



CITIZENS ADVISORY COUNCIL FOR HOUSING MATTERS



Reply to:

MINUTES OF THE MEETING OF JUNE 17, 1991

1. Call to Order:

The meeting was called to order at 2:10 P.M. by Chairperson Rafael Podolsky. The meeting was held in the conference room of the Connecticut Bar Association in Rocky Hill. Those present included: Ethel Austin, Frances Califiore, Murray Czaczkes, Laura Diaz, Joelen Gates, Susanne Gebrian, Mellanee Harris, Robert Kor, Pam Kuczo, Karin Nigol, Rafael Podolsky, Peter Rotella, William Sadek, Kevin Tierney, Joseph Wincze, and Joseph Zibideo.

2. Agenda and Minutes:

The current agenda and the minutes of the December 17th meeting were approved.

3. Treasurer's Report: Balance of funds consists of money left over from grants. Table official report. Treasurer not present.

4. Housing Court Open Houses/Meetings with new Judges:

Discussion of whether we have reached a point where they are no longer necessary, and whether we should continue to do this. Karin Nigol suggested that there be one for Judge Burger in September. Fran Califiore thought it was a good idea to continue this practice. Karen suggested having a small reception just for our group. Rafael said one of the problems with open houses is it's getting more difficult to pull things together. He said that nothing has yet been done for the New Haven or Bridgeport judges. In fact, all three districts have judges who have not had receptions. Murray suggested a luncheon. Bill said statewide council members should be invited, and Karin agreed that receptions should include just staff and council members. Since there seemed to be a preference for continuing to do something, Rafael suggested that we establish an Open House Chairperson with Sub-Chairs in each judicial district. Further discussion at next meeting.

5. Meetings regarding Biennial Report:

Rafael stated that the Biennial Report had been filed with the General Assembly. Executive Committee members met with Bill and Fran on June 7, 1991 and with Dominic Galluzzo on June 12, 1991, to discuss implementation of the recommendations made in our report.

A.) Discussion of June 10 Report regarding the meeting with Bill and Fran on June 7; items 1-17

Item 1: Monitoring of Probation and AR.

Executive Committee attempted to discuss this issue with Prosecutors, but were not very successful. Murray said they did not think our data was accurate. Rafe asked prosecutors if they would speak to the Office of Adult Probation and the Housing Specialists, but it was not clear if they intend to do that. The issue was who monitors probation with the condition of doing repair work. The prosecutors say it is not within their control to check on this, yet they do monitor informally. Rafe suggests that we might want to meet with the Office of Adult Probation, since we've never done that.

Rafael asked Joe Wincze about his experience with this type of AR or Probation case, specifically, who checked to see if repair work was done? Joe said a Probation Officer would contact him, he would send someone out to check the work, and he would report his findings to the Court with a form letter. Usually they checked at the end of the term given to complete the work. They did not check at intervals to monitor progress of work so as to avoid harassment claims.

Item 2: Identification of Housing Cases in GA Courts

Rafael stated that Prosecutors could identify these cases but basically refuse to do it. It is difficult for an outsider to review what is going on because we have no way of distinguishing a criminal housing case from any other criminal case, without going through all the files. Because of this, we were unable to monitor cases in Eastern Connecticut, where we had the most complaints about the Prosecutors. The prosecutors indicated that they did not keep any internal statistics, so we could not even obtain the number of cases per year. And the public record did not distinguish criminal housing cases. Our recommendation for coding of these cases raised questions regarding at what point a computer code number would be assigned, and who would take responsibility for doing it. We recommended that the Prosecutors and Clerks decide between themselves how to implement this. Bill Sadek agreed in concept that it was a good idea.

Murray reported that the Prosecutors didn't really disagree with this idea, but they thought it might be impossible for them to do, and might take thousands of dollars in reprogramming to have a computerized designation for housing cases. Bill said that Richard Preston may be able to identify the cases and give the list to him. He said there was a moratorium on new programs in computer operations. Bill will report back at the next meeting.

