



# CONNECTICUT ADVISORY COUNCIL ON HOUSING MATTERS



Reply to: c/o CT Legal Services  
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New Britain, CT 06051  
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## **Notice of the next Advisory Council meeting**

**2:00 pm**  
**Wednesday, June 8, 2016**  
**Quinnipiac University Law School**  
**370 Bassett Rd., North Haven**

## **Minutes of the meeting of March 9, 2016**

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

**Council members absent:** Richard DeParle, Venoal Fountain, Jr., Friedrich M. Helisch, Stephanie Ma, David Pels, John W. Rowland

**Also present:** P.J. Deak, Roberta Palmer, Amy Walker, Kelly Novak, Suzanne Colasanto

The meeting was called to order by the Chairperson, Raphael Podolsky, at 2:12 pm at Library Commons Room (2<sup>nd</sup> floor), Quinnipiac University Law School, 370 Bassett Road, North Haven.

1. **Preliminary matters**
  - a. **Approval of agenda:** Te agenda was approved (motion by Loo Dahlke, second by Juan Verdu).
  - b. **Approval of the minutes:** The minutes of the December 9, 2015 meeting were approved (motion by Juan Verdu, second by Mary Conklin).
2. **Public comment** – none
3. **Committee reports**
  - a. **Prosecution and Anti-Blight Committee** (reported by Jane Kinney-Knotek):  
The Committee met on February 2. The Committee's goals are:
    - i. **Identification and monitoring of criminal prosecution cases.** The Committee will be scheduling a meeting to include committee members with Judith Dicine and Roberta Palmer. Questions about the numbers of dismissals and nolles should be directed to Joe

Greelish of the Judicial Branch. Because of differences of opinion within the Committee regarding anti-blight issues, the Committee recommends that CACHM should not pursue this issue further. If members want to pursue anti-blight issues on their own, not as representatives of CACHM, they should feel free to do so.

- ii. SHIP (State Health Improvement Plan) Judith Dicine is on the steering committee of the coalition. They had a meeting with code agencies and organizations that was attended by 40 people. Atty. Dicine has updated the presentation that she gave at the last CACHM meeting to include a call to action. East Hartford is using the cooperative code compliance model. Atty. Dicine asked for support in contacting legislators re: SB 259 (see legislative update, below) to adopt a statewide property maintenance code. Lynn Taborsak noted that there was a fatal fire in Danbury the week before, with multiple code violations found in the building.
- b. Case processing Committee: This committee has been disbanded because its work is complete
- c. Electronics, Computerization and Website Committee (reported by Houston Putnam Lowry): E-filing is now mandatory for attorneys. There was a question about the availability of fee waivers and the online availability of executions. P.J. Deak distributed statistics and information – see Appendix A. So far no self-represented party (SRP) has e-filed (they are not required to do so). 75% of cases initiated from 3/1/16 -3/8/16 were e-filed. The clerks scan only the cases for attorneys exempt from e-filing or for SRPs. 70% of documents have been e-filed. Notes re: documents: The “request to conform case initiation data entry to summons” requires that the summons be correct. E-services support has experienced an expected rise in the number of calls, similar to what was experienced when e-filing was introduced in other courts. Calls go to the administrative office to manager-level staff who have been answering questions about e-filing since it first went live. The e-services support phone number is available on the judicial branch website: it is 866-765-4452. The following are the codes for housing cases:

- H00 summary process
- H10 collection of security deposit
- H12 collection of rent
- H20 housing code enforcement
- H30 entry & detainer
- H40 audita or injunction

H50 administrative appeal  
H60 municipal appeal  
H90 other

Fee waivers are NOT accessible on case look-up through the publically-accessible portion of the internet. However, if someone comes to the court and uses the computer at the public information desk in the courthouse, they would be able to access the fee waivers. The reason is that, if they went to the clerk's office and asked for the paper file, they would be able to see the document. Anyone with an appearance in the case would be able to log in with their e-services credentials and would also be able to see fee waiver information.

Executions: The Judicial Branch's business process team has decided that the document in the electronic file will be considered the original document, so it is not necessary for the court to mail them out. Plaintiffs' attorneys can print them out and give them to the marshal to serve. Executions WILL be mailed to self-represented plaintiffs. Marshals should return the return of service to the plaintiff's attorney and the attorney should upload the document through e-filing. 80% of cases do NOT have returns of executions filed. "Execution satisfied" is an option in e-filing, as is "execution unsatisfied." If it's unsatisfied, it should be returned. Self-represented parties have to register for e-filing in order to have remote access to cases.

