



CONNECTICUT ADVISORY COUNCIL ON HOUSING MATTERS



Reply to: c/o CT Legal Services
16 Main St., 2nd floor
New Britain, CT 06051
860-616-4472

Notice of the next Advisory Council meeting

2:00 pm
Wednesday, March 9, 2016
Quinnipiac University Law School
370 Bassett Rd., North Haven

Minutes of the meeting of December 9, 2015

Council Members present: Kathy Flaherty, J.L. Pottenger, Jr., Richard Tenenbaum, Jane Kinney-Knotek, Friedrich M. Helisch, Mary Conklin, David Pels, Juan Verdu, Loo Dahlke, Raphael Podolsky, Houston Putnam Lowry, Margaret Suib, Carl Lupinacci

Also present: Judith Dicine, Suzanne Colasanto, Cynthia Teixeira, Donna Krusinski, Roberta Palmer, P.J. Deak

Absent: John W. Rowland, Lynn Taborsak, Stephanie Ma, Venoal Fountain, Jr. , Richard DeParle

The meeting was called to order by the Chairperson, Raphael Podolsky, at 2:16 pm at Library Commons Room (2nd floor), Quinnipiac University Law School, 370 Bassett Road, North Haven.

1. Preliminary matters
 - a. Approval of agenda – The agenda was approved unanimously (motion by David Pels, second by Juan Verdu).
 - b. Approval of the minutes – The minutes of the September 9, 2015 meeting were approved unanimously (motion by Kathy Flaherty, second by David Pels).
2. Public comment – None since no members of the public present.
3. State Health Improvement Plan – Judith Dicine
 - a. Housing prosecution staff - Atty. Dicine updated the Council on prosecution staff: Donna Krusinski is the new full-time prosecutor in Bridgeport/Norwalk; Danielson is covered by Jan Cooper one day per week; Steve Lesko covers

Hartford, Middletown, New Britain, and Norwich/New London; Danbury is covered by a per diem prosecutor. Currently, every court is covered by either a full-time prosecutor or a per diem assigned to housing prosecution. **The question of whether the Council should modify its existing recommendation on how prosecutors cover the state was referred to the Prosecution and Anti-Blight Committee.**

- b. SHIP presentation – See the attached powerpoint (attached as Appendix C) for details. The State Health Improvement Plan (SHIP) is a multidisciplinary initiative from the Department of Public Health, which is part of the Healthy CT 2020 plan. The Healthy Connecticut website is at <http://www.ct.gov/dph/cwp/view.asp@a=3130&Q=542346&PM=1>. The Healthy Connecticut plan is at www.ct.gov/dph/lib/dph/state_health_planning/sha-ship/hct2020/hct2020_state_hlth_impv_032514.pdf. The plan involves all state health enforcement agencies and is intended to produce better public health outcomes through enhanced, coordinated, and comprehensive code enforcement. The statewide plan includes a large focus on data – measurable improvement in health outcomes, including “Healthy housing” data. Multiple goals set for the plan include examination of statutes and ordinances that are not currently being enforced adequately. A large portion of very young people’s time is spent indoors. As a result, there is a need to improve the conditions of housing so that health outcomes will be better. A bill may be submitted to the 2016 General Assembly to authorize SHIP to develop a Connecticut version of the ICC Property Maintenance Code. **Atty. Dicine will attempt to get free copies (or access to an electronic version) for distribution of the ICC Code to Council members.** Houston Putnam Lowry (second by Kathy Flaherty) moved that the Council supports the development of the State Health Improvement Plan and will participate in the process through one or more people. The motion was unanimously approved. The chairperson appointed Jane Kinney-Knotek and Friedrich Helisch as the Council’s representatives. Entities that want to join the SHIP Coalition are welcome to sign up online at <http://www.ct.gov/dph/SHIPCoalition>.

4. Committee updates and action plans

- a. Additional committee appointments – The chairperson appointed Jane Kinney-Knotek as co-chair (with Fred Helisch) of the Prosecution and Anti-Blight Committee. Anyone interested being added to a committee should contact the chairperson. The chair urged committees to be receptive to

exploring with Judicial alternate ways to implement recommendations made by the Council. Roberta Palmer stated that Judicial can help arrange video conferencing if needed for committee meetings..