Item 3: Conditions of Nollies on Docket Sheets

Discussion of the extent to which sanctions are imposed as a condition of nollies, and the inconsistencies in recording them. Rafael stated that the Practice Book states that the conditions of a nolle are supposed to be stated on the record. We made two requests: 1) to the Clerks, to please write it down, and 2) to the Prosecutors, to please say it in open court so the Clerks can write it down. Then we would be able to track the information from the docket sheet. A memo was sent to the Clerks. Bill will follow up with another memo if it is found that they are not recording as requested. Rafael stated that if necessary, we may communicate with the Criminal Justice Commission.

Item 4: There is no money available for conversion of temporary positions to permanent ones.

Item 5: Housing Specialist Staffing in Hartford

They have tried to structure it so there is adequate coverage. Fran reported that even though they don't have three full-time people, they have three persons there on the days that housing cases are being heard in court, and also, they have authority for one part-time specialist to work full-time if she chooses. Conclusion: Not much we can do to change this.

Item 6: Experience Standards for Housing Specialists

Rafael reported that this was an area where we actually had some degree of impact. Rafael had submitted a letter from the Council supporting the Housing Specialists' appeal to the OJE Committee to restore their ranking from Job Class 23 to Class 25. It was restored. Fran said the revised minimum standards should be formally presented within a few weeks.

Item 7: Weekly Docket in Windham

Fran said that Judge Potter was not available when she called. She will follow up on this.

Item 8: Glass Partitions

We won on this. The Judicial Department has agreed not to use glass partitions in Housing Courts so that there can be reasonable direct communication between Clerks and the public.

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Item 9: Location of Waterbury Court

Rafael said that this raises an issue for Council discussion. There are long term plans in all housing court districts that may result in moves of courthouses. Usually we don't get involved in facility-related decisions until after-the-fact. Do we want to be pro-active about this? Bill reported that New Haven's plans are long term - perhaps over ten years, that Bridgeport and Stratford are more likely to see changes within the next 3 to 5 years, that Hartford is supposed to leave the current facility within two years, but there is no movement yet. New Britain will have its own judicial district and will build a new court complex within 2 to 3 years. Rafael asked if these changes should be addressed through area sub-committees? One sub-committee member said that issues of real concern should be dealt with at the statewide meeting. He said it was not efficient to leave it to the sub-committees. Robert Kor of the Hartford-New Britain sub-committee shared that view.

Item 10: Space for Housing Specialists

Nothing more can be done

Item 11: Current Housing Court Decisions in State Libraries

Bill Sadek has taken care of this. The State Library has agreed to distribute copies of Housing Court decisions to other state libraries. Rafael suggested that someone from each part of the state check their own law library to see that they are being sent. Bill clarified that the Judicial Department is now called the Judicial Branch.

Item 12: Pro Se Forms

The Judicial Branch implemented our recommendation that there be a form by which someone, under the Just Cause Eviction Statute, could make a request for the Court to determine whether their rent was unconscionable. Kevin, Karin, Pam, and Joe were involved in putting that draft form together. Then someone on the Judicial staff decided they could write a better form. Karin reported that after reviewing the proposed changes, the committee unanimously rejected those changes, and preferred the original draft. Rafael noted that our Forms Committee had simplified some of the technicalities of the statute to make the form understandable to a litigant without a lawyer. The revisions by the Judicial staff made the format too difficult to comprehend. Karin made the following motion:

MOTION: "The Council rejects the Judicial staff's revised form and recommends that the Judicial Branch not use it."

Motion Seconded. Vote taken. Motion Carried.

Item 13: Toll-Free Lines

No money available in the budget.

Item 14: Blue Page Listings for Housing Courts

Rafael reported that just about everything was taken care of with the exception of a few local phone books. Rafael will write to the person at the Judicial Branch who would handle additional listings.

