



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, March 9, 2022

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 December 8, 2021

Members present: Michael Clinton, Loo Dahlke, Richard DeParle, Kathy Flaherty, Venoal Fountain, Jane Kelleher, Houston Putnam Lowry, Carl Lupinacci, Sam Neves, Raphael Podolsky, J.L. Pottenger, Jr. Dave Purvis, Margaret Suib, John Wirzbicki.

Members absent: Stephanie Ma

Public officials present: John Kerwin (chief housing prosecutor), Bill Pitt (chief housing court clerk)

Others present: Adam Bonoff, Denice Chancey, Elliott Lane, Jeff Mastrianni, V. Edward Quinto, Eduardo Torrealba

The meeting was called to order at 2:02 pm. Raphael Podolsky, Council Chairperson, presided.

1) Preliminary matters:

- a) The Chairperson reviewed the Zoom rules for the meeting.
- b) The agenda was approved unanimously (motion by Margaret Suib, second by Sam Neves).
- c) A motion was made to approve minutes of the September 22, 2021, meeting (motion by Richard DeParle, second by Carl Lupinacci). V. Edward Quinto questioned the accuracy and completeness of Paragraph 2 of the minutes, which concerned his comments as a member of the public. The Secretary noted that the minutes are not intended to be a verbatim transcript of the meeting. Without objection, the motion to approve was tabled to the next meeting. In the interim, Mr. Quinto was asked to submit in writing the changes he believes should be made.

2) Public comment:

V. Edward Quinto proposed that the laws be changed so that guests in private housing not be covered by the eviction laws.

3) Forms Committee report:

Dave Purvis reported on the Forms Committee's recommendations. The Report is attached as Appendix A.

a) Right to counsel notice: The Committee recommended that:

(i) The mandatory right-to-counsel notice, which P.A. 21-34 requires be attached to both the notice to quit and the summons and complaint, be included as an additional page in those forms, as posted on the Judicial Branch website, so that they can be downloaded whenever the notice to quit and summons and complaint form are downloaded.

(ii) If this proposal is unacceptable to the Judicial Branch, then, as an alternative, the Judicial Branch should post the right-to-counsel notice in the Forms section of the Branch website with an instruction that the form must be attached to all summary process notices to quit and all summary process summonses and complaints.

A motion was made to approve this recommendation (motion by Houston Putnam Lowry, second by Michael Clinton). The motion was approved unanimously.

b) Answer form (JD-HM-5): The Chairperson reported that the Council's recommended changes to the Answer form, as endorsed at the September 22 Advisory Council meeting, have been approved and implemented by the Judicial Branch. The Committee recommended two additional changes:

(i) In Section 2(e) of the form, the cross-reference to "section c" should be changed to "section d". The change is technical.

(ii) The parenthetical phrase "additional pages may be used if necessary" should be added at the end of Section (k).

(iii) It was noted that the certification section of the form provides that the form will be "mailed or delivered electronically or non-electronically" but that the fill-in instruction does not provide for certifying an email address. A motion was made to amend the Forms Committee recommendation to insert the phrase "street or email" before the word "address" in the certification (motion by Houston Putnam Lowry, second by J.L. Pottenger, Jr.). The amendment was approved unanimously. It was then moved to approve the recommendation as amended (motion by Houston Putnam Lowry, second by John Wirzbicki). The motion was approved unanimously.

c) Motion to open judgment form (JD-CV-51): The Forms Committee recommended:

(i) A separate form should be created for summary process actions only. The form should be limited to the opening of default judgments and nonsuits. The form should explicitly provide for addressing two separate prongs (good defense and reason

for having allowed a default to enter) that are required of a motion to open based on default.

(ii) It was moved to amend the recommendation so as to make three additional changes (motion by Houston Putnam Lowry, second Sam Neves): (A) Delete the reference to “nonsuit” in the title so as to limit the form to default judgments, (B) add the phrase “or file papers” to the bracketed language in Part 2 of the motion, and (C) insert “street or email” before “address” in the tenant’s certification. The motion to amend was approved unanimously. A motion was then made to approve the recommendation as amended (motion by Houston Putnam Lowry, second by Margaret Suib). The motion was approved unanimously.

The next Forms Committee meeting will be held on January 13. Anyone interested in serving on the Committee should notify Raphael Podolsky or Dave Purvis.

