



CITIZENS ADVISORY COUNCIL FOR HOUSING MATTERS



MINUTES OF MEETING OF JUNE 19, 1995

Present: Raphael Podolsky, Barbara Perry, Elaine G. DeNigris, Lorraine Martin, Joe Wincze, Suzanne Colasanto, Cynthia Teixeira, Ivan Hirsch, Mike Ayala, Morris Czaczkes, Vic Feigenbaum, Linda François, Carolyn Comerford, Domenick Galluzzo, Joseph Zibbiddeo, Peter Blasini, Glenn Falk, Robin J. Hammeal-Urban, Rachel Heerema, Houston Putnam Lowry, Roberta Palmer, John Rowland, Sheldon Hosen, Marie Langan, Gail C. Maclean.

1. Preliminary Matters. The meeting was called to order at 2:15 P.M. The agenda was approved. The minutes of the meeting of 12/8/94 were corrected and approved per the letter of Judith Rothschild-Rippe of 1/23/94. The minutes of 1/18/95 were approved without correction.

2. Housing Court Operations Reports.

- a. Housing Clerks (S. Colasanto). Due to hiring freeze only one (Norwalk) of four positions filled. Thievery in Hartford housing court addressed by increase in sheriffs and new locks. Bridgeport court does not have a sheriff. Motion by M. Czaczkes for council to recommend a sheriff be assigned to Bridgeport Housing Court. Second, H. Lowry. I. Hirsch agreed to write the letter.
- b. Housing Specialist (C. Teixeira). Mediation room in Bridgeport still missing telephone and doorknobs. Motion made by H. Lowry to contact the trial court administrator to expedite this. Second, M. Czaczkes.
- c. Housing Prosecutors (D. Galuzzo). The new housing prosecutor position for eastern Connecticut has been posted though the hiring freeze may have to be waived. Criminal justice commission makes the hiring decision and is the body to contact if the Council wants to have input.

3. Old Business

- a. Computer related issues (H. Lowry).
 1. Westlaw, casebase and L.O.I.S. all now have a full set of housing reports. Lexis is still resistant.

2. Computerization of Hartford Housing Court (V. Feigenbaum). Networked PCs will be on line soon in Hartford and the system will be extended to other courts as quickly as possible. Computer generated notices will save a lot of time but there will be flexibility in decision-making by the operator.
 - b. Rent bank (R. Podolsky). Proposal for regional block grants did not pass but general state funding was cut by 25%.
 - c. Magistrate Evaluation form. No definite response to R. Podolsky's letter asking judicial to distribute our evaluation forms. Volunteers to help in distribution when things are worked out: Barbara Perry, Ivan Hirsch (Bridgeport), John Rowland.
 - d. Eastern Connecticut Housing Prosecution. R. Podolsky and M. C. Czaczkes will proceed on this.
 - e. Fairfield County Foundation (B. Perry). Our \$308.00 still being held for future needs.
 - f. Housing prosecution proposal. Discussion re: H. Lowry's proposal to change prosecution to civil actions under attorney general. R. Palmer stated that nollees were a useful method to get compliance because unless it is a fire code violation, housing violations are only infractions. D. Galuzzo stated there is 98% compliance once action started. S. Colasanto stated prosecutors get repairs done if there is any money to do them. R. Heerema stated that a lot of tenants are unaware of private receivership laws. Subcommittee established to investigate appropriate methods to encourage maintenance of housing stock. P. Blasini, G. Falk, R. Hammeal Urban, E. DeNigris, R. Heerema (coordinator). All council members will be notified of their meetings and may attend.
4. **1995 Session of General Assembly.** (R. Podolsky). Biggest impact will be change in welfare laws leaving 50,000 families without rent money.
5. **New Business.**
 - a. Judicial assignments. R. Podolsky. It appears all Housing Court judges will be seeking a second term.
 - b. It was decided to go to regular quarterly meetings.
 - c. Long term goals to be addressed by new subcommittee but kept on agenda also.
 - d. Small claims magistrate book. Subcommittee established to update book: R. Podolsky, H. Lowry, S. Colasanto, S. Hosen, J. Wincze, L. François, P. Blasini.

The meeting was adjourned at 4:35 p.m.

PROPOSAL FOR STRUCTURAL CHANGE

GOAL: Providing safe, sanitary housing for the residents of Connecticut.

PREMISES:

1. A significant portion of the existing housing stock does not meet housing code, fire code and building code requirements.
2. While most landlords keep their buildings in compliance with applicable codes, a small minority of landlords do not. These landlords tend to have multiple violations that persist for a long period of time.
3. The criminal system for the State of Connecticut should be used primarily for punishment and rehabilitative purposes. The threat of incarceration should not be used as a "lever" to force compliance with applicable codes if a *nolle* will be given after repairs are made.

PROPOSALS:

1. Any person, including the Attorney General, (whether or not aggrieved) may apply to the Superior Court a civil action to force a landlord to comply with applicable housing, fire, and building codes. As part of that application, the plaintiff shall be entitled to:
 - a. A receiver (both *pendente lite* and post-judgment) to collect rents to provide a fund to perform the necessary repairs and to pay damages and civil penalties assessed against the landlord.
 - b. The prevailing plaintiff shall be entitled to the greater of actual damages, or \$50.00 a day, for each violation of any applicable housing code, fire code, or building code.
 - c. The prevailing plaintiff will be entitled to attorneys' fees. If the application was instituted on violations noticed by the local housing code enforcement agency more than sixty (60) days ago, the prevailing plaintiff shall be entitled to double the amount of plaintiff's actual attorneys' fees.
 - d. These applications shall be heard on the merits within sixty (60) days.

