



CITIZENS ADVISORY
COUNCIL FOR HOUSING MATTERS



Reply to: 104 Beacon St.
Hartford, CT. 06105
(203) 232-7748

July 18, 1990

MINUTES OF THE MEETING OF JUNE 6, 1990

(1) Call to order: The meeting was called to order at 2:10 p.m. by chairperson Raphael Podolsky. The meeting was held in the conference room of the Connecticut Bar Association in Rocky Hill.

(2) Introduction of new members: Four new members have been added to the Advisory Council (see attached membership list). They are Karen Nigol of West Hartford, Barbara Perry of South Windsor, Pamela Kuczo of Fairfield, and Carmen Padilla of New Haven. All new members present were introduced.

(3) Agenda: The agenda of the meeting was approved without objection.

(4) Minutes: The following corrections were made in the minutes of the meeting of November 15, 1989:

(a) On p. 3, the minutes should have stated that Mr. Galluzzo requested two "investigators," not "case coordinators."

(b) On p. 1, the phrase "including placing housing specialists under a Chief Clerk for housing" is incorrect and should be deleted.

The minutes were approved with those corrections.

(5) Financial matters: In the absence of the treasurer, the chairperson reported that there were no changes in finances since the last meeting. The previous treasurer's report showed a balance of \$341.

(6) Prosecutor's report: Domenick Galluzzo reported on recent developments in housing code prosecution:

(a) Investigators: The Criminal Justice Division is facing a possible 3% budget cut. As a result, funding for housing investigators is unlikely.

(b) Non-housing court districts: He has spoken with the state's attorneys for J.D. Ansonia-Milford and J.D. Litchfield. They will ask for a housing prosecutor if they feel they need one, but they apparently do not intend to ask that a housing prosecutor routinely handle prosecutions. It was pointed out that this does not solve the problem. Without a housing prosecutor assigned, there is little likelihood of the kind of outreach to local code enforcement agencies that is necessary to generate enough caseload to induce local state's attorneys to request a housing prosecutor.

(c) Outreach: The prosecutors have spoken at a meeting of the statewide association of housing code inspectors.

(d) Sanctions for criminal violations: Mr. Galluzzo reported that in the past year two landlords have been sentenced to jail for housing violations. There also was a \$3,000 fine levied in the Hartford Housing Court.

(e) Lockouts: Joe Wincze reported that in Bridgeport the police will not act upon a lockout complaint if the landlord is not present at the scene. Mr. Galluzzo advised that a person complaining of a lockout should first call the police. If the police response is not adequate, the housing prosecutor should be contacted during regular business hours. If the landlord lives in a different town than the town where the lockout occurs, an arrest can be made by the police department of either town (i.e., police can make arrests outside their own town). As a courtesy, however, police departments will usually not make an out-of-town arrest but will instead ask that town's department to make the arrest.

(f) Zoning violations: Ethel Austin raised questions about the handling of a case concerning zoning violations on Hawthorn Street in Hartford. The violations are of concern to a neighborhood group. The prosecution involves a person running an automobile "chop shop" on an empty lot in violation of zoning. An initial hearing was apparently delayed by lack of service of process. Mr. Galluzzo commented that the police, rather than the prosecutor, control when service of process is made on a defendant. He said that the housing prosecutor should generally be available to meet with community groups about particular problem locations and suggested that neighbors with particular concerns put them in writing to the prosecutor. The prosecutor's file on a criminal case is confidential and not available to the public. The clerk's office also keeps a file, however, and that file is public.

(g) Eastern Connecticut docket sheets: Morris Czaczkes expressed continuing concern about the extent of housing prosecution in eastern Connecticut. The Council is still not receiving docket sheets for eastern Connecticut or receiving information from which it can be determined how many criminal cases the prosecutor is handling. Mr. Galluzzo said that he will try to arrange for docket sheets to be sent to Mr. Czaczkes.

(h) Housing code prosecution study: Mr. Podolsky distributed a preliminary report based on the housing court's weekly docket sheets (copy attached). It showed a relatively large number of nolles and a relatively small number of fines. An effort will be made to complete the study so that the results can be included in the biennial report. Volunteers are needed to help compile the results.

(7) Clerk's report: Bill Sadek reported on recent developments in the administration of housing cases:

(a) Lockout forms: A pro se entry and detainer form has been issued. It permits the person who is locked out to ask for a court

order to get back into the apartment but, contrary to the Council's recommendation, does not permit the plaintiff to ask for payment for losses.

