



THE CITIZEN S ADVISORY COUNCIL FOR HOUSING MATTERS

FOR THE HOUSING SESSION OF THE HARTFORD - NEW BRITAIN JUDICIAL DISTRICT OF THE SUPERIOR COURT

Respond to: 111 Oak Street
Hartford, Connecticut 06106
(203) 525-6604

May 6, 1982

MINUTES OF THE MEETING OF MAY 5, 1982

Persons present: Pat Landau (Neighborhood Housing Services), William Curtis (Hartford Housing Code), Joseph Zabbideo (Hartford Housing Code), Pat Wallace (New Haven Citizens Advisory Council), Gerry Maine (La Casa de Puerto Rico), William Sadek (Housing Court), Vivian Martin (Hartford Courant), Raphael Podolsky (Advisory Council), Edward Murtha (Advisory Council), Marc Margolius (Neighborhood Legal Services), David Pels (Neighborhood Legal Services), Frank Baez (La Casa de Puerto Rico), Frank Murphy (East Hartford Housing Code), William Boardman (East Hartford Housing Code), Robert Kor (Neighborhood Legal Services), Carol Maurer (Advisory Council).

1. Call to order: The meeting was called to order at 2:50 p.m. in the waiting room of the Hartford Housing Court by Chairperson Raphael Podolsky.

2. Approval of minutes: The minutes of the Council's meetings of September 23, 1981, October 21, 1981, and December 1, 1981, were approved unanimously.

3. Council vacancies: The chairperson reported that the four vacancies on the Council have not yet been filled by the Governor, even though some have existed since last summer. It was suggested that any person interested in being appointed should write the Governor, preferably with a copy to the Council chairperson. In addition, it was suggested that people write the Governor, urging him to fill the vacancies. The chairperson reported that he knows of at least six names which have been submitted to the Governor through him and that he expects other names may have come in from other sources.

4. Council attendance: Edward Murtha moved that the Council reaffirm its policy that any person missing three consecutive meetings without excuse be asked to resign. The chairperson reported that six of the Council's thirteen members had missed more than three consecutive meetings - Ned Coll, Arthur Greenblatt, Lawrence Reeves, Michael Sharpe, Joseph Stafford, and Liz Washington. The motion was approved unanimously. The chairperson was instructed to write appropriate letters to each of these people.

5. Council officers and committee chairpersons: Marie Langan's move to Wallingford has left the Council without a secretary or a Housing Code Committee chairperson. Selection of a secretary was tabled until the next meeting. The chairperson was authorized to seek out a new Housing Code Committee chairperson.

6. Meeting time: Council members expressed a preference for holding future meetings at 9:30 a.m. on weekday mornings. An effort will be made to

try this meeting schedule, starting with the Council's next meeting.

7. 1982 legislation: The chairperson reported that the General Assembly had passed legislation adding Waterbury to the New Haven housing court and creating a new housing court which would cover Bridgeport, Norwalk, and Stamford. The new court will take effect on October 1. In addition, the legislature has also approved legislation extending the good cause eviction law for the elderly until the end of 1987. Both bills are expected to be signed by the Governor. The Bridgeport-Norwalk-Stamford housing court will have its own 17-member citizens advisory council.

8. Housing court symposium: The chairperson reported that he had received for comment a letter to Judge Maloney from the National Center for State Courts seeking financial support for a symposium on New England housing courts. The Council authorized the chairperson to communicate to Judge Maloney or the Judicial Department its endorsement of such a symposium.

9. Use of housing court facilities: The chairperson reported that the Judicial Department had been considering the use of the housing court's courtroom for family cases during some portions of the week. Bill Sadek said that the proposal appeared no longer to be under active consideration by the Judicial Department. As a result, discussion was tabled.

10. Housing code enforcement: Tom Prior, the housing court prosecutor since early January, was introduced to the Council. A lengthy discussion then followed on the code enforcement policies now being followed by the prosecutor. The following was among the information which came out in the discussion:

a. The prosecutor is in the process of making changes in the system of prosecution. He has worked out revisions with the suburban towns, but discussions are still in progress with Hartford, which submits most of the court's criminal cases. The Hartford Code Enforcement Division appeared to disagree with many of the changes which the prosecutor was seeking.

b. The prosecutor wants to reduce the number of enforcement cases submitted to the court. He stated that he is looking for "quality" rather than "quantity." There was disagreement as to whether he was seeking to distinguish between "major" and "minor" violations. He characterized his job as to "do justice," rather than prosecute all referred code non-compliances.

c. The prosecutor is no longer following the policy that a case will not be closed unless all violations are first corrected.

d. The prosecutor is refusing to prosecute housing code enforcement cases if code inspection was initiated because a complaint was filed with a fair rent commission.

e. The prosecutor is not handling any lockout cases. All such cases are being processed through the regular criminal court on Morgan Street. The prosecutor stated that this was for "administrative" reasons.

f. Criminal cases are no longer being heard at a fixed time in court. Instead, the cases are called when other parts of the calendar are finished. The prosecutor stated that the responsibility for this decision rests with the judge.

g. The prosecutor is no longer following a policy that a case will not be nolleed unless there is full compliance by the second court appearance.

