



CONNECTICUT ADVISORY COUNCIL
ON HOUSING MATTERS



Reply to: 16 Main St., 2nd floor
New Britain, CT. 06051
(860) 616-4472

NOTICE OF NEXT QUARTERLY MEETING

3:00 p.m.

Wednesday, December 13, 2023

Please mark your calendars. The meeting will be held electronically on Zoom.

Minutes of the Meeting of September 13, 2023

Members present: Michael Clinton, Richard DeParle, Kathy Flaherty, Venoal Fountain, Catharine Freeman, Nilda Rodriguez Havrilla, Houston Putnam Lowry, Carl Lupinacci, Sam Neves, Cyd Oppenheimer, Raphael Podolsky, David Purvis

Members absent: Denise Chancey, Jane Kelleher, Vanessa Liles, Stephanie Ma, Margaret Suib, John Wirzbicki

Public officials: John Kerwin (Chief Housing Prosecutor), Randi Pincus (DOH), William Pitt (Chief Housing Court Clerk), Rebecca Schmitt (Judicial Branch Court Operations)

Members of the public: Kelsey Bannon, Jeff Gentes, Jeff Mastrianni, unidentified member of the public

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 briefly reviewed.
- b. Approval of the agenda: The agenda was corrected by consent to change Item 5(b) to "Eviction Prevention Fund" and to renumber Items 5(d), (e), and (f) as Items 5(c), (d), and (e). As thus modified, the agenda was approved unanimously (motion by Houston Putnam Lowry, second by David Purvis).
- c. Approval of the minutes of the June 14, 2023, meeting: The minutes of the June 14, 2023, meeting were approved unanimously (motion by Houston Putnam Lowry, second by David Purvis).

2. Public comment: None.

3. Forms Committee report: The Forms Committee report is attached as Appendix B.
 - a. Update on CARES Act Affidavit: The Council's recommended revision has been submitted to the Judicial Branch, where it is currently under review. The Council's request for a meeting with Judicial to discuss the recommendation was rejected.
 - b. Update on Right to Counsel (RTC) notice:
 - i. Inclusion of date of publication on RTC notice: Judicial considers the content of the notice to be the responsibility of the RTC program. Rebecca Schmitt reported that Judicial will post on its website whatever is requested by the Connecticut Bar Foundation (CBF), which administers the RTC program. The Council has submitted the proposal to the CBF.
 - ii. Inclusion of the RTC in notice to quit and writ/summons forms: The Council has recommended that the Instructions section of both the notice to quit and the writ/summons form include a direction that the RTC Notice to Tenants form must be attached to these forms. Ms. Schmitt reported that the recommendation is under review at Judicial.
 - c. Pro se complaint form for 47a-23c court cases: Forms Committee chair David Purvis reported the Committee's unanimous recommendation that the Judicial Branch adopt a new pro se form for litigants who seek to bring an action under C.G.S. 47a-23c(c) based on a claim that a rent increase is not fair and equitable. The action is statutorily available to seniors and disabled tenants in buildings, complexes, and mobile manufactured home parks with five or more units in towns that do not have a fair rent commission. The General Assembly in 2022 required towns with populations above 25,000 to create a fair rent commission if they do not already have one, but 117 smaller towns do not have fair rent commissions. Mr. Lowry recommended that the form explicitly include a claim for taxable costs. It was moved to approve the Forms Committee's recommendation that the Judicial Branch create such a form, with correction for typographical errors and as modified to include a claim for costs (motion by Houston Putnam Lowry, second by Dave Purvis). After discussion, the motion was approved unanimously. The proposed form is attached as Appendix A.
 - d. Other forms:
 - i. Mr. Purvis reported that the Forms Committee would be reviewing the Branch's computer-generated notices (JDNO notices), particularly for readability.
 - ii. He also noted that concerns had been raised as to whether the notice of judgment forms correctly inform the parties of the terms of a stipulated judgment. Chief Housing Clerk Bill Pitt described some of the limits to changing and individualizing the computer-generated forms and some of the problems that arise from summary process actions often having multiple defendants with judgments entered on different grounds and different stay-of-execution periods for different defendants. The Committee will continue its review.
 - iii. Mr. Purvis indicated that the Committee also intends to look into the possibility of a pro se form to initiate a proceeding under C.G.S. 47a-18 if a tenant unreasonably denies the landlord access to the dwelling unit.

- iv. Mr. Purvis also invited Council members to notify him of other matters that the Forms Committee should consider and of their interest in joining the Forms Committee. A person does not have to be a member of the Council to be part of the Forms Committee.

