of
- its annual tax levy or appropriation reduced to an amount which is
- less than the average amount levied or appropriated for the library for
- 356 the three fiscal years immediately preceding the year of the grant,
- except that if the expenditures of the library in any one year in such
- 358 three-year period are unusually high as compared with expenditures
- 359 in the other two years, the library may request an exception to this
- 360 requirement and the board, upon review of the expenditures for that

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year, may grant an exception;

- (5) State grant funds shall be expended within two years of the date of receipt of such funds. If the funds are not expended in that period, the library shall submit a plan to the State Librarian for the expenditure of any unspent balance;
- (6) Principal public libraries shall not charge individuals residing in the town in which the library is located or the town in which the contract library is located for borrowing and lending library materials, accessing information, advice and assistance and programs and services which promote literacy; and
- (7) Principal public libraries shall provide equal access to library service for all individuals and shall not discriminate upon the basis of age, race, sex, gender identity or expression, religion, national origin, handicap, [or] place of residency in the town in which the library is located or the town in which the contract library is located or criminal matters of public record, as defined in section 46a-51, as amended by this act.
- Sec. 9. Section 16-245r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

No electric supplier, as defined in section 16-1, shall refuse to provide electric generation services to, or refuse to negotiate to provide such services to any customer because of age, race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, sexual orientation, lawful source of income, disability, [or] familial status or criminal matters of public record, as defined in section 46a-51, as amended by this act. No electric supplier shall decline to provide electric generation services to a customer for the sole reason that the customer is located in an economically distressed geographic area or the customer qualifies for hardship status under section 16-262c. No electric supplier shall terminate or refuse to reinstate electric generation services except in accordance with the

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392 provisions of this title.

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- Sec. 10. Section 16-247r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):
- 395 No telephone company or certified telecommunications provider, as 396 defined in section 16-1, shall refuse to provide telecommunications 397 services to, or refuse to negotiate to provide such services to any 398 customer because of age, race, creed, color, national origin, ancestry, 399 sex, gender identity or expression, marital status, sexual orientation, 400 lawful source of income, disability, [or] familial status or criminal 401 matters of public record, as defined in section 46a-51, as amended by 402 this act. No telephone company or certified telecommunications 403 provider shall decline to provide telecommunications services to a 404 customer for the sole reason that the customer is located in an 405 economically distressed geographic area or the customer qualifies for 406 hardship status under section 16-262c. No telephone company or 407 certified telecommunications provider shall terminate or refuse to 408 reinstate telecommunications services except in accordance with the 409 provisions of this title.
- Sec. 11. Subsection (b) of section 28-15 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective* 412 October 1, 2019):
 - (b) No person shall discriminate on the basis of race, color, religious creed, sex, gender identity or expression, age, national origin, ancestry, [or] economic status or criminal matters of public record, as defined in section 46a-51, as amended by this act, in carrying out any provision of this chapter or any federal major disaster or emergency assistance function in this state.
- Sec. 12. Section 31-22p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):
- The Labor Commissioner, with the advice and guidance of the

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council, shall formulate work training standards which will ensure necessary safeguards for the welfare of apprentices and a full craft experience in any skill, in order to provide equal opportunities to all, without regard to their race, color, religion, sex, gender identity or expression, age, [or] national origin or criminal matters of public record, as defined in section 46a-51, as amended by this act, and to provide training, employment and upgrading opportunities for disadvantaged workers to acquire a comprehensive skilled work experience and to extend the application of such standards of skill training by inclusion thereof in apprenticeship agreements, and shall bring together representatives of management and labor for the development of training programs and terms of apprenticeship incidental thereto and cooperate with state and federal agencies similarly interested in furtherance of training requirements in keeping with established and new processes of Connecticut industries. The Labor Commissioner shall publish information relating to existing and proposed work standards of apprenticeship, hold area conferences throughout the state for the purpose of promoting interest in skilled trades training and appoint such advisory committees as may be deemed necessary to evaluate the skilled manpower requirements of Connecticut in order to cope with any new technological changes in industry.

