



CITIZENS ADVISORY
COUNCIL FOR HOUSING MATTERS



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

NEXT MEETING

1:30 p.m.
Wednesday, March 14, 2012

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

Minutes of December 14, 2011 Citizens Advisory Council meeting

Persons present: Daniel Arcobello, Richard DeParle, Sonja Devitt, Judith Dicine, Friedrich Helisch, Sharon Levy, Houston Putnam Lowry, Carl Lupinacci, Edmund O'Garro, Raphael Podolsky, Richard Tenenbaum, Patricia Walker

(1) PRELIMINARY MATTERS

(a) Call to order: The meeting was called to order by the chairperson, Raphael Podolsky, at 1:40 p.m. at the Burroughs Community Center, 2470 Fairfield Ave., Bridgeport.

(b) Approval of agenda: The agenda was approved without objection.

(c) Approval of minutes: The minutes of the September 14, 2011, meeting were approved unanimously (moved by Houston Putnam Lowry, seconded by Richard Tenenbaum).¹

(2) HOUSING PROSECUTION REPORT (from Judith Dicine)

(a) Computerization of housing court criminal cases: Criminal cases in the housing court districts are now, or will soon become, accessible on line in the same manner as criminal cases in the Geographical Area (GA) courts. The case listings include the charges, the next court date, and the disposition, but do not include the property address. It is not clear whether the housing court docket number code "CR" will still exist. Since the public computer record identifies the statute which the defendant is charged with violating, it should become possible to determine how many prosecutions there are for each statute.

¹The September 14 minutes were subsequently corrected to show that Richard Tenenbaum was present at that meeting.

(b) Complaints of failure to enforce by local police departments: Richard Tenenbaum expressed concerns as to whether the Bridgeport Police Department was adequately taking action on no-heat complaints. The procedure recommended by Ms. Dicine if it is believed that a police department is failing to act is to first contact a police supervisor. If there is no satisfactory response, then contact the housing prosecutor, who will contact the police department. While housing prosecutors can initiate prosecutions based on a victim affidavit, such affidavits will not necessarily constitute probable cause, so that an investigation by a police officer or code official is likely to be needed before a prosecution can be initiated. Ms. Dicine has been doing extensive training of police officers, so that inadequate police response should be declining.

(c) Number of prosecutors: There are still only two full-time housing prosecutors -- Patrice Palombo (J.D. New Haven, Waterbury, and Ansonia-Milford) and Robyn Johnson (J.D. Hartford, New Britain, and Middlesex). Mary Card is covering J.D. Fairfield, Tiffany Lockshier is covering J.D. Stamford-Norwalk, and Rafael Bustamante is covering Norwich and New London, each on a part-time basis. Ms. Dicine is covering the rest of the state. It is not clear when the Bridgeport-Norwalk and the eastern Connecticut housing prosecutor positions will be re-filled.

(d) Criminal Justice website: There is now a link to "Criminal Housing Matters" on the home page of the Division of Criminal Justice. The page summarizes the role of prosecutors in housing cases and includes the telephone numbers of the housing court prosecutor offices. See <http://www.ct.gov/csao/cwp/view.asp?a=1798&q=477038>.

(e) Housing prosecutions of serious criminal violations: Ms. Dicine is currently prosecuting a negligent homicide case in Waterbury resulting from a fire in a building in which the landlord, without a building permit and in violation of zoning and fire safety laws, had converted a two-family building to four units. The fire trapped a tenant in an attic unit that had only one means of egress, in violation of the State Fire Safety Code. Although the case is being tried in the regular court rather than the housing court, the prosecution is being handled by the housing prosecutor. The State's Attorney's Office is cracking down on illegal units, especially if someone is injured in such a unit. The State Fire Marshal now routinely contacts the housing prosecutor when Fire Safety Code violations are discovered. Building code and similar permits are public records and can be obtained from the local municipality.