Richard Tenenbaum expressed thanks (echoed by others, including attorneys on behalf of their support staff) for the e-filing trainings offered by the Judicial Branch. The Branch does not have a plan for a system of periodic training in the future but is open to doing training for any group. They have prepared some video tutorials that are available on the Judicial Branch website; they are working on some that are specific to housing.

Question as to whether to file motions and supporting memoranda of law together or separately: Judges have their own preference. In the interests of clarity, it might be best to file each document separately.

Kudos to P.J. Deak for his project management. If anyone has any questions, problems, comments, etc., they should be directed to Roberta Palmer.

Notices of hearing were mailed through February 29 by the clerks. As of March 1, clerks can still mail, but the preferable option is to type the notice of hearing into the electronic system. The system batches notices at night, and they go out in the mail the following day. The website will show at the

bottom whether anything is scheduled. Orders are dated when they are “batched.” Judgments will be mailed on the same day as entered in the system on time-sensitive matters. They are working on a mechanism to send notices electronically (NOT by e-mail) by end of the year. Notices would be through an internal notice box on the e-services system.

Question about whether the court would create a form for a landlord to get access pursuant to 47a-18: There are no plans for additional forms at this time; landlords can get help from the law library.

- d. Small Claims Committee (reported by Kathy Flaherty): No additional action has been taken by the Committee since the last Advisory Council meeting.

4. New business

a. Hartford/New Britain backlogs:

- i. New Britain: According to Loo Dahlke, New Britain scheduling has been changed pursuant to an order from Judge Alexander, the Administrative Judge for J.D. New Britain. The Thursday docket had been reduced to 15 cases (Judicial Branch staff says the number was 20), to be heard in the morning only, with no cases scheduled for Fridays. This resulted in long delays. Several attorneys who represent landlords met with Judge Alexander March 4. Data they compiled indicated that the average time gap between assigning a contested case for trial and the scheduled trial date in the New Haven-Waterbury and Bridgeport-Norwalk Housing Courts was between 14 and 18 days, while the gap was about 25 days in Hartford nearly two months in New Britain. Since that meeting, additional dockets have been added in the afternoon for the next two Thursdays starting at 2:00 pm. They will be “mediation only” dates [90-93% of housing cases settle]. It has long been CACHM’s position that if cases don’t settle on the trial date, the trial should be held the same day or not more than a week later. Now it appears that future calendars will docket 20 cases in the morning and 20 cases in the afternoon.
- ii. Hartford: In Hartford, the administrative judge has never limited the docket. 60-65 cases are docketed on both Mondays and Tuesdays. Cases that don’t settle, however, are backed up when they need to go to trial. A blitz was held to work through the backlog, and they may hold another one if necessary.

- b. The Connecticut Legal Rights Project (CLRP) may no longer be representing tenants in housing cases if funding is lost.<sup>1</sup>
  - c. Cynthia Teixeira has submitted a request to retire as of July 1, and it does not appear that her position as mediator will be replaced. The system will be down to six mediators.
5. Pending legislation: The chairperson distributed a list of housing bills of interest (Appendix B). The last column indicates the status of bills in the committee process. No bill has been approved by the entire legislature yet. Atty. Dicine discussed bills that the prosecutors are following. There is a hoarding conference at Central Connecticut State University on May 25. There is a training session for town officials on how to respond to a hoarding complaint on June 19. The Department of Mental Health and Addiction Services (DMHAS) is now involved in the hoarding work-group.
  6. Matters tabled from the December 9 meeting: All were tabled again because of insufficient time (motion made by Kathy Flaherty, second by Houston Putnam Lowry). It was noted that one item -- issuance of eviction executions -- may now be moot because of e-filing.
  7. Other business: Richard Tenenbaum recommended that members read Matthew Desmond's new book, "Evicted." Margaret Suib has received advance copies from the publisher. She will forward the publisher's information to the chairperson, who will attempt to get copies of the book for interested Advisory Council members.
  8. Adjournment: The meeting was adjourned at 4:15 pm (motion by Lynn Taborsak, second by Richard Tenenbaum).

Respectfully submitted,

Kathleen Flaherty, Secretary

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<sup>1</sup> Post-meeting note: It appears that the final budget before the legislature will provide sufficient funds to preserve the CLRP housing unit.