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- Sec. 13. Subsection (e) of section 31-57e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):
 - (e) The Employment Rights Code referred to under this section shall include the following provisions:
 - (1) A commercial enterprise subject to tribal jurisdiction shall not, except in the case of a bona fide occupational qualification or need, refuse to hire or employ or bar or discharge from employment any individual or discriminate against him or her in compensation or in terms, conditions or privileges of employment because of the

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individual's race, color, religious creed, sex, gender identity or expression, marital status, national origin, ancestry, age, present or past history of mental disorder, intellectual disability, sexual orientation, learning or physical disability, political activity, union activity, [or] criminal matters of public record, as defined in section 46a-51 as amended by this act, or the exercise of rights protected by the United States Constitution. This subdivision shall not be construed to restrict the right of a tribe to give preference in hiring to members of the tribe.

- (2) A commercial enterprise subject to tribal jurisdiction shall not deny any individual, including a representative of a labor organization, seeking to ensure compliance with this section, access to employees of the tribe's commercial enterprise during nonwork time in nonwork areas. The tribe shall not permit any supervisor, manager or other agent of the tribe to restrict or otherwise interfere with such access.
- (3) When a labor organization claims that it has been designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, the labor organization may apply to an arbitrator to verify the claim pursuant to subdivision (4) of this subsection. If the arbitrator verifies that the labor organization has been designated or selected as the bargaining representative by a majority of the employees in an appropriate unit, the tribe shall, upon request, recognize the labor organization as the exclusive bargaining agent and bargain in good faith with the labor organization in an effort to reach a collective bargaining agreement. However, the arbitrator shall disallow any claim by a labor organization that is dominated or controlled by the tribe.
- (4) (A) Any individual or organization claiming to be injured by a violation of any provision of this subsection shall have the right to seek binding arbitration under the rules of the American Arbitration Association. Such individual or organization shall file a demand for

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arbitration with the tribe not later than one hundred eighty days after the employee or labor organization knows or should know of the tribe's violation of any provision of this subsection. The demand shall state, in plain language, the facts giving rise to the demand.

- (B) The demand for arbitration shall also be served upon the Connecticut office of the American Arbitration Association. Absent settlement, a hearing shall be held in accordance with the rules and procedures of the American Arbitration Association. The costs and fees of the arbitrator shall be shared equally by the tribe and the labor organization.
- (C) The decision of the arbitrator shall be final and binding on both parties and shall be subject to judicial review and enforcement against all parties in the manner prescribed by chapter 909.
- (5) A tribe shall not retaliate against any individual who exercises any right under the Employment Rights Code. Any individual or organization claiming to be injured by a violation of the provisions of this section shall have the right to seek binding arbitration pursuant to subdivision (4) of this subsection.
 - Sec. 14. Section 32-277 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):
 - A regional corporation shall not provide any financial assistance authorized by sections 32-271 to 32-284, inclusive, unless the following conditions are met:
 - (1) The applicant has demonstrated that there is little prospect of obtaining the conventional project financing requested from either private or public sources of funding within the region, and that there is little prospect of obtaining adequate project financing from private sources of capital, or in the case of a loan guarantee, that there is little prospect of obtaining project financing without the guarantee;
 - (2) There is a reasonable prospect of repayment;

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- 516 (3) The project is located in the region represented by the regional corporation;
- 518 (4) The project will comply with any applicable environmental rules 519 or regulations;
- 520 (5) The applicant has certified that it will not discriminate against 521 any employee or any applicant for employment because of race, 522 religion, color, national origin, sex, gender identity, [or] expression or 523 age or criminal matters of public record, as defined in section 46a-51, 524 as amended by this act;
- 525 (6) A staff member or a representative of the regional corporation 526 acting in an official capacity has personally visited the project site and 527 the applicant's place of business; and

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- (7) Financial commitments or contingent financial commitments for the project have been obtained from other public and private sources.
- Sec. 15. Section 38a-358 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