Pat Landau and Marc Margolius presented a statistical analysis of the court's criminal docket sheets from January 19 through April 20, 1982. It revealed that 37 of the 39 cases which had received final disposition had been nolleed, while only two had resulted in fines. The fines were \$75 each. Approximately 40% of the nolleed cases had had three or more court dates.

The prosecutor stated that he would not permit Advisory Council representatives to participate in any of his meetings with the Hartford Code Enforcement Division in which policy for handling Hartford cases was being developed. He did indicate that he would meet separately with representatives of the Council. He also stated that his intention was to develop a code enforcement policy that is "tougher" than the policy now being followed.

It was decided that the Council should schedule a meeting soon to make recommendations based upon the information gathered from the discussion.

11. Statewide housing prosecutor: Pat Wallace reported that the New Haven Citizens Advisory Council had tabled discussion of whether it would like to seek Judicial Department hiring of a full-time housing court prosecutor who would cover both the New Haven and the Hartford housing courts. She was requested to ask the New Haven Council to review the matter again.

12. Adjournment: The meeting was adjourned at 4:30 p.m.

Respectfully submitted,

Raphael L. Podolsky
Chairperson

Housing Council Says Court Is Soft

By VIVIAN B. MARTIN
Courant Staff Writer

Members of a citizens advisory group charged Wednesday that the state's housing court is backing off earlier efforts to enforce the housing code.

But Assistant State's Attorney Thomas Prior, the housing court prosecutor, told the state Citizens Advisory Council on Housing Matters that it is too early to interpret his actions.

Prior, who was appointed prosecutor for the Housing Session of Hartford-New Britain Superior Court last January, said he plans to "toughen up" the court.

The citizens council had invited Prior and housing code enforcement officials from Hartford and area towns to its meeting to discuss code enforcement.

The group expressed concern about figures compiled from mid-January to April 20, which show that 37 of the 56 cases on the docket in Hartford were not prosecuted. Seventeen cases are pending and only two fines of \$75 each were levied in two other cases.

"We've taken this to steps one, two three and five, but now we seem to be back at step one," Raphael Podolsky, chairman of the council and the author of a study on the housing court, said.

At the start of the meeting, Prior had begged off discussion of code enforcement, saying there wasn't much to talk about. "They bring them in and we process them," he said.

But under questioning, Prior admitted he is implementing policy changes. Housing activists said they fear the changes could hamper attempts to strictly enforce the housing code.

"I'm distressed by what I've heard," Podolsky, a lawyer, said after the meeting.

Prior told the group he is looking for "qualitative rather than quantitative cases." And, while Prior refused to elaborate on his plans, Hartford housing code en-

forcement officials said he is balking at prosecuting housing code violations that he deems minor.

Prior said the numbers from the first four months are misleading and don't indicate what he is trying to do.

Joseph Zibbideo, a housing code enforcement officer in Hartford, said Prior is against prosecuting cases that the city brings in unless they involve life-threatening problems. However, Zibbideo pointed out that the severe cases don't go to court because the city makes needed repairs itself in critical situations.

Zibbideo said that cracked or leaking ceilings, broken windows and other problems may not appear critical, but they are violations of the city's housing code.

Prior refused to answer questions about Zibbideo's remarks, except to say Zibbideo's interpretation was inaccurate.

Prior said he preferred to iron out his policy differences with Hartford housing code inspectors before airing them in public.

Prior said that every case has to be looked at on its own merit.

"Every case is different, but there is still the question of compliance," said Robert Kor, a legal aid lawyer.

Kor and other housing activists pointed out that people who are brought to housing court are there because they have already refused to comply with at least one notice from the city. Also, the city never takes action against people who make a good faith effort to correct code violations.

When Prior noted that he has established good relations with housing code inspectors from the suburban towns that use the court, Podolsky pointed out that Hartford makes up 88 percent of the cases that come into the Hartford court.