



CITIZENS ADVISORY
COUNCIL FOR HOUSING MATTERS



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

Next meeting

2:00 pm

Wednesday, December 16, 2009

Burroughs Community Center
2470 Fairfield Ave., Bridgeport

Please mark your calendars now.

Minutes of the Citizens Advisory Council for Housing Matters – September 16, 2009

The Regular meeting of the Citizens Advisory Council for Housing Matters was held September 16, 2009, at 30 Bank Street, New Britain, CT.

Present were: Penny Trick, Houston Putnam Lowry, Pat Walker, Raphael Podolsky, Rocco Guarnieri, Sandra Desrosiers, Noble F. Allen, David Pels, Richard Tenenbaum, Judith Dicine and Carl Lupinacci.

Chairperson Raphael Podolsky called the meeting to order to order at 2:15 P.M.

1. Preliminary matters
 - a. The Council approved the agenda as proposed.
 - b. After a review of the minutes of the June 17, 2009 meeting, Houston Lowry moved to accept the minutes. Rocco Guarnieri seconded and the minutes were unanimously approved.

2. Judicial assignments – The chairperson reported that the housing court assignments for each of the following judges were extended for an additional year.
 - a. Judge Gilligan – Hartford/New Britain
 - b. Judge Abrams - New Haven/Waterbury
 - c. Judge Moore – Bridgeport/Norwalk

Judge Moore, who was previously assigned only to Bridgeport, will be Presiding Judge for Housing in both Bridgeport and Norwalk. Judge Grogins, who is a Judge Trial Referee, was also assigned to housing in Norwalk.

3. Legislative and Practice Book rule changes affecting the housing courts.
 - a. Entry fees – The chairperson reported that the General Assembly has raised a number of fees that will affect housing cases. These include the following:

Summary process and landlord-tenant entry fee	\$175 (was \$120)
Motion to open summary process judgment	\$75 (was \$35)
Small claims entry fee	\$75 (was \$35)
Small claims transfer fee	\$125 (was \$75)
Motion to open small claims judgment	\$75 (was \$25)

The Council was reminded that indigent litigants can still apply for a waiver of fees from the court.
 - b. Existence of the Advisory Council – The chairperson reported there is no change in the status of the Advisory Council. None of the bills that would have terminated the Advisory Council were approved during the regular session, and it does not appear that any will be approved during the special session to implement the budget.
 - c. Small Claims – The recommendations of the Judicial Branch’s Bench/Bar Small Claims Committee have not yet been acted upon by the Rules Committee of the Superior Court. One of the recommendations proposes that housing small claims cases either (i) be returned to the housing court or (ii) be separated from non-housing cases and handled on a separate, accelerated track. The Bench/Bar Committee also recommended that housing small claims cases be tried in the same building in which the local housing court is located.

4. Housing Court operations reports
 - a. Clerks Offices – Tabled, no representative from the clerk’s office present.
 - i. Update – staffing – Tabled
 - ii. Update – Bridgeport Courtroom – Tabled
 - iii. Explanation of proceedings at call of housing calendar – Tabled to December meeting, to be tabled permanently if not addressed at that meeting
 - iv. Other – None
 - b. Housing Specialists – No representative from the housing specialists present
 - i. Update – staffing -- The chairperson reported, based on a conversation with Cynthia Teixeira, that there are now only six housing specialists. There were nine before two were transferred to the Foreclosure Mediation Program last year and one more took early retirement. The statutory requirement is at least nine housing specialists.
 - ii. Use of non-law school interns in mediation programs – Tabled
 - iii. Other – None.
 - c. Housing Prosecutors
 - i. Update -- Staffing issues Eastern Connecticut and Bridgeport – Judith Dicine reported that Judy Hayes, the Bridgeport-Norwalk housing prosecutor, has retired. Atty. Dicine is temporarily covering Norwalk and Mary Card, a former housing prosecutor, is covering Bridgeport. It is anticipated that a Geographical Area prosecutor will be assigned to cover Norwalk, thereby splitting the assignment. Because of the hiring freeze, it is unlikely that a Bridgeport/Norwalk housing prosecutor will be hired

soon. The State's Attorneys' offices lost 55 employees to retirement and attrition, and only eight positions are authorized for replacement. Deputy Chief State's Attorney Paul Murray, to whom the Chief Housing Prosecutor reports, has also retired. He has been replaced by Leonard Boyle.

