



CITIZENS ADVISORY COUNCIL FOR HOUSING MATTERS



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NEXT MEETING
2:00 pm
Wednesday, June 16, 1999
Connecticut Bar Association
101 Corporate Plaza
Rocky Hill
Call 860-721-0025 for directions

Minutes of meeting of March 10, 1999

Persons present: Ilana Cathcart, Hon. Leonard Cocco, Suzanne Colasanto, Richard DeParle, Francis X. Dineen, Beth Duffy, Vic Feigenbaum, Jeff Hammer, Ivan Hirsch, Sheldon Hosen, Houston Putnam Lowry, Ed O'Garro, David Pels, Raphael Podolsky, Paul Rosow, Cynthia Teixeira, Herbie Villafane, Joe Wincze, Joseph Zibbiddeo

1. Call to order: The meeting was called to order at 2:00 pm. The minutes of the December 9, 1998 meeting were approved without objection.
2. Nuisance abatement law: Ilana Cathcart, one of the two nuisance abatement prosecutors hired under P.A. 98-220 (now codified as §19a-343), described enforcement under the new law. The other prosecutor is Brian Austin. The purpose of the law is to stop buildings from being used for criminal activities which adversely affect the quality of urban life. The prosecutors are focusing on Hartford and New Britain, although they can take action in other cities as well. A building is considered to be a nuisance under the act if there have been three arrests within the past year for any of seven specific criminal offenses, such as prostitution, gambling, and drug or alcohol sales. The State's Attorney has asked the legislature to expand the list to include murder and sexual assault; and the bill to implement that request (H.B. 6653) has already been approved by the Judiciary Committee.

A proceeding usually begins with a request for an ex parte order to close all or part of a building. The prosecutors do not ask to close an entire building unless they believe that the underlying problem affects most occupied units in the building. A hearing must be held within five days. In one of the four cases brought under the act, the judge refused to issue the order ex parte and required that the hearing be held first. In reality, however, no hearings have actually been held, because all cases have settled. Cases included a crack house in New Britain, a strip club in Norwalk, and a bar where drugs were being sold.

The nuisance abatement program also includes two other enforcement programs for problems which do not meet the threshold for use of the nuisance abatement law. One is known as Multi-Agency Response to Community Hotspots (MARCH), in which the prosecutor works with a team of local enforcement officials, who target the problem building and together issue code orders against the owner. There have been five MARCH cases in Hartford and one in New Britain. The other is the Landlord Intervention Program (LIP), in which the prosecutors work with landlords of problem buildings who are willing to cooperate to improve their buildings. The prosecutors enter into a formal memorandum of understanding with the landlords as to what will be done.

Most buildings targeted by the program have been commercial. The prosecutors are aware of claims in Hartford that a disproportionate number of small Hispanic-owned businesses have been affected. Ilana noted that they have used the program against a variety of businesses, including the Brickyard in downtown Hartford, as well as a smaller number of residential buildings. The choice of buildings usually results from requests by the police department and by neighborhood groups. When tenants have to be relocated, the city assumes responsibility for relocation expenses (some of which may be recoupable from the landlord, depending on the circumstances).

The prosecutors also have access to about \$1 million in Urban Act funds which are managed by the Department of Economic and Community Development (DECD). The funds can be used for improvements to buildings affected by the program. DECD has recently issued guidelines. **Ilana Cathcart will have a copy sent to the Council.**

3. Court relocation: Both the Hartford and the New Britain courts have moved to new buildings. Both relocations have been quite positive, although there are some problems with each:
 - a. New Britain: There are serious problems concerning the clerk's window (i.e., the window at the counter through which litigants speak to the clerk). First, the glass partition leaves insufficient room to pass papers of substantial thickness between the litigant at the counter and the clerk behind the window. Second, the window is so narrow that only one litigant can be handled at a time. This slows the process and makes for lines. Since there is room to widen the window, **the Council recommends that the window be widened so as to accommodate two people and that the glass be raised (or eliminated) so as to create space to pass papers. Houston Putnam Lowry will pursue this issue on behalf of the Council.**
 - b. Hartford: First, the waiting area to the courtroom, although large, provides no private space for negotiation. The staff is exploring converting a little-used mini-courtroom into a negotiating room. Second, because of the location of the housing specialist offices, a litigant and lawyer who leave the offices to consult in private must pass outside the security area and cannot get back in. There is no bell, telephone, or other means to notify the housing specialist that they need to be readmitted. Vic Feigenbaum says that there will soon be

a sheriff on duty who will be able to admit people. Third, because nothing may be attached to the walls in the new building, there is no posting of the docket sheet for the day, making it difficult for litigants to look for their case. Vic says that the sheriff will have a docket sheet for inspection. Some members of the Council expressed doubt that the presence of a sheriff would be an adequate solution to the problem (or that the sheriff would always be there). **The matter was tabled to the next meeting to see to what extent the presence of a sheriff will solve these problems.**