# APPENDIX A

## HOUSING SESSIONS E-FILING STATISTICS

03/09/2016

Housing Sessions Cases Initiated 03/01 - 03/08/2016				
Location	Clerk Scanned	Attorney E-Filed	Total	% E-Filed
BPH - Bridgeport	18	46	64	72%
HFH - Hartford	32	88	120	73%
NBH - New Britain	8	30	38	79%
NHH - New Haven	18	72	90	80%
NWH - Norwalk	13	34	47	72%
WTH - Waterbury	13	29	42	69%
<b>Total</b>	<b>102</b>	<b>299</b>	<b>401</b>	<b>75%</b>

120 Attorneys or firms have E-Filed at least 1 case in a Housing Session in the 1<sup>st</sup> 8 days.

Top 20 Housing Session E-Fileers - 03/01/2016 - 03/08/2016...

Filer Name	BPH	HFH	NBH	NHH	NWH	WTH	Total
LANE, ELLIOT		13	3	3			19
CHESSON & SCHWEICKERT LLC	3	3	1	5	5		17
HIRSCH & LEVY LLC	16						16
RECKMEYER, WILLIAM		4		5	1	5	15
SILVER & SILVER LLP		9	5				14
LEOPOLD & ASSOCIATES PLLC	4	2		5	1		12
POTOK, BENJAMIN	1	5	2			1	9
BENDETT & MCHUGH PC	6			1	1		8
FORREST, JOHN		8					8
CRUMBIE LAW GROUP				6			6
NATHANSON CIPRIANO & GAMBARDELLA PC				6			6
GRAZIANO, CANDICE						5	5
HUNT LEIBERT JACOBSON PC		1		2		2	5
KEEN & MATNEY LLC					5		5
WEISMAN LAW FIRM LLC				4		1	5
CLINTON, MICHAEL	1	2	1				4
GREENE LAW PC		3	1				4
LATTARULO LAW FIRM LLC					4		4
LAWRENCE A LEVINSON PC	2			2			4
SCHANCUPP, DAVID				4			4

**Documents Filed 03/01 – 03/08/2016**

40 different document names have been used. 70% of documents have been E-Filed

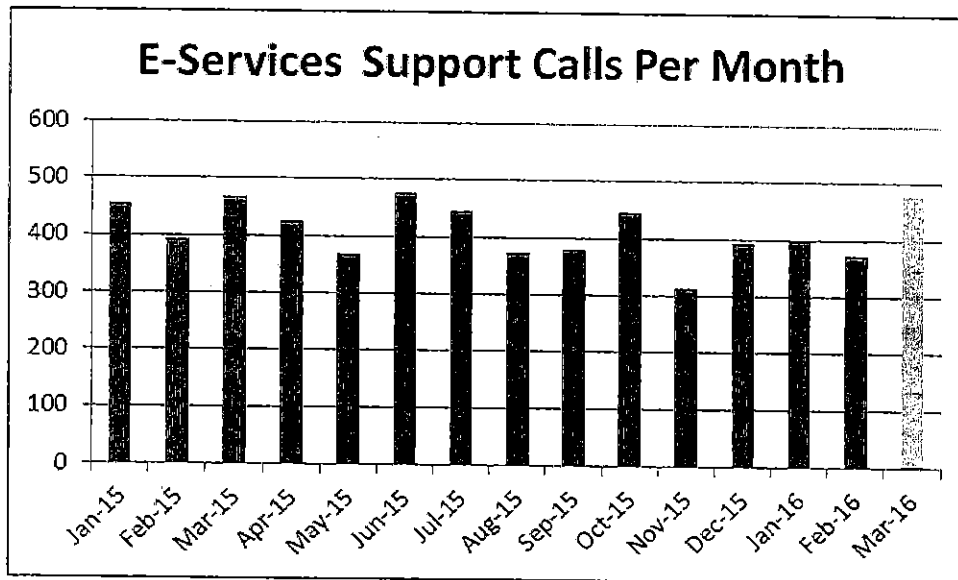
Document Name	Efiled	Scanned	Total
RETURN OF SERVICE	421	129	550
COMPLAINT	299	95	394
HOUSING SUMMARY PROCESS SUMMONS (JD-HM-32)	289	93	382
NOTICE TO QUIT POSSESSION - ORIGINAL SUMMARY PROCESS	264	93	357
APPEARANCE	5	57	62
ANSWER AND SPECIAL DEFENSE		34	34
CONTINUATION OF PARTIES	24	4	28
ANSWER		23	23
SUMMONS	10	2	12
AFFIDAVIT	1	6	7
MOTION TO WAIVE ENTRY FEE AND PAY COSTS OF SERVICE		6	6
APPLICATION FOR INJUNCTION (AUDITA QUERELA)		5	5
CERTIFICATION OF NOTICE P.B. 4-5		5	5
PROPOSED ORDER - TEMPORARY/EX PARTE		5	5
EXHIBITS	1	3	4
ORDER TO SHOW CAUSE		4	4
REPLY TO SPECIAL DEFENSE	4		4
REQUEST FOR WAIVER OF BOND		4	4
REQUEST TO CONFORM CASE INITIATION DATA ENTRY TO SUMMONS (JD-CL-96)	4		4
MILITARY AFFIDAVIT	2	1	3
MOTION FOR USE AND OCCUPANCY PAYMENTS SUMMARY PROCESS	3		3
MOTION TO QUASH		3	3
WITHDRAWAL OF ACTION	3		3
CERTIFICATE		2	2
LETTER		2	2
MOTION FOR DEFAULT FOR FAILURE TO APPEAR AND JUDGMENT OF POSSESSION SUMMARY PROCESS	2		2
ORDER	2		2
REPLY	1	1	2
RETURN		2	2
WITHDRAWAL OF ACTION AGAINST PARTICULAR DEFENDANT(S)	2		2
[Other Documents - 10]	6	4	10
<b>Total</b>	<b>1,343</b>	<b>583</b>	<b>1,926</b>