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Item 15: Service to Pro Se Litigants

We tried to address this issue by recommending that the statute be changed to require Clerks in the GA Courts to provide the same kind of assistance as Clerks in Housing Courts. The Judicial Branch has been strongly against this. We discussed with Bill and Fran whether there was some alternative to making this an assigned duty for GA Clerks. We decided to try to obtain information on a courthouse to courthouse basis to determine where the problems are and figure out what could be done to improve the quality of service. Rafael suggested creation of a sub-committee to look into this. Joëlen Gates volunteered to organize it. Another member suggested that we might want to examine what role a Housing Specialist plays in giving only very general assistance in the GA Court.

Item 16: Bilingual Employees in Clerks' Offices

Another one of our recommendations was that each Clerk's office have a staff member who was fluent in Spanish. The Executive Committee discussed with Fran how we might be able to come up with better places than they have for job postings, and recommended that we tap community organizations. The job structure that we recommend is not that people would have to be Hispanic, but that they be bilingual in Spanish. We, as an advisory Council, agreed to compile a list of places that should be notified of vacancies for Housing Court jobs. Auxa Diaz volunteered to compile a list. Joe Wincze, Bob Kor, and Karin Nigol offered their respective resources as well.

Item 17: Spanish Language Translations

Joe Wincze reported that in the past, we have done actual translations. He will compile samples of what has been translated and send copies to Rafael and to Bill for review. Rafael asked Bill to make a list of everything that should be translated. Bill stated that it was fine to provide explanatory information in Spanish, but it may create problems to have Court Forms in Spanish because they may be returned in Spanish. Joe Wincze volunteered to look into what needs to be done in this area.

5.

B.) Prosecutors Meeting Report

Rafael reported that they were very interested in the police training issue. They were willing to have us sit in on a meeting with the trainees. He said that the Prosecutors' report included in our Biennial Report was incomplete, because many cases were not closed. We hoped to have a complete report by the end of the summer. The report does show that there were higher sanctions than in previous years.

6. Report of Foreclosure Committee

Rafael commented that this was a hot topic in the past legislative session, and there were various bills proposed regarding modification of the foreclosure process; dealing specifically with establishment of a mediation program in the courts to attempt to resolve some of the issues involved, before a house is sold and the people lose their property.

Murray reported that the Committee met four times in Rocky Hill with a broad spectrum of individuals, including members of the Judicial Department, the Society of Savings Bank Lobbys, the Connecticut Bankers Association, the Consumer Credit Counselling Service, and Janis _____, the author of a book on Connecticut foreclosures. After their last meeting with Judge Spear, it was suggested that a trial mediation program be implemented in Bridgeport, to see if such a program could be of assistance to lenders and borrowers, and stave off foreclosures. The Judicial Department will hopefully get back to him with some proposals.

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7. Appointments to the Council

Rafael reported that there were 22-23 members who wanted reappointment. He submitted those names to the Governor's Office. He was told that people should write their own letters to the Governor, and his office would be sending out forms. Rafael asked if anyone had yet received one? No one had. Rafael said that over a week ago he spoke to someone in that office who acknowledged that the forms had not been sent and that they would be mailed within a week. He picked up a copy of this form which included two pages of detailed financial information. He told them that this did not seem appropriate for appointees to an advisory board, and they agreed not to use the financial form.

Rafael had previously asked members for other nominations; and he wrote to the names he received, requesting that they phone him. He only received a few calls back, and directed those persons to write letters to the Governor also.

Rafael was not given any idea of a timetable for making the appointments. Even though our terms end on June 30, by law our terms are automatically extended until our successors are appointed. Although on most advisory boards, the Chairperson is chosen by the Governor, our statute was never changed, and we continue to create our own structure and choose our own officers. There will be no reason for us to meet until we at least get some of the appointments. The Governor's Office has not indicated whether he intends to appoint or replace any or all of us.