The declination, cancellation or nonrenewal of a policy for private passenger nonfleet automobile insurance is prohibited if the declination, cancellation or nonrenewal is based: (1) On the race, religion, nationality or ethnicity of the applicant or named insured; (2) solely on the lawful occupation or profession of the applicant or named insured, except that this provision shall not apply to any insurer which limits its market to one lawful occupation or profession or to several related lawful occupations or professions; (3) on the principal location of the insured motor vehicle unless such decision is for a business purpose which is not a mere pretext for unfair discrimination; (4) solely on the age, sex, gender identity, [or] expression or marital status of an applicant or an insured or criminal matters of public record, as defined in section 46a-51, as amended by this act, except that this subdivision shall not apply to an insurer in an

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insurer group if one or more other insurers in the group would not decline an application for essentially similar coverage based upon such reasons; (5) on the fact that the applicant or named insured previously obtained insurance coverage through a residual market; (6) on the fact that another insurer previously declined to insure the applicant or terminated an existing policy in which the applicant was the named insured; (7) the first or second accident within the current experience period in relation to which the applicant or insured was not convicted of a moving traffic violation and was not at fault; or (8) solely on information contained in an insured's or applicant's credit history or credit rating or solely on an applicant's lack of credit history. For the purposes of subdivision (8) of this section, an insurer shall not be deemed to have declined, cancelled or nonrenewed a policy if coverage is available through an affiliated insurer.

Sec. 16. Section 42-125a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

It is the policy of the state of Connecticut to oppose restraints of trade and unfair trade practices in the form of discriminatory boycotts which are not specifically authorized by the law of the United States and which are fostered or imposed by foreign persons, foreign governments or international organizations against any domestic individual on the basis of race, color, creed, religion, sex, gender identity or expression, nationality, [or] national origin or criminal matters of public record, as defined in section 46a-51, as amended by this act. It is also the policy of the state to oppose any actions, including the formation or continuance of agreements, understandings or contractual arrangements, expressed or implied, which have the effect of furthering such discriminatory boycotts, in order that the peace, health, safety, prosperity and general welfare of all the inhabitants of the state may be protected and ensured. This chapter shall be deemed an exercise of the police power of the state for the protection of the people of this state and shall be administered and principally enforced by the Attorney General. The provisions of this

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chapter shall be construed liberally so as to effectuate this declaration of policy and the laws and Constitution of the United States, but nothing in this chapter shall be construed to infringe upon the right of the United States government to regulate interstate and foreign commerce.

- Sec. 17. Subsection (c) of section 42-125b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):
- 587 (c) "Participating in a discriminatory boycott" means the entering 588 into or performing of any agreement, understanding or contractual 589 arrangement for economic benefit by any person with any foreign 590 government, foreign person or international organization, which is not 591 specifically authorized by the laws of the United States and which is 592 required or imposed, either directly or indirectly, overtly or covertly, 593 by the foreign government, foreign person or international 594 organization in order to restrict, condition, prohibit or interfere with 595 any business relationship in this state on the basis of a domestic 596 individual's race, color, creed, religion, sex, gender identity or 597 expression, nationality, [or] national origin or criminal matters of 598 public record, as defined in section 46a-51, as amended by this act; 599 provided, handling, altering or shipping goods or complying with the commercial laws of a foreign country, unless such laws require 600 601 discrimination against a domestic individual on the basis of race, color, 602 creed, religion, sex, gender identity or expression, nationality, [or] 603 national origin or criminal matters of public record, as defined in 604 section 46a-51, as amended by this act, shall not constitute a 605 discriminatory boycott;
- Sec. 18. Subsection (a) of section 46a-59 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective* October 1, 2019):

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(a) It shall be a discriminatory practice in violation of this section for any association, board or other organization the principal purpose of

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which is the furtherance of the professional or occupational interests of its members, whose profession, trade or occupation requires a state license, to refuse to accept a person as a member of such association, board or organization because of his race, national origin, creed, sex, gender identity or expression, color or status as a veteran or criminal matters of public record, as defined in section 46a-51, as amended by this act.

