



CONNECTICUT ADVISORY COUNCIL ON HOUSING MATTERS



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

NOTICE OF THE NEXT MEETING

2:00 pm

Wednesday December 13, 2017

**Connecticut Bar Association
30 Bank St., New Britain
(call 860-334-0393 for directions)**

Please mark your calendar.

Minutes of the meeting of September 13, 2017

Council members present: Mary Conklin, Richard DeParle, Kathy Flaherty, Venoal Fountain, Friedrich M. Helisch, Houston Putnam Lowry, David Pels, Raphael Podolsky, Margaret Suib, Lynn Taborsak, Richard Tenenbaum

Council members absent: Look Dahlke, Jane Kinney-Knotek, Carl Lupinacci, Stephanie Ma, J.L. Pottenger, Jr., John Rowland, Juan Verdu,

Also present: Roberta Palmer (Judicial), Judith Dicine (Div. Crim. Justice), V. Edward Quinto (member of public)

The meeting was called to order by the Chairperson, Raphael Podolsky, at 2:10 pm at the Burroughs Community Center, Bridgeport.

1. **Preliminary matters**

a. Approval of agenda – The agenda was approved unanimously (motion by Richard DeParle, second by Margaret Suib).

b. Approval of the minutes – The minutes of the June 14, 2017, meeting were approved unanimously.

2. Public comment – V. Edward Quinto commented on several matters, including the towing of tenant-owned motor vehicles without proper authorization after foreclosure, the status of garages in relation to lockouts, and the determination post-judgment as to whether tenant property has been abandoned. It was suggested that the police and/or prosecutor manuals should cover the first two items and that marshal practices at the time of execution should be reviewed (e.g., treating items as abandoned rather than boxing them). Atty. Dicine recommended that particular complaints be referred initially to police, with complaints brought to her attention if there is no satisfactory police action.

3. Legislative update – It was reported that there is still no state budget.

4. Committee Reports and Related Discussion)

a. Prosecution and Anti-Blight (4.c. on agenda) - No committee update. Atty. Dicine is still involved with SHIP (State Health Improvement Program). Among the issues related to housing is asthma due to indoor mold. The Green and Healthy Homes Initiative has a business model that includes remediation and energy conservation.

b. Small Claims Committee (4.a. on agenda) – Please see the notes from the committee’s meeting with Roberta Palmer, which are attached as Appendix A.

i. Small claims decentralization – Ms. Palmer explained that the decentralization of small claims has begun. The system will be fully operational as of October 16, 2017. All small claims cases are being transferred to their judicial district, with housing small claims going to the housing court for that district. Staff have been using the new system since August 24. Paper files were packed up and sent to appropriate Judicial Districts, where cases are being manually transferred to the electronic system. Some judicial districts are currently using judges rather than magistrates to enter judgments. The plan at present is to transfer one of the staff from centralized small claims to the Hartford housing session, but that is the only housing court location in line for new staff. All plans, however, are in flux. The Judicial Branch is losing large numbers of employees to retirement. Ms. Palmer asked that we share information with her about any issues related to the small claims rollout so that she can address them, including slowdowns in processing housing small claims cases, issues with e-filing, and anything suggesting a need for training. Emails should be sent to Bill Pitt, the Chief Clerk for Housing Matters, with a copy to Ms. Palmer.

ii. CACHM small claims manual – The chairperson distributed hard copies of the manual (last revised in 2007) to members of the council who wanted a copy. The manual is on

the magistrates' website, but Judicial is reluctant to distribute hard copies of a document that is ten years old. Ms. Palmer stated that, if the Council updates the manual, she will make sure every magistrate handling housing matters will get one. The Council agreed to explore a two-step process for updating the manual so as to immediately produce a 2017 edition that could be distributed and subsequently to produce a more extensive update. The first step will involve incorporating statutory changes since 2007 and known substantive changes in case law into the booklet. The second change will involve the incorporation of more recent cases. The chairperson will draft the first-step update, which will be reviewed by Attys. Houston Putnam Lowry, Venoa Fountain, and David Pels.