(b) Norwalk courthouse: The Norwalk Housing Court will be moving to larger space within the Norwalk building. The move is scheduled to start in July.

(c) Bridgeport courthouse: A new counter was recently installed at the Bridgeport Housing Court.

(d) Hartford courthouse: A dispute over security improvements in the Hartford Housing Court had a happy ending, in part because of Council intervention. A firewall, vestibule, and new counter have been built for the clerk's office. Plans to place a glass barrier above the counter were dropped by the Judicial Department because of the Council's objection that it would interfere unnecessarily with communications between the public and the clerk's office staff.

(e) Fact-finders: Kevin Tierney reported that the housing court has been using fact-finders in civil (not summary process) proceedings in Norwalk. Fact-finders are lawyers who hear the evidence and recommend a decision to the judge, who makes the final decision. Mr. Tierney has no objection to the procedure. Bill Sadek reported that Norwalk is the only housing court location which uses fact-finders on a regular basis. The list of fact-finders is reviewed by the clerk's office to make sure that fact-finders assigned to housing cases are appropriate.

(f) Pro se forms for fair rent complaints: There was a discussion about the need for a pro se form for bringing an action disputing whether a rent increase is fair and equitable. Under §47a-23c of the General Statutes, such an action can be brought by certain elderly or disabled tenants in towns without a fair rent commission. The Council voted to create a committee to study whether such a pro se form is needed and, if so, to propose a draft. Chairperson Podolsky appointed a committee of KAREN NIGOL, KEVIN TIERNEY, and PAMELA KUCZO, with Ms. Nigol as chair.

(8) Housing specialist's report: Frances Calafiore reported on developments concerning the housing specialists:

(a) New appointment: Richard Tynan has been appointed as the roving housing specialist for eastern Connecticut. He will be based in New London. A Council subcommittee participated in the screening of resumes and the interviewing of candidates.

(b) Observation of housing specialists: Joe Wincze asked whether Advisory Council members can observe negotiations between landlords and tenants which are mediated by housing specialists. Ms. Calafiore agreed to take the request under consideration. Some questions were raised about the specialist's role in negotiations. Ms. Calafiore noted that the specialist is a mediator and does not act as the advocate for either the landlord or the tenant.

(c) Participants in negotiations: Susan Manchester asked if it was proper for a housing specialist to prevent a party from bringing a non-lawyer friend with her into a negotiating session. Ms. Calafiore commented that a party can ordinarily bring in anyone, although there might be a problem if the other party objects.

(9) Legislative update: Mr. Podolsky reported on two pieces of legislation of interest to the Council. The proposal to create an eastern Connecticut housing court, which died in committee in 1989, was never even considered this past year because there was no money available. A proposal to require all towns to adopt a minimum housing code was endorsed by one committee but died when it was rejected by a second committee.

(10) Biennial report: The Council's biennial report is due in January, 1991. The Council directed Chairperson PODOLSKY to write a first draft, which will be reviewed by a drafting review committee consisting of ROBERT KOR and JOE WINCZE. After review by the committee, the draft will be submitted to the Council for consideration.

(11) Other business:

(a) Housing court observation: Chairperson Podolsky urged Council members to try to find time to visit their housing court to get a first-hand view of its proceedings.

(b) Expansion of scope of Advisory Council issues: Several Council members expressed a desire to have the Council consider housing issues that go beyond the administrative operation of the housing courts. Walt Simmers was interested in having the Council consider housing development issues. Chairperson Podolsky appointed an ad hoc committee to look into the scope of subjects which the Council might take up. Committee members are WALTER SIMMERS, FRED WALLACE, and KEN WHITE. Mr. Simmers will chair the committee.

(c) Landlord-tenant issues: Several Council members raised issues of landlord-tenant law which they thought that the Council should consider. Aura Diaz suggested that a landlord should not be able to require a tenant to pay for the costs of routine maintenance and repairs. Several members spoke about who should be responsible for smoke detectors. Ethel Austin said that the landlord should be responsible for regular inspections to make sure the smoke detector is working. Fred Wallace said that some leases require the tenant to notify the landlord if there is no working battery. Susan Manchester questioned the legitimacy of the federal government permitting towns to reserve five-sixths of their subsidized housing units for in-town residents. Ethel Austin suggested that rent increases resulting from property tax revaluation may result in increased evictions in the housing courts. The chairperson appointed a committee on landlord-tenant issues, consisting of LINDA FRANCOIS, AURA DIAZ, ELAINE DeNIGRIS, and KAREN NIGOL, to consider these and other landlord-tenant matters. Linda Francois will chair the committee.