Sec. 19. Subsection (a) of section 46a-64 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

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(a) It shall be a discriminatory practice in violation of this section: (1) To deny any person within the jurisdiction of this state full and equal accommodations in any place of public accommodation, resort or amusement because of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, criminal matters of public record, as defined in section 46a-51, as amended by this act, intellectual disability, mental disability, physical disability, including, but not limited to, blindness or deafness, or status as a veteran, of the applicant, subject only to the conditions and limitations established by law and applicable alike to all persons; (2) to discriminate, segregate or separate on account of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, criminal matters of public record, as defined in section 46a-51, as amended by this act, intellectual disability, mental disability, learning disability, physical disability, including, but not limited to, blindness or deafness, or status as a veteran; (3) for a place of public accommodation, resort or amusement to restrict or limit the right of a mother to breast-feed her child; (4) for a place of public accommodation, resort or amusement to fail or refuse to post a notice, in a conspicuous place, that any blind, deaf or mobility impaired person, accompanied by his guide dog wearing a harness or an orange-colored leash and collar, may enter such premises or facilities; or (5) to deny any blind, deaf or mobility impaired person or

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any person training a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired person, accompanied by his guide dog or assistance dog, full and equal access to any place of public accommodation, resort or amusement. Any blind, deaf or mobility impaired person or any person training a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired person may keep his guide dog or assistance dog with him at all times in such place of public accommodation, resort or amusement at no extra charge, provided the dog wears a harness or an orange-colored leash and collar and is in the direct custody of such person. The blind, deaf or mobility impaired person or person training a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired person shall be liable for any damage done to the premises or facilities by his dog. For purposes of this subdivision, "guide dog" or "assistance dog" includes a dog being trained as a guide dog or assistance dog and "person training a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired person" means a person who is employed by and authorized to engage in designated training activities by a guide dog organization or assistance dog organization that complies with the criteria for membership in a professional association of guide dog or assistance dog schools and who carries photographic identification indicating such employment and authorization.

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Sec. 20. Subsection (a) of section 46a-64c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

- (a) It shall be a discriminatory practice in violation of this section:
- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, [or] status

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as a veteran <u>or criminal matters of public record</u>, as defined in section <u>46a-51</u>, as amended by this act.

- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, [or] status as a veteran or criminal matters of public record, as defined in section 46a-51, as amended by this act.
- (3) To make, print or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, criminal matters of public record, as defined in section 46a-51, as amended by this act, familial status, learning disability, physical or mental disability or status as a veteran, or an intention to make any such preference, limitation or discrimination.
- (4) (A) To represent to any person because of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, <u>criminal matters of public record, as defined in section 46a-51, as amended by this act, familial status, learning disability, physical or mental disability or status as a veteran that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.</u>
- (B) It shall be a violation of this subdivision for any person to restrict or attempt to restrict the choices of any buyer or renter to purchase or rent a dwelling (i) to an area which is substantially populated, even if less than a majority, by persons of the same protected class as the buyer or renter, (ii) while such person is authorized to offer for sale or rent another dwelling which meets the housing criteria as expressed by the buyer or renter to such person,

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and (iii) such other dwelling is in an area which is not substantially populated by persons of the same protected class as the buyer or renter. As used in this subdivision, "area" means municipality, neighborhood or other geographic subdivision which may include an apartment or condominium complex; and "protected class" means race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, learning disability, physical or mental disability or status as a veteran.

