



CITIZENS ADVISORY COUNCIL FOR HOUSING MATTERS



Reply to: 44 Capitol Ave., Suite 301
Hartford, CT. 06106
(860) 278-5688 x203
Fax (860) 278-2957

Next meeting

1:30 pm

Wednesday, September 12, 2012

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

Minutes of June 13, 2012 Citizens Advisory Council meeting

Persons present: Rich DeParle, Kathy Flaherty, A. Hafer, Sharon Levy, Carl Lupinacci, Ed O'Garro, George Papallo, David Pels, Raphael Podolsky, Vincent Quinto, Richard Tenenbaum

1) PRELIMINARY MATTERS

- a) Call to order: The meeting was called to order by the chairperson, Raphael Podolsky at 1:50 pm at the Burroughs Community Center, 2470 Fairfield Ave., Bridgeport.
- b) Approval of agenda: The agenda was approved without objection with modifications (addition of small claims magistrate manual).
- c) Approval of minutes: The minutes of the March 14, 2012, meeting were approved unanimously (moved by Kathy Flaherty, seconded by Richard Tenenbaum).

2) September housing court judge assignments: The chairperson reported the following judicial assignments for September 1, 2012, until August 31, 2013:

- a) Hartford-New Britain: Judge Glenn Woods.
- b) New Haven-Waterbury: Judge Michael Maronich (currently sitting in the Bridgeport-Norwalk Housing Court).
- c) Bridgeport-Norwalk: Judge Lawrence Hauser. Judge Hauser will become a Judge Trial Referee (JTR) in December, when he turns 70, but is expected to serve for at least a full year in the housing court. The chairperson has already talked to Judge Quinn, the Chief Court Administrator, about the Council's concerns about the assignment of JTR's, rather than judges, to the housing courts. JTRs are limited in the number of days per year that they can work. Apart from statutory requirements about the assigning of a judge, the limits on a JTR's availability have in the past resulted in delays in holding trials, especially in the more complicated cases, and the more frequent use of substitute judges to cover the caseload.

3) Court operations:

- a) Staffing: No changes. The clerks' offices are still short-staffed. Chief Housing Prosecutor Judith Dicine, who was unable to attend the meeting, provided a memo that Jonathan Lewin, a new per diem Deputy State's Attorney, is handling Stamford-Norwalk. He is also handling non-housing cases for the state's attorney office. Mary Card continues to handle Bridgeport. The eastern Connecticut housing prosecutor position remains unfilled. Based on the Council's conversations with Judge Quinn, due to a hiring freeze and lack of funds there is no intention to refill these positions in the near future.
- b) Other matters: Nothing to report.

4) Report on 2012 Legislative Session:

a) Adopted legislation:

- i) P.A. 12-104 – Department of Housing: Reestablishes a separate Department of Housing as of July 2013. Housing development functions are currently part of the state's economic development agency
- ii) P.A. 12-146 – Anti-blight ordinances: Amends the anti-blight statute to give property owners time to correct violations before a fine can be imposed; raises the penalty for violation to \$250 per day; makes violations criminal rather than civil and therefore enforceable by the housing prosecutors.
- iii) P.A. 12-41 – Mental disabilities: Expands the definition of "disability" in the state's good cause eviction statute (47a-23c) to include mental disability. The bill was sponsored by the Mental Health Association of Connecticut. The existing statute already requires that a reason for eviction other than lapse of time be stated if a senior or person with a physical disability is to be evicted from a building with five or more dwelling units.
- iv) PA 12-189 – State bonding: Authorizes \$60 million in state bonds for the Emergency Mortgage Assistance Program (EMAP), which helps homeowners facing foreclosure, and \$30 million for state-assisted public housing (the first year of the Governor's \$300 million 10-year public housing revitalization plan).
- v) H.B. 5224 – Urban revitalization pilot program: Requires DECD to operate a pilot program in at least one distressed municipality to promote owner-occupancy with support services in 2-, 3-, and 4-unit buildings.

b) Legislation not acted upon:

- i) Bedbugs (S.B. 190): Outlined landlord and tenant responsibilities involving bedbug infestations. A working group that already exists is expected to be looking for additional landlord and tenant input.
- ii) Nuisance abatement and commercial lockouts (H.B. 5489): Passed House but not Senate. The bill would have added commercial lockouts to the existing lockout statute and broadened the definition of "nuisance" in the Nuisance Abatement Act to include more crimes and ordinance violations. Judith Dicine will probably submit the commercial lockout bill as a separate bill next session. Atty. Dicine also intends to propose a bill next year on administrative search warrants.

iii) Disposition of tenant possessions after eviction (H.B. 5035): The Governor submitted a proposal but the proposal died due to opposition from both landlord and tenant representatives.

iv) Disposition of possessions after death of tenant (H.B. 5494): A working group has been created. The biggest issue is finding a mechanism to protect the tenant's heirs if the tenant's immediate family is unknown to the landlord.

v) Furnace replacement (S.B. 451): The purpose of the bill was to allow the electric company to provide loans for furnace upgrade with repayment through the electric bill. The owner would have been allowed to transfer the repayment obligation to the tenants, if they had their own electric accounts. The problem was that, if the property owner or tenant got behind on the furnace cost repayments, the electricity would be turned off.

c) Additional discussion regarding legislative session: There were questions from a public audience member about these bills and housing law generally. The chairman explained the law regarding eviction, entry and detainer, lockout and foreclosures. It was also noted that Bridgeport and Hartford have noise ordinances.

5) Biennial report: The Advisory Council's biennial report is due in January, 2013. The chairperson recommended using the same procedure as in past years. He will prepare a first draft and circulate it prior to the September meeting. The Council will review it at the September meeting and make changes. It will then be revised accordingly and the final draft will be acted on at the December meeting. All present were in favor of this approach.

6) Small claims magistrate manual: The first edition was published in 1993, the most recent update in 2007. The manual, which is used by the Judicial Branch to train magistrates, has sections on security deposits, back rent, and property damage. In the past, it has been printed in hard copy by the Judicial Branch. It is also available on the CACHM web site. For the 2007 revision, the chairperson proposed modifications to the previous draft, it was reviewed by housing court clerks, lawyers on the Council, and others interested in reviewing it, and then finally approved by the Council. All present were in favor of this approach again. Several members volunteered to review.

7) Advisory Council appointments: The chairperson believes that the Governor may make appointments by the fall. Those interested in an appointment to the Council should write the Governor if they haven't done so already. The statutes require that the Advisory Council be balanced by landlord and tenant interest and region of the state, and no more than two-thirds of the members of the board can be affiliated with the same political party.

8) Programming for future Advisory Council meetings: Including guest speakers on the agenda may depend on when appointments of new members are made. The Council agree to hold off on scheduling for now because the review of the drafts of the biennial report and possibly the small claim court manual will take up time at September meeting and possibly the December meeting as well.

9) Other business: Rich DeParle indicated he was interested in finding out more details about the proposed administrative search warrant. Vincent Quinto commented about inconsistent handling of lockouts by police in Bridgeport and the need for additional training. It was pointed out that, because of the Council's involvement in drafting a police training manual and because of advocacy by the Council and the Chief Housing Prosecutor, training on housing law is now a required part of training for police cadets going through the academy and is among the choices for continuing education classes for experienced police officers. The police training manual is on the CACHM website, www.ct.gov/cachm.

10) Adjournment: The meeting was adjourned at 3:17 pm (motion by Richard Tenenbaum, second by Sharon Levy).

Respectfully submitted,

Kathy Flaherty, temporary secretary