8. Other Business

Discussion of drug-related evictions. Ethel Austin asked if there was any way to speed up drug evictions. Rafe reported that three years ago, there was a revision of the eviction statutes to aid in drug-related evictions. Kevin Tierney explained that it was a two-step process: First, is the arrest of a person involved with drugs, and second, is the eviction of the family if they permit that person to continue residence or continue drug activity. Rafael stated that this does not waive summary process rights.

9. Adjournment

Kevin made a motion to adjourn. Bob seconded. Meeting adjourned at 4:05 P.M.



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June 10, 1991

MINUTES OF EXECUTIVE COMMITTEE MEETING OF JUNE 7, 1991

The Executive Committee met informally with William Sadek and Frances Calafiore to discuss the recommendations contained in the Council's 1991 Report. Executive Committee members present were Raphael Podolsky, Morris Czaczkes, and Glenn Falk. The meeting began at 10:00 a.m. on June 7, 1991, in the office of William Sadek at 75 Elm St., Hartford. The agenda consisted of the "Recommendations to the Judicial Department" listed on p. 1 through p. 3 of the 1991 Report.

(1) Monitoring of probation and AR: The housing specialists remain willing to participate in a meeting with the prosecutors, but no meeting has been held. The feeling is that adequate monitoring is primarily the job of the prosecutors. The Executive Committee should discuss this in more detail with the prosecutors at its June 12 meeting.

(2) Identification of housing cases in G.A. courts: There is no objection in principle to placing an identification code on housing criminal cases which would be plugged into the computer when a case is filed. William Sadek will explore if this can be done.

(3) Recording of conditions of nolle on docket sheets: To a large extent, this is being done already. William Sadek will make sure that the housing court clerks are specifically instructed. At its June 12 meeting with the prosecutors, the Executive Committee will discuss the issue of the prosecutors stating the conditions orally on the record so that the clerk can record them.

(4) Conversion of temporary positions to permanent ones: Nothing has changed. There is no money for the conversion.

(5) Housing specialist staffing in Hartford: Nothing has changed, but it is probably not a problem. Frances Calafiore has never been replaced as a housing specialist. At present, the numbers of housing specialists are:

Hartford-New Britain	2.2
New Haven-Waterbury	2.0
Bridgeport-Norwalk	2.0
Eastern Connecticut	1.4
Western Connecticut	1.0

Two of the eastern Connecticut specialists spend some time in Hartford or New Britain (one day for one specialist, two days for the other), so that on court

days there are always three housing specialists in Hartford and two specialists in New Britain. The western Connecticut specialist, rather than the New Haven-Waterbury specialists, covers Meriden and Derby.

(6) Experience standards for housing specialists: There has been no change in the minimum experience standard, but the Objective Job Evaluation (OJE) Committee has been revising job descriptions. Frances Calafiore will obtain a copy of the most recent version of the housing specialist job description. After hearing an appeal (which the Advisory Council supported), the OJE Committee did raise its ranking of housing specialists from Job Class 23 to Job Class 25, which has the effect of preventing the job from being downgraded. The original OJE review had lowered the housing specialist position from Class 25 to Class 23.

(7) (a) Weekly docket in Windham: William Sadek and Frances Calafiore will discuss with Judge Potter the possibility of having a weekly docket in Windham for case settlement by the housing specialist. Any cases that did not settle would be put over to the next week, when a judge would be available.

(b) File-stamping of documents: In Meriden, the clerk has sometimes refused to give attorneys a date-stamped copy of documents. Glenn Falk will call William Sadek from Meriden the next time that it happens, and the situation will be corrected.

(8) Glass partitions: The Judicial Department has agreed not to use glass security partitions in the housing courts.

(9) Location of Waterbury court: It is a high priority for the Judicial Department to move out of Kendrick Ave. in Waterbury, which houses both criminal and housing sessions; but there is no space in the main Superior Court building on Grand St.

(10) Private space for housing specialists: There is not a lot that can be done. Winsted is OK and will be better when the court moves to the Bantam School in about six months. The problem in Rockville and Danielson is one of competing demands for the same space.