4) Removal of tenant possessions by marshals: V. Edward Quinto reported a case with which he was familiar in which the tenant was unable to remove his possessions because of a breakdown of communications between the landlord, the tenant, and the marshal, with the landlord retaining control over the tenants’ possessions, which were then discarded. Several Council members raised other related issues. These included: a) the failure of the marshals to remove all possessions, thereby treating them as abandoned by the tenant and leading to their being treated as forfeited to the landlord and then discarded (Mr. Podolsky and Mr. Pottenger); items treated as junk that are not junk (Mr. Pottenger, Mr. Lane, Mr. Podolsky); the refusal of the municipality to accept some forms of property (e.g., mattresses) (Mr. Clinton and Mr. Podolsky); the difficulty of distinguishing the property of the tenant from the property own the owner when they live in the same house (Mr. Lane); the inability to reach a judge or the clerk when disputes arise in an actual eviction at a time when the courthouse is closed (Mr. Lowry, Mr. Podolsky); difficulty for the landlord in determining whether the tenant has already moved out and has abandoned the apartment and the property within it (Mr. Lane); the absence of a meaningful inventory of property not removed by the marshal (Mr. Neves).

The Chairperson indicated that he would appoint a committee to look into these matters further.

5) Updates

a) \$75 fee to open a judgment after UniteCT payment so that case can be withdrawn: Judicial has turned down the Council’s request that it find a way for this fee to be avoided or waived. There may, however, be ways around the fee, e.g., a caseload request for the case to be dismissed. At least one housing court judge (Judge Spader in Bridgeport/Norwalk) has ordered dismissals sua sponte if it is known that UniteCT has paid the landlord and the landlord has failed to withdraw the case.

b) Executive Order 12D: This Executive Order, which requires a 30-day notice to quit in most cases, prohibits the service of a non-payment notice to quit unless the landlord has completed an application to UniteCT, and requires a 30-day stay of pending evictions if a UniteCT application is made, has been extended to February 15, 2022.

c) Funding of UniteCT: Connecticut has paid out more than half of its federally allocated UniteCT funds and, in addition, has applications pending for an additional 30% of its allocation. Connecticut has applied for additional funds; but it is not clear if, when, or how much will be received.

d) New mediators: There are 14 new mediators, so that Judicial now has almost triple the number of housing mediators it had before the pandemic. Bill Pitt reported that the mediators are handling mediations statewide, have had numerous meetings with DOH, are notifying all parties about UniteCT, and are incorporating the 30-day UniteCT stay into stipulations. Virtual hearings have resulted in some slowdowns related to mediation, because mediation dockets are separate dockets from judge's dockets. Most courts do not have same-day trials, so an unsuccessful mediation must be scheduled for trial on another day. Mediators have been hearing only one case per hour virtually. With three mediators per court, this results in only 18 mediations per day. A few cases are being held in-person for special reasons (e.g., some difficult cases requiring interpreters).

e) Right to Counsel program: The program is now expected to begin on January 31 for tenants in a small number of zip codes. It is expected to expand to additional zip codes over time. The program does not have capacity to provide an attorney for everyone who is income-eligible, and does not expect to have that capacity in the immediate future.

6) Meeting schedule for 2022: The Council will continue to meet on the second Wednesday of each quarter. The meeting dates for 2022 will be March 9, June 8, September 14, and December 14. Meetings will be by Zoom until circumstances change to permit in-person meetings.

A motion to adjourn was made by Richard DeParle and seconded by Michael Clinton. It passed unanimously. The meeting was adjourned at 3:51 pm.

Respectfully submitted,

Kathy Flaherty, Secretary

APPENDIX A

Forms Committee Report – December 8, 2021

The Committee met on December 1, 2021, and makes the following recommendations to the Advisory Council.

1. The Committee discussed the Right to Counsel Program notice that is required to be served together with notices to quit and eviction complaints. Under P.A. 21-34, the Judicial Branch was required to draft such a notice. The statute requires that the landlord attach the notice to the notice to quit and to the summary process summons and complaint when they are served.

The Committee has a two-part recommendation to the Council regarding the Right to Counsel Notice. The primary recommendation is that, in addition to places that the form is currently posted on the Judicial Branch website, the Notice also be attached, as a second page, to the existing notice to quit form and the existing summons and complaint form on the Judicial Branch's website. The existing forms include: JD-HM-007, Notice to Quit; JD-HM-008, Complaint, Nonpayment; JD-HM-020, Complaint, Lapse of Time; and JD-HM-032, Summons.

