



CONNECTICUT ADVISORY COUNCIL  
ON HOUSING MATTERS



Reply to: 16 Main St., 2<sup>nd</sup> floor  
New Britain, CT. 06051  
(860) 616-4472

**NOTICE OF NEXT QUARTERLY MEETING**

**1:00 p.m.**

**Wednesday, March 12, 2025**

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

**Please mark your calendars appropriately.**

**Minutes of the Meeting of December 18, 2024**

Council members present: Denise L. Chancey, Michael H. Clinton, Richard DeParle, Kathleen M. Flaherty, Catherine H. Freeman, Nilda Rodriguez Havrilla, Vanessa M. Liles, 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: Venoal M. Fountain, Jr., 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: Noble Allen, Elliot Lane, Jeff Mastrianni, V. Edward Quinto, Giovanna Shay, Sally Zanger

Call to order: The meeting was held in the offices of the Connecticut Bar Association, 3<sup>rd</sup> floor, 538 Preston Ave., Meriden, CT. The meeting was also open to Council members and non-members on Zoom. It was called to order by the Chairperson, Raphael Podolsky, at 1:10 pm.

1. Preliminary matters

- a. Review of Zoom rules for the meeting: The Chairperson described the meeting as the Council's first attempt at a hybrid meeting, recognizing that this could

prove challenging. The meeting procedure was reviewed briefly by the Chairperson.

- b. Approval of the agenda: The agenda was approved without objection.
  - c. Approval of the minutes: The minutes of the September 11, 2024 meeting were approved without objection (motion by Houston Putnam Lowry, second by John Wirzbicki).
2. Public Comment: There was no public comment.
  3. Rules Committee of the Superior Court: The Chairperson reported that the Rules Committee of the Superior court had requested comment from the Advisory Council on a proposal it had received to amend the Connecticut Practice Book in regard to procedures for discovery in summary process actions. The proposal is attached to these minutes as Appendix A. The Chairperson stated that comments from today's meetings would be summarized and shared with the Rules Committee. It was not anticipated that the Council would take a position on the proposal. If the Rules Committee takes further action, it must hold a public hearing at which any member of the public can testify. The proposal would (a) provide that no summary process case would go to mediation or trial unless the plaintiff had provided the defendant with a copy of the most recent written lease and a copy of the defendant's ledger or other accounting of rent and other charges and payments, and (b) shorten the time to respond to discovery requests to 15 days (from 60 days under the present rules).

Atty. Giovanna Shay from Greater Hartford Legal Aid explained the proposal.

Comments from Council members included the following comments and suggestions:

- Houston Putnam Lowry suggested that the proposed 15-day time period for responses to discovery also apply to requests for admission. Mr. Lowry also reported that the Stamford Housing Court currently does not grant default judgments unless a copy of the lease has been filed.
- Jeff Mastrianni expressed concern that production of the ledger could result in an interpretation that it equivocates the notice to quit. There was a suggestion that explicit language be included that it does not do so.
- There was discussion as to when in the process a ledger should be filed, since ledger markings could change between the date of filing and the date of a mediation or court hearing.
- There were mixed comments about whether the ledger should or should not be uploaded to the Judicial Branch website. Some felt that uploading would result in privacy concerns for tenants. Others felt that it would need to be uploaded for mediators to have access to it. The proposal provides explicitly that ledgers not be uploaded to the website.
- Michael Clinton questioned the need for shortening the discovery timeline, on the ground that the tenant can file a motion for stay of proceedings until

discovery is complied with. Others reported inconsistency among the judges as to whether a stay would be granted in response to such a motion.

- It was suggested that the proposal should apply only if the defendant appears in the action.

A summary of the comments will be reported to the Rules Committee.

