



CONNECTICUT ADVISORY COUNCIL
ON HOUSING MATTERS



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

NOTICE OF NEXT MEETING

2:00 p.m.

Wednesday, September 22, 2021

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

Minutes of the Meeting of June 16, 2021

Council members present: Michael Clinton, Loo Dahlke, Richard DeParle, Kathy Flaherty, Venoa Fountain, Houston Putnam Lowry, Carl Lupinacci, Stephanie Ma, Raphael Podolsky, J.L. Pottenger, Dave Purvis, Margaret Suib, Richard Tenenbaum, John Wirzbicki

Council members absent: Jane Kelleher, Sam Neves

Public officials present: John Kirwin (Chief Housing Prosecutor), William Pitt (Chief Housing Clerk), Michael Santoro (Department of Housing)

Others present: Alvin Blount, Adam Bonoff, Alfonso Carbone, David Epstein, Sari Friedman, Sharon Levy, Paula Licitra, Kenneth Murray, V. Edward Quinto, Cheryl Reynolds, Eric Rogers, Julie Scolostico, Joe Simmons, John Souza, Adam Terry, Eduardo Torrealba,

Call to order: The meeting was called to order as a Zoom meeting at 2:07 pm on Wednesday, June 16, 2021. Chairperson Raphael Podolsky presided.

1. Preliminary matters

- a. The chairperson reviewed the Zoom rules for the meeting.
- b. The agenda was approved unanimously (motion by Houston Putnam Lowry, second by Michael Clinton).
- c. The minutes of the March 10, 2021, meeting were approved unanimously (motion by Houston Putnam Lowry, second by Michael Clinton).

2. 2021 legislation housing legislation: A partial summary of 2021 housing legislation considered by the General Assembly during the 2021 legislation, which had been prepared by the Chairperson and circulated prior to the meeting, was discussed. The summary included bills that became law and bills that did not pass. The summary (updated as to public act numbers) is attached to these minutes as Appendix A.

3. Rental assistance, eviction, and how the court system can best handle the late stages of the pandemic:

The Council discussed the operation of UniteCT, the state's federally-funded emergency rental assistance program. A brief summary prepared by the Chairperson and circulated prior to the meeting is attached as Appendix B. More than \$400 million is available for rental assistance. Michael Santoro from the Department of Housing (DOH), which administers the UniteCT rental assistance program, described the program and answered questions. Major changes to the program have been made in the past month so as to cover larger arrearages, make the program more attractive to landlords, and speed the processing of applications. His information included:

- Extensive information about UniteCT is available on the Department of Housing website at <https://portal.ct.gov/DOH/DOH/Programs/UniteCT>.
- The maximum total payment has been increased to \$15,000 per household. This maximum applies to the combined total of arrearage and prospective payments. The maximum can be waived in extenuating circumstances.
- Within the maximum, arrearages can be covered back to the start of the pandemic (March 13, 2020). Arrearages will be paid at 100% of the arrearage amount (there is no longer a required 15% write-off by the landlord).
- Full prospective payment of three months' rent will be paid in conjunction with the arrearage payment if the total payment (arrearage plus prospective) is within the \$15,000 maximum. Tenants can apply for additional three-month payment extensions if they are income-eligible for them and the dollar cap has not yet been reached. Federal rules limit payments to a total of 18 months of combined arrearage and prospective.
- Tenants in subsidized housing (which includes tenants with Section 8 vouchers, public housing tenants, and tenants in tax-credit or other privately-owned but government-subsidized housing) are all eligible.
- Application is through the website. Applications can be made by either the landlord or the tenant but each must provide necessary information for the application to be complete. Documentation has been simplified, particularly for establishment of tenant income. Once the application is complete, the application can be processed within five days and payment to the landlord made within 15 days. In general, the program has had more difficulty getting necessary information to complete the application from the landlord than from the tenant.