(11) Current housing court decisions in state libraries: The problem remains that the addition of twelve libraries to the circulation list of the Commission on Legal Publications (COLP) is likely to result in everyone being required to pay for copies. William Sadek feels, however, that the State Library could be added to the list, if it would circulate copies to the other state libraries through inter-office mail and see that they are put into binders. Raphael Podolsky will talk to Hillary Frye at the State Library about this. If the State Library is willing, William Sadek will arrange for twelve copies of current decisions to be sent to the State Library.

(12) Pro se forms: A new rent complaint form under {47a-23c has been issued. Both William Sadek and Connecticut Legal Services have objected to a proposed Judicial Department revision of the form, which would make it very hard for pro se litigants to understand. The full Advisory Council will take that issue up at its June 17 meeting. A new summary process summons is being written and other forms are being revised.

(13) Toll-free lines: There is no money in the budget for new lines.

(14) Blue-page listings: The housing court has blue-page listings in all the major telephone books. The only ones missed appear to be some of the smaller, local books. Raphael Podolsky will write Arthur Yanke, Judicial Department Business Services Officer, to request the additional listings.

(15) Service to pro se litigants: The Judicial Department continues to object to changing the statute so as to require G.A. clerks to give pro se assistance but does not object to such assistance being given where clerk's office staff reasonably can give it. It appears, for example, that pro se assistance is in fact available at the clerk's office in New London. In general, it is easiest to improve service in G.A. courts where housing and small claims are handled separately; it is hardest to improve service where housing, small claims, and criminal are all handled in a single office. The Advisory Council will survey the G.A. courts to determine where the problems are. It may be possible that they can be addressed on a court-by-court basis.

(16) Fluency in Spanish of clerk's office employees: The situation remains unsatisfactory. It is compounded by the relatively small amount of new hiring that is going on. William Sadek will explore ways more effectively to recruit Spanish-speaking staff when either temporary or permanent vacancies in clerical staff occur. He will also obtain for the Council a copy of the state's affirmative action plan. The Advisory Council will compile a list of local organizations, secretarial schools, newspapers, etc. which should receive notices of job vacancies with information that the ability to speak Spanish is desirable.

(17) Spanish-language translations: The only bilingual material presently available is the "Guide to the Housing Court." All forms which are filed with the court must be completed in English, but the clerk's offices have no objection to making translations available. Someone has to write them, however. The Advisory Council will assume responsibility for preparing such translations.

(18) Eastern Connecticut housing court: There is no money for any new positions, and there has been no real push from eastern Connecticut for such a court.

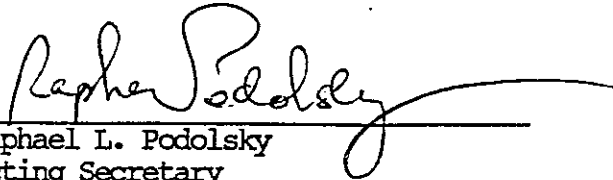
(19) Advisory Council participation: All housing court locations, including Hartford, Stamford, New Haven, and Waterbury, are in courthouses which may be renovated or relocated. If the Council wishes to stay on top of facility-related developments, then the Advisory Council should create a Facilities Committee to work with the Judicial Department. The Council should also stay in touch with the Department over the development of new forms.

Follow-up tasks resulting from this meeting:

1. William Sadek: #2, #3, #7(a), #7(b), #11, #16
2. Frances Calafiore: #6, #7(a)
3. Executive Committee: #1, #3
4. Glenn Falk: #7(b)
5. Raphael Podolsky: #11, #14
6. Advisory Council: #12, #15, #16, #17, #19

The results of these discussions will be reported to the Advisory Council at its June 17 meeting.

Respectfully submitted,

A handwritten signature in cursive script, reading "Raphael Podolsky", written in dark ink. The signature is positioned above a horizontal line.

Raphael L. Podolsky
Acting Secretary