4. Same-day trials: Some question had been raised as to whether Hartford was still holding same-day trials if a case failed to settle. Hartford is the largest and busiest housing court. Some backlog apparently developed in Hartford after a new judge started in September; but Vic reports that the backlog has now been resolved. If a case does not settle, the trial will usually be the same day or the next day. At worst, it will be held within a week. Suzanne Colasanto reports that all of the other housing courts usually hold trials on the same day if a case does not settle.
5. Spanish-language materials: A number of booklets are on back order, including the tenant guide and the rights and responsibilities of landlords and tenants. Judicial routinely updates the English version of booklets whenever the laws are changed. Judicial is also committed to publishing and updating these booklets in Spanish, but Suzanne is still waiting to hear from Joe DelCampo on when the translated booklets will be ready. **Suzanne will contact the Council's chairperson with this information.**
6. Web access: It was suggested that the housing courts should have a web site. Vic Feigenbaum reported that he has asked to have all Hartford summary process cases put onto a web site, which will make it possible for litigants to obtain case status from their own computers. It would also be possible to use the web site for tenant screening, since it would be possible to search for cases involving a particular tenant.
7. Housing specialists:
 - a. John Sivino has returned to work in Bridgeport-Norwalk after having been out for health reasons.
 - b. There are now 9.5 filled housing specialist positions. There are always three specialists available in Hartford on court days. Cynthia Teixeira considers this number of specialists to be sufficient.
8. Judicial Branch responses to biennial report
 - a. Computerization: Only Hartford and New Britain have sufficient computers. There is need for three computers in New Haven, two each in Bridgeport and Norwalk, and one in Waterbury. The lack of computers limits the ability of these courts to function well. For example, Jeff Hammer has modified a small claims computer program for Norwalk and Bridgeport, but they do not have enough computers to use it effectively. In addition, full-scale computerization

of the housing courts requires the updating of the computers in Hartford, which has only 486's. **The Council recommends the purchase of additional computers, the upgrading of the Hartford computers, and the expansion of computerization to all housing court districts. Houston Putnam Lowry will pursue this issue on behalf of the Council.**

- b. Inadequate lighting in the Bridgeport courtroom: Judicial's Facilities Division says it will increase the candlepower of lighting in the courtroom. In the meantime, additional lamp lighting will also be obtained.
 - c. Job announcements: Future housing court job postings will state that the ability to speak Spanish is desirable.
 - d. G.A. pro se assistance: Judicial does not believe that any amendment to the statute is needed, but it does encourage G.A. clerks to provide pro se assistance.
 - e. Security glass: The statewide security committee insists upon glass partitions in all new courthouses. The only housing court clerk's offices which still have an open counter are Norwalk and New Haven. Norwalk will lose its open counter when it moves to the new courthouse in Stamford. New Haven will keep its open counter indefinitely, since there are no plans for it to move.
 - f. Bridgeport sheriff: Judicial has agreed to refer the request for a courtroom sheriff to the Bridgeport trial court administrator. Richard DeParle reports, however, that he has already spoken to the new high sheriff, who has promised to assign a sheriff to the housing court. **The Council will revisit this issue at its next meeting.**
 - g. Magistrate evaluation: The New Haven pilot program has been discontinued. **Raphael Podolsky will write to Judge Leuba to affirm the Council's view that housing court clerks should be consulted when decisions concerning reappointment and assignment of magistrates are made.** Discussion with the Judicial Branch of the Council's other comments on magistrate evaluation will be deferred to a later date.
 - h. Law student mediation: Cynthia Teixeira will be meeting with Frank Dineen of the Yale Clinic to explore implementing a mediation clinic in New Haven. Yale is interested.
9. 1999 legislation: Raphael Podolsky reported on pending housing-related legislation:
- a. Summary process: A large number of bills were filed. They are being consolidated into a single bill by the Judiciary Committee, but its precise content is not yet known and it does not yet have a bill number.
 - b. Rental assistance programs: The Governor's proposed budget funds the state's Rental Assistance Program (RAP) and eviction prevention programs (including Rent Bank and Security Deposit) at the same levels as last year.

However, the budget cuts funding in half for the Transitional Rental Assistance Program, which provides one-year transitional rental assistance certificates to working families which must leave welfare because they have reached the state's 21-month time limit. Advocates are seeking to have the funding restored. There is also an active proposal called Housing Plus for a \$10 million per year program which combines rental assistance with support services (such as case management and counseling) (H.B. 6922). It would be operated through shelters and other service organizations.

- c. Housing rehabilitation: The Governor's budget includes only a minimal new bonding authority of \$5 million for all housing programs, although it does include an increase in the Urban Act, which, among other purposes, can be used for housing. There are two active proposals to subsidize housing rehabilitation with tax credits – an increase in the state's low-income housing tax credit from \$1 million to \$5 million (S.B. 122) and a proposal to provide \$3 million in tax credits to rehabilitate one- to four-family homes in National Historic Register districts, which are usually in lower-income areas just outside the downtowns of older towns (S.B. 895 and H.B. 6751).

- 10. Adjournment: The meeting was adjourned at 3:50 pm.

Respectfully submitted,

Raphael Podolsky, Acting Secretary