



CONNECTICUT ADVISORY COUNCIL ON HOUSING MATTERS



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Notice of the next Advisory Council meeting

2:00 pm

Wednesday, December 9, 2015

Quinnipiac University Law School
370 Bassett Rd., North Haven

Minutes of the meeting of September 9, 2015

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

Council members absent: J.L. Pottenger, Jr., John W. Rowland, Lynn Taborsak

Housing-related staff: Suzanne Colasanto, P.J. Deak, Judith Dicine, Stephen Lesco, Roberta Palmer, Hon. Eddie Rodriguez, Jr., 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 2:07 pm in Room SLE 221, Library Commons, Quinnipiac University Law School, 370 Bassett Road, North Haven.

1. Preliminary matters

- a. Approval of agenda – The agenda was approved without objection.
- b. Approval of the minutes – The minutes of the June 10, 2015, meeting were approved unanimously (motion by Kathy Flaherty, second by Loo Dahlke).

2. Public comment –

V. Edward Quinto noted that the Police Training Manual does not address issues around temporary restraining orders issued by family court judges (e.g., in domestic violence cases). In

particular, if the family court orders one occupant to leave and not to have contact with the other occupant, how is the first occupant supposed to get his or her property? What are the responsibilities of police officers? Further discussion was deferred to Item 3(a)(vi) of today's agenda.

3. Committee updates and action plans –

a. PROSECUTION AND ANTI-BLIGHT COMMITTEE (Fred Helisch, chair) – The Committee has so far had only preliminary discussion of issues.

i. New Britain criminal hearings: The Council had expressed concern that hearings on criminal housing cases in New Britain were not being held in the housing court by the housing court judge but were instead being handled by G.A. judges. The Council contacted Hon. Jon Alander, the Administrative Judge for J.D. New Britain. He has arranged to have these cases heard in the future by the housing court judge in the housing court.

ii. Decline in number of prosecutions – Fred Helisch suggested that this decline may be the result of increased voluntary compliance or of compromise settlements. Judith Dicine attributed the reduction to the understaffing of code enforcement agencies and the absence of regular housing prosecutors in Bridgeport/Norwalk and eastern Connecticut. Bridgeport/Norwalk/Stamford has not had a full-time prosecutor for six years; in Eastern CT, it has been even longer. **The Committee will contact the code enforcement agencies for Bridgeport and Hartford to explore why those agencies are making few referrals for prosecution.**

iii. State Health Improvement Plan: Atty. Dicine would like to make a presentation to the Advisory Council about the State Health Improvement Plan (SHIP) and its effect on code enforcement. The purpose of the plan is to promote equity, improve health, and concentrate enhanced enforcement on bad housing. She expects there will be an approved SHIP by December. **Time will be set aside at the December meeting for a presentation.**

iv. Anti-blight issues: Atty. Helisch commented on a set of proposals by the Bridgeport and Fairfield County Property Owners Associations to make changes to existing anti-blight statutes and ordinances. The core issues include the severity of violations before fines can be imposed; the amount of fines (perhaps they should be limited to a percentage of equity); the adequacy of notice to owners (and particularly owners who may lack physical/mental/financial capacity to respond to them); the fairness to both owners and mortgagees of liens that have priority over everything except taxes; and whether state law should limit municipal anti-blight ordinances. Carl Lupinacci stated that higher fines do not solve the problem because property owners do not have funds. **The matter was referred back to the Prosecution and Anti-Blight Committee for further review of the merits of the proposals.**

v. Identification of GA criminal housing cases: Tabled.

vi. Police training manual/restraining orders (from Agenda Item #2 above): The matter was referred to the Prosecution and Anti-Blight Committee.

vii. Prosecution and Anti-Blight Committee: Richard DeParle was added to this committee. **The following issues are to be addressed by the committee and reported on at the December Advisory Council meeting: (a) decline in prosecution caseload, (b) anti-blight ordinances, (c) identification of GA criminal cases, (d) Police Training Manual treatment of restraining orders and related lockouts, and (e) inclusion of commercial lockouts under the criminal lockout statute.**

b. SMALL CLAIMS COMMITTEE (Kathy Flaherty, chair)

Roberta Palmer from Court Operations responded to proposals in the Council's biennial report. She will send information that she distributed at the meeting. Her responses are summarized below:

i. Separation of housing dockets – The only locations with separate dockets are Hartford (2x/month) and New Haven (1x/month). There are not enough cases to do an exclusive housing small claims court docket in Waterbury and Bridgeport. If Judicial were to agree to separate those dockets, it would take 60-90 days to accumulate enough cases to have a full docket. There are not enough cases even for a ½ day docket. In New Britain and Norwalk, the hearing of housing cases may be accelerated by adding them to a regular docket. To schedule cases more expeditiously in New Haven, housing cases are sometimes scheduled on non-housing days. **The Council requested data regarding the number of housing cases being scheduled in each housing court district.**

ii. Hearing location – Courtroom availability varies in each courthouse. Courtroom assignments are controlled by the Administrative Judge in each courthouse. Judicial prefers to keep all small claims court cases in the same courtroom. If the Council can show this is a problem, the situation can be reviewed.

iii. Acceleration of hearings – Housing cases are already accelerated because they don't go through a default process. Judicial doesn't think there is a scheduling differential between housing cases and other cases. Hearings are being scheduled within the 45 days required by the Practice Book. Some clerks accelerate housing hearings by adding them to the regular small claims docket.

