



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 14, 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 June 8, 2022

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

Members absent: Loo Dahlke, Jane Kelleher

Public officials: John Kerwin (Chief housing prosecutor), William Pitt (Chief housing clerk)

Members of the public: Denise Chancey, Mary Conklin, Ashley Daley, Sharon Levy, Jeff Mastrianni, V. Edward Quinto, John Souza

The meeting, on Zoom, was called to order at 2:06 pm by the Chairperson, Raphael Podolsky.

1. Preliminary matters

- a. Zoom rules: Chairperson Podolsky reviewed the zoom rules for the meeting.
- b. Approval of agenda: The agenda was approved unanimously (motion by Richard DeParle, second by Sam Neves).
- c. Approval of minutes of the March 9, 2022, meeting: Mr. Quinto requested that additional detail be added to the minutes but did not have specific wording. The chair requested that the minutes be approved with the understanding that, if Mr. Quinto submits proposed language prior to the September Council meeting, the minutes could be reopened and amended at that time. The March 9 minutes were then approved unanimously, with a typological correction in Section 4(b) [the word "the" unintentionally appears twice in a row] (motion by Richard DeParle, second by Kathy Flaherty). It was recommended that, in the future,

proposed substantive amendments to the minutes be submitted in writing in advance of the meeting at which they are on the agenda for approval so that the language can be reviewed.

2. Public comment: Mr. Quinto raised questions about witnesses who are not parties being allowed to be present during the hearing. Discussion was delayed until Part 4 of the agenda.
3. Updates
 - a. Unite CT: UniteCT has not accepted new applications since February 15. The UniteCT dashboard shows that about \$126 million in preliminarily obligated funds has yet to be paid out. A copy of the dashboard for June 7, 2022, is attached as Appendix A. The mandatory 30-day statutory stay for pending UniteCT payments expires on June 30, although judges have the discretionary authority to extend a stay further. John Souza reported that he has ten tenants for whom UniteCT payment has not yet been received. He also reported that UniteCT is no longer making three months' prospective payments, resulting in a case in which UniteCT refused to pay anything for a tenant who had managed, with great effort, to get caught up while waiting months for a UniteCT payment. In the past, a three-month prospective payment would have been made. The chair will convey the concern to the Department of Housing; but the issue has come up before and he does not expect the policy to be changed.
 - b. Right to counsel: The Right to Counsel Act has been in effect since February. It is presently available in 12 zip codes covering about one-fourth of eviction cases. Coverage has been limited by the extent to which attorneys have been hired to handle the cases. The most recently opened zip code is New London. Zip codes in New Britain and Stamford are expected to open soon. The maximum income in the program is 80% of state median income, but the maximum can be lowered to 200% of federal poverty level (about 45% of state median income) if there are insufficient attorneys available to cover the cases in a particular zip code. Such a reduction is in effect in the covered zip codes in Waterbury and New London.
 - c. Legislative report: The chair identified the following principal bills impacting landlord-tenant law that were adopted by the state legislature this year:
 - i. Sp.A. 22-3: Extends the eviction stay on pending UniteCT applications until June 30, 2022.
 - ii. P.A. 22-30: Requires towns with population of more than 25,000 to create a fair rent commission if they do not already have one. A list of the 45 towns affected by P.A. 22-30 is attached as Appendix B.
 - iii. P.A. 22-49: Phases in over three years a reduction in the level of lead in a child's blood that will trigger a lead inspection of the building in which the child lives.
 - iv. P.A. 22-82: Adds being a victim of domestic violence to the list of protected classes in the state civil rights act.

- v. P.A. 22-118 (budget act): Reestablishes the Rent Bank program and raises the maximum assistance per case to \$3,500. Council members suggested that the program should try to have staff available in the courthouse to make eligibility determinations.

A list of landlord-tenant public acts adopted and landlord-tenant bills not approved is attached as Appendix C.

