



CONNECTICUT ADVISORY COUNCIL
ON HOUSING MATTERS



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NOTICE OF NEXT QUARTERLY MEETING

3:00 p.m.

Wednesday, September 13, 2023

Please mark your calendars. The meeting will be held either electronically by Zoom or, if practicable, as a hybrid meeting.

Minutes of the Meeting of June 14, 2023

Members present: Denice Chancey, Michael Clinton, Rich DeParle, Kathy Flaherty, Venoal Fountain, Catharine Freeman, Nilda Havrilla, Jane Kelleher, Vanessa Liles, Houston Putnam Lowry, Carl Lupinacci, Stephanie Ma, Sam Neves, Cyd Oppenheimer, Raphael Podolsky, David Purvis, Margaret Suib, John Wirzbicki

Members absent: None

Public officials: Bill Pitt (Chief housing clerk), Randi Pincus (Department of Housing), John Kerwin (Chief Housing Prosecutor), Rebecca Schmidt (Judicial Branch)

Members of the public: Elliot Lane, Jeff Mastrianni, V. Edward Quinto

Call to order: The meeting, on Zoom, was called to order by the Chairperson, Raphael Podolsky, at 3:03 pm.

1. Preliminary matters

- a. Review of Zoom rules for the meeting: The Zoom rules were summarized by the Chairperson.
- b. Approval of the agenda: The agenda was approved without objection.
- c. Approval of the minutes of the March 8, 2023, meeting: The minutes of the March 8, 2023, meeting were approved unanimously (motion by Houston Putnam Lowry, second by David Purvis).

2. Brief informational updates

- a. New legislation: The Chairperson presented a summary of housing-related legislation that passed during the 2023 legislative session. The major landlord-tenant bill was S.B. 998, which included provisions on security deposits, late fees, application fees, fees for tenant screening reports, public access to eviction

records of cases that do not go to judgment for the landlord, pre-occupancy inspections, notice to tenants of rights under C.G.S. 47a-23c, and other provisions. A summary, prepared by the Chairperson, is incorporated into these minutes as Appendix A. The legislature also approved S.B. 988, a bill giving residents of mobile home parks a right of first refusal to purchase the mobile home park in which they reside if the park is being sold. Both bills are still awaiting the Governor's signature. The General Assembly also included, in two other bills, the Advisory Council's request that violations of the Fair Rent Commission Act (Section 7 of P.A. 23-47) and the anti-bligh laws (Section 7 of P.A. 23-33) be handled by housing prosecutors rather than through the Centralized Infractions Bureau. Bills proposing to put a cap on rent increases and to create a winter moratorium on evictions did not pass.

b. New housing court developments

- i. Housing prosecutors: Mr. Kerwin reported that Juliana Waltersdorff, an experienced prosecutor, is now the housing prosecutor for the Hartford-New Britain Housing Court.
- ii. Clerks' offices: Mr. Pitt reported that new staff are being trained in the clerks' offices. Case processing timelines are improving around the state. Institutional knowledge lost through recent retirements is being restored.
 1. Ms. Oppenheimer raised three issues. She reported that some clerks' offices, particularly in Norwich and New London, were scheduling cases for trial before the pleadings were closed. Mr. Pitt will look into the matter. In general, the determination of whether pleadings are closed is made by the clerk. Scheduling requests made as caseload requests are reviewed by the judge. If there is a continuing problem, the attorney should contact Mr. Pitt with the docket number.
 2. Ms. Oppenheimer also reported that mandatory time lines for hearings under C.G.S. 47a-14h (tenant-initiated code enforcement cases) are not being followed. Mr. Pitt will look into that. He noted that tenant payments into court under that statute must be by cash, bank check, or money order; and no personal checks will be accepted.
 3. She also reported differences in practice between courts as to attachment of the notice required by the federal Violence Against Women Act (VAWA). Mr. Pitt responded that the issue is for the judge, not the clerks, and that those differences will not be resolved until a case reaches the Appellate Court.
Ms. Oppenheimer will submit a more specific list of concerns.
- iii. Housing mediators: Becky Schmitt, Deputy Director for Civil Matters, reported that Julia Xia is now the program manager of the housing mediation program. She was previously a housing mediator in Bridgeport and Stamford.