- b. Small Claims Committee (Kathy Flaherty, chair) – Kathy Flaherty reported on the meeting with the judicial branch in November and distributed notes from the meeting (attached to minutes). **Additional follow-up by the committee will be required , and the committee has requested additional information from the Judicial Branch.** The minutes of the Small Claims Committee meeting are attached as Appendix A.
- c. Prosecution and Anti-Blight Committee (Fred Helisch and Jane Kinney-Knotek, co-chairs) – The minutes of the Prosecution and Anti-Blight Committee meeting are attached as Appendix B.
 - i. Commercial lockouts -- The committee recommended endorsement of the Chief State’s Attorney’s proposal to expand the criminal lockout statute to apply to commercial tenancies, not just residential ones. A motion to endorse the proposal was made by Fred Helisch (second by Houston Putnam Lowry). The motion carried unanimously with one abstention (Lupinacci).
 - ii. Decline in number of criminal housing prosecutions, except for Waterbury – The committee is waiting until the new case management system is implemented before taking further action. **It will be getting in touch with local code enforcement officials to find out why the number of referrals has declined.**
 - iii. Identification of criminal housing cases in GA courts: Identification of housing cases is a Judicial Branch matter. **The committee will follow up with Roberta Palmer.**
 - iv. Anti-blight – There was a brief discussion of the anti-blight proposal from the Fairfield County Property Owners Association. No action was taken.
- d. Case Processing Committee (David Pels) – The committee will be expiring.
- e. Public Information Access Committee (Houston Putnam Lowry) – The committee will also be expiring.
- f. New committee – The Council created a new committee on Electronics, Computerization and Website to focus on electronic issues, including the implementation of the new civil/family case management system, the implementation of e-filing as related to housing, and online access to housing court data. Houston Putnam Lowry was appointed chair. Mary Conklin and

David Pels (Raphael Podolsky ex officio) were designated as committee members. **Others interested should contact the chairperson or Atty. Lowry.**

5. Waterbury Housing Court – The clerk position will not be refilled. The court will operate on a model similar to that in New Britain. Philip Groth, the chief clerk for JD Waterbury, has been designated as the housing clerk and Mary Fortier (previously a court officer for the Complex Litigation Session), will serve as the direct supervisor of the housing session.
6. Matters tabled from 9/9 meeting – All materials were tabled again because of insufficient time.
7. Meeting schedule for 2016 — A motion was made by Houston Putnam Lowry (second by Juan Verdu) for the Council to continue to meet in 2016 at 2 pm on the 2nd Wednesday of March, June, September, and December at the Quinnipiac University Law School Library. The motion was approved unanimously.
8. Other business – announcements –
 - a. The Hartford Housing Court will hold a one-day “blitz” on Friday December 11, with two additional judges (former housing court Judges Berger and Peck) coming in to hold trials of summary process cases.
 - b. Judith Dicine reported that new fire sprinkler legislation (Section 57 of June Special Session Public Act 15-5) requiring landlords to identify in the lease whether the property has an automatic fire protection system took effect on October 1, 2015.
 - c. New default rule as of 1/1/16 – The Practice Book has been amended to require a plaintiff in a summary process action who files a motion for default or an affidavit of noncompliance by means other than mail (e.g., by fax, electronically, or by hand-delivery) to use the same method to serve the defendant. If not, the rule deems the pleading to have been filed three days later (i.e., to give time for the defendant to receive the pleading by mail). If the motion or affidavit of non-compliance is mailed to the clerk, time limits continue to be measured from the day the pleading is received by the court in accordance with the old rule.
9. Adjournment – On a motion by Juan Verdu (second by Kathy Flaherty) the meeting adjourned at 4:08 pm.

Respectfully submitted,

Kathleen Flaherty, Secretary

Note: Matters requiring further action are highlighted in bold-face type.

APPENDIX A

CACHM small claims court subcommittee meeting with Judicial Branch

Date: 11/23/2015

Attendance from CACHM: Kathy Flaherty, Rafie Podolsky, Loo Dahlke (phone), J. L. Pottenger, Jr. (phone)

Attendance from Judicial Branch: Roberta Palmer, Krista Hess (Court Service Center), Jodi Miller (Chief Clerk, small claims court), Mary O'Connor (magistrates)

Roberta Palmer will follow up by forwarding the email that she read at the September CACHM meeting that contained information about responses to the council's questions.

