



CITIZENS ADVISORY COUNCIL FOR HOUSING MATTERS



Reply to:

80 Jefferson St.
Hartford, CT 06106
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Minutes of December 15, 2004 Citizens Advisory Council meeting

Attendees: Sandra Desrosiers, Sonja Devitt, Jennifer Barry, Penny Trick, David Pels, Houston Putnam Lowry, George Papallo, Jeff Hammer, Sharon Levy, Rich DeParle, Rocco Guarnieri, J. Andre Fournier, Raphael Podolsky, Joe Wincze, Cynthia Teixeira, Richard Tenenbaum, Judith Dicine, Michael Flynn, Frank Cochran

(1) Hartford housing prosecutor: A new prosecutor for Hartford has been lined up. She is expected to start at the beginning of 2005. For now, Judy Dicine is covering Hartford and Bret Salafia is covering New Britain.

(2) Other Hartford code enforcement matters: Judy Dicine did a no-heat training last week for City of Hartford code enforcement staff. She is getting about 5 referrals from Hartford per month. There is clearly insufficient staffing in Hartford, but the supervising officials are cooperative.

(3) Prosecutor's manual: Judy will respond to our last round of comments as soon as possible.

(4) Release of records: The prosecutors in Hartford have worked out a protocol for the release of otherwise confidential police records when a landlord wants to use the police records in an eviction proceeding against a tenant (e.g., to prove that the tenant's conduct constitutes a serious nuisance). Under the protocol, the request must be made to the State's Attorney's Nuisance Abatement Unit (headed by Brian Austin), which will decide whether or not the records will be released. Judy believes that the police can withhold records under Section 1-210(b)(3) of the General Statutes, which exempts records of law enforcement agencies "not otherwise available to the public," but only if disclosure "would not be in the public interest" because it would result in disclosure of one of six specific items. The prosecutors believe that this requires case-by-case analysis to determine whether disclosure would not be in the public interest.

(5) Modification of stays: There was a lengthy discussion about whether the filing fee for a modification of judgment should be charged when a party seeks to change the length or the terms of a stay of execution. There was some suggestion that assessment of the fee might depend upon how the motion is titled (e.g., if the party labels it a motion to reopen judgment, a fee is likely to be charged). In New Haven, the housing specialists sometimes handle these matters on direct referral without any motion at all. The discussion was inconclusive. The Council's biennial report, however, recommends that no fee be charged if the only change being sought is a change in the stay of execution.

(6) Security deposits: Joe Wincze raised the question of whether it was appropriate for the housing court to offer tenants seeking to bring an action for return of a security

deposit the alternative of filing with the Banking Commissioner instead of with the housing court. There was consensus that the clerk's office should not "steer" litigants toward one method or the other, but there was no consensus as to whether a small claims action or a Banking Commissioner complaint was the preferable approach.

(7) Meeting schedule for 2005: The regular Council meetings in 2005 will be on March 16, June 15, September 21, and December 21.

Respectfully submitted,

Raphael Podolsky, Chairperson