c. Brief updates on state programs:

- i. Eviction Prevention Fund of UniteCT (Rent Bank) and Moving Assistance Program (MAP): Ms. Pincus of the Department of Housing reported on the operation of the program. The program provides financial assistance

to pay arrearages for tenants who are in the eviction process due to non-payment of rent so that they can retain their housing. The program has recently been modified for tenants who will be vacating their apartment if the parties do not agree that the tenant will stay. Such cases are now being treated through what is now called the Moving Assistance Program (MAP), under which the tenant can receive a voucher for three months' assistance, up to two months of which can be for a security deposit, with no time limit for finding a new apartment. Eligibility for the security deposit portion of the voucher is not limited by the amount of funds that the tenant may have previously received through UniteCT. A description of the program can be found at <https://portal.ct.gov/DOH/DOH/Programs/Eviction-Prevention-Fund> on the DOH website. Ms. Oppenheimer requested that attorneys for program beneficiaries be notified when their clients are approved and payment checks go out. Ms. Freeman requested that emails to recipients come with identification of the staff member handling the matter. Ms. Pincus will look into these items.

[Subsequent to the meeting, Ms. Pincus provided the following additional information:

** There is presently no dollar cap on the Moving Assistance Program.*

** DOH staff will be putting together a flyer about the program.*

** There is no current mechanism for automatic notice to attorneys of applicants, but case auditors will be trained to provide such notice for approvals, payments made, and similar matters.*

** Whether a case auditor is identified by name depends on which of two email systems the case auditor uses to communicate. If tenants or their attorneys need to identify the case auditor, they should call the Call Center and ask.]*

- ii. Workforce Rental Assistance Program: This is a new state program for tenants participating in CareerConneCT or other federal workforce training programs. It does not help with arrearages but can provide rental assistance going forward in three-month increments for up to nine months of assistance. It is described in a press release from Governor Lamont's Office on June 5: <https://portal.ct.gov/Office-of-the-Governor/News/Press-Releases/2023/06-2023/Governor-Lamont-Announces-Rental-Assistance-Available-for-Participants-of-CareerConneCT>. The CareerConneCT program is described at https://portal.ct.gov/careerconnect?language=en_US.
- iii. City of Hartford rental assistance program: Mr. Lane reported that the City of Hartford has created its own rental assistance program for Hartford residents facing eviction. This is a link to what appears to be the program: <https://www.ctinsider.com/capitalregion/article/hartford-budget-passed-18108491.php>.

- iv. UniteCT: Except for appeals and close-outs, the original UniteCT program is no longer operating.
 - v. Right to counsel: There were no legislative changes to the Right to Counsel program. It is believed that it has sufficient federal funding to cover the next 18 months. Middletown has now been added to the areas covered by the program.
3. Forms Committee report: Forms Committee Chairperson David Purvis reported:
 - a. Right to Counsel notice: The Committee recommends that the notice to tenants include the date of the most recent revision so that attorneys will know they are using the most recent version of the form. It also recommends that the instructions on both the Judicial Branch's notice to quit form and its summary process summons include a statement that the RTC notice should be attached. This will help self-represented landlords avoid making mistakes. It was moved that the recommendations be approved (motion by Kathy Flaherty, second by John Wirzbicki). The motion carried unanimously, with one abstention (Catherine Freeman).
 - b. CARES Act affidavit: The Committee's recommended revision of the CARES Act affidavit is attached as Appendix B. Approval of the recommendation was moved (motion by Houston Putnam Lowry, second by Richard DeParle). It was moved by Catharine Freeman to amend the proposed form to require that the landlord identify the lender on any mortgage (second by Michael Clinton). After discussion, the motion to amend was defeated (Ms. Freeman in favor, all others opposed). The principal motion was then approved (Ms. Freeman opposed, all others in favor).
4. New Advisory Council members. New Council members were invited to identify their goals for the Council. Ms. Freeman would like to see improvements in lay access to the courts. Ms. Oppenheimer stressed the importance of uniformity of practice and the need for front-line housing court staff to understand the power imbalance between landlords and tenants. Ms. Liles seeks to ensure that the rights of public housing residents are addressed; she is concerned about the piecemeal way housing is handled in Connecticut.
5. Future Council meetings (Zoom v. in-person): The consensus of members was that the Council should continue to meet by Zoom unless an adequately hybrid system is available. In other words, the option for remote attendance should be retained. Members will explore a hybrid option, for which the in-person aspect of the meeting should preferably be somewhere between Hartford and Bridgeport. Pre-pandemic meetings had been held at Quinnipiac Law School in Hamden. Mr. Lowry's law firm has a conference room with Zoom capability. Mr. Purvis has access to a community room in New Haven. UConn Law School may have hybrid space in Hartford. Members will explore the possibility of an appropriate hybrid option.
6. Adjournment: A motion to adjourn was adopted unanimously (motion by Houston Putnam Lowry, second by David Purvis). The meeting was adjourned at 4:51 pm.

