



CONNECTICUT ADVISORY COUNCIL ON HOUSING MATTERS



Reply to: 16 Main St., 2nd floor
New Britain, CT 06051
860-616-4472

Notice of the next Advisory Council meeting

2:00 pm
Wednesday, March 8, 2017

Tentative location (see ¶4 below)
Quinnipiac Law School, 370 Bassett Rd., No. Haven
(depending upon availability)

Minutes of the meeting of December 14, 2016

Council members present: Kathy Flaherty, Jane Kinney-Knotek, Houston Putnam Lowry, Stephanie Ma, David Pels, Raphael Podolsky, Margaret Suib, Lynn Taborsak

Council members absent but participating in the vote on the biennial report: Mary Conklin, Loo Dahlke, J. L. Pottenger, Jr.

Other Council members absent: Richard DeParle, Venoal Fountain, Friedrich M. Helisch, Carl Lupinacci, John Rowland, Richard Tenenbaum, Juan Verdu

Also present: Roberta Palmer, Judith Dicine

The meeting was called to order by the Chairperson, Raphael Podolsky, at 2:23 pm at the Connecticut Bar Association, 30 Bank Street, New Britain, CT.

1. **Preliminary matters**
 - a. Approval of agenda – The agenda was approved unanimously (motion by Houston Putnam Lowry, second by Lynn Taborsak).
 - b. Approval of the minutes – The minutes of the September 14, 2016 meeting were approved unanimously (motion by Houston Putnam Lowry, second by David Pels).
2. **Review, modification, and approval of the draft 2017 biennial report.**

The draft report had been distributed prior to the meeting, incorporating changes and suggestions that arose from the September 14, 2016 meeting. The Council reviewed this revised draft and made a number of changes. The principal changes were:

* Deleting from the draft the recommendation of the Access to Records Subcommittee that the time period for online access should be reduced for certain types of eviction actions. The Committee's recommendation that a disclaimer be added to the website was retained.¹

* Expanding the introductory section of the report to make clearer that the Council views the housing court system positively.

* Dedicating the report to Cynthia Teixeira and Suzanne Colasanto, both of whom will have retired by the end of 2016.

A motion was made by Kathy Flaherty, seconded by Houston Putnam Lowry, to approve the 2017 biennial report, subject to incorporation of the approved changes.² All members present and all members who opted to vote subsequent to the meeting voted in favor of the motion.³

3. Other matters not covered by the biennial report - tabled
4. Meeting schedule and locations for 2017: Quarterly meetings will continue to be held at 2 pm on the 2nd Wednesday of March, June, September, and December. The Council will continue to explore the future availability of Quinnipiac Law School as a meeting location, and whether we will resume holding every other meeting at the Burroughs Center or another location in Fairfield County. The next meeting is March 8, 2017.
5. Adjournment – The meeting was adjourned at 4:38 pm (motion by Lynn Taborsak, second by David Pels, adopted unanimously).

Respectfully submitted,

Kathleen Flaherty
Secretary

NOTE: NEXT MEETING Wednesday, March 8, 2017, 2:00 pm

¹ The report of the Access to Records Committee is attached as Appendix A.

² The final version of the biennial report, including the incorporation of changes made on December 14, is attached as Appendix B.

³ In light of the small attendance at the meeting, the report, as revised by the December 14 Council meeting, was submitted by email to all absent Advisory Council members, who were invited to vote on the motion to adopt the report. Three such members so voted, and their votes were recorded.

APPENDIX A

Ad Hoc Sub-Committee Meeting: 11/18/16 The Lyceum, 227 Lawrence Street, Hartford

Attending: Lynn Taborsak, Kathy Flaherty, David Pels, Roberta Palmer, P.J. Deak, Mary Conklin, Raphael Podlosky

NOTES: P.J. Deak responded to many questions from sub-committee members and would be happy to provide answers to additional questions as they arise.

In terms of access to online judicial records, parties must log-in with an I.D., often a juris number, and a password. Online records have a retention date of 3 years following which the computer will indicate that they are not accessible electronically. There is no hard and fast electronic destruction schedule. In fact, for both physical and electronic records, it is "permissible" destruction, not "required" destruction. Different courts have different space limitations and storage configurations that effect retention.

P.J. Deak referred specially to sections 7-10 and 7-11 of the Connecticut Practice Book regarding retention of records and Rule 4-7 of the Connecticut Practice Book regarding redaction of personal identifying information.

P.J. also indicated that there are commercial requirements when purchasing judicial records for tenant screening, employment or background checks and he will provide us with a copy of those requirements.

There is no access to sealed cases, VAWA cases, requests for fee waivers and any information containing financial affidavits of parties. Current retention under the rules is:

Dismissals – 1 year
Judgements – 3 years
Summary Process – 3 years
Money Damages – 26 years

Roberta Palmer recommended that we consult the National Center for State Courts for best practices in creating a better balance between access and privacy in a digital judicial environment.

Several options were discussed. To minimize abuse, some type of disclaimer or disclosure can be added to the home page of online data that says in plain language that the information should not be used for tenant screening purposes because the court does not disclose adequate personal identifying information for accurate identification.

Electronic retention could be shortened from those established standards used in physical files. For instance withdrawals of summary process judgments, dismissals, summary process judgments for the defendant and non-suits could be shortened to 120 days. Lapse of time and had a right of privilege and lost it could be shortened to 120 days after the final stay.