



CONNECTICUT ADVISORY COUNCIL ON HOUSING MATTERS



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

Notice of next Advisory Council meeting

1:30 pm
Wednesday, September 10, 2014
Connecticut Bar Association
30 Bank St., New Britain, CT

MINUTES OF THE MEETING OF JUNE 11, 2014

Persons present: Raphael Podolsky, Houston Putnam Lowry, Jeffrey Hammer, Steven Bidwell, Carl Lupinacci, Paul Basslen, Rich Deparle, Roberta Palmer, P.J. Deak, Richard Tenenbaum, David Pels, Rob Fernandez, Olivier Bourgeois, Kathy Flaherty

1. Preliminary matters:

- a. Call to order: The meeting was called to order by the chairperson, Raphael Podolsky, at 1:36 pm at the Burroughs Community Center, 2470 Fairfield Avenue, Bridgeport, CT.
- b. Approval of agenda: The agenda was approved unanimously, with a modification as to the order of items to accommodate the schedule of the attendees and with the addition of Item 5 below, "Summary process executions" (motion by Houston Putnam Lowry, second by Carl Lupinacci).
- c. Approval of minutes of March 12, 2014 meeting: The minutes were approved unanimously (motion by Houston Putnam Lowry, second by Carl Lupinacci).

2. Advisory Council appointments and structure:

- a. Council name: P.A. 14-4 has changed the name of the Council to the Connecticut Advisory Council on Housing Matters.
- b. Appointments — P.A. 14-4 also increased the size of the Council by six new positions for a total of 18. There are still no appointments, but it is believed that the Governor is close to naming the initial 12 appointees.

3. Legislative matters:

- a. Bedbugs (HB 5438) [not passed] — The bill made it out of committee with some changes from the working group proposal. The House approved the bill but amended it in a way that broke the consensus. It was never called in the Senate. There was a discussion about what was in the proposal.
- b. Possessions of deceased tenants (SB 57) [not passed] — The bill passed the Senate but

was not called in the House. There was a discussion of the bill and of a situation that happened to one of the members of the Council with the Bridgeport Police Department after a tenant passed away and a relative claimed to be entitled to take the property. The probate court refused to get involved, and the police threatened to arrest the landlord unless he released the tenant's property to the person claiming to be an heir. It appears that the police conduct was improper.

- c. Veterans' preferences — Security Deposit Guarantee Program (P.A. 14-217, sec . 72) [passed] — The new law gives veterans a preference for the state's Security Deposit Guaranty Program. It was in governor's budget package. There are supposed to be sufficient funds in the program to cover all eligible applicants, at least for this year.
- d. Veterans' preference for RAP/Section 8/public housing (SB 215) [not passed] — Because of limited resources in these programs, a preference would have denied benefits to eligible non-veterans.
- e. Lead paint (P.A. 14-231) — There was a question as to whether this act lowers the lead blood content level at which a educational materials on lead must be provided to parents. It appears that a proposal to make such a change was removed from the bill before passage.

4. Computerization – Judicial Branch presentation:

Roberta Palmer and P.J. Deak from the Judicial Branch did a presentation for the Council on the status of Judicial Branch planning for computerization of housing cases. The Branch recognizes that it cannot report housing case data completely because G.A. court data is not computerized and therefore not part of the electronic data system. The Branch's technical division is examining ways to combine databases that presently are separate from each other. The Branch is working through the Business Practice Action Team (BPAT), which meets regularly. Ms. Palmer and Mr. Deak are the co-chairs. Its focus is on the G.A. courts, and particularly on moving cases out of the criminal database into the Civil/Family computer system.

- i. Danbury/Middletown/Tolland/Meriden have already been moved. Norwich is next. There are practical problems in those G.A.s, e.g., Danielson and Derby, where summary process and civil are heard at different locations.
- ii. The transition does not change the way cases are filed; they are just managed in a different computer database.
- iii. The housing court system is the ForeCourt system. It is not clear when or if the housing courts will be transferred to the Civil/Family system. Criminal housing cases are in the criminal/motor vehicle system (and have been since 2011).
- iv. You can search by premises address in Civil/Family, including in summary process cases in Danbury, Middletown, Tolland and Meriden. You can also search by address in ForeCourt. You cannot search by address in the old criminal database.
- v. Transitions to the new system are prospective only. Older cases are not being entered into the new system, but they can be accessed by the clerk.
- vi. Although the goal is eventually to have a paperless system, there is no plan to make e-filing mandatory for pro se litigants, even when it is mandatory for

attorneys. Foreclosures have been paperless since 2009, but electronic filing is optional for pro se's. You originally needed to have an appearance in the file to access a case online, but since January anyone can access foreclosure files from a home computer. Particularly in family matters, some pro se litigants register for e-filing but don't actually file their papers electronically — they just use computer access to look at the documents online.