4. Housing court updates

a. Prosecution¹: Chief housing prosecutor John Kerwin reported:

- i. Referrals from municipal agencies: The number of referrals from code enforcement agencies has been increasing. Not all referrals result in a case receiving a docket number or being formally opened, since some are resolved by other means. Since the beginning of June:
 - 1. Waterbury/ New Britain/Litchfield: 38 referrals. This includes 5 requests for assistance with administrative search warrants for inspections and 16 pending arrest warrants that have not been served;
 - 2. Hartford: 20 referrals (including 15 from Hartford, 1 from Windham, and 3 from Tolland/Vernon);
 - 3. Stamford/Bridgeport: 11 referrals, including 3 outstanding warrants (3 from Stamford, 4 from Bridgeport, 2 from Danbury, and 2 from GA 5);
 - 4. New Haven: 14 referrals. The New Haven numbers are lower in part because of a reorganization of New Haven's code enforcement agency.
- ii. Outreach to municipal agencies: Recent activities by the housing prosecution unit include a meeting with the lead analyst from the state Department of Health, work on a training for health departments, and distribution of a sample warrant for lead abatement cases. Mr. Kerwin has been involved in numerous trainings, including a two-day training for fire marshals and inspectors, trainings for the Department of Consumer Protection and the Connecticut Central Health District, and a half day seminar with code enforcement officers, fire marshals, building inspectors, and housing inspectors. He has also met with Judith Rothschild, who heads the City of Hartford's code enforcement program and has done a training for Bristol code enforcement. The Hartford prosecutor has had a number of meetings and trainings with health and safety officials, and the new southwestern Connecticut prosecutor has been having in-person introductory meetings with local enforcement officials.
- iii. Other prosecution matters: Mr. Kerwin has created a four-page guide for law enforcement officials who provide protection when marshals carry out summary process executions. It has been reviewed by Judge Spader. The Chairperson requested a copy of the guide for the Advisory Council. There is also a new Judicial form for fire marshal administrative search warrants (JD-CR-201). Mr. Kerwin will share the form with the Council.

¹ This section is recorded in the minutes under its sequence in the agenda. It was taken up out of sequence in the meeting as an accommodation.

- b. Clerks' offices:
 - i. Follow-up from June 14, 2023, meeting:
 - 1. 47a-14h procedural issues: Mr. Pitt reported that he had reached out to the Hartford clerk after the last meeting to make sure everyone understands the nature of payment-into-court code enforcement cases. Judges like to have a report from the code enforcement agency attached to the complaint, if a report exists, but it is not required to be included. The only requirement in the statute is that the tenant has made a complaint to the code enforcement agency. In regard to making payments into court under 47a-14h, the funds must be cash, bank check, money order, or certified. Personal checks are permitted for court fees only, not escrow payments.
 - 2. Scheduling of trials before pleadings closed: Mr. Pitt reported that a trial will not ordinarily be scheduled before the pleadings are closed, unless a judge has so ordered. He suggests that, if such scheduling inappropriately occurs, it should be first called to the attention of the clerk. If not resolved, Mr. Pitt should be contacted. He would like to have the docket numbers of past cases where the trial was scheduled before the pleadings were closed so he can explore the reasons.
 - ii. Reporting of court decisions: The Judicial Branch posts on its website, for 90 days, any written decision that the judge has designated as a "memorandum" of decision. The website address is <https://jud.ct.gov/Superiorcourt/MOD/MODListing.aspx>.
 - iii. Other matters: Mr. Pitt stated that many new staffers have been hired in the clerks' offices. It is mutually helpful if attorneys build relationships with them.
 - c. Housing mediators: Rebecca Schmitt reported that mediator Laura Sarnicki took a new position. The vacancy is being posted. Ms. Schmitt stated that concerns about particular mediators should be made to her or to Julia Xia, who is the supervisor of mediators. The Council requested that, if an issue about a mediator is raised at an Advisory Council meeting, Ms. Schmitt should in due course inform the Council of the results of her investigation.
5. Future Council meetings: The Council has not as yet found an adequate, relatively central location for hybrid meetings. As a result, for the time being, the Council will continue to meet on Zoom.
6. Adjournment: A motion to adjourn was adopted unanimously (motion by Houston Putnam Lowry, second by Sam Neves). The meeting was adjourned at 4:50 pm.

