



# CONNECTICUT ADVISORY COUNCIL ON HOUSING MATTERS



Reply to: 16 Main St., 2<sup>nd</sup> floor  
New Britain, CT. 06051  
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## **NOTICE OF NEXT QUARTERLY MEETING**

**1:00 p.m.**

**Wednesday, December 18, 2024**

Location: Connecticut Bar Association  
538 Preston Ave., 3<sup>rd</sup> floor, Meriden, CT  
(with a remote option)

### **PLEASE NOTE CHANGE OF DATE AND TIME.**

This meeting has been rescheduled from December 11 to December 18.

**Please mark your calendars appropriately.**

## **Minutes of the Meeting of September 11, 2024**

Council members present: Denise L. Chancey, Richard DeParle, Kathleen M. Flaherty, Catherine H. Freeman, Houston Putnam Lowry, Carl Lupinacci, Samuel T. Neves, Cyd O.

Oppenheimer, Raphael L. Podolsky, David R. Purvis, Margaret K. Suib, John C. Wirzbicki

Council members absent: Michael H. Clinton, Venoal M. Fountain, Jr., Nilda Rodriguez Havrilla, Vanessa M. Liles, Jane C. Kelleher, Stephanie W. Ma

Public officials: John Kerwin (Chief Housing Prosecutor), Bill Pitt (Chief Housing Court Clerk), Rebecca Schmitt (Judicial)

Members of the public: Jeff Mastrianni, V. Edward Quinto

Call to order: The meeting, on Zoom, was called to order by the Chairperson, Raphael Podolsky, at 3:03 pm.

### **1. Preliminary matters**

- a. Review of Zoom rules for the meeting: The Zoom rules were reviewed briefly.
- b. Approval of the agenda: The agenda was approved without objection.

- c. Approval of the minutes: The minutes of the June 12, 2024 meeting were approved without objection (motion by Houston Putnam Lowry, second by Richard DeParle).
2. Public Comment: V. Edward Quinto expressed concern about stipulated judgments that prohibit the defendant from asking for more time or from otherwise objecting to the judgment. He cited a case in which a defendant had a pending appointment for assistance from the UniteCT program. At the request of the chairperson, discussion on this issue was postponed to the discussion of the biennial report under Agenda Item #6.
3. New housing court judge assignments: The chairperson reported that the following Superior Court judges have been assigned to the housing court districts for a one-year term beginning on September 2, 2024:
  - New Haven/Waterbury: Hon. Alayna Stone
  - Hartford/New Britain: Hon. Cristina Lopez
  - Bridgeport/Stamford: Hon. John Regan

The chairperson reported that all three housing court judges are new to the housing court (except that Judge Stone has been sitting in the New Haven/Waterbury Housing Court with Judge Spader since the summer) and all three are also new to the Superior Court bench, having been appointed in the spring of 2024.

4. Forms Committee report: David Purvis reported. There are no new forms to review for this meeting.
  - 47a-23c form: The Advisory Council did get a response from Judicial about the pro se 47a-23c form (which Judicial has labeled a “fair rent proceedings” complaint). The form is now posted on the Judicial Branch website as JD-HM-44 (<https://www.jud.ct.gov/webforms/forms/HM044.pdf>), along with a companion summons as JD-HM-43 (<https://www.jud.ct.gov/webforms/forms/HM043.pdf>). The Committee is concerned that Judicial made substantial changes to the Advisory Council proposal, as reflected in the content of JD-HM-44, without notifying the Committee of its intent to change the Council’s recommendation without offering the Council a chance to comment or meet with Judicial, even though the Council had specifically requested such an opportunity. The Committee was also surprised by JD-HM-43, because it was drafted as a show-cause order rather than a regular civil complaint. The Judicial Branch has been notified of the Council’s concerns. The matter was referred back to the Forms Committee for further communication with the Judicial Branch.
  - Unlawful entry forms: Mr. Purvis further reported that the Council is waiting to hear about two other pro se civil forms recommended to Judicial. These are (a) a landlord form based on C.G.S. 47a-18 to bring a civil proceeding for access to a dwelling unit if the tenant unreasonably denies consent to entry, as provided in

C.G.S. 47a-16, and (b) a tenant form based on C.G.S. 47a-18a for a court order if a landlord enters or threatens to enter the unit in violation of C.G.S. 47a-16.