- (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, criminal matters of public record, as defined in section 46a-51, as amended by this act, familial status, learning disability, physical or mental disability or status as a veteran.
- (6) (A) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a learning disability or physical or mental disability of: (i) Such buyer or renter; (ii) a person residing in or intending to reside in such dwelling after it is so sold, rented, or made available; or (iii) any person associated with such buyer or renter.
- (B) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a learning disability or physical or mental disability of: (i) Such person; or (ii) a person residing in or intending to reside in such dwelling after it is so sold, rented, or made available; or (iii) any person associated with such person.
- (C) For purposes of this subdivision, discrimination includes: (i) A refusal to permit, at the expense of a person with a physical or mental disability, reasonable modifications of existing premises occupied or to

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be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; (ii) a refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; (iii) in connection with the design and construction of covered multifamily dwellings for the first occupancy after March 13, 1991, a failure to design and construct those dwellings in such manner that they comply with the requirements of Section 804(f) of the Fair Housing Act or the provisions of the state building code as adopted pursuant to the provisions of sections 29-269 and 29-273, whichever requires greater accommodation. "Covered multifamily dwellings" means buildings consisting of four or more units if such buildings have one or more elevators, and ground floor units in other buildings consisting of four or more units.

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(7) For any person or other entity engaging in residential real-estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, learning disability, physical or mental disability, [or] status as a veteran or criminal matters of public record, as defined in section 46a-51, as amended by this act.

(8) To deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation, on account of race, creed, color, national origin, ancestry, sex, gender identity or

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- expression, marital status, age, lawful source of income, familial status,
- 774 learning disability, physical or mental disability, [or] status as a
- veteran or criminal matters of public record, as defined in section 46a-
- 51, as amended by this act.

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- (9) To coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section.
- Sec. 21. Subsection (e) of section 46a-64c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):
- (e) Nothing in this section prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, learning disability, physical or mental disability, [or] status as a veteran or criminal matters of public record, as defined in section 46a-51, as amended by this act.
- Sec. 22. Subsection (a) of section 46a-66 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):
 - (a) It shall be a discriminatory practice in violation of this section for any creditor to discriminate on the basis of sex, gender identity or expression, age, race, color, religious creed, national origin, ancestry, marital status, intellectual disability, learning disability, blindness, physical disability or status as a veteran or criminal matters of public record, as defined in section 46a-51, as amended by this act, against any person eighteen years of age or over in any credit transaction.
- Sec. 23. Subsection (a) of section 46a-70 of the general statutes is

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803 repealed and the following is substituted in lieu thereof (Effective 804 October 1, 2019):

- 805 (a) State officials and supervisory personnel shall recruit, appoint, 806 assign, train, evaluate and promote state personnel on the basis of 807 merit and qualifications, without regard for race, color, religious creed, 808 sex, gender identity or expression, marital status, age, national origin, 809 ancestry, status as a veteran, criminal matters of public record, as 810 defined in section 46a-51, as amended by this act, intellectual 811 disability, mental disability, learning disability or physical disability, 812 including, but not limited to, blindness, unless it is shown by such 813 state officials or supervisory personnel that such disability prevents 814 performance of the work involved.
- 815 Sec. 24. Subsection (a) of section 46a-71 of the general statutes is 816 repealed and the following is substituted in lieu thereof (Effective 817 October 1, 2019):
- 818 (a) All services of every state agency shall be performed without 819 discrimination based upon race, color, religious creed, sex, gender 820 identity or expression, marital status, age, national origin, ancestry, intellectual disability, mental disability, learning disability, physical 822 disability, including, but not limited to, blindness, [or] status as a 823 veteran or criminal matters of public record, as defined in section 46a-824 51, as amended by this act.

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- 825 Sec. 25. Subsection (b) of section 46a-72 of the general statutes is 826 repealed and the following is substituted in lieu thereof (Effective 827 October 1, 2019):
 - (b) Any job request indicating an intention to exclude any person because of race, color, religious creed, sex, gender identity or expression, marital status, age, national origin, ancestry, status as a veteran, criminal matters of public record, as defined in section 46a-51, as amended by this act, intellectual disability, mental disability, learning disability or physical disability, including, but not limited to,