If the primary recommendation is not feasible, the secondary recommendation is to add the notice to the Housing Forms section on the Judicial Branch website and to add a one sentence instruction to the notice such as "this notice must be attached to the notice to quit and the summons and complaint when they are served."

2. While reviewing the revised Answer form, JD-HM-005, which Judicial has adopted, the Committee discovered an erroneous reference caused by the re-lettering of the form. In section 2(e), the reference to section (c) should instead be a reference to section (d). The Committee recommends this reference be corrected.

As to section 2(k) of the Answer form, which states "Additional reasons why I should not be evicted," the Committee recommends the phrase (add additional pages as necessary) be added at the end of section (k).

3. The Committee also reviewed the Motion to Open Judgment form, JD-CV-51, which is used in small claims and housing. After extensive discussion of the uses of the motion to open and various scenarios, the Committee's recommendation to the Council is that a separate housing form, limited to the defaults and nonsuits under C. G. S. § 52-212, should be created. The revised form should expressly include the two statutory grounds required for a motion to open under C. G. S. § 52-212: 1. a good defense exists; and, 2. good cause exists for not filing papers or for missing a court date. A draft of the proposed form is attached.

4. The next Forms Committee meeting is scheduled for January 13, 2022 at 3:00.

David Purvis, Committee Chair

MOTION TO OPEN JUDGMENT AFTER DEFAULT OR NONSUIT (SUMMARY PROCESS/EVICTION)

JD-CV-51 Rev. 6-19
C.G.S. §§ 52-212, 52-212a, 52-259c
P.B. §§ 17-4, 17-43, 24-31

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov



NOTICE: Unless the fee is waived, this motion must be filed with the correct fee required by section 52-259c(a) of the Connecticut General Statutes.

Court Use Only	
MTOPJH	SCMTO

(Name and address of plaintiff or plaintiff's attorney)

[Redacted area for plaintiff name and address]

(Name and address of defendant or defendant's attorney)

[Redacted area for defendant name and address]

ADA NOTICE
The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

Docket number [Redacted]

Judicial District Housing Session Address of Court (Number, street, town, and zip code) [Redacted]
Name of case (Plaintiff vs. Defendant) [Redacted]

Motion I request that the judgment in this case be opened. (You may use additional pieces of paper if you need them.)

1. My defense to the eviction is [explain why you should not be evicted]:
[Redacted]

2. I did not come to court or file papers because [explain why you did not come to court]:
[Redacted]

NOTE: This motion must be sworn to by the person filing this motion or by that person's attorney.

Signed (Plaintiff/Defendant or Attorney) [Redacted]	Date signed [Redacted]
Subscribed and sworn to before me on (Date) [Redacted]	Signed (Clerk, Comm. of Superior Court, Notary Public) See NOTE above [Redacted]

Certification

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (date) [Redacted] to all attorneys and self-represented parties of record and that written consent for electronic delivery was received from all attorneys and self-represented parties of record who received or will immediately be receiving electronic delivery.

Name and address of each party and attorney that copy was or will be mailed or delivered to*
[Redacted]

*If necessary, attach additional sheet or sheets with name and address which the copy was or will be mailed or delivered to.

Signed (Signature of filer/Connecticut Attorney) [Redacted]	Print or type name of person signing [Redacted]	Date signed [Redacted]
Mailing address (Number, street, town, state and zip code) [Redacted]	Telephone number [Redacted]	

Notice of Court Hearing

A court hearing on this case has been scheduled. All parties must come to the hearing at the address and time indicated below. If you cannot come to the hearing, you should let the other party know and get an agreement before you notify the court that you cannot come to the hearing. (If you have any witnesses, please let them know about this court hearing so that they can be in court with you. Bring all other evidence you want to show the court, such as bills, receipts, invoices, etc. If this motion is granted, a trial on the case may start the same day.)

Place of hearing (If different from Address of Court above) [Redacted]	Date of hearing [Redacted]	Time [Redacted] .m.	Courtroom [Redacted]
Clerk of Court, by [Redacted]		Date [Redacted]	

Print Form

Reset Form