



# CITIZENS ADVISORY COUNCIL FOR HOUSING MATTERS



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

## **MINUTES OF MEETING OF SEPTEMBER 12, 2012**

**Persons present:** Judith Dicine, Kathy Flaherty, Friedrich Helisch, Carl Lupinacci, David Pels, Raphael Podolsky, Richard Tenenbaum

### **1) PRELIMINARY MATTERS**

- a. Call to order: The meeting was called to order by the chairperson, Raphael Podolsky, at 2:00 pm at the Connecticut Bar Association, 30 Bank Street, New Britain.
- b. Approval of agenda: The agenda was approved without objection (with modification as to order to accommodate schedules of attendees).
- c. Approval of minutes: The minutes of the June 13, 2012 meeting were approved.

### **2) REVIEW OF DRAFT OF 2013 BIENNIAL REPORT AND MODIFICATIONS TO THE DRAFT**

The proposed draft will be revised by the chairperson based on the discussion at this meeting and will be resubmitted at the December Advisory Council meeting. Discussion of the proposed draft included the following:

- a. Bridgeport – The staff limits the size of the docket because of the small size of the courtroom. This results in fewer cases being heard per day and a slowdown in case movement. The time between motions being filed and being calendared is about 21 days; continuances can take four weeks to be rescheduled. Because there is now only one mediator for Bridgeport, an increased number of settlements are reached without a mediator by negotiations in hallway, particularly between one party represented by an attorney and the other pro se. Mediators routinely sign off on such stipulations, even if pro se's on one or both sides. There was discussion about room allocations, confusion for litigants in moving between floors in the building, etc. Some modifications were made to the draft report as a result of the discussion.
- b. Judith Dicine reported that Kevin Kane has made an effort to tell prosecutors to pay attention to housing cases. The draft will express the Council's appreciation.
- c. Because of staff and record-keeping changes, the Judicial Branch is having some difficulty in providing data on the number of housing cases. It is hoped that the information will be available before the biennial report is due.

- d. It was reported that a landlord from Norwalk complained that it took almost a week to get an execution signed in the Norwalk court. Carl Lupinacci will obtain more information.
- e. There was discussion of a proposed statewide property maintenance code which would be based on the ICC code. A property maintenance code is different from a building code, which is primarily about new construction and rehabilitation. Several towns have codes that link to the ICC code. It was reported that an informal group had met in the past and had written a Connecticut version of this code but could not get a state agency to agree to administer it.
- f. The Healthy Homes program administered by DPH has been defunded.

### **3) ADMINISTRATIVE SEARCH WARRANTS – update from Judith Dicine**

- a. *Town of Bozrah v. Chmurynski*, 303 Conn. 676 (2012) – A zoning enforcement officer received a junk car complaint but couldn't get into the property to investigate. The Court held that a request for an order to go onto the property must meet the same burden as for a criminal warrant. Footnotes 11 and 12 in the decision raise questions as to whether administrative search warrants exist in Connecticut. Although the Chief State's Attorney's Office believes that the authority for such search warrants already exists and that legislation is not necessary, a statute may nevertheless be proposed to provide explicit authorization and to give clear direction to code officials. It would include judicial review before issuance of a warrant and standards for approval of administrative warrants.
- b. Atty. Dicine is working with police chiefs on a "broken windows" theory of crime that links anti-blight work with community work and is based on the theory that compelling correction of blight reduces other forms of crime. She is planning a spring training on code enforcement for code officials and town attorneys in conjunction with the Connecticut Council of Municipalities and the Connecticut Association of Municipal Attorneys. A key enforcement tool is the "clean and lien" priority lien. This is a superlien that takes priority over the mortgage.
- c. LISC (Local Initiative Support Corporation) has funding for repairs and community development. The police and the communities are seeking funding together to fight blight (requires a 5-10 year plan).
- d. There was a discussion of evictions and tenant ownership as other strategies for fighting blight.
- e. Atty. Dicine is receiving an International Code Council "affiliate of the year" award.

### **4) FURTHER DISCUSSION OF THE DRAFT BIENNIAL REPORT**

- a. For purposes of listing Council members on the report, members who came to no meetings in the last two years will be removed from the membership list. Those who came to at least one such meeting will continue to be treated as members.

- b. The Appendix includes a graph (Table C-3) tracing eviction caseload over time. The chairperson will be preparing a similar graph showing median case disposition time.
- c. Appendix C-1 - # of cases – is still awaiting additional information from Judicial Branch.

5) **SMALL CLAIMS MAGISTRATE BOOK – TABLED**

There is nothing to present as yet. The chairperson started to update the 2007 version and has asked the Landlord-Tenant Clinic at Yale to see if a student can work on it.

6) **ADVISORY COUNCIL APPOINTMENTS**

The Governor's Office has begun to consider appointments. Interested applicants should get letters in if they haven't already.

7) **OTHER BUSINESS** – none

8) **ADJOURNMENT**

The meeting adjourned at 3:30 pm (motion made by Kathy Flaherty, seconded by Richard Tenenbaum).

Respectfully submitted,

Kathy Flaherty, temporary secretary