



CONNECTICUT ADVISORY COUNCIL ON HOUSING MATTERS



Reply to: 363 Main St., Suite 301
Hartford, CT 06106
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Notice of the next Advisory Council meeting

2:00 pm
Wednesday, September 9, 2015
Quinnipiac University Law School
370 Bassett Rd., North Haven

Note: The location is tentative but the time and date are definite.

Minutes of the meeting of June 10, 2015

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

Council members absent: John W. Rowland, Richard Tenenbaum

Housing-related staff: Suzanne Colasanto, Judith Dicine, Roberta Palmer, Cynthia Teixeira

General public: V. Edward Quinto

Note: Matters requiring follow-up action are underlined and in boldface type.

The meeting was called to order by the Chairperson, Raphael Podolsky, at 2:15 pm in room SLE 221, Quinnipiac University Law School, 370 Bassett Road, North Haven.

1. Preliminary matters

- a. Approval of the agenda – The agenda was approved unanimously (motion by Houston Putnam Lowry, second by Juan Verdu).
- b. Approval of the minutes – The minutes of the March 11, 2015, meeting were approved unanimously (motion by Houston Putnam Lowry, second by Juan Verdu). There was a brief discussion as to whether the name of the Prosecution and Anti-Blight Committee was correctly recorded. The name was deemed correct and no change was made to the minutes.

2. Committee updates and action plans – Overall idea – review current recommendations and determine whether to keep them and figure out if there are new recommendations.
 - a. Small Claims Committee (Kathy Flaherty)
 - i. New issue – delays on executions – In Middletown it was taking 4-6 weeks after filing for a summary process execution to issue. The Council thinks a week to 10 days is a reasonable time frame. Roberta Palmer reported that applications for executions in Middletown are now being issued within a week. **Members of the Council who file for executions over the next couple of months were asked to keep track of how long it takes and to forward that information to Kathy Flaherty.**
 - ii. Follow-up to biennial report – Roberta Palmer is the proper contact person for setting up a meeting with Judicial to review the Advisory Council’s recommendations. Jodi Miller, chief clerk of Centralized Small Claims, will be included in the meeting. **The Small Claims Committee will meet with Judicial before the Advisory Council’s September 9 meeting and report back on the implementation status of all small claims recommendations from the 2015 biennial report.**
 - b. Case Processing Committee (David Pels) –
 - i. Significant differences in default rates and processing times between housing court locations in summary process cases (with higher default rates and longer processing times in New Britain, Norwalk, and Bridgeport): The committee has not been able to document the cause of these differences. It speculates that they may be (a) judge-driven (i.e. taking time to make and write decisions), (b) the result of inadequate service of process, or (c) the presence or absence of attorneys for defendants. Roberta Palmer suggested comparing the default rates in housing courts with high default rates with the default rates on the regular civil docket in the same judicial districts. She believes that similar rates of default are occurring in the Bridgeport civil/family docket. Houston Putnam Lowry suggested contacting the UConn School of Business to see if it would, at no charge, do a study and statistical analysis of the data.
 - ii. Statistical accuracy: The Judicial Branch has been producing the documentation upon which the biennial report was based. A number of questions were raised about the accuracy of the data, and in particular about how timelines (from return date to entry of judgment) are measured and dispositions classified. These included questions as to the treatment of: (i) judgment if a case is reopened; (ii) classification of

multiple dispositions (e.g., a stipulated judgment against one of two defendants and a default judgment against a non-appearing co-defendant; and (iii) whether a case with two dispositions is counted twice. Suzanne Colasanto stated that the number of cases going to judgment as reported in queries through ForeCourt did not match a hand count of the number of judgments. Statistical anomalies attributed to ForeCourt will not be pursued, however, because Judicial is moving away from that system. **The Committee chair will collect from the Council membership a list of questions about the areas where accuracy of the data is in doubt, will submit those questions in writing to Joe Greelish of the Judicial Branch, and will arrange for a follow-up meeting with him if necessary, all before the Council's September meeting.** The purpose of this examination of data is not to improve ForeCourt but rather to make sure that the civil/family computer system (see below) will accurately handle data when the housing court cases are moved into that system.

iii. Transfer of computer systems: Judicial will be moving housing court cases from ForeCourt (used only in the housing courts) to the system used for regular civil/family cases. Five JD locations are already using the civil/family system (Meriden, Middletown, Danbury, Rockville, and Norwich). In addition, cases will be e-filable as of October 1, 2015. Judicial is planning trainings for attorneys. The goal is to move all the housing sessions (NOT the GA courts) to electronic filing, using the civil/family system, by April 1, 2016. The last group of courts to migrate will be the GA housing courts. Summary process cases are coded M81; all other housing cases coded M82. There was a suggestion to pre-test the transition for summary process cases by running sample data inquiries on the M81 (summary process) cases in one of the courts already using the civil/family system.