(3) NEW BRITAIN HOUSING COURT (report by Raphael Podolsky)

The Judicial Branch has withdrawn its plan to merge the New Britain Housing Court into the Hartford Housing Court. The only changes being made involve the Housing Court Clerk's Office in New Britain, which is being merged into the Civil Clerk's Office. The three housing court employees will be replaced with one employee (an assistant clerk). One assistant clerk within the Civil Clerk's Office, who will be accountable to the Chief Civil Clerk, will be specialized in housing as part of his or her other duties. No Housing Court Clerk will be hired, and no one will be assigned to handle solely housing matters. The Housing Court window will be maintained as a separate point of contact with the Clerk's Office on days in which the housing court judge is sitting in New Britain. It is not clear if it will be maintained as a separate location on other days. The Advisory Council has urged that the housing function be maintained as separately as possible from the other functions

of the Civil Clerk's Office and that at least one additional Clerk's Office staff member be specialized in housing. The Council has been informed that the housing court computer system for summary process cases will be maintained. Housing civil docket cases, which are not computerized in the housing courts, will in New Britain be incorporated into the regular civil court computer system.

(4) CLERK'S OFFICE AND HOUSING MEDIATOR REPORTS

(a) Electronic filing: There is at present no immediate plan for initiating electronic filing of summary process cases in the housing courts.

(b) Housing mediators: There is only one mediator in Bridgeport on court hearing days. This has created long delays for litigants and attorneys in getting mediation. By statute (C.G.S. 47a-69(a)), there are supposed to be a minimum of two housing mediators for each housing court district.

Upon motion (moved by Richard Tenenbaum, seconded by Houston Putnam Lowry), the Council unanimously voted to urge the Judicial Branch to fill the vacancy for a second housing mediator for the Bridgeport-Norwalk Housing Court.

(c) Complaints concerning mediators: Complaints concerning housing mediators should, in the first instance, go to Cynthia Teixeira, Manager of Dispute Resolution. Further complaints should go to Nancy Kierstead, Director of Court Operations.

(5) ADVISORY COUNCIL WEBSITE

(a) Links: Council members requested that links be added to the Advisory Council website to the Division of Criminal Justice website, Title 47a of the Connecticut General Statutes, Judicial Branch Case Look-up, and HUD Clips (federal Department of Housing and Urban Development).

(b) Posting of documents: The Advisory Council will post on its website, as appendices to its minutes, documents that are distributed and discussed at Advisory Council minutes. Agendas, minutes, and reports are already being posted.

(6) ADVISORY COUNCIL APPOINTMENTS

The Governor's Office has shown some interest in making appointments to the Advisory Council. The chairperson expects to know more about the procedures for applying by early or mid-January.

(7) PROGRAMS FOR FUTURE MEETINGS

The Connecticut Fair Housing Center will make a presentation to the March 2012 meeting of the Advisory Council on fair housing laws. Other topics suggested for future meetings were:

- Code enforcement
- Nuisance abatement

(8) 2012 SCHEDULE OF REGULAR MEETINGS

The Advisory Council will continue in 2012 to meet at 1:30 pm on the second Wednesday of March, June, September, and December. The March and September meetings will be at the Connecticut Bar Association in New Britain. The June and December meetings will be at the Burroughs Community Center in Bridgeport. The next meeting will be March 14, 2012. It was understood that, if a new Council membership is appointed, the dates and places of Council meetings will probably be revisited.

(9) OTHER BUSINESS

(a) John and Jane Doe notices to quit: Friedrich Helisch requested that the Advisory Council discuss the use of John and Jane Doe notices to quit. The subject will be placed on the agenda for the next Council meeting.

(b) Proposed legislation from the Division of Criminal Justice: Judith Dicine reported that the Chief State's Attorney is considering submitting six housing bills to the General Assembly. She will share them with the Advisory Council when the drafts are ready.

(10) ADJOURNMENT

The meeting was adjourned at 3:00 pm (motion by Houston Putnam Lowry, second by Richard DeParle).

Respectfully submitted,

Raphael Podolsky, Acting Secretary