



CONNECTICUT ADVISORY COUNCIL  
ON HOUSING MATTERS



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**NOTICE OF NEXT MEETING**

**2:00 p.m.**

**Wednesday, September 9, 2020**

This meeting will be held electronically by Zoom. Details as to how to access the meeting will be distributed soon.

**Minutes of the Meeting of June 10, 2020**

Council members present: Michael Clinton, Loo Dahlke, Richard DeParle, Kathy Flaherty, Venoal Fountain, Jane Kelleher, Houston Putnam Lowry, Stephanie Ma, David Pels, Raphael Podolsky, Jay Pottenger, Dave Purvis, Margaret Suib, Richard Tenenbaum, John Wirzbicki

Council members absent: Carl Lupinacci, Sam Neves

Public officials present: Maura Coyne, Judith Dicine, Bill Pitt

Members of the public: Neil Brockwehl, Lucy Campbell, Nancy Hronek, Eliot Lane, Sharon Levy, V. Edward Quinto, Shelley White

1. Preliminary matters:

- a. Call to order: The meeting was called to order by the Chairperson, Raphael Podolsky, at 2:08 pm via Zoom.
- b. Zoom rules: The chairperson stated that, following the Council's custom, non-members of the Council can participate in discussion but not make motions or vote. The chairperson reserves the authority to limit participation by non-members if necessary.
- c. Agenda: A motion to approve the agenda was adopted without objection (motion by Houston Putnam Lowry, second by Venoal Fountain).

- d. Minutes: The minutes of the March 11 meeting were approved without objection but with one correction to reflect that Shelley White was in attendance at that meeting (motion by Houston Putnam Lowry, second by Michael Clinton).
2. Status of the housing courts during and beyond the emergency:
- a. Limits on court availability: The chairperson reviewed the limited availability of the court system during the moratorium. The Governor on April 10 issued Executive Order 7X, which prohibits the initiation or filing of residential evictions (except for serious nuisance). That order will expire on July 1. The federal moratorium (part of the CARES Act) took effect on March 27 and prohibits landlords with federally-backed mortgages or with tenants who have federal subsidies from initiating a non-payment eviction before July 25. The Judicial Branch has prohibited the execution on summary process judgments until after August 1, unless extended. In addition, not all courthouses are open, and most non-Priority 1 matters are on hold at the present time.
  - b. Opening of the courts: The Council discussed extensively the present situation in which new eviction cases cannot be filed and existing cases are not being actively processed. Bill Pitt reported that there is no firm date for reopening. Any reopening must give consideration to social distancing rules, which will require reorganization of spaces, physical changes to some clerks offices (e.g., plexiglass), limitation and possible staggering of court calendars, use of technology for remote hearings, etc. Application of these changes is particularly difficult for the housing courts because of the large number of self-represented parties (particularly self-represented defendants with limited access to technology), the important role of the clerks' offices (especially for self-represented parties), and the crowded nature of present courtroom space. For some time, court clerks were not even in the buildings, but there are now one or two staff working in each of the housing court clerks' offices.

Concerns were expressed by some on the hardship on landlords from the inability to evict. Specific attention was called to pre-moratorium cases and to serious nuisance cases. There was a suggestion for use of jury rooms for mediations and use of MicroSoft Teams for pre-trials. Mr. Pitt agreed to look into a complaint that phone calls to the clerks' offices are not being answered in Bridgeport. It was suggested that, at the least, calls that cannot be answered should be directed to an answering machine. Mr. Pitt stated that he expected pre-moratorium cases (which are already docketed in the court) and serious nuisance cases will be handled first. He said that defaults are not being entered because the pandemic has interfered with defendants' ability to respond to cases or even to enter courthouse buildings. Judicial is also considering ways to notify litigants when the courts become open.

There was a discussion of policies in other states to use federal CARES Act or other funds to provide rental assistance directly to landlords on behalf of tenants who have fallen behind in rent payments during the pandemic. There was broad support for creating such a program in Connecticut but also concern that it would not be in place quickly enough to address the immediate concerns of landlords with growing arrearages. It was suggested that these are primarily smaller landlords. It was also pointed out that many

landlords are unaware that there is a federal eviction moratorium under the CARES Act that extends beyond the state moratorium. It was reported that the state has allocated \$10 million in CARES Act funds to the Department of Housing for a rent and arrearage subsidy program to prevent evictions. The Department is trying to start the program by July 1.

Questions raised by Council members included: What happens to pending default motions when the moratorium expires? In what order will the courts schedule cases? What will be the nature of publicity (e.g., public service announcements on TV)? Since Judicial sees the Connecticut Bar Association (CBA) as its primary contact with lawyers, where does the Advisory Council fit in? The opinion was expressed that Judicial should be reminded that the Council should be seen as a resource.

3. Report of the Forms Committee: The Committee has not met since the March meeting of the Council. The matter was tabled.
4. Data collection and analysis: With cooperation from the Judicial Branch, the Council has had an intern from the Connecticut Legal Rights Project help with the development of a structure for using Branch data to analyze the housing courts. He is no longer available, but Council member Jane Kelleher has agreed to continue the project. The matter was tabled to the next meeting.
5. Small claims booklet: A law student intern has helped with updating the small claims booklet, but much work remains to be done. The matter was tabled to the next meeting.
6. 2021 biennial report: The chairperson will present a first draft at the September meeting.
7. Other business:
  - a. The September Advisory Council meeting will probably be by Zoom.
  - b. Upon motion by Michael Clinton (second by J.L. Pottenger), the Council unanimously approved a resolution urging the Governor to allocate substantial federal funds to a rental assistance program, similar to what some other states have done, that is large enough to avoid pandemic-related rent defaults by tenants and evictions. The Chairperson was directed to draft and send a letter.
  - c. The Council created a subcommittee to provide feedback to Judicial on the reactivation of the housing courts. The following Council members volunteered to be on the committee: Houston Putnam Lowry, Loo Dahlke, Michael Clinton, Jane Kelleher, J.L. Pottenger, and Venoa Fountain.
8. Adjournment: The Council adjourned at 4:00 pm (Motion by John Wirzbicki, second by Houston Putnam Lowry).

Respectfully submitted,

Kathy Flaherty  
Secretary

NEXT MEETING: 2:00 pm, September 9, 2020, by Zoom.