



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 MEETING**

**2:00 p.m.**

**Wednesday, December 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 September 9, 2020**

Council members present: Michael Clinton, Loo Dahlke, Kathy Flaherty, Venoal Fountain, Jane Kelleher, Houston Putnam Lowry, Carl Lupinacci, Stephanie Ma, Sam Neves, Raphael Podolsky, Jay Pottenger, Dave Purvis, Margaret Suib, Richard Tenenbaum

Council members absent: Richard DeParle, John Wirzbicki

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

Members of the public present: Noble Allen, Neil Brockwehl, Jeff Gentes, Nancy Hronek, Melissa Marichal, Jeff Mastriani, V. Edward Quinto, Shelley White

1. Preliminary matters:

- a. Call to order: The meeting was called to order by the Chairperson, Raphael Podolsky, at 1:06 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 June 10 meeting were approved without objection (motion by Houston Putnam Lowry, second by Venoal Fountain).

## 2. Status of the Housing Courts During and Beyond the State of Emergency:

- a. Chairperson's report -- eviction moratoria and rental assistance: The Chair presented a brief overview of the eviction moratoria that are in effect. The State eviction moratorium, which has been extended several times, is scheduled to expire October 1st unless the Governor extends the date.

While most of the federal CARES Act moratorium effectively expired August 24<sup>th</sup>, because of the restrictions on certain properties receiving mortgage forbearance and the additional requirements of several federal mortgage lenders, some parts of the CARES Act will continue well into 2021.

On September 4<sup>th</sup>, the Centers for Disease Control (CDC) issued a national moratorium on residential evictions through December 31<sup>st</sup>. The CDC moratorium identifies five fault-based evictions (other than non-payment of rent), which it excludes from the moratorium. The CDC moratorium is not automatic; it must be claimed by the tenant. The CDC has produced a "declaration" that the tenant must give to the landlord to claim the protection of the CDC moratorium.

The Judicial Branch's own prohibition on issuing and allowing the implementation of executions expired on September 1<sup>st</sup>.

The Chair also discussed the status of the State's pandemic-related emergency rental assistance program, the Temporary Rental Housing Assistance Program (TRHAP). Due to the overwhelming response to the TRHAP program (approximately 7,000 households have applied), the State recently suspended the program to new applicants. The program was originally funded with \$10 million, which was increased to \$20 million based on the demand. The \$20 million has already been committed based on the volume of applications. Unless additional funding is provided, it is doubtful the program will re-open.

- b. Judicial Branch report -- reactivation of the housing courts: Bill Pitt stated the Housing Court judges are meeting later today to discuss the effect of the CDC eviction moratorium and the Governor's recent Executive Orders on the court's plan for processing cases.

Judicial is in the midst of setting up remote hearing capacity at each courthouse. This is Judicial's #1 priority. The virtual courtroom setup will have the judge and court monitor in the courtroom, together with the court clerk, who will continue to act in the role of gatekeeper. The litigants will be remote.

Because of the CDC moratorium, hearings are likely to be held on requests for issuance of an execution. All such hearings will be virtual.

If a party does not have capability to attend a remote hearing, each courthouse will also have a separate room available, with a computer, to allow the party to

participate in the virtual hearing. Judge Spader in Bridgeport has started conducting remote hearings as a beta test for the Branch. The Branch anticipates having remote hearings begin in earnest later this month. There are no plans for socially-distanced, in-person court hearings at this time.

The Branch's current plan is to begin scheduling remote mediations in the following types of cases: (1) commercial cases; (2) serious nuisance cases; and (3) cases that were scheduled but cancelled due to the Covid-19 pandemic. The mediators have all been assigned Branch phones and can conduct mediations via Microsoft Teams from their homes. Mediators may try to get email addresses in advance so as to communicate with litigants. There is no plan for private break-out rooms for mediators to meet with one side only.

As for pending matters in which a motion for default has been filed, the current plan is for reminder notices to go out to litigants on September 20<sup>th</sup>, informing them of the need to file a pleading in the case. The notice will give 30 days, through October 21<sup>st</sup>, for the party to file the pleading. Whether an updated military affidavit will be required will be left to the judge's discretion in the individual case. The current presumption is that, after October 20<sup>th</sup>, the courts will return to the regular statutory time frames for default judgment, subject to the CDC directive and future Executive Orders from the Governor.

The housing court judges' current view is that all nonpayment matters and violations of stipulations will be ordered for remote hearings.

In response to several questions about access, Mr. Pitt emphasized the courts are and have been open for business. A pro se party needing assistance can either physically come to the courthouse or call the clerk's office. The Statewide Call Center, which presently covers the Hartford J.D., will expand to cover the New Haven J.D. next month, and then expand to the entire State. Calls to individual housing clerks' offices will be diverted to the Call Center. Each call coming into the Call Center is then directed to a subject matter specialist. Some housing court staff are on temporary assignment there. The Call Center is physically located in the basement of 80 Washington St. in Hartford.

3. Committee Updates:
  - a. Report of the Forms Committee: The matter was tabled to the next meeting.
  - b. Data collection and analysis: The matter was tabled to the next meeting.
  - c. Small claims booklet: The matter was tabled to the next meeting.
  
4. 2021 biennial report: The chair reported that, due to the pandemic, the first draft has been delayed. While the Council's biennial reports are generally data driven, this year there is not as much data as usual, again due to the pandemic. The chair will present a draft in advance of the December meeting. The goal is for the Council to act on the draft at that time.

5. Other business:

- a. Criminal cases: Judith Dicine explained the State is processing criminal matters in the Judicial Districts that are open. Some matters are being transferred to the regular criminal docket to keep them moving. Atty. Dicine will be doing police training in the near future.
- b. Guests and transients: Edward Quinto questioned the law as it relates to the removal of guests from a tenant's apartment. His concern is that guests who do not have a house key benefit from the same eviction protections as guests with a house key. While the statute does not specifically define "guest," it was pointed out that, for other short-term arrangements, it does distinguish by duration of occupancy rather than possession of a key. Thus, under C.G.S. 47a-2(c), occupancies of less than 30 days are presumed transient, occupancies of more than 90 days are presumed non-transient, and occupancies of 30 to 90 days are analyzed on a case-by-case basis.

6. Adjournment: The Council adjourned at 2:40 pm (Motion by Houston Putnam Lowry, second by Richard Tenenbaum).

Respectfully submitted,

Dave Purvis  
Deputy Secretary

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