

House Human Services  
Testimony on H. 750  
Alice Kennedy, General Counsel, DAIL  
February 28, 2014

- As provided in the amended bill, H.750 proposes to make information from the Adult Abuse Registry available to local and regional housing authorities for the purpose of “evaluating a potential landlord to ensure that vulnerable adults are not placed in an unsafe residential rental housing environment.”
- At the outset, we wish to make it clear that DAIL acknowledges the importance of protecting vulnerable adults from abuse, neglect and exploitation, and, in principle, we support the strengthening of our statutes to do just that.
- Having reviewed this proposal, however, DAIL neither supports nor opposes the bill for the following reasons:
  - We have been unable to identify a clear need for this legislation to protect individuals in the context of the residential rental environment. Adult Protective Services (APS) tracks the relationship between the alleged victim and the alleged perpetrator. The most recent data reported reveals no housing-related relationships. While the data do list 29% of the relationships as “Other,” some of which may involve a landlord and a tenant, anecdotally we have learned from our APS supervisors that investigations involving a landlord are infrequent, and when landlords are involved as alleged perpetrators, those landlords have not typically worked with the housing authorities.
  - It is unclear whether this legislation achieves the goal of protecting vulnerable adults in public housing.
    - Identifying a landlord as an individual whose name is on the Registry for having been substantiated for abuse, neglect or exploitation may not serve to protect vulnerable adults. A Registry “hit” may not be particularly useful; the landlord may not be on the premises or otherwise in a position to abuse, neglect or exploit a prospective tenant.
    - Limiting the search to landlords does little to address the long list of individuals who interact with tenants in the housing environment that may be listed on the adult abuse registry.
    - The absence of a “hit” could be misconstrued as an indication that the environment presents no risk of abuse, neglect or exploitation.
    - This raises the question as to whether alternative efforts may be more effective (e.g., educating current and prospective tenants)
  - The bill could result in a reduction in the availability of public housing. Unless and until it is determined that this would be the singular, effective approach to protecting vulnerable adults from abuse, neglect and exploitation, this potential consequence must be considered.
  - In the absence of evidence that there is a need for this legislation and that this would be an effective response to the identified need, there is a need to consider the privacy rights of those listed on the Registry, as well as the implications on the livelihood of those whose names would be disclosed.

- Requests for registry information must be submitted to DAIL staff for processing. Requests from employers for registry information to determine whether to hire or retain a specific individual must be accompanied by a release signed by the current or prospective employee, volunteer, grantee, or contractor. If an individual or entity is authorized to receive registry information, a report is generated which indicates a) that a substantiation was not found or b) that the identified individual was substantiated, whether the individual was substantiated for abuse, neglect or exploitation, and the date of substantiation. No other information is provided, and this information may not be further disclosed.