



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, June 16, 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 March 10, 2021

Members present: Michael Clinton, Richard DeParle, Kathy Flaherty, Houston Putnam Lowry, Carl Lupinacci, Stephanie Ma, J.L. Pottenger, Raphael Podolsky, Dave Purvis, Richard Tenenbaum, John Wirzbicki

Members absent: Venoal Fountain, Sam Neves, Margaret Suib

Others present: Nancy Hronek, John Kerwin, Nancy McGann, Bill Pitt, V. Edward Quinto, Eduardo Torrealba, Shelley White

Call to order:

The meeting was called to order by the Chairperson at 2:05 pm. The chairperson reviewed the rules of the Zoom meeting. The agenda was approved unanimously (motion by Michael Clinton, second by Richard DeParle).

Updates:

- Eviction moratorium: The eviction moratorium has, by Executive Order, been extended until the end of the State of Emergency. At present, that date is April 20, 2021.¹
- Emergency Rental assistance: The new emergency rental assistance program has been named UniteCT and is separate from the original emergency program, which was called the Temporary Rental Housing Assistance Program (TRHAP). TRHAP was authorized to spend \$40 million from a federal allocation in 2020. In fact, only about \$26 million is

¹ Since the meeting, the legislature has extended the State of Emergency to May 20, 2021.

being spent of those funds. UniteCT is being funded from about \$235 million of new federal funds, is scheduled to open on March 15, and will replace the earlier program. Like TRHAP, it will be administered by the Department of Housing (DOH). Tenants whose TRHAP applications were not processed during the initial program will get first shot at UniteCT money. The process for the new program is supposed to be automated and significantly simplified so as to be able to handle a greater volume more quickly. A contractor has been hired to create and administer an online system, and most applications are expected to be filed online. Subsidized housing will be eligible. Landlords can apply on behalf of tenants, but tenant consent is required. The federal rules for the new program permit up to 12 months of rental assistance (up to 15 months in some circumstances). DOH has chosen to apply this retroactively for to up to six months of arrearage per household, with the balance being applied prospectively to help tenants pay rent for six months going forward. The tenant share would be 30% of income for tenants whose income exceed 50% of the area median income (AMI). Note that this is 30% of the tenant's income, not 30% of the rent. There will be no tenant-share payment required for tenants below 50% of AMI.² Total payments are being limited to \$10,000 per household. Landlords will receive 85% of the six-month arrearage and be required to forgive 15%. Older arrearages must be treated as consumer debt, for which participating landlords can sue but which cannot be the basis for an eviction. DOH hopes that the combination of partial arrearage payments and prospective rent subsidy will assure that most landlords who are eligible will participate.

The newest COVID relief bill (the American Rescue Plan Act) is expected to include an additional \$200 million for rental assistance in Connecticut, which can be incorporated into the UniteCT program.

Follow-up to 2021 biennial report:

Nancy McGann of the Judicial Branch reviewed and responded to questions about the recommendations contained in the Advisory Council's biennial report. A summary of those recommendations is attached as Appendix A. The numbers in parentheses below refer to the page numbers referenced in Appendix A. Suggestions and information requests are in **bold-face type**.

- Relationship with DOH (Appendix A 5-6): The housing mediators and some of the clerks will be getting a presentation on UniteCT from the Department of Housing on March 11.
- Remote rooms (Appendix A 5-2): Judicial has been working on creating remote rooms within each courthouse. As of earlier this week, they have 37 remote rooms. There is at least one remote room specifically dedicated to housing at each housing court location. If a courthouse has other remote rooms, they can be used by housing if they are available. Their use started this week. The equipment is touchless and completely automated. It consists of a phone with a small video screen attached. A litigant who

² Subsequent to this meeting, DOH revised the tenant share requirement for tenants below 50% of AMI to be 0% if under 30% of AMI, 10% if 30%-40% of AMI, and 20% if 40%-50% of AMI.