## E-Services Support Calls & Paperless Housing Sessions

Data as of 03/09/2016 7:57 am...

Month	Total E-Services Support Calls For Month	Notes
Jan 2015	455	Family Phase-1 Paperless Live
Feb 2015	393	
Mar 2015	468	
Apr 2015	426	
May 2015	370	
Jun 2015	478	Highest Month in 2015
Jul 2015	447	
Aug 2015	374	
Sept 2015	381	
Oct 2015	446	Housing Phase-1 Paperless Live
Nov 2015	314	
Dec 2015	395	Average for 2015 = 412
Jan 2016	399	
Feb 2016	375	
Mar 2016	131*	Projected for month= 480

\*= For 03/1 thru 03/08/2016 only.



March 2016 is the projected number based on calls from 03/01 - 03/08



**Documents Not Accessible On Public Internet Case Look-Up**

DocName	Elec Available On Internet
MOTION FOR WAIVER	0
MOTION TO WAIVE ENTRY FEE AND PAY COSTS OF SERVICE	0
APPLICATION FOR APPOINTMENT OF COUNSEL AND WAIVER OF FEES ON APPEAL	0

# APPENDIX B

## HOUSING BILLS OF INTEREST

March 9, 2016

### Housing Committee

152 – Disclosure of fair housing laws	Approved
157 – Study of elderly/disabled public housing	Approved
5335 – Bedbugs	Approved
5339 – Failure to register foreclosed property	Approved
5340 – Replacement of lost public housing units	Approved
5363 – Affordable Housing Appeals Procedure (8-30g)	Approved
5398 – Funding of CHIF neighborhood programs	Approved

### Judiciary Committee

245 – Town recovery of relocation costs	Pending
249 – Property of deceased tenants	Pending
363 – Commercial criminal lockouts	Pending
5401 – Naming of minor children in eviction	Pending
5475 – Study of tax lien foreclosures	Pending
5528 – Landlord entry during eviction	Pending
5532 – Administrative search warrants	Pending

### Banking Committee

170 – Foreclosure Mediation Program	Pending
171 – Banking Department security deposit amendments	Pending
408 – Interest rate on tax liens	Pending
409 – Delinquent homeowner protections	Pending
411 – Pilot public housing credit-building program	Pending
5292 – Protecting Tenants at Foreclosure Act	Pending

### Planning and Development Committee

86 – Exemption of 3-family buildings from Fire Safety Code	Pending
91 – Interest rate on delinquent property taxes	Pending
5480 – Hoarding task force, blight lien enforcement, responsibility of foreclosing parties, housing revitalization funding	Pending

### Committee on Aging

5288 – Study of elderly/disabled housing	Pending
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### Public Safety Committee

119 – Hoarding task force	Pending
124 – Application of Fire Code to 1- and 2-family buildings	Pending

### Insurance Committee

5443 – Discrimination based on breed of dog	Pending
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