



# CITIZENS ADVISORY COUNCIL FOR HOUSING MATTERS



Reply to:

44 Capitol Ave., Suite 301  
Hartford, CT 06106  
860-278-5688 x203

## Next meeting

**2:00 pm**

**Wednesday, December 19, 2007**

Burroughs Community Center  
2470 Fairfield Ave., Bridgeport  
(203-334-0293 for directions)

## Citizens Advisory Council Minutes

**September 19, 2007**

**Attendees:** Penny Trick, Rocco Guarnieri, Sonja Devitt, Richard Tenenbaum, Roberta Oris Palmer, Jeffrey Hammer, Joe Wincze, Judith Dicine, Rafie Podolsky, David Pels, Sharon Levy by phone, and Beth Duffy Burns by phone.

### **Preliminary Matters**

Chairperson Rafie Podolsky presided. The agenda and minutes were approved.

### **Housing Court Operations Reports.**

It was reported that the relocation of the housing court hearing room and staff offices in Bridgeport has created significant problems. At present, the court is using a very small courtroom on the 6<sup>th</sup> floor while the housing specialist offices are on the 5<sup>th</sup> floor. This arrangement was a compromise because of the Council's opposition to moving the courtroom into a completely different building from the clerk's office. Examples of problems include: Defaults have been entered because people involved in housing specialist mediations are confused and do not realize that they must go back to the 6<sup>th</sup> floor. There is no place to sit on the 5<sup>th</sup> floor. The 6<sup>th</sup> floor courtroom is so small that it cannot handle large enough dockets, resulting in a growing backlog, which has occurred at the same time that caseload has increased. The clerk has created a new afternoon docket but, because of the small size of the courtroom, can schedule only 15 cases in the morning and 15 in the afternoon, which is not enough. Even with that small number of cases, the courtroom is sometimes overcrowded, resulting in spillover into the hallway. In the last two months the number of active cases has increased from 300 to 500. The court could docket more cases if it had a larger courtroom, and a larger courtroom on the 5<sup>th</sup> floor is often empty but has not been made available to the housing court.

The Council directed the chairperson to write to the Chief Court Administrator and the Administrative Judge for J.D. Fairfield that the Bridgeport housing court arrangement is inadequate and needs to be changed and that the courtroom and the offices of the housing specialists and the prosecutor should all be consolidated on the 5<sup>th</sup> floor. In particular, (1) the courtroom and the housing specialists need to be on the same floor, which should preferably be the 5<sup>th</sup> floor; (2) a larger courtroom appropriate to the caseload should be provided; (3) appropriate office space (preferably the existing 5<sup>th</sup> floor space) should continue to be provided for the housing specialists. In addition, the Council reaffirmed its view that, under no circumstances, should the courtroom be moved to a different building from the clerk, housing specialist, and prosecutor offices. All offices should remain in the J.D. building and not be moved to Golden Hill St. The motion passed unanimously. The Council's Bridgeport Subcommittee will also discuss this matter with Judge Gilardi and Judge Cocco.

### **Clerk's Office Reports**

It was reported that clerical vacancies in Hartford have been filled but that New Haven has been unable to fill its vacant clerical position internally, notwithstanding repeated posting of the position for transfer within the Judicial Branch. Bridgeport continues to rely on a temporary position. Waterbury is hiring for a temporary position. The Council directed the chairperson to write to the Chief Court Administrator requesting that the New Haven position be filled by outside advertising.

### **Prosecutor's Handbook**

The Chief State's Attorney has approved the Housing Prosecutor's Handbook, and it is being circulated to the State's Attorneys for review and comment. If there are no objections, it will be distributed to all prosecutors.

**Police Training Manual** – Tabled.

### **Prosecutor Hiring Process** –

The Council has recommended that the Chief Housing Prosecutor, currently Judy Dicine, be involved in the hiring process for new prosecutors. This would, at the least, involve her being included routinely in the screening for new hires for a housing prosecutor position. Because there have been no recent vacancies, the Council decided to delay sending a letter reaffirming its position until a vacancy arises. There are, however, plans to make the New Haven prosecutor position full-time on housing.

