



COMMISSION ON EQUAL OPPORTUNITIES

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NOTICE F PUBLIC ACCOMMODATION COMPLAINTS

The following are available remedies in a public accommodation's complaint:

- a) Injunctive relief is available after a reasonable cause finding in any public accommodations complaint alleging this discrimination in the sale or rental of housing accommodations or commercial property. Injunctions are sought by the commissioners of the Commission through the Attorney General's office in court.
- b) Where an injunction is seek an award of double damages based on the findings of the investigation, but not to exceed ...
- c) Cease and desist from the unlawful practice.
- d) Make the accommodation/membership/service/right, privilege or immunity available to the complainant.
- e) Monetary award plus interest for complainant's expenses incurred for obtaining alternative housing or space, storage, storage of goods and effects, moving costs, attorney's fee and any other cots actually incurred by the complainant as a result of such unlawful practice. These remedies are explicitly provided by statue and constitute monetary award for "out of pocket" expenses.
- f) Monetary award plus interest for any other "out of pocket" expenses, for example, extra expenses for complainant to obtain a room at a different restaurant or a haircut at a different barbershop, expenses for a companion made necessary by refusal to permit blind complainant to be accompanied by guide dog, loss of income from denial of membership in state licensed trade.

- g) Monetary award plus interest for any mental distress suffered by the complainant as a result of the violation. "Mental distress", similar in concept to "pain and suffering", in the actual cost in personal and embarrassment from the discriminatory treatment. For example, a person who alleges that she suffered mental distress as a result of such treatment.
- h) Award of punitive damages where there has been a showing of intentional or reckless disregard for the rights of the complainant. Punitive damages are designed to punish or deter very offensive conduct, such as intentional or reckless disregard for the rights of other. Punitive damages are to be sought only under unusual circumstances because they go beyond the making whole principle behind equal opportunity law.
- i) Any affirmative action that will, in the judgment of the hearing tribunal, effectuate the purpose of the Public Accommodations Law. This may include affirmative marketing or advertising efforts, postings of notices, posting of listing of available units, development of objective criteria for accepting applicants/purchasers, non-discrimination instructions to staff, and the requirement that the respondent establish and periodically report on specific timetable and goals established for rental/sale, service membership/licensing of minorities and/or females, for the purpose of eliminating the imbalance in housing/service membership/licensing that was created by the violation. Power of Commission to award in housing cases is limited by the allegations of the complaint.
- j) These are also criminal penalties for violation of the public accommodations law. Criminal penalties are not applied by the Commission.
- k) Commitment of the respondent to not retaliate against the complainant.
- l) An agreement by the respondent to expunge from all records any information detrimental to the complainant resulting from the conduct complained of.

Other Complaints

The remedies available in a complaint under the criminal offender act and under the code of fair practices, the affirmative action law, or the contract compliance law are the same as these available in an employment discrimination complaint, insofar as they are applicable.

Injunction And The Hearing

In a complaint of housing discrimination filed under 46a-64, any one of the commissioners of the Commission may, after there has been a finding of reasonable cause, seek an injunction to prevent the respondent from making unavailable to the complainant the housing accommodation or commercial property with respect to which the complaint is made, "pending the final determination of proceeding on said complaint." In such case the hearing on the complaint is conducted by the court where the injunction is sought, rather than by an appointed hearing tribunal, because "such court shall assume exclusive jurisdiction of all civil proceeding arising out of the complaint, any provision of section 46a-64 to the contrary notwithstanding."

Because the court or judge is required at the same hearing on the application for temporary or permanent injunctive relief to hear arguments on the merits - the reasonable cause finding must have been adequately documented, despite the short time usually permitted for preparing a complaint for injunction.

Although the merits of the complaint are argued at the same hearing on the injunction, the Commission is nevertheless permitted to continue its conciliation efforts. Of course, endeavors to conciliate the complaint are as a matter of course entered into prior to seeking an injunction in a complaint of housing discrimination.