Respectfully submitted,

Kathleen Flaherty
Secretary

APPENDIX A

RECOMMENDED C.S.G. 47a-23c RENT INCREASE COMPLAINT FORM

- (1) The Plaintiff is a resident of:
- A building or complex with at least five dwelling units or
 - A mobile manufactured home park.
- (2) The address of the premises occupied by the plaintiff is:
- | | | | |
|----------------|-------------|------|-----|
| | | | |
| Street address | Unit number | Town | Zip |
- (3) The Defendant is the landlord of the premises.
- (4) The premises are located in a municipality without a fair rent commission.
- (5) The Plaintiff is a protected tenant under C.G.S. §47a-23c because (choose one or more):
- He/she is at least sixty-two years old.
 - He/she has a physical or mental disability that is expected to last for at least 12 months or result in death.
 - A family member who is at least sixty-two years old resides permanently with the tenant.
 - A family member who has a physical or mental disability that is expected to last for at least 12 months or result in death resides permanently with the tenant.
- Note: For purposes of this section, a “family member” must be a spouse, sibling, child, parent, or grandparent of the tenant.
- (6) On or around _____, the parties entered into an oral / written (*circle one*) rental agreement for the term of one month / week / year (*circle one*).
- (7) The rent for the apartment or mobile home lot is \$_____ per month/ week (*circle one*) and is due on the _____ day of each month / week (*circle one*).
- (8) The defendant has raised or proposed to raise the plaintiff’s rent to \$_____ per month/ week (*circle one*), beginning on (*insert date*) _____.
- (9) The increase or proposed increase in the rent is not fair and equitable.
- (10) OTHER: (Use this space to write down any reasons or additional facts the court should know that explain why you believe the rent increase or proposed increase is not fair and equitable).

The Plaintiff Requests:

- (1) An order limiting or reducing the amount of rent;
- (2) An order preventing the landlord from retaliating against the tenant or otherwise violating C.G.S. 47a-20 or 21-80a;
- (3) An award of taxable costs; and
- (4) Such other relief in law or equity as the court may deem proper.

APPENDIX B

Forms Committee Report – August 28, 2023

The Forms Committee discussed the pro se rent increase complaint form and the template forms the Judicial Branch uses for housing court.

Rent Increase Pro Se Complaint

C.G.S. section 47a-23c(c) permits any tenant who is protected by the good cause requirements of section 47a-23c and who is aggrieved by a proposed rent increase to file a complaint with the fair rent commission for the municipality in which the rental unit is located, or, if there is no fair rent commission, to file a complaint in the Superior Court to contest the increase.

In 2022, the Connecticut legislature amended the municipal fair rent commission enabling statute, C.G.S. section 7-148b, to require municipalities with a population of 25,000 or more to adopt an ordinance creating a fair rent commission. The relevant municipalities had until July 1, 2023, to adopt the fair rent commission ordinance. Municipalities with a population less than 25,000 may, but are not required to, adopt an ordinance creating a fair rent commission.

Tenants protected by C.G.S. section 47a-23c who live in a municipality that does not have a fair rent commission must file their complaint in the Superior Court. The intent of the proposed pro se complaint is to provide a standardized form for pro se tenants to use when the tenant needs to file a complaint with the Superior Court.

The Committee recommends the draft pro se complaint form be presented to the Council for consideration. The allegations in the form track the requirements of the statute.

Court Forms

Chief Housing Clerk Bill Pitt attended the Form Committee's meeting and explained the templates used by the Judicial Branch for its computer-generated notices. One set of templates is for orders issued by the court. A second set of template is for notices that tell the parties when a hearing or trial will be held. The templates have entry fields that the clerks fill in to individualize notices for the particular case, but the ability to change the overall appearance and formatting is limited.

The Forms Committee sees its goal as making these templates more readable for litigants, which to a large extent involves how they are formatted for readability. This includes such aspects as the size and font of the type and the use of boxes, white space, line spacing, and bolding. The understandability of notices is also a significant factor. The Committee did not at the meeting have an adequate collection of the actual notices to be able to make suggestions. It therefore deferred further comment until it obtains copies of actual notices and orders so that it can better assess these types of questions.

Other Business

In addition to the pro se rent increase complaint, are there other pro se forms the Committee should be reviewing? An example mentioned during the Forms Committee meeting is whether we want to consider a pro se landlord complaint form for relief under C. G. S. section 47a-18, which allows for judicial relief if a tenant unreasonably refuses the landlord entry into the unit.

Dave Purvis, Chair, Forms Committee
Connecticut Advisory Council on Housing Matters

Complaint

- (1) The Plaintiff is a resident of:
- A building or complex with at least five dwelling units or
 - A mobile manufactured home park.
- (2) The address of the premises occupied by the plaintiff is:
- | | | | |
|----------------|-------------|------|-----|
| | | | |
| Street address | Unit number | Town | Zip |
- (3) The Defendant is the landlord of the premises.
- (4) The premises are located in a municipality without a fair rent commission.
- (5) The Plaintiff is a protected tenant under C.G.S. §47a-23c because (choose one or more):
- He/she is at least sixty-two years old.
 - He/she has a physical or mental disability that is expected to last for at least 12 months or result in death.
 - A family member who is at least sixty-two years old resides permanently with the tenant.
 - A family member who has a physical or mental disability that is expected to last for at least 12 months or result in death resides permanently with the tenant.
- Note: For purposes of this section, a "family member" must be a spouse, sibling, child, parent, or grandparent of the tenant.
- (6) On or around _____, the parties entered into an oral / written (*circle one*) rental agreement for the term of one month / week / year (*circle one*).
- (7) The rent for the apartment or mobile home lot is \$_____ per month/ week (*circle one*) and is due on the _____ day of each month / week (*circle one*).
- (8) The defendant has raised or proposed to raise the plaintiff's rent to \$_____ per month/ week (*circle one*), beginning on (*insert date*) _____.
- (9) The increase or proposed increase in the rent is not fair and equitable.
- (10) OTHER: (Use this space to write down any reasons or additional facts the court should know that explain why you believe the rent increase or proposed increase is not fair and equitable.