- 4. Housing court system: The court system is now hearing summary process cases in person in the courthouses. The Council discussed how the system is working and what changes should be considered by the Judicial Branch:
 - a. Unopened bottles of water: It was suggested that, particularly in hotter buildings, people should be allowed to bring in unopened bottles of water.
 - b. Norwalk Housing Court: Concern was expressed by both landlord and tenant representatives that the summary process cases in J.D. Stamford-Norwalk should be returned to Norwalk. They are now being heard in Stamford. This is inconvenient for both attorneys and litigants because of the frequency of westbound traffic jams on I-95.
 - c. Health hazards of overcrowding: Some courts do not have sufficient seating and litigants must crowd together in the hallways in close quarters. Several Council members suggested that masks should be required in the courthouses (there was not a consensus). There were suggestions that, to reduce hallway pressure, Judicial consider opening some unused courtrooms and staggering the scheduling of hearings (there was clear consensus on overcrowding as a problem but not on whether staggering of cases was desirable as a solution).
 - d. Reasonable accommodation for disability: It was reported that requests for remote proceedings based on disability have not always been honored. Chief Housing Clerk Bill Pitt responded that a remote hearing request can be made as a caseflow request and that an ADA request is not required. The ultimate decision to grant or deny is made by the judge.
 - e. Danielson courthouse: Concern was expressed that the Danielson court has not reopened and that summary process cases should be held there rather than in Putnam.
 - f. Witnesses in the courtroom: Mr. Quinto raised the issue deferred from earlier in the meeting. Witness exclusion from the courtroom is not the usual Connecticut practice, but parties have the right to make a request. Atty. Lowry will report on the evidence rules. In contrast, in mediation parties can bring in a non-party non-attorney only as a “support person” (to take notes, etc.) but not to represent them. There are Guidelines on the Judicial Branch website at https://www.jud.ct.gov//ADA/FINAL_%20Support%20Person%20Guidelines.pdf about use of a support person. A copy is attached as Appendix D.

5. Council follow-ups
 - a. Forms Committee: The Forms Committee will meet on June 29, 2022, to review the stay of execution form and the CARES Act affidavit. [Post-meeting note: The meeting has been rescheduled for July 13, 2022.]
 - b. Removal of tenant possessions: Further discussion on this issue was tabled to the September meeting.
6. Judicial assignments for September: There was no information to report at this time.
7. Biennial report: The Council's biennial report is due on January 4, 2023. It was agreed that the chairperson would prepare a first draft that will serve as basis for discussion at the September meeting.
8. Expiration of terms: The terms of all Council members expire on June 30, but members serve until they are reappointed or a replacement is appointed. All appointments are by the Governor for four-year terms. The Chairperson has surveyed members to see who wants to stay. Under Connecticut statutes, the Council as a whole must meet the following standards: (1) five members who live in each of the three housing court districts and three who live the other parts of the state (18 members total), (2) a balance of the interests of landlords and tenants, and (3) no more than two-thirds of the membership registered in the same political party. The Chairperson will try to convey a list of potential members to the Governor's Office (including current members who would like to be reappointed), but interested persons are free to make direct contact with the Governor's Office. There is a link to an online application at <https://www.jobapscloud.com/CT/sup/BulPreview.asp?R1=190219&R2=1234BC&R3=BCM&Viewer=Admin&Test=Y>.
9. Council meetings: The Council's September meeting will be virtual unless otherwise determined by the Chairperson.
10. Other business: Chief Housing Prosecutor John Kerwin reported that, as a result of new legislation, certain kinds of low-level offenses can now be paid by mail like a parking ticket. That includes criminal violation of the Security Deposit Act and the Fair Rent Commission Act. Both of those statutes have other remedies for violations, and the criminal sanction is rarely if ever used [see Section 18 of P.A. 22-26].
11. Adjournment: A motion to adjourn was approved unanimously (motion by Houston Putnam Lowry, seconded by Sam Neves). The meeting was adjourned at 3:53 pm.

