



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 15, 2004

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

Minutes of September 15, 2004 Citizens Advisory Council meeting

Attendees: Joseph Wincze, Richard Tenenbaum, Raphael Podolsky, Rich DeParle, David Pels, Sonja Devitt, Jennifer Hadlock, Sonia Ayela, Suzanne Colasanto, Cynthia Teixeira, Judith Dicine, Jeffrey Hammer, Roberta Palmer, Mike Flynn

- (1) Call to order: The meeting was called to order at 2:15 p.m.
- (2) Approval of minutes: The minutes of the June 16, 2004, meeting were approved.
- (3) 2005 biennial report: The draft biennial report, as circulated before the meeting, was submitted for approval. The following changes were made in the draft. The Chairperson will redraft the report, based on those changes, for resubmission to the December meeting of the Council.
 - (a) List of Council members: Ivan Hirsch was deleted from the list of Council members. The member page will include a statement that the report is dedicated to Ivan Hirsch and will include his "epitaph" that appeared in the minutes of the Council's December 17, 2003, meeting.
 - (b) Clerk's office staffing (I-B): The reference to Waterbury being down one office clerk will be deleted.
 - (c) Bilingual materials (I-C): The text will note that the Landlord's Guide is currently being translated into Spanish.
 - (d) Case processing (I-I): The discussion of past problems in the Hartford Housing Court will be removed from the last paragraph of this section.
 - (e) Housing specialists: A new Part II concerning specialists will be inserted. It will include a section on computers (two are needed in Hartford and one in New London),

a section on printers (information to be supplied by Cynthia Teixeira), and a section on staffing (Hartford is down one position from 2.5 specialists to 1.5 specialists, forcing specialists assigned to other areas to be brought to Hartford to cover).

(f) Prosecutor's manual (II-A): The language will be modified to reflect the fact that the revised draft has now been distributed, and the section will be revised again at the December meeting if necessary, depending on the finality of the draft at that time.

(g) Police training manual (II-B): The section will be revised to reflect the fact that a draft of the police officer manual is now available.

(h) New prosecutor training: A section will be added noting that the Council is pleased that the training program for new prosecutors now includes a section on housing prosecution, which in the future will be run yearly. The section is taught by Judy Dicine. Prosecutors are also being training to better identify the types of cases which should be treated as housing matters and therefore transferred to the appropriate housing prosecutor.

(i) Hartford-related prosecution issues (II-D): The phrase "result-oriented" will be replaced with something that more clearly explains its meaning.

(j) Housing prosecutor coverage of non-housing court districts (V-G): The Council's recommendation on coverage of Danbury and Derby will be moved from Part V at the end of the report into the section on housing prosecution within the primary body of the report, and the explanation will be expanded. The expanded section will also state that the failure to involve the housing prosecutor is resulting in code enforcement agencies in those towns not turning cases over for prosecution.

(k) Judicial assignments (III-C): The last half of the last sentence in the draft (the portion explaining why housing judicial assignments should rotate) will be deleted.

(l) Council-related issues (IV-A): "Chief Housing Specialist" will be changed to "Manager of Dispute Resolution Programs."

(m) Council membership (IV-B): A new section will be added requesting that the Governor make appointments to the Council.

(n) Appendix E: I-K (trial schedule) will be changed to "implemented." II-A (staff vacancies) will be changed to "implemented except as to Hartford." II-B (computers) will be changed to "partially implemented." III-B (policy academy curriculum) will be changed to "not implemented."

(o) Printing of decisions: A new section will be added to the report requesting that the Commission on Official Legal Publications return to its former practice in printing housing court opinions that each decision begin on a separate page.

(4) Housing prosecution:

(a) Prosecutor's manual: Judy Dicine distributed the revised draft of the prosecutor's manual. Members of the Advisory Council's committee on the manual (Rich DeParle, David Pels, Joe Wincze, and Rafie Podolsky) will review the draft immediately and

get their comments to Rafie Podolsky within ten days.

(b) Police training manual: Judy Dicine distributed a copy of an old version of police training materials, which will be the basis for a revised training manual. The Advisory Council committee (same membership as in (a) above) will submit comments as soon as possible. Comments are welcome from anyone associated with the Advisory Council and not just from committee members. Comments should be directed to Rafie Podolsky, who will combine them and submit them to Judy Dicine.

(c) Advisement to non-citizens in Waterbury: The issue appears to have been resolved. The judge is regularly giving advisements to litigants.

(d) Availability of police records in nuisance evictions: Judy Dicine asked Council members and others to contact her (860-789-7056) if they have information as to whether landlords have been having difficulty in obtaining police records for use in nuisance-related evictions. She has received complaints from Hartford and New Haven landlords. It appears that some police departments will not release information if a criminal charge is pending. Similarly, cases housing prosecutors have sometimes acted to prevent police officers from being subpoenaed to testify in eviction cases if a criminal prosecution is pending. David Pels noted, however, that the Hartford Housing Authority appears to receive police information so that it can evict. There was some concern expressed that a prosecution policy blocking testimony by police officers in nuisance evictions conflicts with a prosecution policy that expects landlords to act promptly to evict tenants engaged in criminal conduct. The issue will be placed on the agenda of the December meeting.

(e) Scope of lockout protection: The Chief State's Attorney's Office is appealing a trial court decision in a prosecution for illegal lockout in which the court held that a tenant who occupied an apartment in an assisted living facility was not protected by the landlord-tenant laws. Judy Dicine will explore whether the Chief State's Attorney would like to have an amicus curiae brief filed in support of its position. Judy Dicine will pursue this as necessary.

(5) Housing specialists:

(a) Northeastern Connecticut: Anne Lucas is the new housing specialist for northeastern Connecticut.

(b) Housing specialist hiring standards: Cynthia Teixeira reported on the key skills which she looks for in the hiring of housing specialists. These include mediation skills, knowledge of landlord-tenant laws, code enforcement experience, legal experience, ability to speak Spanish, and ability to function collegially. While mediation skills are the single most important factor, other skills, and particularly legal knowledge and background, are increasingly being viewed as important supplemental skills.

(6) Adjournment: The meeting was adjourned at 4:30 pm. The next meeting will be at 2 pm on Wednesday, December 15, 2004.

Respectfully submitted,

Raphael Podolsky, Chairperson