The Plaintiff Requests:

- (1) An order limiting or reducing of the amount of rent;
- (2) An order preventing the landlord from retaliating against the tenant or otherwise violating C.G.S. 47a-20 or 21-80a, and
- (3) Such other relief in law or equity as the court may deem proper.

Sec. 47a-23c. Prohibition on eviction of certain tenants except for good cause.

(a)(1) Except as provided in subdivision (2) of this subsection, this section applies to any tenant who resides in a building or complex consisting of five or more separate dwelling units or who resides in a mobile manufactured home park and who is either: (A) Sixty-two years of age or older, or whose spouse, sibling, parent or grandparent is sixty-two years of age or older and permanently resides with that tenant, or (B) a person with a physical or mental disability, as defined in subdivision (8) of section 46a-64b, or whose spouse, sibling, child, parent or grandparent is a person with a physical or mental disability who permanently resides with that tenant, but only if such disability can be expected to result in death or to last for a continuous period of at least twelve months.

(2) With respect to tenants in common interest communities, this section applies only to (A) a conversion tenant, as defined in subsection (3) of section 47-283, who (i) is described in subdivision (1) of this subsection, or (ii) is not described in subdivision (1) of this subsection but, during a transition period, as defined in subsection (4) of section 47-283, is residing in a conversion condominium created after May 6, 1980, or in any other conversion common interest community created after December 31, 1982, or (iii) is not described in subdivision (1) of this subsection but is otherwise protected as a conversion tenant by public act 80-370*, and (B) a tenant who is not a conversion tenant but who is described in subdivision (1) of this subsection if his landlord owns five or more dwelling units in the common interest community in which the dwelling unit is located.

(3) As used in this section, “tenant” includes each resident of a mobile manufactured home park, as defined in section 21-64, including a resident who owns his own home, “landlord” includes a “licensee” and an “owner” of a mobile manufactured home park, as defined in section 21-64, “complex” means two or more buildings on the same or contiguous parcels of real property under the same ownership, and “mobile manufactured home park” means a parcel of real property, or contiguous parcels of real property under the same ownership, upon which five or more mobile manufactured homes occupied for residential purposes are located.

(b) (1) No landlord may bring an action of summary process or other action to dispossess a tenant described in subsection (a) of this section except for one or more of the following reasons: (A) Nonpayment of rent; (B) refusal to agree to a fair and equitable rent increase, as defined in subsection (c) of this section; (C) material noncompliance with section 47a-11 or subsection (b) of section 21-82, which materially affects the health and safety of the other tenants or which materially affects the physical condition of the premises; (D) voiding of the rental agreement pursuant to section 47a-31, or material noncompliance with the rental agreement; (E) material noncompliance with the rules and regulations of the landlord adopted in accordance with section 47a-9 or 21-70; (F) permanent removal by the landlord of the dwelling unit of such tenant from the housing market; or (G) bona fide intention by the landlord to use such dwelling unit as his principal residence.

(2) The ground stated in subparagraph (G) of subdivision (1) of this subsection is not available to the owner of a dwelling unit in a common interest community occupied by a conversion tenant.

(3) A tenant may not be dispossessed for a reason described in subparagraph (B), (F) or (G) of subdivision (1) of this subsection during the term of any existing rental agreement.

(c) (1) The rent of a tenant protected by this section may be increased only to the extent that such increase is fair and equitable, based on the criteria set forth in section 7-148c.

(2) Any such tenant aggrieved by a rent increase or proposed rent increase may file a complaint with the fair rent commission, if any, for the town, city or borough where his

dwelling unit or mobile manufactured home park lot is located; or, if no such fair rent commission exists, may bring an action in the Superior Court to contest the increase. In any such court proceeding, the court shall determine whether the rent increase is fair and equitable, based on the criteria set forth in section 7-148c.

(d) A landlord, to determine whether a tenant is a protected tenant, may request proof of such protected status. On such request, any tenant claiming protection shall provide proof of the protected status within thirty days. The proof shall include a statement of a physician or an advanced practice registered nurse in the case of alleged blindness or other physical disability.