iv. Bad weather days: The phone system used by the Judicial Branch does not allow phone messages to be changed locally to inform parties of court closures during storms, i.e., particular courts cannot have separate messages for bad weather days that do not affect all courts in the same way. This makes it difficult for a litigant to find out by telephone if court is cancelled, particularly if it is snowing. It is possible to access this information online, but the litigant must have access to a computer and know that the information can be found there. **A motion was made by David Pels, seconded by Juan Verdu, to recommend that the Judicial Branch use a phone system that allows for messages to be changed on a daily basis by local staff.** The motion passed unanimously.

c. Tenant Screening Committee (Houston Putnam Lowry):

The issue has been raised that online information about summary process case dispositions is easy to obtain but is not correctly understood by landlords accessing it and that, as a result, tenants may be denied housing unreasonably. Three principal areas that generate errors are (1) the inability to distinguish between different parties with the same names, (2) the failure to distinguish between fault and no-fault eviction grounds, and (3) the failure to distinguish between grounds stated in a notice to quit (which are allegations) and grounds for a judgment (which are actual or implied judicial findings).

A motion was made by Houston Putnam Lowry (second by Friedrich Helisch) to adopt the recommendations in the Committee's report, which were that (1) the reasons for eviction on the notice to quit and the reasons upon which judgment was entered should be available online in the civil/family docket; (2) full documents (including e-filed materials) should be accessible online to any person; and (3) a warning/disclaimer should be included on the Judicial website specifically warning users that they should be aware that there may be multiple persons with the same name and that the ground upon which an eviction is based is the ground established in the judgment, not the ground alleged in the notice to quit.

A motion was made to delete from Recommendation #1 the phrase "the reasons for eviction on the notice to quit and" (motion by J.L. Pottenger, Jr., second by Kathy Flaherty). The motion passed, 7-5 with one abstention. J.L. Pottenger, Jr., suggested pursuing legislation to require that credit screening be based on judgments only. In regard to Recommendation #2, it was noted that the e-filing of documents will make it possible to verify both the reasons for the eviction and the ground of the judgment because the actual documents can be read online. The motion, as amended, was approved -- 12 in favor, none opposed, 1 abstention.

d. Prosecution/Anti-Blight Committee (Fred Helisch):

i. Hearing of criminal cases in New Britain - The New Britain criminal housing cases are being handled by the housing prosecutor but are being heard in the GA court, not the housing court, before a judge other than the housing court judge. The Council in its biennial report recommended that New Britain criminal housing cases should be handled through the housing court, which in New Britain uses the civil clerk's office. The Committee reported that the failure to do so seems to be due to issues around clerk staffing and training and difficulties involved in a civil clerk's office handling criminal case documents. A motion was made by Friedrich Helisch to withdraw the Council's

previous recommendation. There was no second, and the motion failed. There was discussion of possible compromises, such as the GA clerk's office handling the file processing but with the cases heard in the housing courtroom by the housing judge. **The Committee will contact the Administrative Judge for J.D. New Britain and take other actions to press Judicial to make this change.** This issue was tabled to the next Council meeting

ii. Other prosecution and anti-blight issues: Other matters from the Prosecution/Anti-Blight Committee were tabled to the next meeting. These include the decline in the number of prosecution cases and the proposals for changes to the anti-blight statutes submitted by Carl Lupinacci. That list is attached to these minutes as Appendix 1.

3. Information booklet – **Houston Putnam Lowry will send out a form to Council members to collect information for a booklet** that will provide Council members and others with information about the members of the Council.
4. Legislative update – Very little housing legislation passed this year, none of which has yet been signed by the Governor. A list of bills is attached as Appendix 2.
5. Location of future meetings – Members of the Council had no objection to trying to secure Quinnipiac Law School for the September and December meetings. **J.L. Pottenger, Jr. will follow up with the law school.**
6. Miscellaneous matters
 - a. Meetings with the Judicial Branch – Such meetings will be requested in accordance with Paragraph 2 above.
 - b. Waterbury Clerk's office – In the absence of the Waterbury housing clerk, coverage is being provided by the Bridgeport housing court clerk. There is no vacancy in the position at the present time.
 - c. New Haven foreclosure docket – For a number of years, the housing court judge in New Haven has been handling the foreclosure docket one day per week. The New Haven foreclosure docket is high volume and time consuming for the judge. The Council reaffirmed its previous recommendation that the judge should be hearing housing cases five days per week and that, if the New Haven and Waterbury housing cases do not provide a full schedule, the New Haven/Waterbury judge should cover housing cases in Meriden, rather than handling foreclosure matters.
 - d. Fall judicial assignments – It is likely that there will be turnover in at least one of the housing court assignments in the fall. The chairperson

will designate appropriate housing court subcommittees when the Judicial Branch provides information about possible assignees.

