



CITIZENS ADVISORY COUNCIL FOR HOUSING MATTERS



Reply to: 363 Main St., Suite 301
Hartford, CT. 06106
(860) 616-4472

MINUTES OF THE MEETING OF JUNE 12, 2013

Persons present: Kathy Flaherty, Noel Whitney, Rich DeParle, Richard Tenenbaum, Sharon Levy, Paul Bassleu, Raphael Podolsky, Carl Lupinacci, Mark Scheck, Ed O'Garro, Alexandra Buenaventura, George Papallo, Friedrich Helisch, Murray Czaczkas

1) PRELIMINARY MATTERS

- a. Call to order: The meeting was called to order by the chairperson, Raphael Podolsky, at 1:38 pm at the Burroughs Community Center, 2470 Fairfield Avenue, Bridgeport.
- b. Approval of agenda: The agenda was approved (with modification as to order to accommodate schedules of attendees).
- c. Approval of minutes: The minutes of the March 13, 2013 meeting were approved (motion made by Richard Tenenbaum, seconded by Rich DeParle).

2) SEPTEMBER JUDICIAL ASSIGNMENTS

- a. All housing court judicial assignments will stay the same. Judge Woods will be in his 2nd year in Hartford-New Britain. Judge Maronich will be in his 3rd year as a housing court judge (1 year in Bridgeport/Norwalk – this is 2nd year in New Haven/Waterbury). Judge Rodriguez will remain in Bridgeport/Norwalk.

3) 2013 LEGISLATION

- a. SB 952 – bedbug bill – The Housing Committee created a working group that drafted a compromise bill. The core concept of the bill was that the eradication of bedbug infestations has to be seen as a public health issue rather than an effort to assign fault. The bill passed the Senate in a version based on the working group's draft; the House passed a different version. The Senate affirmed original version. Because there was no agreement between the two houses and no time left in the session, the bill died. The bill treated bedbugs as a public health problem rather than a fault-based landlord-tenant problem (some might be fault of tenant, some might not). Further discussion of the bedbug issue was tabled to the next meeting.

4) E-FILING

- a. The Judicial Branch is looking at e-filing for housing cases. It would probably not be implemented until 1-2 years into the future, perhaps with a pilot in

Middletown. A key question is how it would apply to pro se litigants. Under the present e-filing system used in the civil docket, some filed documents cannot be seen by the general public – only lawyers or parties to the particular case can see them. Houston Putnam Lowry, on behalf of the Advisory Council, is looking at the way in which housing cases are handled electronically in the Meriden court, since they use civil docket system there and have capacity for e-filing. Further discussion was tabled until the September meeting.

5) OPERATIONAL REPORTS

- a. Prosecutors – tabled. There is a vacancy in the Hartford district because of the appointment to the bench of Robyn Johnson, the former housing prosecutor. The Chief State’s Attorney has advertised the position as a new position, rather than a transfer. The closing date for applications was June 7.
 - i. Administrative search warrants – tabled to the next meeting.
 - ii. Anti-blight/”broken windows”/”clean and lien” enforcement. There was some concern expressed that there is no uniform definition of blight – the definition differs from town to town. Some concern was also expressed that some towns define vacancy as blight without looking at the condition of the property. This may result in an over-definition of blight, since not all vacant properties are blighted. Further discussion was tabled to the next meeting.
- b. Clerks – nothing to report
- c. Housing Mediators – A question was raised by Attorney Flaherty about different forms used by mediators in different courts for stipulated agreements and what conditions were being routinely included in stipulations. Each court is slightly different. There are at least 10 different forms. If a judge wants language different from the standard form, it gets added to the form used in that judge’s court for the time that he or she is sitting in that court. When that judge is no longer assigned to housing, the standard language is restored unless the new housing court judge requests otherwise. Attorney Flaherty will pursue her concerns with the Judicial Branch.