Respectfully submitted,

Kathleen Flaherty
Secretary

NEXT MEETING: September 13, 2023 at 3:00 pm. The meeting will be remote, unless an appropriate physical location with hybrid capacity is found.

APPENDIX A

Summary of 2023 Landlord-Tenant Legislation

- Omnibus housing act (S.B. 998): Most changes in landlord-tenant law were combined into House Amendment “A” to S.B. 998. Here is the link to the full bill: <https://www.cga.ct.gov/2023/amd/S/pdf/2023SB-00998-R00HA-AMD.pdf>. There is at yet no official section numbering for each section, because the amended bill has not yet been engrossed into public act format. As a result, this summary uses the section numbers of House Amendment “A”. Because the bill begins with two unrelated sections, it is likely that §501 of the amendment will become §3 of the public act, §502 will become §4, and so forth, but that is not certain.
 - Return of security deposits (§536-537): The time period in which the landlord must return or account for a security deposit is reduced from 30 days to 21 days.
 - Pre-occupancy walk-throughs (§502): The landlord must offer each new tenant the opportunity for a pre-occupancy walk-through using a form provided by DOH. The form is admissible, but not conclusive, as to the pre-occupancy condition of the premises. The landlord is prohibited from deducting from the security deposit for any condition noted in the form.
 - Civil penalties for code violations (§501): Municipalities are allowed to seek civil penalties of up to \$2,000 per violation (multiple violations from the same inspection are considered one violation). The owner can appeal to the town council or board of selectmen. It is a defense that the condition was caused by the tenant’s reckless or willful behavior.
 - Late fees (§505-506): Late fees are capped at the lesser of 5% of the rent or \$5 per day to a maximum of \$50. For tenants with a subsidized rent, the maximum is based on the tenant’s share, not the full rent. A fee may be imposed only once for a particular late fee, i.e., a landlord cannot charge late fees on late fees.
 - Application fees and tenant screening reports (§504): Application fees are prohibited except for tenant screening reports. Move-in and move-out fees are also prohibited. The charge for a screening report cannot exceed \$50 plus a CPI adjustment. A landlord who charges the applicant for a screening report must provide proof of payment. The landlord must also give the tenant a copy of the report, unless the landlord is prohibited from doing so, in which case the landlord must notify the tenant how to obtain a copy of the report.
 - Notice of 47a-23c rights (§508): Landlords of buildings (and owners of mobile home parks) with five or more units must provide tenants at the time of rental and renewal with a notice of the special rights provided to elderly and disabled renters under C.G.S. 47a-23c (the “just cause eviction” statute). The substantive tenant rights under 47a-23c are not new and have been in place since 1980, but there has never been a requirement that tenants be told of those rights. DOH is required to prepare and post a plain-language notice in English and Spanish. The

primary rights involved are the rights (1) not to be evicted except for good cause, (2) to be evicted for refusing to agree to a rent increase only if the rent increase is “fair and equitable,” and (3) to bring an action in Superior Court to determine whether or not a disputed rent increase is fair and equitable if the town does not have a fair rent commission. “Good cause” does not include mere expiration of a lease (“lapse of time”) or, without further statement of a reason, that an existing right to occupy has allegedly “terminated.”