7. Other business/announcements

- a. Healthy Connecticut 2020 -- Judith Dicine will distribute a flyer about a June 19 event on the Connecticut Health Improvement Plan, for which Atty. Dicine is on the Executive Committee. The Commissioner of Public Health will be among the presenters. The event is open to the public, and landlords are particularly encouraged to attend.
- b. Police Training Manual -- V. Edward Quinto, a member of the public, urged that the State's Attorney's Police Training Manual on housing matters should be modified to include domestic violence restraining orders and how the police should react to a respondent's need to get into the unit in order to remove possessions. **After a lengthy discussion, the matter was referred to the Prosecution and Anti-Blight Committee. In conjunction with Atty. Judith Dicine, the Committee is to present a recommendation to the Council at its September 9 meeting.**
- c. Limited-scope representation -- J. L. Pottenger, Jr. stated that the Yale Law School clinics are exploring limited-scope representation and attorney-for-a-day programs in the New Haven landlord-tenant and foreclosure courts. Discussions are in the very early stages. It was suggested that the sponsors should be in touch with Krista Hess of the Judicial Branch.
- d. Next meeting -- The next meeting will be on September 9, 2015, at 2:00 pm, at same location at Quinnipiac Law School if possible. The Council tabled to the September meeting a proposal to move the starting time of meetings back to 1:30 pm.

8. Adjournment -- On a motion by Houston Putnam Lowry, seconded by J.L. Pottenger, Jr., the meeting was adjourned at 5:05 pm.

Respectfully submitted,

Kathleen Flaherty, Secretary

Ct. State Blight Statute Proposals

Bridgeport Property Owners Assoc.
Fairfield County Property Owners Assoc.

Carl Lupinacci

In order to minimize the abuses of the various municipal blight ordinances which are occurring, resulting in excessive fines and other problems, we recommend the following changes to the Connecticut Blight Statute:

1. Maximum daily fines of \$100.00
2. Maximum accumulative fines equal to 25% of assessed property value.
3. Blight liens not be given priority over any other liens, because they do not represent actual costs incurred, and may supersede payments to legitimate creditors.
4. Definitions of blight not to include vacant or abandoned, or secured, boarded or blocked windows or doors, as these provisions may be necessary to secure a building.
5. The blight process stops if there is a permit or application for permit in effect, including, but not limited to building, renovation, or demolition.
6. Blight criteria cannot be used to override uses which are legal according to zoning and other regulations, even where nonconforming, such as mixed, or commercial uses in residential zones or neighborhoods.
7. A finding of blight cannot be made on the basis of such vague criteria as depreciating surrounding property values, as depreciation can be caused by a variety of factors, such as the proximity of high density or commercial uses.
8. Crime cannot be used as a criterion. Crime is a police matter and is addressed by the Nuisance Abatement Act.
9. Blight issues caused by tenants which a landlord is attempting to evict cannot be used to cite blight until the eviction process is complete and the landlord has the opportunity to remediate the problems.

Landlord-Tenant and Housing Legislation – 2015

Senate bills

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| S.B. 18 | Hoarding task force | Creates task force on hoarding | Passed Senate; no action by House |
| S.B. 407 | Affordable Housing Appeals Procedure (8-30g) | Modifies affordable housing zoning law | No action by Senate |
| S.B. 892 | Incentive housing zones | Provides greater incentives for towns to adopt affordable housing zones | Passed Senate; no action by House |

House bills

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|------------------|---|--|-----------------------------------|
| H.B. 5356 | Relocation assistance | Makes clear that town cannot recoup relocation assistance costs from landlords not at fault for displacement | No action by House |
| H.B. 6133 | Fair housing disclosures | Requires plain language disclosure of anti-discrimination laws to buyers of rental housing | Passed House; no action by Senate |
| H.B. 6138 | Housing mobility pilot | Encourages rent voucher holders to move to less impoverished areas | Passed both houses |
| H.B. 6551 | Failure to register foreclosure | Increases penalty for failing to register a foreclosure | Passed House; no action by Senate |
| H.B. 6653 | Anti-blight enforcement | Allows anti-blight liens to be placed on additional properties | Passed House; no action by Senate |
| H.B. 6694 | Freedom of association in public housing | Allows tenants to hold political meetings in public housing facilities | Passed both houses |
| H.B. 6752 | Foreclosure Mediation Program | Extends Foreclosure Mediation Program to 2019 | Passed both houses |
| H.B. 6759 | Bedbugs | Allocates extermination responsibilities between landlord and tenant | No action by House |

Enlarged bold-faced type = passed both houses