iv. Pro se services – Krista Hess is the manager of court service centers. There should be no significant differences in the help a litigant gets from court service centers vs. housing court clerk's offices. Any inadequacies that do exist can best be handled through staff training, without regard as to whether staff is from court service centers or from Centralized Small Claims. In addition, the Connecticut Bar Association is running a pro bono small claims court project in Hartford, Middletown, and New Haven.

v. Service of small claims complaints – Judicial would not support returning to the former practice of having the clerk's office serve small claims complaints. Not only would a Practice Book change be necessary, but the change would be labor-intensive and require staff that the courts do not have. It would also be difficult to make it work with e-filing.

vi. Magistrates – Mary O'Connor oversees the magistrates. They have online access to the training manual prepared by the Advisory Council. The courts are moving to a paperless system, which discourages using hard-copy materials. The magistrates have access to an internal webpage with resources. Magistrates do communicate with housing court clerks when they have questions, usually by email. Complaints about magistrates should go to Mary O'Connor. There is a formal evaluation and training process, including observation of the magistrates. Roberta Palmer suggested following up with a list of specific questions for Mary O'Connor, including whether the evaluation process includes formal input from litigants or others outside the Judicial system. Complaints about particular magistrates are usually addressed through the re-appointment process.

vii. Processing of executions – The processing of executions is timely. Centralized Small Claims is currently processing executions that were filed the previous week. The numbers of executions are lower than what they were at peak times.

c. CASE PROCESSING COMMITTEE (David Pels, chair) –

i. Phone system and problems with snow days last year: The phone system has not been upgraded in a long time, and there are difficulties with recording outgoing messages. Local clerks cannot change the message – they are changed centrally from Hartford. Judge Carroll prefers to close courts uniformly (rather than some but not others) when bad weather compels closing. All those decisions are made centrally by the Chief Court Administrator's Office (rather than individual courts making the decision). Court closing information is posted on all local TV and radio stations and online. Upgrading the phone system is always on the list but, in regard to available funding, is not a priority.

ii. Computerization issues: P.J. Deak, Roberta Palmer, and Cynthia Teixeira are meeting with people to make sure that all the information available in Forecourt will be available going forward in the Civil/Family computer system. The target date for transfer from Forecourt to Civil/Family is February 1, 2016. There was an extended discussion about computer queries, who would do the queries, what types of data are available, and what would be required to add more capacity to the system. There is presently no field in the Civil/Family system to record the grounds on the notice to quit, but it is possible that one could be added by February 2016 or shortly thereafter. The actual notice to quit will be e-filed and therefore will be viewable to see online; but data cannot be sorted and tabulated unless it is listed in a field. There was extended discussion about how to input the reasons for eviction contained in the notice to quit. It is anticipated that there will be a separate, easily accessible field for information regarding

judgments. It was reported that summary process cases are generally on the website for three years. Physical files are destroyed three years after the date of judgment or one year after the date of withdrawal or dismissal. The electronic file, however, remains in the system forever, although it will no longer be accessible online after its destruction date. The Judicial Branch will be defining what it means to “destroy” something electronically.

iii. E-filing: There will be training for the five courts where e-filing will be mandatory for attorneys as of October 1, 2015 (Danbury, Rockville, Meriden, Middletown, and Norwich). The Civil/Family system will be used for new cases only, with e-filing required for attorney filings. There is no date for the other non-housing courts, although it is hoped that the system for them will be implemented by the end of 2016.

iv. Link between housing and criminal cases – Criminal housing cases can now be looked up on the Judicial Branch website. There is, however, no linkage between civil and criminal cases at the same address. **The Advisory Council recommends that such a linkage be created.**

There are no other outstanding issues for the committee to consider.

d. PUBLIC INFORMATION ACCESS COMMITTEE (Houston Putnam Lowry, chair)
– This committee (formerly the Tenant Screening Committee) was renamed the Public Information Access Committee.

i. **The committee will request a meeting with the Judicial Branch on issues of public access.**

ii. It was recommended that reference in the online docket sheet to the “reason” for eviction in the notice to quit be changed to the “alleged reason” or similar language, since at that stage of the proceeding the ground stated in the notice to quit is an allegation only.

4. Judicial assignments

a. Judicial assignments as of September 1: Judge Rodriguez will be continuing in Bridgeport/Norwalk. Judge Avallone has been assigned to New Haven/Waterbury and Judge Rubinow has been assigned to Hartford/New Britain.

b. Assignment of judges: What is the best method for CACHM involvement in the judicial assignment process? Discussion was tabled until the next meeting. There is need to create a workable system. **A meeting with the Chief Court Administrator will be requested.**

5. Other matters from the biennial report – Tabled.

6. Information booklet on members – Members should respond to Houston Putnam Lowry as soon as possible.

7. Time/date/location of future meetings – Tabled. The December 9 meeting will be at Quinnipiac University School of Law at 2:00 pm.

8. Other business – Abandonment issues – Edward Quinto stated to the Council that some landlords are evading the abandonment statute. The matter was tabled.

9. Adjournment – On a motion by Houston Putnam Lowry, seconded by Kathy Flaherty, the meeting adjourned at 4:01 pm.

Respectfully submitted,

Kathleen Flaherty, Secretary