



CITIZENS ADVISORY
COUNCIL FOR HOUSING MATTERS



Minutes of the Meeting of June 21, 1993

Call to Order:

The meeting was called to order at 2:48 p.m. by Chairman Raphael Podolsky. The following persons were present:

Linda Francois
Joseph Zibbiddeo
Barbara Perry
Elaine C. DeNigris
Nancy Kierstead
Suzanne Colosanto
Steven Sellers
Robert Kor
David Pels
Richard Tenenbaum
Raphael Podolsky
Morris Czaczkes
Peter W. Rotella
Sheldon Hosen

1. Preliminary Matters

- a. All present introduced themselves.
- b. Approval of Agenda and Minutes:

The agenda was approved with the addition of two matters to be raised by Richard Tenenbaum regarding availability of interpreters and criminal prosecutions.

Following the approval of the agenda, a motion to approve the minutes of June 10, 1992 was made and seconded.

- c. Financial Report. The financial report was tabled. Treasurer Perry to determine status of remaining funds

d. Update on Advisory Council membership and appointments.

Still no appointments. Chairman Podolsky stated we should view ourselves as defacto reappointed. Council members who did not wish to be reappointed and have been dropped by operation of statute (missed three consecutive meetings) have been notified and officially dropped from council.

Raphie will appoint Joe Wincze to replace Bridgeport-Norwalk subcommittee chairperson Diana Crouse (who was dropped).

2. Housing Court operations reports.

a. Joseph D'Alesio explained the reorganization which has created a separate distinct Housing Court unit. Housing will now have separate long term strategic planning and the council is encouraged to participate.

b. Clerks (Suzanne Colosanto). The Clerks want to expand pro se materials. Suzanne asked the council's aid in translating the Rights and Responsibilities of Landlords and Tenants. The last form translation was very successful. There are no time constraints. It was requested that the translator get some credit this time.

First strategies plan due in a month or two. Each division does a mission statement each year which is submitted for approval.

A subcommittee comprised of Dick Tenenbaum, Morris Czaczkes and Linda Francois will meet with Suzanne Colosanto to give Council input.

Barbara Perry reported that the Conference of Churches already has a translated Landlord/Tenant handbook but it needs updating. She will send a copy to Suzanne.

c. Housing Specialists (Nancy Kierstead)

Soon there will be a full complement of nine Housing Specialists full time. there are two in each Housing Court, and three Rovers. Current goals and projects include:

- creating a separate mediation manual,

- setting up a training process,
- reviewing and updating their forms and statistical information sheets.
- adapting the Housing Court concept to the G.A. Housing sessions so that civil housing cases in the G.A.'s be done on a different day (like summary process cases) so that they will be given more attention,
- more user-friendly courtroom facilities.

Housing Specialists are just finishing the public service excellences seminars.

d. Prosecutors (Steve Sellers)

The administration is trying to continue the reforms started under Bailey such as computerization of Housing prosecutions, increasing communications between housing prosecutors and state's attorney; and flexibility in use of housing prosecutor.

The Council's position is still that Housing prosecutors should spend all their time on housing. The administration's view is that cooperation is better than an absolutist approach. Steve was requested to and agreed to give us figures on the amount of time housing prosecutors spend on non-housing matters. Suzanne Colosanto reported that in New Haven the housing prosecutor works 1/2 day on motor vehicle matters but this can be pre-empted when Housing matters conflict. She reported that the prosecutor is still very effective.

Lead paint legislation now allows for criminal sanctions against violators.

Dick Tenenbaum reported on continuing enforcement problems in Danbury. Dick Tenenbaum will write a letter to Steve Sellers detailing case.

Dick Tenenbaum reported recently having been told there was a fee for interpreters in civil housing cases. Joe D'Alesio said the clerks were in error, there has been no policy change.

Dick Tenenbaum also reported that they are having problems with the premature filing of default motions and clerks in Danielson have been acting on them.

e. Judges (Raphael Podolsky)

Court terms changed from six months to twelve months. Council conveyed no objection to re-appointment of three current housing judges.

f. Due to the reorganization, Bill Sadek and Fran Calafiore will no longer be in Housing Administration. In recognition of long service to the cause of housing, the council will give plaques to both. Subcommittee of Rafie, Bob Kor and Joe Zibbiddeo will select the plaques. They are authorized to spend up to \$100.00.

3. Magistrates

a. Bench Book - The draft has just been finished and given to council members for comment. Further input is needed especially from clerks and landlord attorneys. The final draft should be done before next training session.

Editorial review subcommittee of Rafie, Suzanne Colosanto and Peter Rotella appointed. All interested council members encouraged to join. Sheldon Hosen stated that the size of book should be kept small and concise fo ease of use.

There was a discussion of need for a bench book as magistrates cannot practice in the courts they serve in.

b. Observation program - Although it was felt this might be advisable, no council members were available at this time.

4. 1993 Housing Legislation

Rafie's synopsis was given to members; particularly changes include a reduction in rate of interest on security deposits, and the abolition of too early too late re: notices to quit.

The meeting was adjourned at 4:45 p.m.

Respectfully submitted,

/s/ Linda Francois
Linda Francois, Secretary

SUMMARY OF 1993 LEGISLATION AFFECTING LANDLORD-TENANT LAW

-- Prepared by Raphael L. Podolsky

A. Security deposits

(1) Interest rate (H.B. 6173): Before October 1, 1992, the minimum interest rate on security deposits was 5.25%. Since then, it has been 4.0%. H.B. 6173 indexes this rate to a national index of average savings account rates. This will result in a reduction of the statutory rate on July 1, 1993, from 4.0% to 2.9%. In the future, annual adjustments will be promulgated by the Banking Commissioner every January 1.