6) APPOINTMENTS TO CACHM

- a. The Governor’s Office seems to be missing some of the application letters previously submitted. The chairperson will contact those known to be interested, collect paperwork from them, and resubmit that information to the Governor’s Office.

7) 2013 LEGISLATION (BALANCE OF)

- a. SB 819 – Deceased tenants – died. The existing statute – 47a-11d – has a technical drafting ambiguity which led the housing court clerk’s office to reject

the issuance of a summary process execution. The bill would have fixed that glitch. The bill passed the Senate but was never taken up by the House.

- b. HB 5970 – Fair rent commissions – passed – The bill makes clear that fees and surcharges are within the jurisdiction of fair rent commissions. Even before passage of the bill, the Attorney General had issued an opinion affirming fair rent commission jurisdiction over such charges.
- c. HB 6360 – submetering and on-bill financing – passed – The bill permits a landlord to submeter electric service if the submetering is approved by the Public Utilities Regulatory Authority (PURA) and is consistent with the state’s energy efficiency policies. The bill also requires protections for tenants similar to those that exist for renters who have their own direct account with the utility company. The bill delegates the development of those protections to PURA. The bill also authorizes “on-bill financing” as a way to encourage property owners to finance more efficient heating systems (especially conversions of oil to gas). The bill would allow property owners to finance those upgrades, with the monthly repayment charges added to their electric bill. Repayment charges must be placed on the landlord’s electric account, not the tenant’s account, because failure to pay the electric bill can result in termination of service..
- d. HB 6705 – Department of Housing – passed - The bill implements the creation of a new Department of Housing and moves housing programs from the Office of Policy and Management and the Departments of Economic and Community Development, Social Services, and Mental Health into the new department. Those programs include the Rental Assistance Program (RAP), the Security Deposit Guarantee Program, and the public housing program.
- e. HB 6015 – 911 calls – failed – This bill was proposed to override New Britain’s “hot spot” ordinance charging property owners for “excess” 911 calls. Since the bill did not pass, it is likely that there will be an effort to get New Britain to repeal that ordinance.
- f. HB 6683 – nuisance abatement – passed -- The bill expands the Nuisance Abatement Act. Under that act, the Chief State’s Attorney can bring a nuisance action against the property if more than three arrests for certain kinds of criminal conduct occur within a year. If the landlord doesn’t take action, the prosecutor can bring a civil action against the landlord. The landlord has an affirmative defense that he or she took action to try to abate the nuisance.
- g. HB 6235 (PA 13-132) – anti-blight task force – passed – The bill creates a task force to study anti-blight ordinances and statutes and explore the possibility of a model ordinance, a uniform definition of blight, and uniform remedies (fines/liens).

8) OTHER BUSINESS

- a. There was a report of a long delay in the issuance of a summary process execution in Norwalk. Carl Lupinacci will call Ed O'Garro to confirm the facts and to find out the process. The matter was tabled to the next meeting.
- b. Friedrich Helisch reported that a judge hearing housing cases in Derby would not accept the signature of an affiant that the court considered illegible unless the affidavit contained the affiant's printed name. There was discussion but no further action was taken.

9) NEXT MEETING

Because of the Council's desire to discuss a number of criminally-related issues with the housing prosecutor (bedbugs, administrative search warrants, anti-blight enforcement, 911 calls, etc.), the Council requested that the date of the September meeting be changed, if necessary, to assure that Judith Dicine will be able to attend. The meeting is presently scheduled for September 11. If a change of date is necessary, the preferred substitute date is September 18. The chairperson was directed to discuss this with the Chief Housing Prosecutor.

Post-meeting note: The meeting has been rescheduled to 1:30 pm on September 18, 2013.

9) ADJOURNMENT

The meeting was adjourned at 3:06 pm (motion made by Murray Czaczkes, seconded by Sharon Levy).

Respectfully submitted,

Kathy Flaherty, temporary secretary