### **Bridgeport Police Training**

There is a continuing problem with Bridgeport police officers helping landlords carry out illegal lockouts. A federal court recently refused to dismiss a federal civil rights suit against a landlord because of the alleged collaboration between landlords and police. That police department does not seem to understand that an eviction can be carried out only by a marshal and only if he or she is in possession of a valid summary process execution. Judy Dicine and the State's Attorney for J.D. Fairfield will be meeting soon with the Bridgeport police to try to resolve this issue.

### **Housing Specialists**

The housing specialist vacancy in Rockville, which was filled by the transfer of Sean Defely from New Haven, created a vacancy in New Haven. The New Haven position has been internally posted three times without producing any suitable candidates. In addition, Bridgeport is temporarily down to one specialist because the other is on pregnancy leave and Hartford is down from 2.5 housing specialists to 1.5. The result is that the housing specialists are stretched very thin. The chairperson was directed to write the Chief Court Administrator to request an outside posting for the New Haven housing specialist position. The Advisory Council anticipates that its traditional involvement in outside hires will continue as in the past.

### **Current Judicial Assignments**

Under the September judicial assignments, Judge Crawford remains the New Haven-Waterbury Housing Court judge; Judge Cocco will continue to handle Bridgeport; and Judge Grogins will continue in Norwalk. The Bridgeport-Norwalk Housing Court thus remains bifurcated. Judge Peter Wiese is the only newly-assigned housing court judge. He is now sitting in the Hartford-New Britain Housing Court. All of these assignments were made without consulting the Advisory Council, notwithstanding previous assurances by the Judicial Branch of Council consultation. The Council has been assured that the regular consultation process will be reestablished for next year.

### **Small Claims Court Delays**

The concern about long small claims hearing delays remains. Rich DeParle met with Judge Lavery last week and reported that Judge Lavery believes that the movement of cases cannot be improved without a significant increase in staff, which he considers unlikely. Rich recommends increased computerization as a way to minimize delays. Rafie Podolsky has submitted data to the Chief Justice and the Chief Court Administrator documenting the continuing extensive delays. It now takes about two months for Centralized Small Claims merely to input the data and schedule an answer-due date and another three to four months before a trial is held. While these times reflect an improvement from last fall, the data indicates that they are double the time frame that existed before centralization. The Council believes that these lengthy delays are having a significant adverse impact on litigants. The Advisory Council will request a meeting with the Judicial Branch to discuss the issue of the long delays in the hearing of housing small claims cases. The data also reveals that in Hartford, New Haven, and Waterbury almost no housing small claims cases are being filed through the housing court clerk's office and that filings through the Bridgeport, Norwalk, and New Britain housing court clerk's offices are down between 33% and 60%. This suggests that small claims litigants are having significantly reduced contact with housing court staff.

### **Other Small Claims Issues**

Maureen Finn, who heads the Centralized Small Claims system, has responded to a request from the Advisory Council by issuing a memorandum to staff that any housing cases transferred by a defendant from the small claims docket are to be sent to the appropriate housing court, not to the regular civil court. She has also been requested by the Advisory Council to make certain that housing cases are heard on a separate docket

from other small claims cases. It is not clear whether this request will be accepted by the Judicial Branch.

**Security Deposit Cases**

Joe Wincze reported that a magistrate sitting in Bridgeport has ruled in several cases that the cashing by a tenant of an unrestricted check returning only part of a security deposit bars the tenant from suing for the balance. This interpretation of the security deposit laws appears to be in direct conflict with the Security Deposit Act and, if followed, would undercut the Act's goal of encouraging a narrowing of issues through prompt return of the undisputed portion of the security deposit. The chairperson was directed to write the Judicial Branch to ask that this matter be reviewed with the magistrate.

**Availability of Housing Court Decisions in State Libraries**

Suzanne Colasanto will be doing a training for law librarians in October and will check on their receipt and filing of housing court decisions.

**Failure of Westlaw and Other Electronic Databases to Include All Housing Court Cases – Tabled indefinitely.**

There was a motion to adjourn which passed unanimously.

Respectfully submitted,

Penny Trick, Acting Secretary