- ii. Number of prosecutions by town and variations in number of case initiations by prosecutor -- The Council's biennial report documents the number of formally opened criminal cases by housing court for Fiscal Year 2007-2008. The variation was very large -- from 371 in Waterbury and Norwalk and 310 in Bridgeport to only 103 in New Haven, 95 in Hartford, and 40 in New Britain. Judith Dicine reported that there is not currently a system to generate specific statistics relative to each municipality, and thus no specific data is available. It is her belief, however, that the largest towns with the most housing units do not necessarily generate the most housing code enforcement cases. For example, most criminal cases in the Judicial District of New Haven come from Meriden, not from New Haven. Judith also reported that decreased staffing and resources on the municipal levels have affected the number of cases that get referred to the housing prosecutors for enforcement. In addition, not all housing prosecutors initiate cases in the same way. Some use a seven-day warning letter, which will not result in the opening of a formal file (and will therefore not be counted) if a resolution is worked out before a summons is issued. Judith explained that each prosecutor has the authority to use his or her discretion to best gain compliance as quickly as possible.
- iii. Follow-up on meeting with Chief State's Attorney Kevin Kane
 - a. Prosecutor supervision -- The Chief Housing Prosecutor still formally supervises only the Hartford-New Britain prosecutor but in practice the other housing prosecutors are responsible to her. The Council decided that it is not necessary to push this issue at the present time.
 - b. New prosecutors' training -- The Chief State's Attorney's Office has agreed that landlord-tenant law will be included in annual training for all prosecutors during their first 10 years, but the change has not yet been implemented.
 - c. Referral of G.A. housing cases to housing prosecutors -- The Chief State's Attorney supports the Council's recommendation that all housing-related criminal cases be referred to the housing prosecutor, but getting the referrals continues to be a problem in actual practice.
- iv. Update -- Prosecution Guidelines -- The Guidelines have been approved in final form.
- v. Update -- Police training course -- Judith reported that the training in landlord-tenant law provided through the Police Officer Standards and Training (POST) Academy has been well received and a three-hour class is now required for new police officers. Also, in-service training for other police officers has been extended to a non-mandatory all-day training event as a result of the overwhelming positive response of the attendees.

The West Hartford and Hartford Police departments have requested their own trainings, as they are not part of POST.

- vi. Update – police training manual -- Judith confirmed that the manual has been approved with two minor edits. She will send the final version to the chairperson for distribution to the Council.
- vii. Other – None

d. Judicial

- i. Update – Advisory Council website –The Department of Information Technology is in the process of creating a website for the Advisory Council on the state server. A committee comprised of Penny Trick, Sandra Desrosiers, Rocco Guarnieri, Houston Lowry, and Raphael Podolsky was designated to review and provide input on the design of the website.
- ii. Update – Small Claims – Tabled.
- iii. Canvass-related issues. Houston Lowry reports there are no canvass-related issues of concern for the Council. Tabled permanently.
- iv. Other – None

5. Other Business –

- a. Rich DeParle -- Advisory Council participant Rich DeParle is recuperating at home from hip replacement surgery. The chairperson reported that a card was sent on behalf of the Council for his speedy recovery.
- b. Tenant foreclosure protections -- David Pels reported evidence of widespread non-compliance with the new federal Protecting Tenants in Foreclosure Act, which provides that existing leases are not terminated by foreclosure and gives tenants a minimum of 90 days to move after a foreclosure action against the landlord is completed. After discussion, it was moved by David Pels and seconded by Houston Putnam Lowry that the Council should communicate to the Chief Court Administrator and the Chief Housing Clerk to request that the clerks' offices call the judges' attention to summary process actions that allege title transferred by foreclosure after May 20, 2009 but fail to attach the 90-day notice or allege exemption from the 90-day requirement. The motion carried unanimously, with abstentions.
- c. Bedbugs -- Judith Dicine provided information regarding an upcoming forum by the Connecticut Agricultural Experiment Station regarding bedbug infestations. The training will be provided in New Haven on October 15, 2009. More information on the forum is available at http://www.ct.gov/caes/lib/caes/documents/bed_bugs/ct_bed_bug_forum_october_2009_announcement.pdf Seating is limited and attendees must pre-register. Bedbug infestations should also be reported to the bedbug registry at www.bedbugregistry.com.

6. Adjournment: The meeting was adjourned at 4:30 pm.

Respectfully submitted,

Sandra Desrosiers, Co-secretary