(d) Meeting schedule: The chairperson suggested that the Council

adopt a quarterly meeting schedule. After discussion, Council members expressed a preference that there be no regular schedule and that meetings be called only when there is business to conduct. It is expected that this year the Council will meet in October and December, primarily to deal with the biennial report.

(e) Judicial assignments: It is likely that new housing court judges will be assigned in Hartford-New Britain and New Haven-Waterbury for the term beginning in September. Recommendations on assignments from the relevant subcommittees must be made by the end of June.

(f) Welcoming parties for new judges: Bob Kor suggested that the Treasurer should advance money for food for welcoming parties, rather than pay only after receipts are submitted. This procedure is acceptable, as long as receipts are subsequently submitted and the balance adjusted. There was a discussion as to whether there was any need to continue to do welcoming parties at all. It was noted that the New Haven-Waterbury Committee arranged a lunch with the judge instead of a welcoming party. The method for welcoming new housing court judges was left up to each area subcommittee.

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

Respectfully submitted,

Ethel Austin
Secretary Pro Tem

Members present: Ethel Austin
Morris Czaczkes
Elaine DeNigris
Aura Diaz
Linda Francois
Mellanee Harris
Sheldon Hosen
Pam Kuczo
Sue Manchester
Elisabeth McKee
Karen Nigol
Barbara Perry
Raphael Podolsky
Peter Rotella
Walt Simmers
Richard Tenenbaum
Kevin Tierney
Fred Wallace
Joe Wincze

Others present: William Sadek
Domenick Galluzzo
Frances Calafiore
David Pels



CITIZENS ADVISORY COUNCIL FOR HOUSING MATTERS



Reply to: 104 Beacon St.
Hartford, CT. 06105
(203) 232-7748

CITIZENS ADVISORY COUNCIL MEMBERSHIP

June 6, 1990

Hartford-New Britain

Ethel Austin	Hartford	Advocate for seniors
Elaine DiNigris	New Britain	Realtor
Mellanee Harris	Bloomfield	
Robert Kor	W. Hartford	Attorney
Karen Nigol	W. Hartford	Housing mediator
Barbara Perry	S. Windsor	Housing counselor
Raphael Podolsky	Hartford	Attorney
Joseph Stafford	W. Hartford	Realtor
Joseph Zibbiddeo	Wethersfield	Housing code official

New Haven-Waterbury

Glen Falk	Hamden	Attorney
Linda Francois	Bethany	Attorney
Sheldon Hosen	New Haven	Attorney
Carmen Padilla	New Haven	Fair housing officer
Lynn Waters	New Haven	Community development official
Kenneth White	Meriden	Engineer

Bridgeport-Norwalk

Diana Crouse	Stamford	Fair rent officer
Aura Diaz	Stamford	Community advocate
Pamela Kuczo	Fairfield	Section 8 administrator
Susan Manchester	Fairfield	Tenant association officer
Richard Margenot	Greenwich	Attorney
Richard Tenenbaum	Norwalk	Attorney
Kevin Tierney	Greenwich	Attorney
Joseph Wincze, Jr.	Bridgeport	Fair housing officer

Non-housing court districts

Anne Crouse	Mansfield	Editor
Morris Czaczkes	Norwich	Attorney
Samuel Deibler, Jr.	Danbury	Director, religious coalition
Joelen Gates	Storrs	Attorney
Sr. Susanne Gebrian	N. Grosvenordale	Community advocate
Elisabeth McKee	Danbury	Advocate for seniors
Peter Rotella	Groton	Attorney
Walter Simmers	Vernon	Attorney
Frederick Wallace	Willimantic	Housing authority director

Officers

Raphael Podolsky	Chairperson
Robert Kor	Vice-chairperson, Hartford-New Britain
Glen Falk	Vice-chairperson, New Haven-Waterbury
Diana Crouse	Vice-chairperson, Bridgeport-Stamford
Morris Czaczkes	Vice-chairperson, Eastern Connecticut
Lynn Waters	Secretary
Kenneth White	Treasurer