iii. Property addresses - The computer system now has the capacity to permit search of all types of housing cases by property address, although it is set up to permit such searches only for summary process and foreclosure cases. There was brief discussion as to how important it would be to add search capacity by property address in other civil and small claims housing cases.

iv. Housing case codes – The following codes are now being used for housing cases:

- H00 – summary process
- H10 – security deposit return
- H12 – back rent/damages
- H20 – housing code enforcement
- H30 – entry and detainer
- H40 – audita (NOT used any more b/c clerks didn't want them to be a separate case – there is now a “motion for audita”)
- H50 – administrative appeal
- H60 – municipal
- H90 – all other

v. Filing of papers - Pro se litigants can still file on paper. Clerks will then scan in the documents. Fee waivers/financial affidavits are not viewable online – you have to go to the court house and access through the public option computer.

vi. Housing mediators – No postings for open positions are anticipated. The only way housing court mediators will be replaced is from use of foreclosure mediators part-time when they can be spared from the Foreclosure Mediation Program.

vi. Small claims magistrates – Council members stressed the importance of training for small claims magistrates, since small claims cases are not appealable and the writ of error and motion to re-argue are not good alternatives. Ms. Palmer will be presenting an e-filing training in Litchfield to about 50 magistrates. There may well be – as there was in the past – a group of magistrates who end up “specializing” in housing matters.

c. Access to Records Committee (4.b. on agenda) – Lynn Taborsak reported. In March, the Council sent proposed disclaimer language to Judicial Branch. Ms. Palmer noted that there is already a disclaimer on the Judicial Branch website but conceded that it is difficult to find. She also reported that Judge Carroll does not want to add the Council’s proposed language to the website disclaimer. The Council requested she bring back to him the proposal that, at the least, the Judicial Branch’s disclosure be relocated to a more conspicuous spot on the website. In particular, it should appear prominently when a user opens either the Civil/Family/Housing Case Look-Up or the Housing Sessions Case Look-Up. Richard Tenenbaum noted that there is an article about tenant “blacklisting” in the publication *Clearinghouse Community*, which also includes a link to a podcast interview through the Shriver Center at <http://povertylaw.org/clearinghouse/article/blacklisting>. Ms. Palmer noted that Connecticut will be hosting the conference of New England State Court Administrators. There is a difference in how states treat court data. In Massachusetts, all court data is restricted and the court system cannot release it. Connecticut is completely opposite. The Judicial Branch sells data, but the contract does state that the data cannot be used incorrectly or illegally. The Judicial Branch is not likely to make changes in how it handles data unless the legislature changes the law.

d. Computer Fields and Research Committee (4c. on agenda) Nothing to report.

5. Other housing court administrative issues

a. Judicial Assignments: All three housing court judges were retained for the term beginning September 1, 2017: Judge Miller (Hartford-New Britain), Judge Rodriguez (Bridgeport-Norwalk), and Judge Avallone (New Haven-Waterbury). Judge Avallone will reach mandatory retirement in December and will become a judge trial referee (JTR). It is not known if the New Haven-Waterbury assignment will be changed at that time. It is also not known if Judge Cohn will continue to hear the housing cases in New Britain as a JTR. The Advisory Council has recommended that the primary housing court judge for any housing court district should be a judge and not a JTR.

b. Hearing locations: Paperwork for housing cases, including summary process cases, is now filed in a Judicial District in all parts of the state. The cases themselves are now being heard in the Judicial District as well, except for J.D. Ansonia-Milford, where the cases will continue to be heard in Derby, and J.D. Windham, where they will be heard in Danielson. Clerks are not reporting any confusion.

c. Filling of staff vacancies: In the absence of a state budget, there is no plan to fill judicial staff vacancies.

6. Other business: The question of improper disposition of tenant possessions was referred to the Prosecution and Anti-Blight Committee.

