



CITIZENS ADVISORY
COUNCIL FOR HOUSING MATTERS



Reply to: 44 Capitol Ave., Suite 301
Hartford, CT 06106
860-278-5688 x203

NEXT MEETING

2:00 p.m.
Wednesday, March 17, 2010

Connecticut Bar Association
30 Bank St., New Britain
(860-223-4400 for directions)

Minutes of December 16, 2009 Citizens Advisory Council meeting

Persons present: Olivier Bourgeois, Richard DeParle, Judith Dicine, Robert Fernandez, Rocco Guarnieri, Jeff Hammer, Sharon Levy, Carl Lupinacci, David Pels, Raphael Podolsky, Pat Walker

(1) PRELIMINARY MATTERS

(a) Call to order: The meeting was called to order by the chairperson, Raphael Podolsky, at 2:15 p.m. at the Burroughs Community Center, 2470 Fairfield Ave., Bridgeport.

(b) Approval of agenda: The agenda was approved.

(c) Approval of minutes: The minutes of the September 16, 2009, meeting were approved unanimously (moved by David Pels, seconded by Richard DeParle).

(2) PROSECUTION MATTERS

(a) Staffing: The vacancy created by the retirement of the Bridgeport-Norwalk prosecutor has not been filled, and it is unknown when it will be filled with a permanent hire. The Criminal Justice Commission was authorized to hire eight new prosecutors, none of whom will be assigned to housing. Mary Card continues to fill in as the Bridgeport housing prosecutor. Stephen Szymczak has been hired as a per diem prosecutor to cover the Norwalk criminal docket once a week. Judith Dicine picks up any other Norwalk coverage that is required.

(b) Prosecution referrals by towns: Data gathered on criminal filings in the Hartford Housing Court in the past two years found that 90% to 95% of the docketed cases involved housing code enforcement. About two-thirds of those were from Manchester, one-third from Hartford, and only a handful from other towns. Of the non-code enforcement cases,

about one-quarter were against landlords (lockouts) and about three-quarters were against tenants (damage to landlord property, forgery, or larceny). The data confirms that the larger towns are not necessarily the principal source of code referrals but does not reveal the reason for either the differences between towns or the caseload differences between housing prosecutors. Judith Dicine reported that the goal is uniform enforcement by all towns and that she is involved in training municipal code enforcement officials. She recommended that Council members encourage towns to enforce their codes and refer their non-compliant cases to housing prosecutors. After discussion, this subject was tabled indefinitely.

(c) Referral of G.A. cases to housing prosecutors: Judith Dicine reported that the housing prosecutors are getting an increasing number of criminal referrals from the G.A. prosecutors. These are housing-related criminal cases other than code violations (code violations are ordinarily referred by code enforcement officials directly to the housing prosecutor while other housing-related criminal cases are commonly referred by police departments to regular prosecutors). For example, there have been seven such transfers to the housing prosecutor in Bantam in recent months. The Council will continue to monitor the extent to which housing-related criminal cases are being referred.

(d) Police training: The police training manual has been very well received by the classes that Judith Dicine is teaching. The scope of classes has also been expanding, with landlord-tenant law a part of both new officer and in-service training. Two hours of landlord-tenant law training are required for new officers but a four-hour class has become standard. Judith has also taught four all-day in-service landlord-tenant law trainings, including an all-day training this week attended by about 60 police officers.

(3) CLERK'S OFFICE MATTERS

(a) Bridgeport courtroom: On November 30, representatives of the Advisory Council (Sharon Levy, Richard Tenenbaum, Patricia Walker, and Rafie Podolsky) met at the Bridgeport Housing Court with representatives of the Judicial Branch to discuss the Council's proposal to consolidate housing court activities on the 5th floor at 1061 Main St. Judicial Branch participants were Deputy Chief Court Administrator Patrick Carroll, Executive Director of Superior Court Operations Joseph D'Alesio, Director of Court Operations Nancy Kierstead, J.D. Fairfield Administrative Judge Theodore Tyma, and J.D. Fairfield Clerk Donald Mastrony. The Council received a promise that the arrangement of rooms will be reconsidered.

(b) Norwalk courthouse: There has been talk that the state budget crisis could result in the closing of the Norwalk courthouse, where the Norwalk Housing Court is located, or the relocation of some of its activities elsewhere. If the housing court were no longer in that building, it would have to move to the Stamford courthouse. At present, however, it is believed that there is no plan to move the housing court. The Council reaffirmed its request that, if a move of the housing court is under consideration, it be contacted and included in the discussions from the earliest stage.