The council renews its request for data regarding the number of housing small claims court cases, by district; the number of cases it takes to "make" a docket; the time elapsed between filing of the case and date scheduled for a hearing. Confirmed that all housing cases are scheduled for hearings.

Discussion centered on pro se services. The housing session is considered a model for the court service centers. Loo noted that the help that pro se litigants receive from the court service center is fantastic. All staff of the court service centers are trained in New Britain; all three managers have worked there. All managers are trained on every area of the law (housing, family, small claims); they have to be able to walk someone through the process from start to finish to Krista's satisfaction.

Krista is the statewide manager for the court service centers. Previously, there was not consistency in hiring and training. That is happening now. In hiring, looking for empathy and customer service skills.

With regard to small claims court matters, a person has to be able to walk either a plaintiff or defendant through the entire process; they are trained in all small claims court paperwork.

Court service centers are in all judicial districts except for Litchfield and New London courthouses. The lack of service in Litchfield will be remedied when the courthouse in Torrington opens. There is a [service center?] in the Norwich court. The GA courts have public information desks (there are 9 in 11 different courts) – staff at those desks are trained the same way as court service center staff and can provide the same services. The only difference is that there is no public workspace, so interactions tend not to be as long. Neither Bantam nor Derby have public information desks. Query: are housing small claims for the Hartford area being heard in Manchester?

All housing session courts have court service centers. Question (from Loo) as to whether people realize this help is available, or do they just think that online help is all there is? Suggestion: Add information to notice about where someone can get help.

If someone goes to the centralized small claims court office in person for help – staff won't sit down and help them fill out forms, but will answer procedural questions. Suggestion: there should be something on the website – if you need help, go...

More on magistrates: there is an observation program (unannounced) by judge and judicial branch staff, at least once during each magistrate's 3 year term. If concerns are voiced (above and beyond not being satisfied with the case result) – an observation will be scheduled. The observation is included as part of the magistrate's evaluation during the reappointment process.

Complaints can be filed with "magistrate matters" office – which is Mary O'Connor. She will then talk to the magistrate, the clerk, and the person who filed the complaint. Often, people first call the centralized small claims court office, and are redirected to magistrate matters. The complaint can be filed by email or regular mail. If the person is planning to file a motion to open, Mary will hold the complaint until the motion to open is filed and ruled upon, so as not to interfere with that process (since a motion to open will be heard by the same magistrate about whom the complaint was received). The complainant will get a result letter summarizing the outcome of her investigation. People have been dropped from the magistrate position before the end of their three year term. Her office receives about 50 complaints per year. They don't look at case outcomes (i.e. that person was unhappy with the ruling) but will look at other matters (i.e. how person was treated by the magistrate, etc.). She noted that people need to file motions to open or writs of error but acknowledged that this is not likely to happen often. Judicial branch is willing to look at the evaluation system in civil court, which may include some provision for attorney input. At this time, there is no evaluation input from people other than Judicial Branch staff, unless a specific complaint is being investigated.

The magistrates have an internal website, and that can be used as a way for her to distribute information to all magistrates (i.e. reminders about statutory requirements for awards of damages, interest, etc.). She also can talk to Joe D'Alesio and Judge Carroll.

APPENDIX B

Minutes of the Prosecution and Anti-Blight Committee December 8, 2015

Present: Rafie Podolsky, Judith Dicine, Carl Lupinacci, Jane Kinney-Knotek, Friedrich Helisch

Author: Friedrich Helisch

1. Commercial Lockout Statute

After a brief discussion, the Committee endorsed the proposal by the Division of Criminal Justice to expand the criminal lock out statute to include commercial landlords and tenants.

2. Decline in the Number of Criminal Housing Prosecutions

It was noted that no new statistical data is available for the number of criminal housing prosecutions, but the past trend of sharp declines in all jurisdictions, except for Waterbury, should be examined further. Judith explained the high number of Waterbury cases: The Police Department there has been tasked with enforcing an aggressive blight code enforcement policy and five police officers are assigned to this task. They serve citations, which are returned to the housing prosecutor as court cases, resulting in a large number of docketed criminal cases.

