



CONNECTICUT ADVISORY COUNCIL
ON HOUSING MATTERS



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NOTICE OF NEXT QUARTERLY MEETING

3:00 p.m.

Wednesday, June 14, 2023

This meeting will be held electronically by Zoom. Please mark your calendars accordingly.

Minutes of the Meeting of March 8, 2023

Members present: Denice Chancey, Kathy Flaherty, Nilda Havrilla, Jane Kelleher, Vanessa Liles, Houston Putnam Lowry, Carl Lupinacci, Stephanie Ma, Sam Neves, Cyd Oppenheimer, Raphael Podolsky, Dave Purvis, Margaret Suib, John Wirzbicki

Members absent: Michael Clinton, Rich DeParle, Venoal Fountain, Catharine Freeman

Public officials: Bill Pitt (Chief housing clerk), Randi Pincus (Department of Housing), Raymond Savoy (Bridgeport-Stamford housing prosecutor)

Members of the public: Kelsey Bannon, Sarah Burnham, Bob DeCosmo, Nancy Hronek, Jeff Mastrianni, V. Edward Quinto, Charles Scott, Eduardo Torrealba

Call to order: The meeting, on Zoom, was called to order by the Chairperson, Raphael Podolsky, at 3:03 pm. The meeting began with a moment of silence for J.L. "Jay" Pottenger, Jr., a former member of the Council, who had recently passed away.

1. Preliminary matters
 - a. Review of the Zoom rules: The Zoom rules were summarized by the Chair.
 - b. Approval of the agenda: The agenda was approved without objection.
 - c. Approval of the minutes: The minutes of the meeting of December 14, 2022, were approved unanimously (motion by Sam Neves, second by John Wirzbicki). In the absence of a motion to amend the June 8, 2022 minutes, no action will be taken and the Council moved on. The Secretary noted that the minutes are not a transcript and that motions must come from members of the Council.
2. Follow up to the biennial report: The report was filed at the beginning of January in accordance with the statute. The Chair had previously distributed a list of the recommendations to the Judicial Branch contained in the report. It is attached as Appendix A. The Chair has requested a meeting with Judicial to start the process of discussing the recommendations.

- a. Remote proceedings: Bill Pitt reported that very few summary process hearings are being held remotely. Both hearings before the judge and routine mediations are in-person. If, however, a mediation is ordered by the judge, it will be scheduled separately and will ordinarily be remote. They have to be scheduled for a dedicated time because arrangements must be made for use of a virtual courtroom by the judge or the mediator. Mediators are now also mediating all small claims cases in which the defendant files an answer, which are almost exclusively remote. This is not limited to housing small claims cases – they are mediating all small claims. If there is no settlement, the small claims case will be referred to the magistrate for hearing. The magistrate hearings themselves are now almost exclusively remote.
 - b. Other report recommendations: Because it became clear that a discussion of all of Appendix A would go far beyond the time for this Council meeting, the Chair recommended that further discussion be tabled to the June meeting, with the hope that many of the recommendations could be addressed with the Judicial Branch before that meeting. The matter was tabled without objection.
3. Brief updates on state programs:
- a. Eviction Prevention Fund of UniteCT (Rent Bank): Randi Pincus from the Department of Housing gave an update. The program is an expanded version of the former state Rent Bank program, but using federal UniteCT funds. The program can cover up to \$5,000 in tenant arrearage through direct payment to the landlord in conjunction with a reinstatement agreement. If instead the agreement is for the tenant to vacate, the tenant is eligible for a voucher for \$3,000 that can be used for first month's rent and security deposit with a new landlord. The program is now operating statewide through multiple resource centers around the state and can be accessed in any pending eviction. Further information is available on the DOH website. See <https://portal.ct.gov/DOH/DOH/Programs/Eviction-Prevention-Fund>. There was discussion that many landlords and tenants are not aware of the program; and additional education/outreach efforts, such as including a flyer on the DOH home page, were recommended. As a practical matter, there is a reliance on the housing mediators to make referrals to the program during mediation. The parties can also make their own agreements outside of mediation to access the program, but the court may still have to sign off on any stipulated judgment.
 - b. UniteCT (the old program): The old UniteCT program has been closed to new applications since February, but there are still some cases in the appeals process. There was a limited opportunity for parties who had pending but incomplete applications in the spring to apply for \$5,000 for arrearage payments.
 - c. Right to counsel: The Right to Counsel program presently covers 15 zip codes. The list can be found at <https://www.evictionhelpct.org/#zip>. Tenants in other zip codes can call Statewide Legal Services for information and advice. In some cases, a referral to a legal aid program may be possible, but only if the program is accepting cases in non-RTC zip codes. Several members of the Advisory Council are members of the Right to Counsel Working Group, which is the formal advisory board to that program.