Meeting participants offered a wide variety of comments about the program. These included:

- Landlords cannot get through to UniteCT staff. Landlords find the program incredibly frustrating. Response: There are now more 200 people working on applications and the process has been significantly improved. UniteCT wants landlords to engage. The changes made recently have been in large part to make the program more acceptable to landlords, including the inclusion of prospective rent so as to reduce the risk of default by the tenant after the arrearage is paid.
- UniteCT staff should be stationed in the courthouse (as was done with the old Rent Bank program) or at virtual hearings. Response: The program cannot provide on-the-spot immediate payment but is working closely with housing court mediators. It is looking at ways to provide a pre-approval certification which would establish tenant eligibility and the amount that the tenant will be paid so as to provide advance knowledge to the landlord that payment will come. DOH is talking to the Judicial Branch about "operationalizing" participation in virtual hearings. There are staffing issues about embedding UniteCT staff in hearings, but there have been discussions about using program funds for Judicial Branch case managers.
- Can one party see the extent to which the other party's portion of the application is incomplete? Response: A landlord who has linked an application to a particular tenant can find out through the landlord portal if the tenant's application is complete but cannot see what is missing.
- Is there a way to simplify the process by which the landlord proves ownership of the property? Response: It is important to DOH to be sure that the agency is paying the right person.
- What outreach is being done? UniteCT is looking for ways to expand public awareness of the program. DOH wants to engage with landlords and organizing a meeting for landlords, property managers, and attorneys who represent landlords to promote participation in the program. [Post-meeting note: That meeting is scheduled for 7:00 pm on Wednesday, June 23, 2021. The meeting notice is attached as Appendix C. A UniteCT program flyer is attached as Appendix D.]
- Working group: It was suggested that a CACHM working group be established to identify problems and make recommendations to improve UniteCT. The following Council members offered to be on the working group: Michael Clinton, Dave Purvis, Venoa Fountain, and J.L. Pottenger. The following other attendees also volunteered: John Souza, Ken Murray, Paula Licitra, and Cheryl Reynolds. The chairperson will organize a meeting and designate membership in the working group, possibly adding others to the group.

Additional information from William Pitt:

- Mediators are publicizing UniteCT extensively and mention the program proactively in all mediations.
- Judges are mentioning the program at execution hearings. UniteCT money is being paid even for cases that have gone to judgment.
- Unlike Rent Bank in the past, UniteCT is not being made part of the court judgment.

- Judicial is doing what it can to promote the program.

4. Introduction of John Kerwin: John Kerwin is the new supervisor of the Housing Unit in the Chief State's Attorney's Office. He replaces Judith Dicine Rothschild, who previously headed the Unit. Kerwin has been a prosecutor for 25+ years and has had wide experience as a prosecutor. The housing prosecutors are responsible for criminal prosecution of housing code violations and lockouts. Some questions were asked about cases involving intentional damage to landlord property.

5. Eviction of guests: V. Edward Quinto expressed concern about the inability of a property owner to legally lock out a long-term guest living in the same house as the landlord. Mr. Kirwin suggested this is a civil matter, and the Chairperson referenced C.G.S. 47a-2, which uses primary residence and duration of residency to determine transiency. Mr. Quinto will discuss the matter further outside the meeting.

6. September Council meeting: The Council decided to reschedule its September 8 meeting to September 22 to avoid a conflict with Jewish High Holidays. The meeting will be held on Zoom.

7. Eviction moratorium:

- Extension of moratorium: Unless extended, both the federal and the state eviction moratoriums will end on June 30. The Governor has the authority to extend the state moratorium to July 20, when the Connecticut State of Emergency is scheduled to end. Members raised the question of extending the state moratorium to that date so as to allow time for the revised UniteCT program to pay arrearages. Opinions on the matter were diverse, no consensus was reached, and no action was taken.
- Status of pre-execution hearings after end of moratorium: Richard Tenenbaum moved that the Council ask that Judicial seek Council input before any decision is made to discontinue pre-execution hearings. There was no consensus, and the motion was withdrawn and left to their own communications with Judicial.
- Resumption of in-person hearings: Bill Pitt stated that no timetable has yet been set.

8. Adjournment: A motion to adjourn was adopted unanimously (motion by John Wirzbicki, second by Richard Tenenbaum). The meeting adjourned at 4:26 pm.

Respectfully submitted,

Kathy Flaherty

Secretary

APPENDIX A

SUMMARY OF HOUSING BILLS IN THE GENERAL ASSEMBLY IN 2021

BILLS THAT PASSED

- **Automatic erasure of criminal records (“Clean Slate”) – P.A. 21-32 (S.B. 1019)**

<https://www.cga.ct.gov/2021/ACT/PA/PDF/2021PA-00032-R00SB-01019-PA.PDF>

The act provides for automatic erasure of most misdemeanors seven years after conviction and most D and E felonies ten years after conviction. More serious felonies are not covered by the bill. Section 12 makes it a discriminatory practice to refuse to rent or otherwise discriminate in housing because of an applicant’s erased criminal record. This section does not apply to owner-occupied one- to four-family buildings. Violations can be enforced by complaint to the Commission on Human Rights and Opportunities (CHRO).