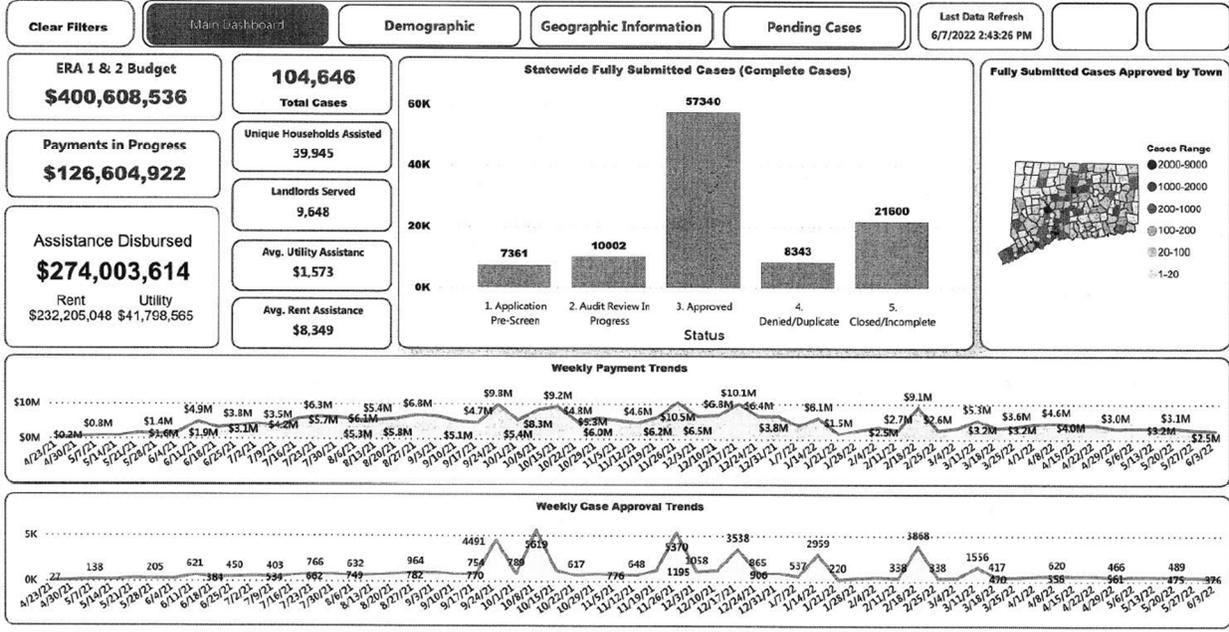
Next meeting: September 14, 2022, at 2:00 pm on Zoom.

Respectfully submitted,
Kathleen Flaherty
Secretary

APPENDIX A

UNITECT DASHBOARD

APPENDIX A



APPENDIX B

TOWNS REQUIRED BY P.A. 22-30 TO HAVE A FAIR RENT COMMISSION

Towns over 25,000 with a fair rent commission ordinance

Bridgeport	Hamden	Norwalk
Danbury	Hartford	Stamford
Enfield	Manchester	West Hartford
Farmington	New Britain	West Haven
Glastonbury	New Haven	Wethersfield
Groton	Newington	Windsor

Towns under 25,000 with a fair rent commission ordinance

Bloomfield	Colchester	Simsbury
Clinton	Rocky Hill	Westbrook

Towns over 25,000 without a fair rent commission ordinance

Branford	Middletown	South Windsor
Bristol	Milford	Southington
Cheshire	Naugatuck	Stratford
East Hartford	New London	Torrington
East Haven	New Milford	Trumbull
Fairfield	Newtown	Vernon
Greenwich	Norwich	Wallingford
Mansfield	Ridgefield	Waterbury
Meriden	Shelton	Westport

APPENDIX C

SUMMARY OF 2022 LANDLORD-TENANT LEGISLATION

Bills that passed:

Sp.A. 22-3 – Executive Order 12D: Extends Section 4 of EO 12D until June 30, 2022. That section provides a 30-day stay on evictions in which a completed UniteCT application is pending.

P.A. 22-30 (H.B. 5205) – Fair Rent Commissions: Requires towns with more than 25,000 population to have a fair rent commission.

P.A. 22-49 (H.B. 5045) – Lead poisoning: Phases down the trigger for lead inspections from 20 to 5 µg/dL by January 1, 2025.

P.A. 22-82 (S.B. 5) – Discrimination against domestic violence victims: Prohibits discrimination, including housing discrimination, based on the tenant having been a victim of domestic violence.

P.A. 22-118 (H.B. 5506) – Rent Bank: Provides \$1.5 million to DOH to reactivate the dormant Rent Bank program and increases its maximum award to \$3,500 (from \$1,200). The program provides partial arrearage grants on behalf of tenants who are in the eviction process.

Bills that did not pass:

S.B. 200 – Summary process records: Would have removed eviction records from the Judicial Branch’s online database if they did not result in a judgment for the plaintiff and would have shortened the retention period for those with a plaintiff’s judgment to one year.

S.B. 291 – Family child care homes: Would have prevented landlords from blocking licensed child day care in residential zones. Existing zoning law already prohibits towns from using zoning to exclude licensed child day care from such zones.

S.B. 301 – UniteCT for landlords: Would have paid landlords under UniteCT even if tenants did not cooperate with the application process.

