



THE CITIZENS ADVISORY COUNCIL FOR HOUSING MATTERS

September 28, 1986

MINUTES OF THE MEETING OF SEPTEMBER 24, 1986

Members present: Robert Kor, Joseph Stafford, Douglas Mintz, Raphael Podolsky, Melanee Harris

Others present: Hon. Samuel Goldstein, Victor Feigenbaum, Frances Calefiore, Vicki O'Donnell, Yolanda Rivera, Joseph Zabbiddeo, William Boardman, Elliot Lane, David Stowe, Patricia Landau.

(1) Call to order: The meeting was called to order at 2:30 p.m. on September 24, 1986, in the courtroom of the Housing Court in Hartford. Robert Kor, chairperson of the Hartford-New Britain Subcommittee, presided. Mr. Kor 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. Samuel Goldstein (Hartford-New Britain housing court judge):
(a) Role of advisory bodies: Judge Goldstein urged the Council to broaden its role to include analysis of proposed housing legislation and advocacy of legislation to benefit both tenants and landlords. He suggested in particular the need for support for housing subsidies. He also urged the Council to see that the public has more accurate knowledge about the court. For example, cases are in fact processed quickly, with the overwhelming majority of eviction judgments being defaults entered within a few weeks. Slowdowns are usually not the fault of the court but the result of an eviction being done improperly by the plaintiff or his lawyer. The major business of the court is evictions, not criminal code enforcement. Although there is easy access to the court by pro se litigants, summary process law is complex and the failure to comply is deadly, so that the court is not really designed for pro se parties. He recommended that the Law Revision Commission revise the landlord-tenant statutes for clarity, consistency, and plain language.

(b) Payment into Court Act: He suggested consideration of merging Payment into Court actions with summary process actions.

(c) Code enforcement: There are wide differences in the degree of aggressiveness in code enforcement between towns. To improve enforcement, training needs to be improved. He also suggested that offenses be treated as infractions, with a schedule of fines to be paid, rather than as crimes.

(d) Summary process procedure: He recommended against the use of use and occupancy motions. They are meaningless, he said, because you get a speedy trial anyway in the housing court and do not need the payments to protect against delay. He suggested that summary process defenses now raised by

motion to dismiss be converted to special defenses, at least in cases involving small buildings. He suggested that, in towns with certificate of occupancy ordinances, the landlord be required to attach the certificate to the complaint. He proposed extending the discretionary non-payment of rent maximum stay to six months in larger buildings, as long as the tenant is paying the back rent. He suggested that the notice to quit be rewritten to refer to the curative notice required by C.G.S. 47a-15.

(e) G.A. courts: Judge Goldstein recommended that evictions be treated as privileged cases in the G.A. courts. Such courts should have a floating housing specialist and should use housing court forms. The G.A. courts in non-housing court districts should be formally assigned to the nearest housing court as a contact point for obtaining advice from the housing court judge and staff. Judge Jacobson, the chief civil judge for the state, has been assigned responsibility for the housing session. Judge Goldstein suggested that the Advisory Council encourage his interest in housing.

(3) Victor Feigenbaum (Hartford Housing Court Clerk): Mr. Feigenbaum reported that Hartford has 50% more summary process cases than the second busiest housing session location, but that they have nevertheless reduced case process time to its lowest ever. By June 30, 1986, there were only 319 pending eviction cases, the small number since the court was started in 1979. The time from return day to date of judgment in the average case is 23 days, which is the shortest of the state's housing court districts. Hearings are scheduled within one week of the filing of the motion or the closing of the pleadings.

The court also has an exceptionally large number of Payment into Court cases. More than 100 have been filed altogether. The court treats cases brought by multiple tenants in the same building as separate cases but groups them together for hearing and disposition. They are nevertheless charged separate entry fees. In any event, most Payment into Court cases have been brought individually, rather than by a group of tenants. The court has almost always in such cases been successful in getting repairs made. The court also receives large numbers of information requests, both at the counter and by telephone. This requires much time from the staff and requires enough clerical assistant continuity in employment to permit reasonable training. His particular suggestions were:

(a) Staffing: For more than a year, they have filled a temporary clerical assistant position through a temporary agency, which has sent a series of different people. The position needs to be made permanent and full-time. They also need to have the temporary assistant clerk position converted to a full-time one. Because the temporary position has no benefits, they cannot hold anyone in it. Five different people have been in the slot during the past two years. Staffing levels in New Britain are adequate.

(b) Input into legislation: The staff needs some adequate mechanism, either through the Judicial Department or through the Advisory Council, for commenting on pending legislation which affects the housing court.

(c) Payment into Court Act: They are unhappy with the use of the act for minor problems.