- Guidelines for police presence at executions on summary process judgments: The Advisory Council at its June meeting recommended changes in these guidelines. Representatives of the Forms Committee met with the Chief and Deputy Chief State's Attorney and the chief housing prosecutor. The Forms Committee is waiting for a response as to what changes in the Guidelines the Chief State's Attorney's Office is willing to make.

5. Housing Court updates

- a. Clerks' offices: Chief Housing Clerk William Pitt stated that he has met with all the new judges. The clerks' offices seem to be doing well and have not been receiving many complaints.
- b. Housing mediators:
  - i. Number of mediators: Rebecca Schmitt reported that there are currently 23 mediators who can mediate housing cases (including small claims cases), of which 11 are funded through federal ARPA money (which will eventually run out). The other 12 are state-funded. An additional ten mediators, funded by the state's Banking Fund, are limited to foreclosure mediation. Judicial is reviewing what to recommend to the Governor and the legislature when the federal ARPA money expires.
  - ii. Stipulated judgments: Mr. Quinto further discussed his concern about stipulated judgments negotiated by housing mediators in summary process cases. His concern is the common inclusion of provisions making the judgment "final" and not being subject to modification, opening, or appeal. He cited a case in which a tenant felt pressured to agree to a final stipulation, even though an application for UnitedCT assistance was pending. Ms. Schmitt responded that all mediators discuss options with the parties and that a pre-qualification letter does not promise that UniteCT will guarantee funds. She noted that parties can ask for a continuance. Language in the stipulation would have been explained by the mediator and bargained for. Stipulations are not necessarily canvassed by the judge. Mr. Pitt stated that even final stipulations can be opened. He noted that C.G.S. 47a-26i explicitly requires the court to review motions to extend "final" stays, although the court can deny them without a hearing. The clerk's office will always take the papers. Ms. Oppenheimer noted that there is usually a power imbalance between landlords and tenants in negotiations in a summary process case. It was suggested that Judicial could establish a standard practice for continuances when a UniteCT application is pending.
  - iii. Complaints about mediators: In response to a question by Atty. Freeman, Ms. Schmitt said that complaints about mediators should be addressed to Julia Xia, at [Yulia.Xia@jud.ct.gov](mailto:Yulia.Xia@jud.ct.gov). Ms. Xia supervises the

mediators. Other complaints can go to [CourtOpsDivInquiries@jud.ct.gov](mailto:CourtOpsDivInquiries@jud.ct.gov). Ms. Schmitt said that clerks' office staff will provide this contact information on request.

- c. Housing prosecutors: Chief Housing Prosecutor John Kerwin reported that a response to the Council's suggested changes to the Police Guidelines is still under review.

## 6. 2025 biennial report – preliminary discussion

The Council reviewed a preliminary draft of the biennial report, section by section.

- Advisory Council role and involvement: There was general support for the content of the draft, but with some suggestion that the language be modified. It was also suggested that the draft include a request that there be a link on the Judicial Branch website to the Advisory Council's website.
- Forms and materials: There was some concern that merely including the clerk's office number on the summary process execution form, while better than nothing, would not adequately address last-second issues around summary process executions.
- Other issues: Particular concern was mentioned about courthouse overcrowding and its impact on the ability of self-represented parties to access housing mediator mediation.

The draft will be revised before the Advisory Council's December meeting, with efforts made to assure reasonable advance notice of the revised draft. That draft will include a data analysis section, as well as appendices reflecting data updated from the Advisory Council's 2023 biennial report. It is hoped that a final version will be approved at the December meeting.

## 7. Location of next meeting

The Council agreed that the December meeting will be held in-person at the Connecticut Bar Association's new offices in Meriden but with a hybrid option. The start time for the meeting will be moved to either 1:00 pm or 2:00 pm so as to reduce conflict with late-afternoon rush-hour traffic. The chairperson was directed to survey Council members as to their preference of 1:00 vs. 2:00 pm as a starting time. **[Important post-meeting note: Both the date and time of the next Council have been changed, so that the next meeting will begin at 1:00 pm on Wednesday, December 18, 2024.]**

## 8. Other business

There was none.

## 9. Adjournment

A motion to adjourn was adopted without objection (motion by Richard DeParle, second by Houston Putnam Lowry). The meeting was adjourned at 4:04 pm.

Respectfully submitted,

Kathy Flaherty  
Secretary

**Next Meeting:**

**December 18, 2024 at 1:00 pm at the Connecticut Bar Association, 538 Preston Ave., 3<sup>rd</sup> floor,  
Meriden, CT (with a remote option)**