



CITIZENS ADVISORY
COUNCIL FOR HOUSING MATTERS



Reply to: 80 Jefferson St.
Hartford, CT 06106
860-278-5688 x13

NOTICE OF MEETING

2:00 p.m.
Wednesday, December 17, 2003

Connecticut Bar Association
30 Bank St., New Britain
(860-223-4400 for directions)

Minutes of the meeting of September 17, 2003

Persons present: Suzanne Colasanto, Richie DeParle, Sonja Devitt, Judith Dicine, Michael J. Flynn, Alycia Gilde, Rocco Guarnieri, Jeff Hammer, Ivan Hirsch, Rachele Huelsman, Houston Putnam Lowry, Roberta Oris Palmer, David Pels, Edith Pestana, Raphael Podolsky, W. Herbert Reckmeyer, Cynthia Teixeira, Richard Tenenbaum, Joe Wincze

I. Preliminary matters:

(1) Call to order: The meeting was called to order at 2:15 pm at the Connecticut Bar Association, 30 Bank St., New Britain.

(2) Approval of agenda: The agenda was approved.

(3) Approval of minutes: The minutes of the June 13, 2003, meeting were approved.

(4) 2004 meeting schedule: The Council will meet in 2004 at 2 pm on the third Wednesday of March, June, September, and December. The actual dates are March 17, June 16, September 15, and December 15.

II. Housing court operations:

(1) Staffing: The clerk's office with the greatest staffing shortage is Bridgeport, which has one vacant clerical position. Hartford and New Haven are each losing one person but they expect to be able to replace them. There is also a need for at least one more housing specialist. There are presently the equivalent of 7.6 housing specialists, when there are supposed to be at least 9.0. The actual vacancy is in Rockville/Danielson/Middletown, because Kathy Sollazzo has not been replaced. This has forced specialists assigned elsewhere to cover those courts, thereby placing a strain on the court locations which they

leave. The main impact has been felt by Hartford, which is down to 1.3 positions from 2.7 positions. In addition, because northeastern Connecticut is being covered by part-time people, they are unable to build the community connections which housing specialists are supposed to build. **The Council voted to direct the Chairperson to write the Judicial Branch and urge the hiring of one clerical staff person for the Bridgeport office and one new full-time housing specialist for Rockville/Danielson/Middletown.**

(2) Clerk's office issues:

(a) Blue pages: The Council has sent a letter to Linda Vickers of the Judicial Branch, urging it to adopt the Council's 2003 recommendations for housing listings in the blue (government) pages of the telephone book. The Council had recommended that all housing telephone numbers be consolidated into the "Housing" section of the blue pages, rather than spread out in the "Judicial" section.

(b) Fee for modification of stay of execution: It appears that different clerk's offices have different interpretations of how the requirement that a \$35 fee be paid for the modification of a judgment applies to motions to extend or modify a stay of execution. The majority view (followed in Hartford, New Britain, and New Haven) is that a motion to adopt or extend a stay is not a motion to modify a judgment and is therefore not subject to the \$35 entry fee. The minority view (followed in Waterbury, Norwalk, and New London) is that it is a modification which triggers the filing fee. The issue has been referred internally by the Judicial Branch to its Legal Services division. **The Council, after a lengthy discussion, voted unanimously that no fee should be charged for the creation or extension of a stay and directed the Chairperson to communicate its views to the Judicial Branch.** It came to this conclusion both as a matter of statutory interpretation (a stay of execution is separate from the judgment and a stay can be extended without reopening the underlying judgment) and as a matter of policy. Forcing litigants, many of whom are indigent, to pay the \$35 fee will interfere with the case settlement process and will impose hardship on those who are indigent. In addition, it will probably generate a substantial number of fee waiver requests, which are burdensome both for the clerk's office staff and for the judges themselves to handle.

(c) Case reporting services: It appears that some case reporting services have not put all numbered housing court cases into their data bases, thereby limiting the ability to do full housing research on-line. Houston Putnam Lowry will discuss this issue further with representatives of the WestLaw, Lois, Lexis, and Casemaker systems.

(d) Court computerization: Hartford, New Britain, and New Haven are on-line. Bridgeport should be next. It was noted that the system does not necessarily reduce the total number of telephone calls to the clerk's office but it does allow telephone calls to be more focused and efficient (e.g., people now usually have docket numbers when they call). In addition, the system has made it much easier for lawyers to track their cases without bothering the clerk's office. In general, persons present at the meeting were very positive about the system.