- Eviction records (§521): After July 1, 2024, withdrawals, dismissals, and judgments for the tenant must be removed from the Judicial Branch public database within 30 days after disposition. The cases removed from the database will not be available to tenant screening companies or other commercial entities.
- Discrimination based on sexual orientation (§524): The exemption of one- to four-family owner-occupied buildings from the prohibition against sexual orientation and civil union status discrimination is repealed.
- Security Deposit Guarantee Program (SDGP) (§507): The bill expands the SDGP to any tenant with income below 60% of state median income. It continues to be available to any tenant served with a summary process writ or having a RAP or Section 8. The program is limited to its appropriated budget, however, and DOH is authorized to set priorities to stay within funding. A tenant with income above 150% of federal poverty level will be required to pay half of one month’s rent to obtain a guarantee.
- Landlord incentives to rent to Section 8 and RAP applicants (§517-519): DOH is required to create a program to encourage landlords to rent to Section 8 and RAP applicants. Refusal to rent to such tenants, however, remains discrimination under the state Fair Housing Act. DOH must also do a study of ways to make the application process more efficient and reduce the time landlords must hold units open during that process. DOH must also “affirmatively seek” to spend its full RAP appropriation every year and not to hold back any appropriated funds.
- Standard leases (§511): DOH is required to develop and post plain-language form leases in English and Spanish.
- Code complaint forms (§512): Local code enforcement agencies are required to create code complaint forms in English and Spanish.
- Purchase of mobile home parks by their residents (S.B. 988): The right of first refusal presently available to mobile home park residents if the park is going to be closed is extended, with changes, to apply if the park is being sold.

APPENDIX B – PROPOSED CARES ACT AFFIDAVIT

1. Did the notice to quit in this action give the tenants at least 30 days to vacate?
 Yes Your answer is complete. **Please sign this affidavit.**
 No Go to Question 2.

2. Is any part of the eviction complaint based on the tenant’s non-payment of rent?
 Yes Go to Question 3.
 No Go to Line 9 below.

3. Do you receive rent payments from Section 8, RAP, or any other form of federal rental assistance on behalf of the tenant or other occupants in the dwelling unit?
 Yes Go to Line 8 below.
 No Go to Question 4.

4. Is the property receiving any form of federal financial assistance or other federal financing, such as an FHA loan, or federal low-income housing tax credits, or is the property still subject to federal rules because it previously received federal financial assistance?
 Yes Go to Line 8 below.
 No Go to Question 5.

5. Does the property have a mortgage?
 Yes Go to Question 6.
 No Go to Line 9 below.

6. Is the mortgage on the property owned by Freddie Mae or Fannie Mae? If you are unsure, how to answer this question you should go to both of these websites to see if your property is listed:
 - Fannie Mae: <https://www.knowyouroptions.com/loanlookup>
 - Freddie Mac: <https://myhome.freddie.mac.com/resources/loanlookup> Yes I have checked these websites and my property is listed there. Go to Line 8 below.
 No I have checked these websites and my property is not listed there. Go to Question 7.
 I have not checked these websites. Go to Line 10 below.

7. If Question 6 did not provide a sufficient answer, I contacted my mortgage servicer and asked the servicer to determine whether any mortgage on the property is currently owned or securitized by Fannie Mae or Freddie Mac. If the servicer’s answer is:
 Yes Go to Line 8 below.
 No Go to Line 9 below.
 I don’t know Go to Line 10 below.
 I have not contacted my mortgage servicer. Go to Line 10 below.

8. **Your property is covered by the CARES Act and a 30-day notice to quit is required. Please sign this affidavit.**

9. Your property is not covered by the CARES Act. **Please sign this affidavit.**

10. It is uncertain whether or not your property is covered by the CARES Act. **Please sign this affidavit.**

CERTIFICATION