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- blindness, shall be rejected, unless it is shown by such public or private employers that such disability prevents performance of the work
- 836 involved.
- Sec. 26. Subsection (a) of section 46a-73 of the general statutes is
- 838 repealed and the following is substituted in lieu thereof (Effective
- 839 *October* 1, 2019):
- 840 (a) No state department, board or agency may grant, deny or revoke
- 841 the license or charter of any person on the grounds of race, color,
- 842 religious creed, sex, gender identity or expression, marital status, age,
- 843 national origin, ancestry, status as a veteran, <u>criminal matters of public</u>
- 844 record, as defined in section 46a-51, as amended by this act, intellectual
- 845 disability, mental disability, learning disability or physical disability,
- 846 including, but not limited to, blindness, unless it is shown by such
- 847 state department, board or agency that such disability prevents
- performance of the work involved.
- Sec. 27. Subsection (a) of section 46a-75 of the general statutes is
- 850 repealed and the following is substituted in lieu thereof (Effective
- 851 *October* 1, 2019):
- 852 (a) All educational, counseling, and vocational guidance programs
- 853 and all apprenticeship and on-the-job training programs of state
- 854 agencies, or in which state agencies participate, shall be open to all
- 855 qualified persons, without regard to race, color, religious creed, sex,
- 856 gender identity or expression, marital status, age, national origin,
- 857 ancestry, intellectual disability, mental disability, learning disability,
- 858 physical disability, including, but not limited to, blindness, [or] status
- as a veteran or criminal matters of public record, as defined in section
- 860 46a-51, as amended by this act.
- Sec. 28. Subsection (a) of section 46a-76 of the general statutes is
- 862 repealed and the following is substituted in lieu thereof (Effective
- 863 *October* 1, 2019):

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(a) Race, color, religious creed, sex, gender identity or expression, 864 865 marital status, age, national origin, ancestry, intellectual disability, mental disability, learning disability, physical disability, including, but 866 not limited to, blindness, [or] status as a veteran or criminal matters of 867 public record, as defined in section 46a-51, as amended by this act, 868 shall not be considered as limiting factors in state-administered 869 870 programs involving the distribution of funds to qualify applicants for 871 benefits authorized by law.

This act sha	ll take effect as follows	and shall amend the following	
sections:			
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Section 1	October 1, 2019	46a-51	
Sec. 2	October 1, 2019	46a-60(b)	
Sec. 3	October 1, 2019	8-169s(c)	
Sec. 4	October 1, 2019	8-265c	
Sec. 5	October 1, 2019	8-294(c)	
Sec. 6	October 1, 2019	8-315	
Sec. 7	October 1, 2019	10a-6(b)	
Sec. 8	October 1, 2019	11-24b(a)	
Sec. 9	October 1, 2019	16-245r	
Sec. 10	October 1, 2019	16-247r	
Sec. 11	October 1, 2019	28-15(b)	
Sec. 12	October 1, 2019	31-22p	
Sec. 13	October 1, 2019	31-57e(e)	
Sec. 14	October 1, 2019	32-277	
Sec. 15	October 1, 2019	38a-358	
Sec. 16	October 1, 2019	42-125a	
Sec. 17	October 1, 2019	42-125b(c)	
Sec. 18	October 1, 2019	46a-59(a)	
Sec. 19	October 1, 2019	46a-64(a)	
Sec. 20	October 1, 2019	46a-64c(a)	
Sec. 21	October 1, 2019	46a-64c(e)	
Sec. 22	October 1, 2019	46a-66(a)	
Sec. 23	October 1, 2019	46a-70(a)	
Sec. 24	October 1, 2019	46a-71(a)	
Sec. 25	October 1, 2019	46a-72(b)	
Sec. 26	October 1, 2019	46a-73(a)	
Sec. 27	October 1, 2019	46a-75(a)	

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Sec. 28	October 1, 2019	46a-76(a)

Statement of Purpose:

To prohibit discrimination based on a person's criminal history.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. PORTER, 94th Dist.; REP. GIBSON, 15th Dist.

REP. SIMMS, 140th Dist.; REP. HALL, 7th Dist.

REP. ELLIOTT, 88th Dist.; REP. MILLER P., 145th Dist. REP. NOLAN AN, 39th Dist.; REP. WINKLER, 56th Dist.

H.B. 6921

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