4. Judicial Branch/Prosecutor updates
 - a. Housing prosecutors (Ray Savoy): Mr. Savoy introduced himself to the Advisory Council. He has been a prosecutor with the state for several years and has been assigned to housing since January, 2023. He covers the Judicial Districts of Fairfield, Danbury, and Ansonia-Milford. John Souza questioned whether prosecutions could be effective against out-of-state landlords. Mr. Savoy agreed that jurisdiction was a problem. He also stated that property managers in Connecticut could not be prosecuted because they do not own the buildings.
 - b. Clerks' offices (Bill Pitt): New employees have been hired for the clerks' offices and are in training. New Haven and most other housing courts are now scheduling cases two weeks out. Hartford, however, because of its heavy caseload, is scheduling three to four weeks out. Almost all of the courts are holding same-day trials for cases that do not settle in mediation. Non-same-day trials usually occur when witnesses are not available. A referral to the Eviction Prevention Fund might also require a continuance. A question was raised about defendants not receiving mailed notices of judgment in a timely manner because of post office delays. Mr. Pitt said that these are usually five-day notices of judgment. He noted that, if the fifth day is a day on which the courthouse is closed, the defendant will have an extra day to respond.
 - c. Housing mediation (Bill Pitt): Housing mediators are mediating both housing small claims and non-housing small claims cases.
5. Pending legislation: The Chair had previously distributed a list of landlord-tenant bills that have been approved by the General Assembly's Housing Committee. It is attached as Appendix B. Some of the bills contain multiple proposals. The discussion primarily involved the rent stabilization bill (H.B. 6588), which was not approved by the Housing Committee, and the three-month winter moratorium proposal, which is part of S.B. 4.
6. Anything else: Mr. Quinto asked if an eviction action had to be stopped if a tenant was severely ill. The answer was that there is no requirement to stop such an eviction, although the ultimate decision is up to the judge.
7. Adjournment: By unanimous vote, the meeting was adjourned at 4:59 pm (motion by Houston Putnam Lowry, second by Kathy Flaherty).

Respectfully submitted,
Kathleen Flaherty, Secretary

APPENDIX A



CONNECTICUT ADVISORY COUNCIL ON HOUSING MATTERS



Summary of Recommendations to the Judicial Branch contained in the 2023 biennial report

Virtual hearings

In regard to housing matters being heard remotely:

- Ability to access assistance from the clerks' offices by phone, including during a virtual hearing;
- Recognition of litigant difficulties in accessing hearings;
- Adequacy of remote courtrooms in the courthouse;
- Use of electronic notices;
- Readability of computer-generated notices;
- Recognition of the potential unreliability of receipt of email.
- Any other recommendations from the 2021 report

Access to courts

- Overcrowding: The Branch should attempt to find ways to minimize overcrowding.
- Calendar calls: The Branch should devise ways to provide these presentations (information about the day's proceedings during calendar calls) in languages other than English, particularly in Spanish, including consideration of the provision of written introductory materials in languages other than English.
- Other language-related issues: The Judicial Branch should attempt to increase the number of clerks office and housing mediator staff who are bilingual or multilingual. In addition, Judicial should review the availability priorities for the assignment of interpreters for housing mediations, hearings, and trials.
- Reasonable accommodation for disability and accommodation for remote hearings: Judicial should review these requests (for ADA accommodations and caseflow requests), determine the extent to which they are denied, and evaluate whether any changes in the system need to be made.