4. Status of Forms Committee proposals: The Council is waiting for responses to proposals from the Judicial Branch and the Chief Housing Prosecutor. The matter was tabled to the March Advisory Council meeting.
5. Review of draft Advisory Council biennial report: The Council reviewed the latest draft of the biennial report paragraph by paragraph. The following changes were approved:
  - Advisory Council role and involvement: The Chairperson was given editorial discretion to move this section of the report from the beginning to the end.
  - Modification and creation of pro se forms: The report should make clear that the Judicial Branch's commitment to consultation prior to revision of forms recommended by the Advisory Council was made by the Chief Court Administrator.
  - Overcrowding: The language should be revised to make clear that the Council is noting reports it has received from attorneys (rather than matters it has investigated) and that overcrowding concerns are related only to some and not all court locations. The section should also more clearly distinguish between overcrowding in hallways and overcrowding in courtrooms.
  - Mixed civil/criminal courtrooms: The language should refer more broadly to issues that arise when a housing docket is mixed with any other docket and not only with a criminal docket.
  - Deletion of sections: The Council deleted from the report the sections on "Notice by Mail" and "Docket markings."

It was then moved to approve the report (including the Appendices), subject to the changes authorized by the Council during the meeting (motion by Houston Putnam Lowry, second by Cyd Oppenheimer). The motion was approved unanimously.

6. Housing Court updates
  - 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.
  - Clerks and mediators: Bill Pitt and Rebecca Schmitt reported on the trainings Mr. Pitt has done for court clerks. There are a number of new staff members, and the clerks' offices have experienced more turnover than in the past.
7. 2025 meeting schedule and locations. The Council will continue to meet on the second Wednesday of March, June, September and December in 2025. After brief discussion, it was decided that the March meeting will be another hybrid meeting, starting at 1:00 pm, at the

Connecticut Bar Association. Discussion of the nature and location for the other 2025 meetings was deferred to the March meeting.

8. Other business: There was none.
9. Adjournment: A motion to adjourn was adopted without objection (motion by Houston Putnam Lowry, second by Sam Neves). The meeting was adjourned at 3:25 pm.

Respectfully submitted,

Kathy Flaherty  
Secretary

**Next Meeting:**

March 12, 2025 at 1:00 pm at the Connecticut Bar Association, 538 Preston Ave., 3<sup>rd</sup> floor, Meriden, CT (with a remote option) (subject to confirmation with the CBA).

## APPENDIX A

### Proposed amendment to the Connecticut Practice Book regarding discovery in summary process matters

Note: Proposed changes to the existing Practice Book §13-7(a) and §13-10(a) are shown by underlining. The rest is existing language. The proposed §13-12B would be a new Practice Book section.

Sec. 13-7 —Answers to Interrogatories.

(a) Any such interrogatories shall be answered under oath by the party to whom directed and such answers shall not be filed with the court but shall be served within sixty days after the date of certification of service, in accordance with Sections 10-12 through 10-17, of the interrogatories or, if applicable, the notice of interrogatories on the answering party; within 15 days of such certification in summary process matters under Conn. Gen. Stat. § 47a-23 et seq.; or within such shorter or longer time as the judicial authority may allow, unless:

- (1) Counsel file with the court a written stipulation extending the time within which answers or objections may be served; or
- (2) Upon motion, the judicial authority allows a longer time; or
- (3) Objections to the interrogatories and the reasons therefor are filed and served within the sixty day period.

Sec. 13-10 —Responses to Requests for Production; Objections

(a) The party to whom the request is directed or such party's attorney shall serve a written response, which may be in electronic format, within sixty days after the date of certification of service, in accordance with Sections 10-12 through 10-17, of the request or, if applicable, the notice of requests for production on the responding party; within 15 days of such certification in summary process matters under Conn. Gen. Stat. § 47a-23 et seq.; or within such shorter or longer time as the judicial authority may allow, unless:

- (1) counsel and/or self-represented parties file with the court a written stipulation extending the time within which responses may be served; or
- (2) upon motion, the court allows a longer time; or

(3) objections to the requests for production and the reasons therefor are filed and served within the sixty day period.

[NEW] Sec. 13-12B Disclosure of Lease and Ledger

In any summary process matter brought under Conn. Gen. Stat. § 47a-23 *et seq.*, no case shall go to mediation or trial unless the plaintiff has provided the defendant with a copy of the most recent written lease, if any, with all addenda, and a copy of the defendant's ledger or other accounting of rent, use and occupancy, or other charges and payments or credits. Mandatory disclosure shall not be filed on the court docket, but shall be served on the defendant tenant, or, if the tenant is represented, on defendant(s)' counsel, using the method of service specified in the appearance(s) for the defendant(s).