does not have computer access can come to the courthouse and participate in a remote hearing from the remote room. Judicial is working with the clerks on scheduling issues (the rooms can accommodate only one case at a time and can therefore not be double-booked, but two co-defendants can use a room together). A litigant using the remote room can see all the participants in the group call and will be able to speak and be heard. Q: How will litigants be notified about these remote rooms? A: Notices will be updated to reflect that litigants who cannot participate remotely can call the clerk for other arrangements. The term “remote room” will probably not be used in the notice itself. **It was suggested that the litigant’s options (e.g., phone and remote room) should be clearly spelled out** so that litigants will understand their options. **A copy of the notices for the Advisory Council was requested.**

Q: How will litigants get to a remote room? A: They will be escorted by someone from the clerk’s office. In Hartford, the remote room is next to the clerk’s office. In New Haven, it is on a different floor. The clerks will spot check to make sure that the system is working. The judge will know, if he or she can see and hear the person.

- **Block scheduling:** The court schedules hearings for ½ hour or 1 hour time periods. There are no 15 minute or 2 hour slots. Because execution hearings are short and many defendants do not attend, the clerk can schedule four such cases in a block. If litigants appear for different cases, the clerk can control the timing (and the occupancy of the remote room, if necessary).
- **Marking of exhibits** (Appendix A 5-3): Attorneys must file exhibits electronically. Self-represented parties must file a paper copy with the clerks. Exhibits are supposed to be filed in advance, so that they can be uploaded, but they are not marked until the hearing. They are visible to parties with access to e-services once they are uploaded (even though not yet marked), but pro se parties, who do not have e-service access, will not be able to see them. Exhibits are not viewable to persons not in the case. Litigants using remote rooms can give exhibits to the clerk when they arrive at court. Litigants are supposed to redact documents before filing to remove confidential information (e.g., Social Security numbers). Q: What happens if a tenant shows up with a bunch of rent receipts? A: The clerk can upload them.
- **Livestreaming** (Appendix A 6-4): Judicial is livestreaming hearings. There is a tab on the Judicial home page for “Civil and Housing Livestreams.” Observers can click on the appropriate Judicial District. All civil matters, including housing, are being livestreamed, except for civil protection orders. Q: In New Haven recently, none of the housing cases were available on the livestream. A: There were a couple of days where the livestream wasn’t working due to youtube issues. Any viewing issue during a hearing should be brought to the court’s attention. It is up to the judge whether to continue the proceeding or adjourn it until youtube is fixed. Livestream recordings are not preserved.
- **Remote guides** (Appendix 7-6 and 7-7): The tab for remote guides has now been moved to the Judicial Branch home page (under “CT Remote Guides”). There is no plan to change its text. **Recommendation (Shelly White): Judicial should make a video containing the content of the Remote Guide.**

- Right to counsel (Appendix A 9-1): Judicial is taking no position.
- Breakout rooms (Appendix A 6-5): Microsoft Teams does not presently have a breakout-room function (which would allow pairs of people in a mediation or hearing to meet privately). Judicial is in discussion with Microsoft about such a capacity.
- Communication with UniteCT (Appendix A 5-6): There will be a portal to the program with a quick turnaround for applications. Judicial has proposed to DOH a single statewide portal for all such contact.
- Sealing of exhibits (Appendix A 5-3): Exhibits are visible once they are uploaded. A request to seal an exhibit before it is marked would have to follow the Practice Book rules for sealing.
- Proactive inclusion by Judicial of the Advisory Council (Appendix A 2-4): **The issue should be addressed to Judge Bozzuto.**
- Efforts to reach litigants who do not respond (Appendix A 7-1): Judicial says that litigants who do not appear for hearings are called by phone. Some persons at the meeting questioned that. Attempted phone contact is recorded in the case file; Ms. McGann can check if a docket number is provided. Mediators can also send a notice to the clerks to mail copies of documents to defendants (mediators are working from home, and paperwork therefore is mailed from the clerk's office). **Recommendation: Mediators should ask self-represented parties if they have online access to view documents and ask if they want paper copies. Recommendation (Nancy Hronek): Paper copies should be sent in every case without a request being necessary,** at least in regard to agreements or stipulations for which self-represented parties will be held responsible for compliance.
- Long-term virtual plans (Appendix A 3-2 and 4-2): There have been no discussions in Judicial about housing not eventually returning to in-person hearings. However, to the extent that remote proceedings continue, it should not be assumed that they will be limited to cases in which both parties are represented by counsel.
- Further discussion: Further discussion of the biennial report was tabled until the Council's June meeting.