- **Eviction right to counsel – P.A. 21-34 (H.B. 6531)**

<https://www.cga.ct.gov/2021/ACT/PA/PDF/2021PA-00034-R00HB-06531-PA.PDF>

The act establishes a program to provide legal assistance in eviction cases to tenants with incomes under 80% of area median income. The program is to be run through an administering entity chosen by the Judicial Branch (which is expected to be the Connecticut Bar Foundation, which administers the IOLTA and Civil Fee legal services program grants) and contracted out to non-profit entities with experience in summary process defense. Funding for the first two years will come from federal American Recovery Plan Act monies. Starting October 1, 2021, landlords must attach a form prepared by the Judicial Branch to all notices to quit and writs so as to give tenants notice of the program. The Judicial Branch must include similar information on notices of mediation or trial.

- **Change of locks for victims of domestic violence – P.A. 21-32 (S.B. 1019, Sec. 20-22)**

<https://www.cga.ct.gov/2021/ACT/PA/PDF/2021PA-00032-R00SB-01019-PA.PDF>

The act requires the landlord, within six hours after receiving a request from a tenant with a domestic violence no-contact restraining order, to either change the locks in the apartment or authorize the tenant to change them. If the landlord opts to be responsible for making the change, the landlord must make the change within 48 hours and must pay for the cost but can require repayment from the tenant. The landlord may not, however, evict for the tenant’s failure to repay but can recoup the cost from the security deposit at the end of the tenancy or can sue for the amount.

- **Notice to tenants of unsafe drinking water – (H.B. 6666, Sec. 7)**

<https://www.cga.ct.gov/2021/FC/PDF/2021HB-06666-R000758-FC.PDF>

The act requires landlords of residential or commercial property who receive notice of a testing report of unsafe drinking water to forward a copy of the notice to their tenants within 48 hours of receipt.

- **Open Choice Voucher rental assistance program -- H.B. 6436**

<https://www.cga.ct.gov/2021/FC/PDF/2021HB-06436-R000749-FC.PDF>

Starting with the 2022-2023 school year, the act requires the Department of Housing to create a two-year 20-certificate pilot program from available state Rental Assistance Program (RAP) certificates under which an income-eligible family that has been in the Hartford School Choice program for at least one year can receive a RAP certificate to move to the town in which their child is going to school. It provides for 10 such certificates in the first year of the program and an additional 10 more in the second year.

- **Energy assistance retrofit – P.A. 21-48 (S.B. 356)**

<https://www.cga.ct.gov/2021/ACT/PA/PDF/2021PA-00048-R00SB-00356-PA.PDF>

The act requires DEEP to establish an Energy Efficiency Retrofit Grant Program for housing authorities and private landlords to provide grants for energy conservation upgrades. The program is to have a priority for housing occupied by households receiving state or federal means-tested assistance or which qualify for utility financial hardship programs.

- **Foreclosure Mediation Program – P.A. 21-44 (S.B. 891)**

<https://www.cga.ct.gov/2021/ACT/PA/PDF/2021PA-00044-R00SB-00891-PA.PDF>

The act extends the Foreclosure Mediation Program to June 30, 2029. The program, which helps owner-occupants of one- to four-family buildings in foreclosure work out agreements with the bank to preserve their ownership, was scheduled to sunset in 2023. The bill also expands the state's Emergency Mortgage Assistance Program, which provides financial assistance to homeowners facing foreclosure, so as to include loans to homeowners at risk of foreclosure of a municipal lien.

- **Zoning reform – P.A. 21-29 (H.B. 6107)**

<https://www.cga.ct.gov/2021/ACT/PA/PDF/2021PA-00029-R00HB-06107-PA.PDF>

This act reorganizes the state Zoning Enabling Act and adopts a number of new provisions to promote greater housing diversity, particularly in suburban towns. It is a stripped-down version of a proposal called "Desegregate Connecticut." Among other changes, the act seeks to limit exclusion of accessory dwelling units (such as "mother-in-law apartments"), requires zoning regulations to affirmatively further fair housing, narrows the ability of towns to deny development applications based on the "character" of the district, and requires towns to complete affordability plans by mid-2022.