(c) Staffing: Beth Duffy Burns has left her position as clerk of the Bridgeport Housing Court, and the position has been posted internally as a transfer opportunity for existing housing clerks with a closing date of December 28. See

http://www.jud.ct.gov/external/news/jobs/job_internal.htm (scroll down to Deputy Chief Clerk for Housing Matters). A clerical vacancy at the Hartford Housing Court has been filled. There are no other immediate staffing needs in the clerks' offices.

(d) Explanation of proceedings at the call of the calendar: The matter was tabled permanently.

(4) HOUSING SPECIALIST MATTERS

(a) Staffing: The housing specialists have been renamed "mediators" and have been reclassified into a higher job classification. Their salaries will be comparable to those of foreclosure mediators. Cynthia Teixeira has been authorized to replace the three mediators who have left their positions since 2008 (two by transfer to the Foreclosure Mediation Program and one by retirement). Two positions are in New Haven and one in Hartford. The positions were posted for outside hiring and interviews have taken place, but the process has now been put on hold because of budgetary uncertainties.

(b) Non-law student interns: The matter was tabled permanently.

(5) JUDICIAL MATTERS

(a) Advisory Council website: The Website Subcommittee met on November 4 and reviewed and recommended adjustments to the new Advisory Council website. Subcommittee members in attendance were Houston Putnam Lowry, Sandra Desrosiers, Penny Trick, and Rafie Podolsky. The changes have been submitted to the Department of Information Technology, which is expected to have the website active in the near future. The Council will then be able to maintain it going forward and also to add official archival material (e.g., old agendas, minutes, and biennial reports) to the website as well.

(b) Federal Protecting Tenants at Foreclosure Act (PTFA): The Judicial Branch has responded positively to the Council's recommendation that, in post-foreclosure evictions by the foreclosing party, it be noted for the judge whether or not the mandatory federal 90-day notice has been provided. Jeff Hammer reported that the internal software used by the clerk's offices is being adjusted so that it can be checked as to whether a 90-day notice has been filed. When ready, it will probably be piloted in Hartford first before being extended to other locations where evictions are filed.

(c) Small claims update: There has as yet been no action by the Judicial Branch on the Advisory Council's recommendations that (i) housing small claims hearings in New Haven and Bridgeport be held in the same building as the housing court and (ii) housing small claims cases be segregated from other small claims cases and fast-tracked.

(d) Local file retention: Rocco Guarnieri proposed that, if a small claims hearing is not completed on first day of trial, the file should be retained in the housing court clerk's office for the judicial district in which the trial is being held until the completion of the continued trial. The purpose is to give the parties access to the contents of the file between hearing days without having to travel to Hartford. After discussion, the Council requested that the Judicial Branch devise a way to make it possible for litigants to inspect such files locally without cost during the interim period for cases in which a trial has begun but has

been continued to an additional hearing date.

(6) ESCROW ACCOUNTS FOR SECURITY DEPOSITS

At the invitation of Rocco Guarnieri, a presentation was made to the Advisory Council by Maria Krikorian, Andrea Reid, and Shelley Hirn of TD Bank. The bank has a program, called Escrow Direct, designed to provide landlords with escrow accounts that comply with the state Security Deposit Act. Under Escrow Direct, the landlord can, without charge, set up a master escrow account with subaccounts for each tenant. The accounts will always pay at least the minimum statutory interest on security deposits (presently 1.5%), which the bank will automatically credit to each subaccount. The subaccounts are in the name of the tenant, using the tenant's Social Security number. An interest check is sent to the tenant automatically each year in accordance with the state statute, unless the landlord directs otherwise. The subaccounts are protected from attachment by the landlord's creditors, although the master account is not (it is in the landlord's name and Social Security number). The master account, however, is a pass-through account only and, except for brief periods of time, would not have any money in it. The landlord can vary the automatic procedures by direct contact with the bank. It appears that some other banks may have similar programs.

(7) 2010 SCHEDULE OF MEETINGS

The Advisory Council will continue its regular schedule in 2010. More specifically, the Advisory Council's regular meetings for 2010 will be on the third Wednesday of March, June, September, and December. Those dates are March 17, June 16, September 15, and December 15. The March and September meetings will be held at the Connecticut Bar Association, 30 Bank St., New Britain. The June and December meetings will be held at Burroughs Community Center, 2470 Fairfield Ave., Bridgeport.

(8) ADJOURNMENT

The meeting was adjourned at 4:00 pm (moved by Patricia Walker, seconded by Rocco Guarnieri).

Respectfully submitted,

Raphael Podolsky, Acting Secretary