Judith explained the decline in the number of prosecutions by pointing to staffing shortages both in the housing prosecution office and the municipal code enforcement departments. Prosecutor staffing has now, however, been increased. Donna Krusinski has been hired as the full-time Bridgeport/Norwalk housing prosecutor. Steve Lesco is handling New London and Norwich, and Judy Dicine handles Rockville. Except for Danielson (which has a one-day per week housing prosecutor) and Danbury, all locations are now covered by a prosecutor who is full-time on housing prosecution. Also, the housing prosecutors sometimes try to resolve cases without issuing a summons and opening a court file. Often, threats of prosecution work to convince landlords to comply with the law. Judith said that this procedural track accounts for about half of all cases in some jurisdictions.

In the future but not known as to when at this time, the Housing Prosecutor's office is expecting installation of a new case management system. CACHM has requested that the system include the capability to extract statistical information which is relevant to track the number of housing prosecution cases, both docketed and undocketed.

The Committee decided to wait until the new system is up and running before allocating more resources to the issue.

However, Jane Kinney-Knotek and Friedrich Helisch have been tasked to continue gathering information from the Hartford and Bridgeport Code Enforcement agencies.

Identification of Criminal Housing Cases in GA Courts

Judith stated that her office supports better docketing information, but that docketing procedures are a Judicial Branch function and not a Division of Criminal Justice function.

The Committee agreed to contact Roberta Palmer who oversees both the clerks and mediators and to set up a Committee meeting on this issue that includes both Roberta and Judith.

Anti-Blight

Carl Lupinacci presented the concerns of the Fairfield-Bridgeport Property Owners Association regarding anti-blight ordinances and enforcement. The major concerns were subjectivity, the amount of fines, the accumulation of liens exceeding the value of the property, and the inability of owners to afford to do repairs fast enough. He believes that there is a wide range of reasonableness and unreasonableness among the anti-blight hearing officers regarding time to make repairs and the imposition of fines. Judith believes that these comments apply to civil rather than criminal enforcement and noted that the violation of anti-blight ordinances is now also a criminal offense. Judith believes that criminal prosecution based on a \$250.00 fine per day of violation and summons is often more effective in compelling compliance than the daily accumulation of penalties on the civil side. This raised the issue of whether the Council should be pushing towns to use criminal rather than civil anti-blight enforcement. Judith also noted that some towns appear not to be following the statutory requirement to notify lien holders of anti-blight orders.

It was agreed to explore inviting municipal stakeholders (code enforcement) to a meeting to gauge their views.

Rafie is concerned about whether the Council has the capacity to study the anti-blight issue thoroughly . The group shared this concern.

Restraining Orders

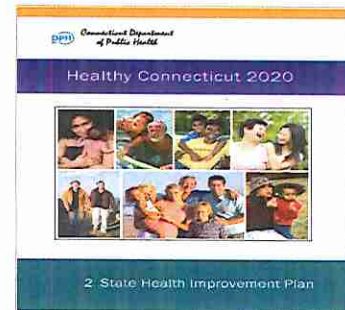
We did not discuss this topic. We will invite Mr. Quinto who initiated it to the next Committee meeting.

APPENDIX C

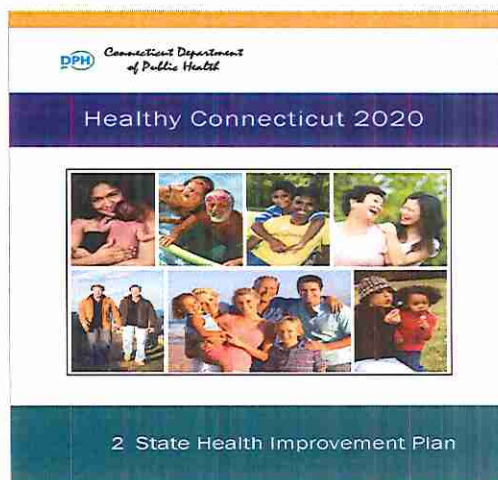
THE STATE HEALTH IMPROVEMENT PLAN: PREVENTION OF INJURY AND ILLNESS THROUGH ENHANCED CODE ENFORCEMENT



Judith R. Dicine, SASA Housing Matters
State of Connecticut
Division of Criminal Justice
Office of the Chief State's Attorney



Citizen's Advisory Council on Housing Matters
Quinnipiac Law School, Hamden, CT
December 9, 2015