(e) Distribution of landlord how-to-evict booklet: The question was raised as to the aggressiveness of the distribution of the housing court's guide for landlords at the housing court clerk's offices. Suzanne Colasanto will look into the situation.

(3) Housing specialist issues: None, except for insufficient staff.

(4) Housing prosecution issues:

(a) Advisement of rights: The Judicial Branch has informed judges that federal law requires them to advise non-U.S. citizen criminal defendants facing incarceration of their right to consult with consular officials from their country of citizenship. Houston Putnam Lowry reported that this is not being done routinely in Waterbury. Judy Dicine will check into this.

(b) Prosecutor's manual: The long-awaited prosecutor's manual is still not out, because it is being revised to incorporate directions for prosecuting commercial code enforcement cases and other safety code prosecutions. The Council has never seen how the housing code portion of the manual was modified in response to its recommendations, nor has it seen any of the new proposed provisions. Judy Dicine agreed to submit the full current draft to the Council by September 29, 2003, for review and comment. The Council will reactivate its Housing Prosecution Committee. Committee members are David Pels, Richie DeParle, Rocco Guarnieri, and Rafie Podolsky. Anyone else wanting to be on the committee should contact the Chairperson.

(c) Prosecution training: Judy Dicine is very actively involved in training both police officers and other prosecutors. The police training includes both old and new officers. The current police officer training session is three hours and covers criminal lockout (two hours), trespass, criminal mischief, and illegal termination of services. Judy would like to extend it to four hours. In response to a question, Judy indicated that it was up to the sponsor of a training session whether or not an observer could come and sit in on the class. The next trainings are September 29 in Wallingford and October 1 in Waterbury.

(d) Lines of supervisory authority: Chief State's Attorney Chris Morano is still considering the Council's recommendation that housing prosecutors be responsible to the Supervising Housing Prosecution Attorney, rather than to the local State's Attorney. In practice, however, the movement seems to be toward more vertical responsibility through the Housing Prosecution Unit. For example, the State's Attorney in Bridgeport recently transferred an investigation to the Housing Prosecution Unit.

(e) Availability of housing inspection reports: It is not clear whether this is still an issue anywhere, and particularly in Hartford, where the complaint arose. According to Judy Dicine, the housing prosecutors do not generally ask code enforcement agencies to withhold any local agency files from public disclosure. The two exceptions which Judy identified were for (a) direct correspondence between the code enforcement agency and the prosecutor and (b) the arrest warrant and affidavit. Reports of housing inspections and enforcement orders issued by city investigators should be available to the public from the local code enforcement agency, even if the case has been turned over to a housing prosecutor for prosecution.

(f) No-heat prosecutions: This issue also arose in Hartford, and it is not clear whether it has been resolved. There was a question as to how long the city is expected to wait before turning a no-heat case over for prosecution. Judy Dicine recommends that, if there is a good faith effort by the owner to comply and procure emergency heat, the agency

should wait up to 24 hours before referring the case for prosecution. In most cases, however, a six-hour wait will be sufficient, because that is enough time to contact an emergency heating service. If there are young children in the premises and a landlord deliberately fails to restore heat, the landlord can also be prosecuted for risk of injury to a minor.

III. 2004 legislation:

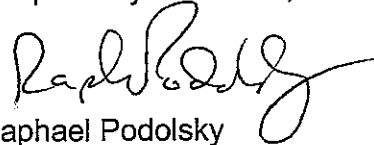
The Bridgeport Property Owners Association intends to introduce two legislative proposals in 2004:

(1) Removal of tenant's belongings after eviction: The Association wants to eliminate delay which results from the fact that, in some towns, landlords must wait for the city to schedule a truck pick-up in order to carry out an actual eviction. No specific proposal for change was presented to the Council. There was much disagreement among the Council membership as to whether there was any need to change the law at all or, if changed, what should be the change. Discussion included the pros and cons of the landlord himself moving the possessions to a city facility, the rental of supplemental storage space by the city, simply leaving the possessions at the curb, etc. There was some question as to whether the problem was a shortage of city trucks and drivers or a shortage of city storage space. In any event, the discussion was inconclusive and, in the absence of a consensus, the Council took no position.

(2) Small claims maximum: The Association wants to increase the small claims maximum from \$3,500 to \$5,000. A bill to make that change passed the legislature's Judiciary Committee in 2003 but died in the Finance Committee.

IV. Adjournment: The meeting was adjourned at 4:10 pm.

Respectfully submitted,



Raphael Podolsky
Acting Secretary