Public comment: V Edward Quinto raised his concern that the standards for determining transient occupancy in a hotel or motel under C.G.S. 47a-2 should not apply to long-term guests in a home. The matter was tabled to the June meeting.

June meeting: The starting time of future meetings was, without objection, returned to 2:00 pm. The next Council meeting will be at 2:00 on June 16, 2021. It is expected to be by Zoom.

Adjournment: A motion to adjourn was approved unanimously (motion by Houston Putnam Lowry, second by Kathy Flaherty). The meeting adjourned at 4:07 pm.

Respectfully submitted,

Kathy Flaherty, Secretary

APPENDIX A

Judicial Branch comments on CACHM 2021 biennial report proposals

Page	Title	Summary	Judicial response	Notes
2-4	Involvement of the Advisory Council	Proactive regular early input from Council	Will continue to consider proposals from CACHM. No response as to proactive involvement.	
3-1	Recognition of special needs of housing system	Recognition of problems created by (a) lack of attorneys for defendants and (b) digital divide	Judicial will have remote rooms, scheduling notice invite defendants to call the clerk	
3-2	Virtual vs. in-person hearings	Long-term goal should be return to in-person	At this time, no consideration given to eliminating in-person in long run.	
4-1	Access to the courthouse	Access to courthouse for self-represented litigants should not be unnecessarily difficult	Courthouses are accessible, marshals have been reminded to permit access.	
4-2	Procedural improvements	Long-term, virtual hearings should be limited to parties with counsel who mutually consent .	Virtual hearings may be held in appropriate cases, should not be limited to two-attorney cases if self-represented parties prefer remote and can access.	
4-3	Courthouse access	Courthouses should be physically arranged for safety; clerks' office should be accessible.	See 4-1.	
4-4	Emergency help phone lines	Clerks' offices should have direct line with ability of staff to contact court/ mediators both before and during hearings	Judicial Call Center has direct access to clerk's offices, which have access to courtrooms; Call Centers can forward litigant contact info to clerks. Branch believes present system responsive to litigants' needs.	
4-5	Other contact issues	Phone access to clerks' office should be improved.	See 4-4	
4-6	Recognition of litigant difficulties in accessing hearings	Staff and judges should be aware of and make accommodation for difficulties in virtual hearing access.	Judicial recognizes difficulties, e.g., rescheduled mediations; court reschedules if party calls court or files motion.	
5-2	Remote courtrooms	Remote courtrooms should be a high priority. They should have appropriate equipment and support staff.	Remote courtrooms expected by mid-February.	
5-3	Submission of	Judicial should improve ways	Clerk will upload paper filings.	

	exhibits and other documents	for self-represented litigants with limited electronic access to file documents while protecting confidentiality when appropriate.	Uploaded exhibits are not publically viewable until accepted by court. Redacting confidential information is responsibility of litigant, not clerk, and should be done before filing.	
5-4	Sworn pleadings	Judicial should explore ways to accept accept sworn documents without notarization.	No comment.	
5-5	Mediator involvement	Use of mediators should be encouraged in pre-execution hearings and should attempt to reach out to self-represented parties in advance of hearings.	Mediators only routinely mediate cases with pleadings closed and ready for trial. Anything else is at discretion of judge. Pre-execution hearings are not routinely held.	
5-6	Mediator role	Mediators should be trained in rental assistance programs and eviction moratoria and should make litigants aware of assistance programs. Judicial should collaborate with state agencies to develop ways for mediators to help access their programs.	Housing mediators already are aware of programs and laws. They have a single point of contact for the Homelessness Prevention Program (HPP).	
6-1	COVID-related forms and standing orders	Judicial should develop COVID-related plain language forms and make clear when they should be used.	No comment.	
6-2	Post-pandemic planning	Judicial should develop a comprehensive plan to restore the historic timeline for eviction cases, with input from the CACHM.	No comment.	
6-4	Public access	There should be easy public access to observing virtual hearings.	Computer links cannot be shared publically for security reasons. Members of the public can observe court hearings by coming to the courthouse. The Branch is looking at ways to provide live streaming.	
6-5	Private conversations	A method should be developed by which attorneys can speak privately with clients in virtual hearings and mediations.	Microsoft is adding "breakout rooms" so that parties can speak privately with their lawyers and with mediators.	
7-1	Remote	Clerks and mediators should		