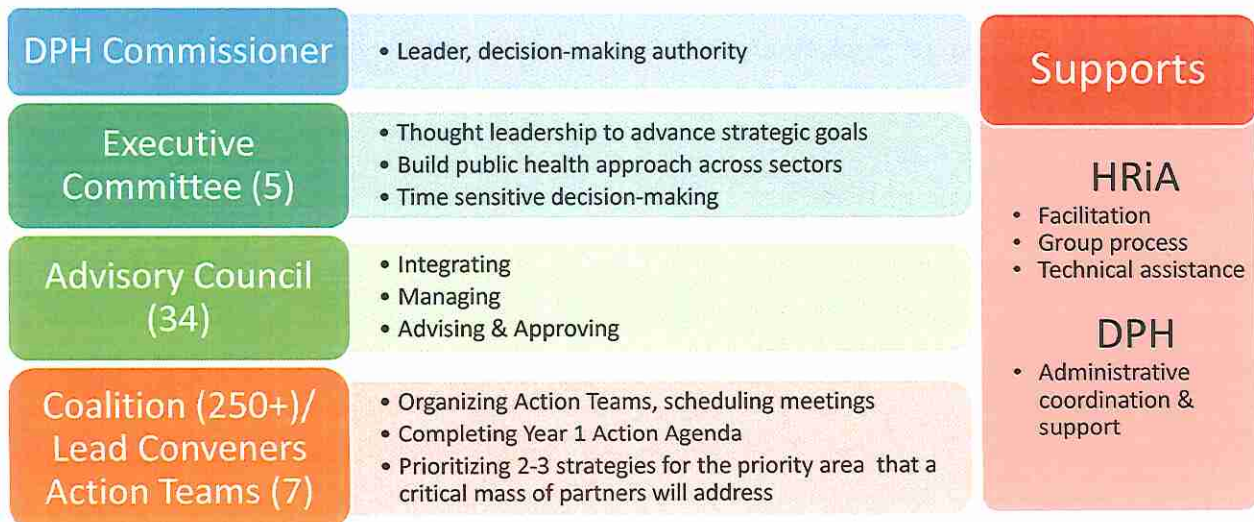
The State Health Improvement Plan (SHIP) Overview

The SHIP Vision

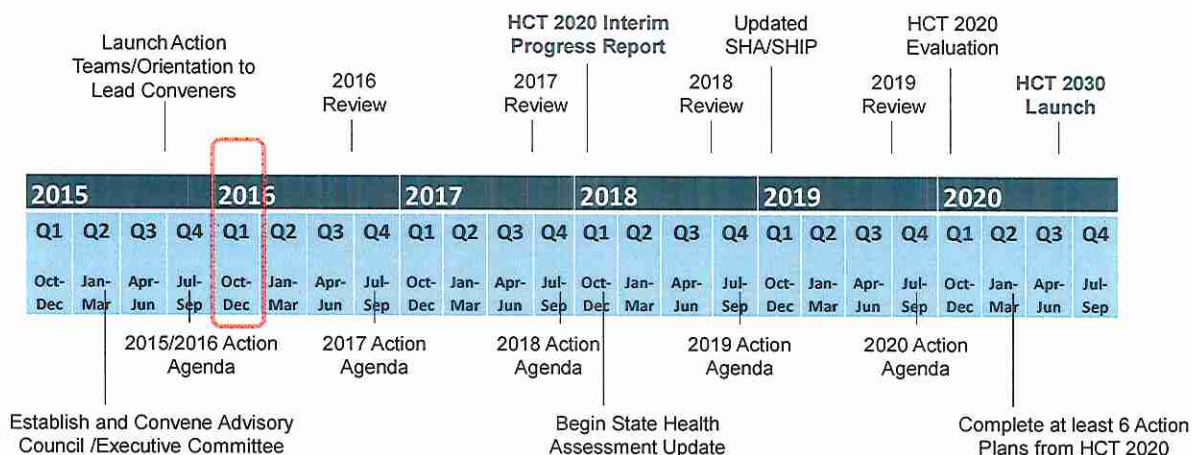
A coalition of diverse partners from local, regional, and statewide organizations and agencies that address public health from a variety of traditional and non-traditional perspectives integrating and focusing their efforts to achieve measurable improvements in health outcomes.