(d) Relationship to other civil courts: For the housing court to provide the kind of service to the public that it presently provides, it is important that it retain some degree of independence and that it not be required to do things in exactly the same way other civil courts do them.

(e) Physical facilities: The New Britain courtroom is much too small, and people often have to stand in the hallway. There is also a danger that the court will lose even that courtroom. There is also a need for separate tables for the plaintiff and the defendant, so that each can have some privacy for their litigation notes.

(4) Joseph Zabbiddeo (Hartford Housing Code): He thinks that the last two prosecutors (Chris Morano and Vicki O'Donnell) have made a tremendous improvement in the quality of code enforcement. His agency still has some difficulty producing adequate documentation to satisfy the prosecutor, but he does not see that as a problem. He thinks that the court's criminal docket is finally working well and he would not want to see it changed. He objected to Judge Goldstein's proposal for treating housing code violations as infractions because (a) making the defendant physically come to court has a greater impact on him and therefore increases the chance of getting the work done and (b) it greatly slows down the process if the defendant were allowed to pay a fine without doing the work, forcing the code agency to start the enforcement process all over again. In fact, he thinks that in some cases the landlord ought to be sent to jail. He is satisfied that cases are not closed unless the work has been done, and he considers the court to be "an exceptionally valuable ally" in enforcing the housing code. He also finds the Payment into Court Act helpful to his agency, and it does not conflict with his agency's work. In fact, it helps get resolution of cases without his having to bring a criminal prosecution. He also finds Hartford's certificate of occupancy ordinance to be an important tool in code enforcement. He thinks that the quality of housing in Hartford has improved in the past five years, so that the violations cited today are, on average, less severe than they were five years ago.

(5) Vicki O'Donnell (Hartford-New Britain prosecutor): (a) Cases and sanctions: They use accelerated rehabilitation (AR) a lot to resolve cases. When convictions are obtained, the typical fine is between \$50 and \$100 per count. She has also taken referrals from the GA court on assault, breach of the peace, and negligent homicide if it is housing-related. She is also getting an increasing number of cases from towns other than Hartford, East Hartford, and Bristol, with the number of cases from New Britain in particular beginning to pick up.

(b) Warning letters: She has now discontinued the use of a warning letter before issuing a summons, except in a small number of cases (perhaps 10%), when a seven-day warning letter is used.

(c) Staff assistance: In most cases, she does not need a regular investigator, since the code enforcement officials are adequate. The exception would be a major case (e.g., negligent homicide for failure to have smoke detectors), where she would expect that one could be borrowed from the G.A. court.

(6) Yolanda Rivera (Hartford-New Britain housing specialist): She recommends that (a) tenants be given more effective protection from retaliation for making complaints, since under present court interpretations there is no protection for making minor complaints and (b) tenants be allowed to catch up on back rent even after a notice to quit has been served.

(7) Frances Calefiore (Chief Hartford-New Britain housing specialist):
(a) Staffing needs: They presently have 2.5 housing specialist positions for Hartford-New Britain, but their half-time person is on maternity leave right now. They need to be brought up to 3.5 positions, especially if the chief housing specialist is assigned any additional administrative duties.

(b) Job qualifications: The job qualification for the position still puts emphasis on housing inspection background, but Judge Goldstein uses the specialists very little for inspections (he relies on housing code inspectors) and instead has them focus on case settlements and pre-trials. They are now being used in small claims cases where the litigants do not accept referral to a commissioner. The qualifications should be changed to deemphasize inspection.

(8) David Stowe (Attorney, Connecticut Legal Services, Inc., New Britain Office):
(a) Housing specialist: He agrees that the court needs an additional full-time housing specialist. He rarely uses the specialists because they have too many other cases and are not available.

(b) Impact of housing court: According to people with whom he has spoken, the housing court is a "vast improvement" over the G.A. courts, both procedurally and substantively. He therefore thinks that the system should be expanded statewide. At the very least, G.A. judges hearing housing should be provided with training and research materials in the housing area.

(c) Interpreters: There is inadequate availability of interpreters for Spanish-speaking litigants. The interpreter's office has told him that it will only send interpreters in criminal cases.

(d) Pro se litigants: There is need for more and better pro se forms. For example, there should be a more comprehensible notice to defendants on the summons. There is also a need for more outreach to the poor about the availability of the court.

(e) Criminal prosecution: The improved reputation of criminal prosecution has had a positive effect in New Britain, where it has forced the city to start code inspections. Conversion to an infraction system would undercut this benefit.

(9) Adjournment: The meeting was adjourned at 6:00 p.m.

Respectfully submitted,


Raphael L. Podolsky, Secretary