- vii. The Court Service Centers have done a survey of their users to find out how many of them have ready access to the internet. Many do not.
- viii. Civil/Family has a "watch" function that allows you to register to receive an email when there is activity in a case for cases in the civil/family system (NOT the housing session cases), but you can't access any housing court documents online because they aren't in the system yet.
- ix. Some concerns were expressed about whether the Civil/Family system can do everything in regard to housing cases that the ForeCourt system can do. Concerns mentioned included full court orders being posted on the web including all conditions related to the orders; the timing of the filing of defaults; the ability to get judgment notices out on time and to give separate notices to each defendant; and the ability to have access to the ForeCourt data base of prior cases if the ForeCourt system is no longer in use. The Judicial Branch representatives stated that Judicial is committed to there being no loss of functionality if the housing computer system is converted from ForeCourt to the Civil/Family system. Anything that can be done in ForeCourt will still be doable after conversion. They have already looked at the New Britain Housing Court and will be looking at the New Haven Housing Court soon.
- x. Information about housing cases is available online for only as long as the paper copies are available (usually three years). Older files must be pulled manually from storage.
- xi. Connecticut has a good track record in data analysis in the Foreclosure Mediation Program. It is not clear, however, to what extent the Civil/Family system can mix and match data to facilitate more detailed studies of the court system. In the past, manually-conducted studies have been able to analyze data to determine, for example, whether litigants with a lawyer obtain better results or what is the average length of a stay of execution in a stipulated judgment case. The ability to generate performance measures of this sort is a way to evaluate both substantive and procedural fairness in the handling of cases. It was also suggested that the system should be able to read multiple databases at once, e.g., summary process, small claims, civil, and criminal. Civil/Family may not have the capacity to do that level of cross-matching.
- xii. Ms. Palmer and Mr. Deak will bring the concerns raised here to their next BPAT meeting.

5. Summary process executions: It was reported that there is a problem with the time period for processing of paperwork in the Norwalk Court. The courts don't appear to be consistent in how they issue executions — Middletown takes a week (mail); Hartford

and New Britain issue on request if staffing permits. The Chairperson will contact the Chief Clerk for Housing Matters concerning practices in the various housing court clerks' offices, including (1) Will they allow the landlord to pick up an execution when it is ready and (2) Will they allow the landlord to wait for the execution to be prepared? Paul Basslen stated that it has taken him a week to ten days to get an execution because the Clerk's Office insists that executions be mailed rather than picked up. Houston Lowry says it takes a week to get an execution in Middletown.

Concerns were also expressed that litigants are required to come to court in Bridgeport at 9 am but court does not start until 10 am. Mediation similarly does not begin until 10 am. The Chief Housing Clerk will also be asked about that.

6. Operational reports: tabled.
7. 2015 biennial report: The chairperson will do a first draft for the September meeting and will circulate it before the meeting for comments.
8. Other business
 - a. Defaults against lienholders in commercial evictions: Houston Putnam Lowry reported that at least one judge refuses to issue a default judgment against a lienholder who has been named a party to the eviction. He names lienors in order to clear title to the possessions of commercial tenants if they are not removed by the defendant. There is a case pending in Hartford with similar issues.
 - b. September judicial assignments: It is likely that there will be some turnover of housing court judges, since the New Haven-Waterbury judge has been sitting housing for three years and the Hartford-New Britain judge for two years. Assignments are not likely to be known this year until late July or early August. The Council has no further information at this time.
9. Adjournment: The meeting adjourned at 4:07 pm (motion by Houston Putnam Lowry, second by Kathy Flaherty).

Respectfully submitted,

Kathy Flaherty, acting secretary