SHIP Roles and Responsibilities



Timeline

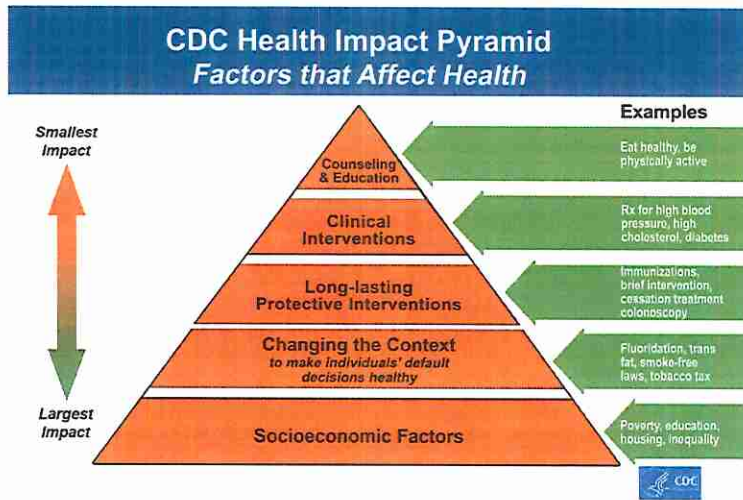


7 Focus Areas

Lead Conveners

Focus Area	Lead Convener(s)
Maternal, Infant and Child Health (MICH)	MCH Advisory Council DPH Family Health Program
Environmental Health (EH)	DPH Environmental Health Program CT Association of Directors of Health
Chronic Disease (CD)	DPH Chronic Disease Program CT Hospital Association
Infectious Disease (ID)	DPH Infectious Disease Program
Injury and Violence Prevention (IVP)	St. Francis Violence & Injury Program
Mental Health and Substance Abuse (MHSA)	Dept. of Mental Health and Addiction Services
Health Systems (HS)	CT Conference of Municipalities Stamford Department of Health & Social Services

Strategies Tool



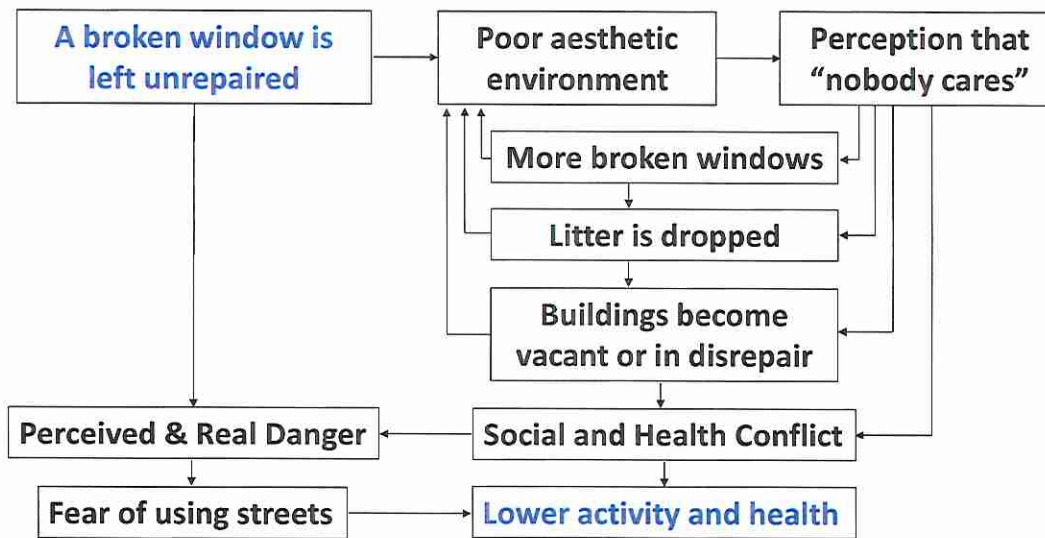
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The State Health Improvement Plan (SHIP) Overarching Determinants of Health

- Health Equity 
- Economic Factors
- Social Factors



LACK OF HOUSING STANDARDS - THE EFFECT



Focus Group 2: Environmental Health

Proposed Objectives for 2016 Action Agenda	
ENV-1 LEAD	Reduce the prevalence rate of children less than 6 years of age with confirmed blood lead levels at or above the CDC reference value (5 µg/dL).
ENV-5 AIR	Increase public awareness of the presence and risks of poor air quality days.
ENV-6 HEALTHY HOUSING	Increase the enforcement of minimum housing code standards through the collaboration of code enforcement agencies.