SOME BILLS THAT DID NOT PASS

- Additional limitations on the use of criminal records – H.B. 6431
 - The bill would limit the lookback period and type of convictions that can be considered by landlords and would provide rejected applicants with an opportunity to explain why their criminal record should not result in denial of an apartment.
- Sealing of eviction records – H.B. 6528
 - The bill would keep eviction records sealed until disposition of the case, after which some categories of records would be unsealed based on the disposition of the case and the ground for eviction.
- Family child day care homes – S.B. 87
 - The bill would allow tenants to conduct licensed family day care.
- Late fees/pre-occupancy apartment walk-throughs – H.B. 6433
 - The bill would limit the amount of late fees and would provide a checklist for pre-occupancy apartment walk-throughs.
- Tenant possessions – S.B. 944
 - The bill would repeal the duty of towns to store tenant property after an eviction.
- Public housing voter registration – H.B. 6408
 - The bill would require housing authorities to provide new tenants with a voter registration form.
- Public housing expanded areas of operation – H.B. 6430
 - The bill would allow housing authorities to expand the area in which they operate to high-opportunity areas in nearby towns
- Training for public housing commissions – H.B. 6529
 - The bill would require training for housing authority commissioners.
- Home energy labels – S.B. 882
 - The bill (Section 2) would require landlords to disclose to apartment applicants who will be paying for their own heat and/or utilities either an energy rating score, based on energy efficiency standards for electric, gas, and heat usage, or the amount and cost of energy usage in the unit for the past year.
- Right to housing – S.B. 194
 - The bill would enunciate, as a state policy goal, the gradual implementation of policies to fulfill a right to affordable, decent, safe and stable housing for Connecticut residents. It would also require state housing programs to attempt, within each housing program, to serve those in the lower income range of households eligible for such programs, with priority to households with incomes below 50% of area median income.
- Fair share regional housing allocation – H.B. 6611
 - The bill, which is based on a New Jersey law, would establish numerical requirements by town for low and moderate income housing so as to encourage housing diversification in suburban towns.

APPENDIX B

UniteCT

Connecticut's emergency rental assistance program under the American Rescue Plan Act

Website: <https://portal.ct.gov/DOH/DOH/Programs/UniteCT>

Key provisions

Total funding:

- About \$400,000,000

Must applicants apply before an eviction begins?

- Applicants can apply at any time, including when no eviction has been started.
- They can also apply during the course of an eviction.

Who can apply?

- Application can be initiated by the landlord or the tenant.
- Both landlord and tenant must provide information for application to be completed.

Eligibility:

- Tenant households must be under 80% of area median.

Maximum payment per household:

- \$15,000, subject to exception for good cause

Maximum time period covered:

- Arrearages since March 13, 2020. Older arrearages will not be paid by UniteCT but do not make the tenant ineligible for the program.
- Prospective coverage in three-month recertification increments

Maximum number of months that can be covered:

- 18 months of rent

Can the landlord accept the arrearage money and still evict?

- No. UniteCT, however, will pay for the first three months' prospective rent in addition to the arrearage, and the tenant may be eligible for a longer prospective subsidy period.

What if the landlord refuses to participate?

- The landlord can proceed with an eviction if the landlord has grounds to do so. The tenant will be eligible for assistance equal to three months' rent and a security deposit with a new landlord. The old landlord will not be eligible for an arrearage payment. In some circumstances, a landlord's refusal to participate in UniteCT may violate the state Fair Housing Act.

APPENDIX C



UniteCT



Overview for Landlords

Wednesday, June 23rd 7:00pm-8:00pm

To find the meeting link:

1. Go to www.UniteCT@ct.gov
2. Scroll down and click on the orange button titled **"Landlord Info"**
3. Click on the meeting link

Direct meeting link: bit.ly/UniteCTLandlordMeeting
Or scan the QR code



APPENDIX D



UniteCT

EMERGENCY RENTAL ASSISTANCE FOR CONNECTICUT'S ECONOMY

Have you been
financially impacted
by COVID-19?



**Are you struggling to pay
your rent and utilities?**

Apply for **UniteCT**, a rental assistance program supporting CT residents who earn up to **80% of the HUD Area Median Income** and their landlords.

You may qualify for the opportunity to receive...

- ✓ **Missed electric outstanding payments**
- ✓ **Missed rent or future rent payments**

To learn more and see if you qualify, visit:

 www.bit.ly/UniteCT

scan QR code:

