



THE CITIZENS ADVISORY COUNCIL FOR HOUSING MATTERS

October 22, 1986

MINUTES OF THE MEETING OF SEPTEMBER 16, 1986

Members present: Douglas Mintz, Raphael Podolsky, Diana Crouse, Kevin Tierney, Joseph Wincze.

Others present: Hon. Thomas West, Richard Preston, Ron Kadar, Mary Card, William Montesinos, Richard Tenenbaum, Kevin Mayo.

(1) Call to order: The meeting was called to order at 2:45 p.m. on September 16, 1986, in the courtroom of the Housing Court in Norwalk. Douglas Mintz, chairperson of the Council, presided. Mr. Mintz stated that the meeting was intended to obtain information from local housing court officials and staff and local code enforcement personnel about the operations of the housing court and to solicit their suggestions for changes. The material will be of use to the Council in preparing its biennial report.

(2) Hon. Thomas West (Bridgeport-Norwalk housing court judge): Judge West said that, in general, the system works well. The staff is excellent. Norwalk has more civil cases while Bridgeport has more summary process cases. About 95% of landlords have lawyers, compared with 30-35% of tenants. His particular suggestions were:

(a) Space in Norwalk: The Norwalk facilities are very cramped. Because the courtroom is so small, the clerk has been forced to stagger the calendar call on a half-hour basis. This has worked out well. The clerk's office itself is also too small. There are insufficient rooms for all staff to use. As a result, the court has had to stop using small claims commissioners because of lack of space in which they can hear cases. In addition, the court is losing one room, which is being given over to Stamford jury trials.

(b) Identification for housing specialists: The housing specialists should have photo identification cards so that they can identify themselves when they make inspections.

(c) Stays of execution: (1) Six-month stay for roomers and commercial tenants: Roominghouse tenants and businesses should be made eligible for the six-month discretionary stay of execution in lapse of time evictions. The wording of the statute limits them to the 20-day automatic stay. (2) Relationship of automatic stay to discretionary stay: Calculation of the discretionary stay in relation to the automatic stay should be made consistent. As the law now reads, the 20-day stay in lapse of time evictions comes out of the six-month maximum; the five-day stay in non-payment cases does not come out of the three-month discretionary stay. (3) Arrearages: The law should clarify how the court is to determine the arrearage which is to be paid when a stay is requested. They now rely on the tenant's affidavit. (4) Stays by stipulation: The law should clarify whether a stay that is included in a stipulated judgment counts toward the maximum discretionary stay period.

(d) Non-payment by week-to-week tenant: The statutory 10-day grace period for non-payment of rent should not apply to week-to-week leases.

(e) Commercial jurisdiction: Commercial landlord-tenant cases represent the fastest growing portion of the court's caseload, but there is no clear statutory basis for commercial jurisdiction over landlord-tenant disputes except when they involve evictions. The court's authority should be clarified.

(f) Small claims cases: Magistrates should hear small claims cases in Norwalk on days when the judge is hearing cases in Bridgeport. This would have the advantage of freeing up judicial time, although it would also have the disadvantage of eliminating litigants' access to housing specialists in small claims cases (since the housing specialists would be in Bridgeport with the judge). Under the Norwalk office's present practice, small claims parties are referred to a housing specialist if they ask for a hearing before the judge but not if they accept hearing by a commissioner.

(3) Richard Preston (Norwalk clerk):

(a) Norwalk staffing: The Norwalk clerk's office has one full-time office clerk and one part-time (20 hours per week) temporary. The temporary is paid \$5.25 per hour with no benefits, making it hard to get and hold a competent person. This is important, because the clerk is in court most of the time when the court is in session and providing pro se assistance requires more than a minimal high school education. He has had to refill the position four times in two years, making training very difficult. The office needs a permanent 30 to 35 hour per week person. This would also ease the office's difficulty in keeping the clerk's office covered when court is in session. A request for such an employee was previously denied by the Judicial Department but it has been resubmitted.

(b) Bridgeport staffing: The Bridgeport clerk's office has two full-time employees. It needs at least one part-time employee.

(c) Spanish-speaking staff: There is no Spanish-speaking staff in Norwalk or Bridgeport, but this is not a significant problem in Norwalk, because that court location has few Spanish-speaking litigants. They could use form translations in French.

(d) Forms: The housing court forms are now in use in both Norwalk and Bridgeport. It would be helpful to have a pro se entry and detainer form.

(4) Ron Kadar (housing specialist): The specialists make inspections in both civil and criminal cases and are involved in the settlement of criminal cases. No one in the Bridgeport office speaks Spanish, but he feels that few cases require it. He would like to see more community publicity about the court in Bridgeport. There have been a number of workshops in Stamford and Norwalk but none in Bridgeport.

(5) Mary Card (former housing prosecutor): The prosecutor needs an office in Norwalk. She was forced to use either the clerk's office or else

the hallway. The situation made it difficult for her to meet privately with the inspector. She thinks it is a good idea for the prosecutor and the police departments to have a working relationship so that the police can call for advice on lockouts. She has spoken to classes of police rookies in Bridgeport. She made extensive use of accelerated rehabilitation, with about half of the cases being resolved in that way. Two of the AR's have been revoked. Except in no-heat cases, her usual practice was to issue a warning letter before taking further action. About 85-90% of her cases were closed without any formal prosecution. In Stamford, if there was no adequate compliance with the warning letter, she would institute the case with a warrant rather than a summons. She has now taken a different state's attorney position. Kevin Mayo is her temporary replacement. A permanent replacement is expected soon.

(6) William Montesinos (Stamford housing code): He thinks that the system works well. He was quite pleased with Mary Card as prosecutor. Stamford is limited by the fact that it has only four inspectors.

(7) Norwalk housing code (name not recorded): They are pleased with housing court prosecution. In his opinion, housing in Norwalk is better because of the housing court system.

(8) Richard Tenenbaum (Attorney, Connecticut Legal Services, Inc., Norwalk office): He is pleased with the operation of the court. His comments are: (a) the courtroom is too small, although the staggering of cases works well; (b) the clerk definitely needs more staff; (c) mail coming from the clerk's office is exceptionally slow, although there is probably nothing that can be done about that; (d) crimes related to the landlord-tenant relationship (e.g., assault or theft by a landlord or tenant) should be handled by the housing court prosecutor.

(9) Adjournment: The meeting was adjourned at 5:15 p.m.

Respectfully submitted,



Raphael L. Podolsky, Secretary