(2) Insolvent landlords (P.A. 92-40): This act makes clear that security deposits are exempt from attachment by a landlord's creditors.

B. Evictions

(1) Termination of a lease for non-payment of rent (H.B. 7321): This bill abolishes the "too early/too late" doctrine for month-to-month leases. It does so by allowing the landlord to serve a notice to quit based on non-payment of rent either in the month of non-payment or during the following month. As a practical matter, this means that the landlord will be able to serve a non-payment notice to quit during the first ten days of the month if neither the previous month's nor the current month's rent has yet not been paid.

(2) Service of state and federal notices (H.B. 7322): Most federally-subsidized housing is subject to federal rules which require the landlord to give the tenant a chance to discuss a claimed violation of the lease (including failure to pay the rent) before the landlord starts the eviction process. H.B. 7322 allows these federally-required notices to be combined with the state notice to quit by declaring that their consolidation does not make the notice to quit equivocal. In such cases, however, the notice to quit will not be effective to terminate the lease until the end of any federally-required efforts at working out the problem. This will permit the tenant to "cure" the default during that period.

(3) Eviction appeals by the landlord (H.B. 7322): H.B. 7322 also allows a landlord who appeals an eviction judgment in favor of the tenant to require the tenant to pay his rent to the court during the landlord's appeal. This procedure already applies when a tenant appeals an eviction judgment.

C. Other landlord-tenant matters

(1) Rent receipts (H.B. 6666): This bill requires each landlord who accepts rent or security deposit payments in cash to give the tenant a written receipt identifying the purpose of the payment, if requested to do so by the tenant.

(2) Vendor rents (S.B. 1082): This bill requires the Department of Income Maintenance to publicize to landlords its existing vendoring

policies and to implement a 1990 law intended to encourage vendoring to housing authorities and to RAP and Section 8 landlords. It also creates a vendor rent statute for general assistance (GA), under which a landlord can require that 30% of the GA grant be sent to him for a tenant who is in arrears in the rent. To use the statute, however, the landlord must agree to accept the payment as full payment of the tenant's share of the rent and to certify compliance with housing codes and certificate of occupancy ordinances.

(3) Rental assistance (S.B. 990): This bill, which merges the Departments of Income Maintenance, Human Resources, and Aging into a new Department of Social Services (DSS), will transfer the RAP program, along with state administration of Section 8 certificates, to the new department. The transfer is scheduled to take effect on July 1.

D. Code enforcement

(1) Lead poisoning (H.B. 6819): S.B. 6819 extends the life of the Lead Poisoning Prevention Task Force (adding a landlord as a member) and adopts some of its preliminary recommendations. In particular, it requires that health information be provided to parents of children with elevated lead blood levels and that the health director require that lead abatement of apartments not be performed with tenants in occupancy unless their health would not be threatened. The bill also transfers responsibility for issuing lead abatement orders from the local building official to the local director of health, which solves an enforcement problem raised by the housing prosecutors.

(2) Certificates of occupancy (S.B. 425): This bill requires a landlord who rents to a tenant without complying with a required certificate of occupancy (CO) ordinance to escrow any rent money which he unlawfully collects. About 15 towns have such CO ordinances, which require landlords to have each apartment inspected for code violations and obtain a certificate of occupancy whenever there is a turnover in the tenancy. Under existing law, a landlord in such a town cannot collect rent from the new tenant without first notifying the town of the vacancy.

(3) Housing code enforcement actions (H.B. 5320): H.B. 5320 reduces the ability of the tenant to win retroactive rent abatement in a code enforcement action under §47a-14h. It limits any such retroactive award to the amount of money which the tenant has paid into court, thereby overruling Judge Holzberg's decision in Farver v. Norris Graves Agency.

E. Mobile home parks

(1) Park closings (S.B. 930): S.B. 930 gives residents of mobile home parks the right to attempt to buy their park if it is about to be closed. They can do so by matching the price if the park is being sold, or by matching the appraised value if it is being closed without a sale. The Department of Housing is required to help residents find financing.

(2) Financing of park buyouts (S.B. 798): This bill allows CHFA to finance projects consisting solely of the purchase of land. The practical effect is to make it legally possible for CHFA to finance the buyout of a mobile home park by an association of park residents.

(3) Berlin mobile home park (S.B. 1029): This is a special act which allows the Town of Berlin for three years to control resales of mobile homes in a mobile home park (McIntosh Mobile Home Park) which it is establishing. The park was created by the town so that the residents of a park which is closing (Parkway Mobile Home Park) would have a place to which to move. The town insisted on this temporary exemption from the Mobile Manufactured Home Park Act as a condition of completing transfers of homes into the park.

F. Foreclosure protections

(1) Emergency mortgage assistance (H.B. 5702): This bill will allow a homeowner who has suffered a temporary loss of income (e.g., a layoff or a divorce) to apply to CHFA for up to three years of mortgage assistance (similar to rental assistance) to help make mortgage payments and thereby avoid foreclosure. The homeowner will pay 35% of income toward the mortgage and CHFA will pay the balance. The CHFA payments will become a deferred-interest loan. The program is to be funded by a grant from DOH to CHFA. It is expected that about \$4,000,000 will be made available during the first year of the program.

6-18-93