H.B. 5041 – Energy Star ratings for apartments: Would have required landlords to disclose the energy efficiency rating of rented housing units.

H.B. 5208 – Criminal records: Would have limited denial of applications based on criminal records.

H.B. 5234 – Security deposit insurance and other landlord-tenant proposals: Would have (a) authorized the use of security deposit insurance; (b) limited landlord charges for credit checks to actual cost; (c) required notice to elderly and disabled tenants in apartments covered by C.G.S. 47a-23c of their existing protection from no-fault eviction; (d) required notice to tenants and applicants that a building is in foreclosure; and (e) required landlords to provide new tenants with a voter registration application form.

H.B. 5233 – No-cause evictions: Would have expanded the existing protection against no-cause evictions for elderly and disabled renters living in buildings with five or more units to the other tenants living in such buildings.

H.B. 5334 – Security deposit maximum: Would have repealed the one-month maximum security deposit for seniors and the two-month maximum for all others.

APPENDIX D

JUDICIAL SUPPORT PERSON GUIDELINES



Connecticut Judicial Branch Guidelines for Use of a Support Person in Proceedings

August, 2020

The Connecticut Judicial Branch complies with Title II of the Americans with Disabilities Act (the Act) and accommodates individuals with disabilities by providing equal access to its services, programs, and activities. As such, the Branch makes reasonable modifications to its services, programs and activities for people with visible and invisible disabilities. The Judicial Branch may allow a support person to sit next to a litigant with disabilities when he or she appears for matters before the court, or provide support remotely if the matter is by telephone or videoconference. Support persons serve as a calming influence for people with hidden disabilities in proceedings, including not only courtroom appearances but also matters that are usually closed to the public, such as mediation sessions or Family Relations conferences, or to proceedings which involve the use of confidential information, such as jury selection. No special certification is required to be a support person, and you do not need to pay someone to be your support person.

In order to ensure uniformity of services and in the spirit of the Act, the following guidelines regarding support persons are adopted.

1. Who can be a support person:

A support person can include, but is not limited to, the following:

- A person who will not disrupt the proceedings
- A person who is there for you, without their own personal agenda
- A person who can remain calm and focused
- An attorney, provided you disclose that fact in advance to the judicial authority or court personnel, and the request is approved

2. Who may not be a support person:

- A party or a witness in the hearing or trial, unless approved in advance by the court
- A person who has an order of protection entered against them, which order protects any party
- A minor

3. What a support person may do:

The following are examples of how a support person may help a litigant:

- Provide emotional and moral support
- Take notes
- Help organize and hand you documents
- Perform any other task as requested by the judicial authority to help a litigant with disabilities during proceedings

4. What a support person may not do:

A support person is not allowed to do the following:

- Give legal advice
- Address the court without permission
- Participate in mediation sessions or conferences. A support person may, however, perform the tasks listed in item #3 (above) during mediation sessions or conferences.
- Examine witnesses
- Cause disruption or interfere with the judicial authority or court personnel. If a support person interferes with the judicial authority or court personnel, the proceedings, or the parties, the authority may require the support person to be removed or disconnected from a video or telephone proceeding.

Important reminders for a support person:

- A litigant must ask for and be granted an ADA accommodation for a support person in advance.
- A support person must be physically present, if the proceeding is scheduled to be conducted in-person and not by telephone or videoconference.
- While a litigant with a disability may have various people willing to serve in a support person role, only one support person at a time may serve in that role during proceedings.
- The availability of a support person may be considered in scheduling court events, if it does not unreasonably delay the resolution of the matter or interfere with the administration of justice. If a preferred support person is not available for a particular court date, the litigant with the disability may want to find an alternative support person.
- A support person does not represent you.
- A support person must introduce themselves by name and on the record to the court, regardless of whether the proceeding is in person or by telephone or videoconference.
- A support person may be allowed to attend a mediation session, conference or proceeding that is closed to the public or that involves access to confidential information, but only if given prior approval by the judicial authority or court personnel and only if the support person signs a Confidentiality Agreement. A Confidentiality Agreement can be obtained from the ADA Contact or centralized ADA office.
- A support person may be removed from the courtroom or other court office (or disconnected from a video or telephone proceeding) if he or she is disruptive, interferes with the proceedings, violates safety rules, fundamentally alters the nature of the proceedings or otherwise violates these Guidelines.