	participation assistance	play a more active role in assuring that self-represented parties can get into hearings and mediations.		
7-2	Procedural adjustments	A comprehensive study should be conducted on the impact of the judicial divide on litigant participation in hearings and appropriate procedural adjustments made.	Judicial is exploring additional ways to access remote proceedings.	
7-3	Notice by mail	In light of the time it now takes for mail to be delivered, at least 14 days' notice should be allowed.	Clerks are now scheduling hearings 14 days ahead.	
7-4	Electronic notices	Self-erasing notices should not be used.	No comment.	
7-5	Plain language	All notices, including computer-generated ones, should be in plain language and formatted for readability.	No comment.	
7-6	Location of computer guides	The website location of computer guides should be clearly identified on the website entry page.	Judicial is making Remote Justice page more accessible.	
7-7	Adequacy of computer guides	Computer guides should better address actual practical access problems that have arisen for litigants.	No comment.	
8-1	Access to information on attorney assistance	Court clerks should offer attorney referral assistance to legal aid and other programs for unrepresented litigants.	Clerks and mediators have always provided referral to legal aid and assistance programs.	
8-2	Limitations of email	Judicial should recognize the reliability limits of emails and should devise ways to maximize that they will be received and identified as from the court.	Emails are identified by @jud.ct.gov. More specific naming cannot be done. Judicial is exploring more ways to access remote proceeding without a Teams invitation. Judicial staff are available by phone if needed.	
9-1	Legal representation	Judicial should actively work to establish attorney representation for indigent parties.	There was a "Lawyer for a Day" program at the New Haven Housing Court. Judicial is receptive to other proposals and will implement any Civil Gideon proposal. It also encourages limited appearances.	

9-2	Criminal database improvements	Housing criminal cases should be trackable in all courts.	No comment.	
9-4	Evictions when courthouse closed	Judicial should consider ways in which litigants can reach the court during non-courthouse hours.	No comment.	
9-5	Notice of fee waivers	Judicial should clarify as to how litigants are informed in clerks' office of the right to apply for a fee waiver.	No comment.	
9-6	Consultation with Advisory Council	Judicial should be more proactive in its relationship with the Advisory Council.	No comment.	
9-7	Clerks' office structure	Judicial should formally designate a person in each court without a housing clerk to be its supervisor for housing matters.	Chief Clerk is responsible in each district without a Housing Clerk. New Britain and Waterbury each have housing supervisor (Court Officer and Assistant Clerk) with substantial knowledge.	
10-2	Other procedures in housing-related cases	Judicial should establish procedures for:	Council should continue to contact appropriate Judicial staff for data inquiries.	
		A sortable small claims field for addresses.		
		Posting of full criminal orders on the web, including conditions.		
		Prompt issuance of judgment notices to each defendant.		
		Tracking attorney appearances, continuance, and off markings.		
		Identifying civil cases as housing cases.		
		Adequacy of notices to self-represented and non-appearing parties.		
10-3	Case processing timeline	Cases have become much slower	Time to judgment is affected by a variety of factors.	
11-1	Data gathering	Judicial should develop uniform guidelines for inputting of data by clerks.	No comment.	
11-2	Tenant screening	No recommendation as yet.	Judicial not responsible for use of its database by third parties. Summary process cases removed from public data base after three years (withdrawals and dismissals after one year).	