- e. No recognizance shall be required.
2. All states attorneys who have any responsibility to enforce housing codes shall submit a yearly report to the Citizens Advisory Council on Housing Matters.
3. Housing code enforcement officers shall give a copy of all housing inspection reports to the tenant occupying the premises. A notice of the tenant's rights under the payment into court statute, this new statute, and the locations of courts with housing jurisdiction shall be placed on the reverse of the report or accompany the report.



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June 13, 1995

To: Advisory Council
From: Raphael Podolsky, Chairperson

Chairperson's summary of 1995 legislation affecting housing

(a) Housing court computerization: The Select Committee on Housing favorably reported a bill to computerize the housing courts statewide, but the Appropriations Committee included no money for it in the budget. Nevertheless, the Judicial Branch is actively working within available appropriations on the computerization of the Hartford Housing Court. Moreover, it proposes to go beyond basic computerization there so as to develop the Hartford Housing Court as a pilot for a "paperless court" system in which all access to files is by computer rather than by paper.

(b) Eviction law: The General Assembly adopted H.B. 6966, which makes a number of clarifications in the summary process statutes, primarily in regard to the notice to quit. The statute also overturns the Connecticut Supreme Court's decision in Housing Authority of Norwalk v. Harris, which deals with drug-related evictions. Under existing law, the primary tenant in a drug-related eviction based on the conduct of a household member receives a special warning notice (a so-called "Kapa" notice) which allows him to protect his tenancy by removing the offender. The new law eliminates that warning notice, although the primary tenant can still defend an eviction on the ground that he or she was unaware of the drug dealing.

(c) Eviction prevention programs: The proposal to fold funding for the eviction prevention programs (rent bank, mediation, etc.) into a regional block grant was rejected, but state eviction prevention funding was nevertheless reduced. Although the exact amount of the cut is unclear, it appears to be about a 25% reduction.

(d) Rental Assistance Program (RAP): RAP is the state version of the federal Section 8 rent subsidy program. The General Assembly rejected Gov. Rowland's proposal to phase out the RAP program over four years, but it nevertheless slashed RAP by \$3.1 million. This will have a severe effect on tenants with RAP certificates. To cover this cut, each of the 2,500 families on RAP will have to pay an average of \$100 per month more as their share of the rent. The details have not yet been worked out, but the changes could take effect as early as July 1. The reduced state funding will have a significant impact on these families' ability to pay rent.

(e) Welfare grant levels: An even bigger impact on housing and non-

payment evictions will come from the changes in the welfare system. Both AFDC and general assistance (town welfare) payment levels were reduced, assuring even greater difficulty for tenants to meet rental obligations. AFDC grants will go down by about 14% on July 1. For example, a three-person family in subsidized housing will go from \$581 to \$500 per month. A three-person family in non-subsidized housing will in most cases go from \$631 to \$543 per month. A 21-month time limit was put on AFDC and a six-month limit on general assistance (although there are some exceptions). These benefit reductions are likely to result in increased rent defaults.

(f) Lead paint abatement: There were a number of proposals addressing problems caused by the presence of lead paint in older buildings. The principal proposal would have given property owners an incentive to reduce lead hazards by issuing "lead-safe" certificates to owners whose buildings have no lead paint or in which the lead paint is properly controlled and monitored. A lead-safe certificate would assure owners of equal access to bank loans and insurance and would reduce their risk of liability from lawsuits. Another proposal, based on a Maryland law, would have required basic lead hazard reduction whenever there was turnover in a tenancy. In the end, all of the proposals died and the issue was deferred to 1996.

(g) Neighborhood revitalization zones: The General Assembly approved a bill (H.B. 6763) which allows towns to create neighborhood revitalization committees to develop plans to improve neighborhoods. A principal focus of the plans is on dealing with abandoned and blighted buildings. The key to the committees is participation by all active "stakeholders" -- residents, property owners, banks, insurance companies, municipal officials, and others. The bill includes provisions for obtaining waiver of portions of codes (particularly building codes) which impose unnecessary costs on rehabilitation. The City of Hartford is believed to be interested in taking advantage of the law.

(h) Elderly public housing: State "elderly" public housing actually houses both the elderly and the disabled. Proposals were submitted in the 1995 General Assembly to allow housing authorities to keep some buildings in state-financed elderly public housing strictly for elderly people and to segregate disabled persons in other buildings. The proposal was ultimately defeated, but legislation was passed making clear that housing authorities can exclude from elderly public housing those applicants whose tenancies, based on their past conduct, are likely to be disruptive to other tenants.

(i) Affordable Housing Appeals Procedure: This law, which makes it easier to get zoning approval to build low and moderate income housing in the suburbs, was weakened by an amendment which restricts the ability to use the law in areas zoned industrial.

(j) Department of Housing: The state Department of Housing was abolished as a separate entity. It will be merged with the Department of Economic Development, although it will still be a separate division within the combined department (to be called the Department of Economic and Community Development). The General Assembly did, however, authorize the use of \$85 million in state bonding authority over the next two years for housing purposes. This is significantly more than was proposed in the Governor's budget.