7. Adjournment: The meeting was adjourned at 4:15 pm (motion by Lynn Taborsak, second by Richard Tenenbaum).

Respectfully submitted,

Kathleen Flaherty

Secretary

(with the assistance of Lynn Taborsak, Deputy Secretary)

NEXT MEETING

The next Advisory Council meeting will be at 2 pm on Wednesday, December 13, at the Connecticut Bar Association, 30 Bank St., New Britain.

APPENDIX A

Notes from meeting of CACHM Small Claims Committee with Judicial Branch

225 Spring St., Wethersfield

September 11, 2017

Present: Kathy Flaherty, Roberta Palmer, Rafie Podolsky (phone), Loo Dahlke (phone)

Roberta: hasn't been as easy a transition as transferring housing. 2 year planning meetings. Different business process in small claims; centralized Small Claims Court staff participated in these meetings. Small claims court cases will be in the civil/family system – will be another case type.

Staffing: 6 people have already transferred from centralized small claims; none have been assigned to a housing session. 1 person to be transferred in the future will be assigned to Hartford housing session. Belief is that the other courts have sufficient staff in place to handle transferred small claims court cases.

Hearing location: housing small claims court cases will be heard in the judicial district – in the housing session; cases will be processed in civil courthouses. Some administrative judges thought it was easier to keep hearings in the GA court. Now that Torrington court house is open, the only districts where housing cases will be heard in the GA is Danielson (Windham JD) and Derby. Housing small claims court cases will be heard in the same place as summary process cases. All housing small claims will be going to the housing sessions.

Magistrate assignments: will continue to be handled by centralized magistrate management (CMM). Process is that clerks email CMM and arrange for magistrates to be assigned. With e-filing, clerks in other courts will be able to help out with electronically processing paperwork – case management will not rely on people being in a physical courthouse with paper files.

Case timeline: expectations need to be realistic. Staffing issues in judicial branch overall (retirements, attrition, budget cuts), can't process cases the same way as they did 3-5 years ago. Time to disposition has been an issue in Hartford. They will have a new clerk as of Friday (Lee Ann Kennedy will be new deputy clerk.)

Monitoring of how the transfer is working: almost every district has opened cases in the new system and not experienced any major problems; the only court that hasn't is New Haven and they were scheduled to do that on Monday (at least one, as a test). The official start of e-filing open to all attorneys into the civil/family system is scheduled for 10/16/17; as of that date, the Centralized Small Claims Court system will be shut off, although staff will still have access. The system has been open to staff since 8/24/17 so they could transfer existing, pending cases into

the new system – cases have been sent from Centralized Small Claims Court to separate judicial districts. Once system operational – will file new small claims court cases the same way as housing cases are filed, except taking into account differences in the business practice in accordance with practice book rules (i.e. case initiation = writ plus notice of suit rather than summons & complaint).

Website access: Will still be able to access old cases through the website. If a new action is filed, or new action taken on old case – will be transferred to JD, and will get a new docket number if it is transferred.

Property address search: Small claims did not get set up with ability to search by property address. Roberta will have to talk to PJ to see if this function can be “turned on” for housing small claims cases (the way it is for summary process and foreclosure cases). Judicial branch staff put the property address into all foreclosure and all summary process cases.

Data access: As of today, no housing case type for civil actions (i.e. for damages/back rent) – but may be possible to assign a separate case type for housing small claims and housing civil actions.

Future data will include all housing cases statewide, whether they are in a housing session or not (I believe this is just summary process cases, but might be wrong about this).

Fee waivers and financial affidavits are not available on the website.

Magistrate evaluation process: observation; if receive complaints, additional observation; staff gives input/feedback. Not clear what mechanism exists for feedback other than complaints.

Some discussion about seating arrangements in Hartford court, furniture.

Respectfully submitted,

Kathleen Flaherty, Chairperson
Small Claims Committee