Administration-related issues

- Mixed civil/criminal courtrooms: The Branch should provide a way for summary process settlements in non-housing court districts with shared summary process and criminal dockets to be entered quickly so that the parties can leave.
- Notices of judgment: Judicial should make sure that five-day notices to vacate are not being issued automatically in inappropriate circumstances when a judgment by stipulation provides a longer time to vacate.
- Notice of fee waivers: The Judicial Branch should assure that indigent litigants are always made aware of the right to request a fee waiver, both by appropriate signage

and in communication with clerks' office staff.

- Notice by mail: At least 14 days' advance notice should be allowed for notices sent by mail, except where otherwise required by statute.
- Clerks' office structure: The Judicial Branch should identify clearer lines of responsibility for housing cases for the clerks offices in New Britain and Waterbury and in the non-housing court districts. Any clerk's office handling housing matters that does not have a formally-designated clerk for housing matters should have a clerk or assistant clerk who is assigned to supervise housing matters. Such employees should be trained by and responsible to the Chief Clerk for Housing Matters so as to assure consistent procedures and policies throughout all courts handling housing matters.
- Data-related and other procedures in housing-related cases: The Judicial Branch should adjust procedures so as to establish:
 - Data entry guidelines for clerks: Guidelines for clerks in regard to the uniform inputting of data;
 - Small claims data: In small claims actions, a sortable field for the address of affected properties;
 - Criminal data: In housing criminal cases, the posting of full court orders on the web, including all conditions related to those orders;
 - Judgment notices: The ability to issue judgment notices promptly and with separate copies to each defendant;
 - Docket markings: The ability to track the history of attorney appearances for parties and of continuances and off markings;
 - Housing civil cases: The ability to identify civil cases filed in civil clerks' office as being housing cases that should be transferred to the appropriate housing session;
 - Notices: The adequacy of notices to self-represented and non-appearing parties;
- Magistrate small claims manual: The Council requests that Judicial give specific guidance to magistrates on use of the Small Claims Manual as a resource in small claims cases and that it provide a hard copy of the manual to magistrates newly hearing housing small claims cases and to any other magistrates hearing housing cases who have not previously received a hard copy.

Forms and materials

The Advisory Council recommends a review of all computer-generated notices for clarity and readability, a substantial revision of one other form, the creation of one new form, and the updating of litigant guides.

- Computer-generated notices: The Advisory Council recommends that the Judicial Branch review all computer-generated summary process notices for clarity and readability. They should be subject to a plain language review. In addition, all hearing notices should clearly specify what is to be heard at the hearing (e.g., a motion, an objection, a trial, etc.).
- CARES Act affidavit of compliance (JD-HM-41): The Advisory Council has previously recommended a revision and simplification of the affidavit. The Council does not object to excluding from the affidavit requirement those cases in which the notice to quit provides at least 30 days' notice. It is also the Council's understanding that clerks are

not supposed to set a date for a hearing until a required CARES Act affidavit has been filed. The Advisory Council urges the Branch to work with the Council to resolve differences in recommended language.

- C.G.S. 47a-23c pro se form: The Judicial Branch should consider developing a pro se form for actions brought under C.G.S. 47a-23c(c)(2).
- Various guides: Many of those changes are no longer in effect, but some remain. The Council recommends the Judicial Branch review eviction-related guides for continuing accuracy.

