



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, December 14, 2016

Tentative location (see ¶4 below)

Connecticut Bar Association

30 Bank St., New Britain

Minutes of the meeting of September 14, 2016

Council Members present: Mary Conklin, Loo Dahlke, Kathy Flaherty, Venoal Fountain, Houston Putnam Lowry, Carl Lupinacci, Stephanie Ma, David Pels, Raphael Podolsky, John Rowland, Margaret Suib, Lynn Taborsak

Absent: Richard DeParle, Friedrich M. Helisch, Jane Kinney-Knotek, J. L. Pottenger, Jr., Richard Tenenbaum, Juan Verdu

Also present: Roberta Palmer

The meeting was called to order by the Chairperson, Raphael Podolsky, at 2:07 pm at the Connecticut Bar Association, 30 Bank Street, New Britain, CT

1. **Preliminary matters:**
 - a. Approval of agenda – The agenda was approved (motion by Lynn Taborsak, second by Houston Putnam Lowry).
 - b. Approval of the minutes – The minutes of the June 8, 2016 meeting were approved (motion by Houston Putnam Lowry, second by David Pels).
2. **Brief updates on committee meetings, if any, held since June:**
 - a. Small Claims (Kathy Flaherty, chair): No meeting. It was noted that the Judicial Branch needs to be included in any future meetings
 - b. Prosecution/Anti blight (John Rowland): He tried unsuccessfully to convene a meeting during the summer and will try again. Judith Dicine will be included in any future meetings.
 - c. Access to Records (Lynn Taborsak, chair): A meeting was held on July 13 – see Appendix A to these minutes. The committee will meet again in the fall.

- d. Computer fields & Research (Houston Putnam Lowry, chair): A meeting will be convened. Judicial Branch staff should be included. This committee will focus on research capacity within the system and explore whether additional computer fields are needed to assure the collection of adequate data. Ideally the system will allow for data to be downloaded and reports run without requiring use of Judicial Branch staff time. Roberta noted that all housing cases, except for the four GA courts, are now part of the civil/family system.

3. Review of draft report:

The chairperson distributed the draft report prior to the meeting. The Council went through the draft and suggested edits. There are sections of the report that cannot be written until necessary data is received from the Judicial Branch. The chairperson will distribute the edited draft prior to the December meeting, to be voted on at the meeting. Anyone who has additional comments should feel free to direct them to the chairperson for incorporation into the draft report. The draft will be revised and distributed prior to the December meeting, at which a final report will be approved.

Matters that were discussed or reported during the review of the draft include:

Housing mediator coverage: One mediator in Norwalk/Bridgeport is out on maternity leave until January. Richard Tynan, an experienced foreclosure mediator and former housing mediator, has been temporarily reassigned to do housing mediation three days per week (Hartford Mondays/Tuesdays, Waterbury Wednesdays). The current number of housing mediators is the equivalent of 6.6 full-time persons.

Other mediation issues: There was discussion of the role of mediators in directing litigants to non-court services, the most effective uses that can be made of mediator time, the proper number of housing mediators and their relation to foreclosure mediation, and the extent to which mediators should assure the propriety of all portions of stipulation agreements.

Geographical areas: Does it make more sense for housing cases outside the housing courts to be in Judicial Districts, rather than in GAs? GA courts have to prioritize criminal cases, which invites delays in housing cases if staffing is reduced. It was noted that cases are moving much more slowly in the Derby court.

E-filing: 86% of cases in J.D. Hartford are e-filed by attorneys. The is made a lot of previously required data entry no longer necessary. 80% of plaintiff's cases overall are e-filed.

Other ideas: The Judicial Branch is looking for ways to make the court system more efficient in the face of reduced staff. Individual case docketing (which has been rolled out in civil) is being looked at for this purpose. The Judicial Branch will be looking for ideas and input from people who are using the system. It is planning a series of focus groups around the state.

4. Meeting locations: Quinnipiac Law School is not available for the next CACHM quarterly meeting and perhaps not available for subsequent meetings. The next meeting (December 14, 2016) will be held at the Connecticut Bar Association unless another suitable location can be found. John Rowland will look for free space with convenient parking in the greater New Haven area.
5. Other business: None.
6. Adjournment: The meeting adjourned at 4:31 pm (motion by Kathy Flaherty, second by Venool Fountain).

Respectfully submitted,

Kathleen Flaherty
Secretary

APPENDIX A

Erroneous Use of Public Data Ad Hoc

Wednesday, July 13, 2016

3:00 pm

The Lyceum, Htfd

Attending: Bob DeCosmo[Tenant Tracks], Rafie Podolsky, Mary Conklin, Kathy Flaherty and Lynn Taborsak; Absent: David Pels, Houston Putnam Lowry, Jay Pottenger and Venoa Fountain

Should we limit access to electronic data? Each state has its own regulations – some are wide open and some limit access to specific parties or entities or require subscription. Richard Tennebaum provided the committee with a state by state survey of policies regarding online access to court records.

Judicial proceedings are public so records of those proceedings are also public and available at the Clerk's Office unless they are sealed for some reason.

Right now, the public can access electronic Housing Court data except for 4 courts. This data is retained by the Clerk for 3 years for an eviction case that goes to judgement and for one year for cases that are withdrawn or dismissed. However, commercial entities[Corelogic, 1st Advantage, Safe Rent, Tenant Tracks] aggregate and retain Housing Court data for longer periods to provide accurate tenant screening services. Judicial sells this data to them but they often enhance it with SS#s, residential addresses and address history.

In most cases if there is a dispute about the information, there is a dispute resolution process or appeal process. There is also a notice of adverse decision much like the requirements imposed by the Fair Credit Reporting Act on credit bureaus. The court, however, is not subject to FCRA requirements.

A second Ad Hoc meeting will be held in November to consider some type of disclaimer language for Housing Court data or some language to restrict or limit access to lay persons.

Future Ad Hoc guests are to include Dan Blinn, Paul Jewney, Annette Duke, Roberta Palmer, P. J. Deake and David McGuire.