DRAFT Environmental Health-6

Healthy Housing 2016 Action Strategies

- 1 ADOPT A STATEWIDE PROPERTY MAINTENANCE CODE.
- 2 ESTABLISH CLEAR INCENTIVES FOR PROPERTY OWNERS TO COMPLY WITH CT'S HEALTH AND SAFETY CODES THROUGH A "COOPERATIVE COMPLIANCE" MODEL.
- 3 INCREASE AWARENESS ON THE IMPORTANCE OF HEALTHY HOUSING IN PREVENTING INJURY AND ILLNESS, ADDRESSING INEQUALITIES IN HEALTH, ECONOMIC AND SOCIAL FACTORS, AS WELL AS BY REDUCING CRIME.

ICC PROPERTY MAINTENANCE CODE NATIONAL ADOPTION

Implementation in 36 States, and District of Columbia

IPMC Effective Statewide:

- District of Columbia
- Maryland
- New York
- Rhode Island
- Virginia
- West Virginia

Statewide Adoptions, With Limitations:

- Illinois
- Oklahoma
- Wyoming

Adopted by State's for Local Adoption in:

- Georgia
- South Carolina

Adopted by Local Governments in:

Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas and Washington



THE ICC PROPERTY MAINTENANCE CODE IS PART OF THE ICC INTERNATIONAL BUILDING CODE BUT IS ~~STRICKEN~~ FROM CT'S STATE BUILDING CODE

DEPARTMENT OF ADMINISTRATIVE SERVICES

STATE BUILDING CODE

(Add) **R101.4.4 Property maintenance.** The 2009 International Property Maintenance Code is not adopted by the State of Connecticut. Property maintenance shall be in accordance with the requirements of this code or the requirements of the local property maintenance codes when such codes are adopted by the town, city or borough. References to the 2009 International Property Maintenance Code found within the body of the model document shall be considered null and void.

What is “Cooperative Compliance?”

A new code enforcement policy for Connecticut

- ▶ Based on the “*Broken Window Theory*,” but expanded:
- ▶ Police and other public safety code officials working with the community and leaders *to lower crime and improve health and safety through coordinated code enforcement programs.*



CT's Safety and Health Codes



STATEWIDE MEETINGS OF CODE AGENCIES & ORGANIZATIONS ON THE STATE HEALTH IMPROVEMENT PLAN (SHIP) "HEALTHY CT 2020"

- State of Connecticut Department of Administrative Services
 - Office of the State Building Inspector
 - Codes & Standards Committee
 - Office of the State Fire Marshal
- State of Connecticut Department of Agriculture – Animal Control Division
- State of Connecticut Agriculture Experiment Station - Bed Bug
- State of Connecticut Department of Consumer Protection
- State of Connecticut Department of Criminal Justice – Office of the Chief State's Attorney
- State of Connecticut Department of Energy & Environmental Protection
- State of Connecticut Department of Public Health
- Connecticut Building Officials Association (CBOA)
- Connecticut Association of Housing Code Enforcement Officials (CAHCEO)
- Connecticut Environmental Health Association (CEHA)
- Connecticut Fire Marshal's Association (CFMA)
- International Code Council (ICC)
- National Fire Protection Association (NFPA)
- Connecticut Hoarding Working Group
- Bridgeport Health Department
- Cities of Bloomfield, Bridgeport, Groton, Meriden, Newington, Plymouth, Torrington,
- Fairfield Health Department
- Southbury, CT Fire Marshal's Office
- Stamford, CT Fire Marshal's Office
- Stamford, CT Health Department
- Torrington Area Health District
- Wallingford Health Department
- Waterbury Development Corp.

Message from Department of Public Health



For general questions, additional comments, and information on the SHIP please e-mail:

HCT2020@ct.gov

For more information

www.ct.gov/dph/SHIPCoalition and

www.ct.gov/dph/Dashboard

CONTACT INFORMATION OCSA - HOUSING:

Judith R. Dicine, J.D.
Supervisory Assistant State's Attorney
Office of the CT Chief State's Attorney
Statewide Housing Matters
121 Elm Street, New Haven, CT 06510
Office Phone: 203-773-6755
Office Fax: 203 789-6459
Email: judith.dicine@ct.gov