Housing mediators

- Expanded staffing: Because Judicial has received funding for additional mediator staff, we urge Judicial to examine the possibilities to expand the tools available to mediators, the range of settlements that can be reached, and the types of matters in which mediators are routinely involved and to assure that mediators are adequately trained to apply them.
- Eviction Prevention Fund of UniteCT (EPF): The Council urges the Judicial Branch to work closely with the Department of Housing in the administration of the Eviction Prevention Fund and Rent Bank programs and train housing mediators to actively encourage use of the program in eviction settlements.
- Other Judicial Branch programs: Judicial should be sure that mediators are trained in these non-Judicial Branch programs so that such programs can effectively be integrated into the settlements that mediators work out.
- Stipulated judgments: The Council urges housing mediators to make clear to self-represented litigants the meaning of stipulated judgments, including that they are court judgments even if the tenant complies with their terms, and urges Judicial to include the need for such clarity in mediator training.

Housing prosecution

- Criminal database improvements: The Council recommends that the computerization of criminal cases in non-housing court districts include a way to identify and isolate those that are housing cases.

Right to counsel program

- RTC notice: The Council recommends that the Judicial Branch review its website, including the website “search” function, so as to make it easier for tenants and landlords to find the RTC notice. In addition, the Council recommends that the notice be revised to reflect the existence of the Eviction Prevention Fund.

Case processing data:

The Council recommends that hiring of staff for clerks’ offices be accelerated and that it include the assignment of sufficient staff to housing clerks’ offices to alleviate unreasonable delays in entering default judgments contrary to statutory time requirements or in issuing some court documents in a timely manner.

Eviction records

The Council recommends that the Judicial Branch review its policies on the length of time summary process records remain on the public database and whether commercial bulk purchases should include records removed from the public database.

Advisory Council role and involvement

The Council urges the Judicial Branch to facilitate the development of a structure that permits a back-and-forth discussion between Judicial and the Advisory Council, initiated by Judicial, that allows the Council to react and respond to actual proposed changes before they are implemented. In particular, the Council urges the Judicial Branch to proactively contact the Council when considering changes that will impact the hearing or processing of housing cases and to take the initiative in bringing the Council into those discussions.

Anticipated Advisory Council projects:

- Input into housing court judge assignments: In consultation with the Judicial Branch, the Council hopes to develop a mechanism by which more effective input can be provided to Judicial in the assignment of housing court judges.

APPENDIX B

Landlord-tenant issues in the House Committee – Bills Approved

Security deposits

- Maximum amount (H.B. 6666)
- Time to return (S.B. 943)
- Security Deposit Guarantee Program (H.B. 6708)

Entry matters and collateral charges

- Pre-occupancy walk-through (S.B. 4, H.B. 6781)
- Application fees (S.B. 4, H.B. 6781)
- Late fees (S.B. 4)
- Notice of 47a-23c rights (H.B. 6781)

RAP and Section 8

- Search time (H.B. 6706)
- Approval time reduction and landlord hold payments (H.B. 6706, H.B. 6781)
- Posting of FMRs (S.B. 1049)

Code enforcement

- Fines and penalties (H.B. 6781, H.B. 6666)
- Landlord identification (natural person) (S.B. 4, S.B. 996)
- Plain language complaint forms (S.B. 4)
- Housing Receivership Revolving Fund (H.B. 6709)

Eviction

- Winter moratorium (S.B. 4)

Discrimination

- Sexual orientation (H.B. 6666)

Housing authorities

- Annual notice of rights (H.B. 6781)
- Quality of life improvement grants (S.B. 996)

DOH responsibilities

- Plain language form lease (S.B. 4)
- Common application/waiting list (H.B. 6781, S.B. 1049)

Housing applications

- Eviction records (H.B. 6781)
- Criminal records tax credit (H.B. 6779)

Mobile home parks (S.B. 988)

Family day care (H.B. 6590)

Studies

- Eviction impact on landlords (S.B. 1050)
- Rent stabilization (S.B. 1050)
- Rental savings accounts (H.B. 6704)
- RAP efficiency (H.B. 6781)
- Section 8 (S.B. 996)

NO ACTION

- Rent stabilization (H.B. 6588, H.B. 6589)
- Fair rent commissions (S.B. 907)
- Tenant possessions (S.B. 1045)
- Right to housing (S.B. 909)
- Right to counsel expansion (S.B. 941)