



CONNECTICUT ADVISORY COUNCIL ON HOUSING MATTERS



Reply to: 16 Main St., 2nd floor
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NOTICE OF THE NEXT MEETING

2:00 pm

Wednesday, June 12, 2019

Quinnipiac University Law School, Room 116
370 Bassett Rd., North Haven, CT

Please mark the date on your calendar.

Minutes of the meeting of March 13, 2019

Council Members present: Michael Clinton, Kathy Flaherty, Venoal Fountain, Houston Putnam Lowry, Carl Lupinacci, Yamini Menon, David Pels, Raphael Podolsky, J.L. Pottenger, Jr., Dave Purvis, Margaret Suib, Richard Tenenbaum, John Wirzbicki

Council members absent: Loo Dahlke, Richard DeParle, Jane Kelleher, Sam Neves, Stephanie Ma

Also present: William Pitt (Judicial Branch), Judith Dicine (Div. Criminal Justice), Alexandra Buenaventura Gillett (Judicial Branch), and the following members of the public: Jeff Mastrianni, Edmund Quinto

The meeting was called to order by the Chairperson, Raphael Podolsky, at 2:05 pm at the Quinnipiac University Law School, Legal Clinic (1st floor, Room 116), 370 Bassett Road, North Haven, CT.

1. Preliminary matters

- a. Approval of agenda – The agenda was approved by consensus on a motion made by Houston Putnam Lowry and seconded by David Pels
- b. Approval of the minutes – The minutes of the September 12, 2018 meeting were approved on a motion by Houston Putnam Lowry, seconded by David Pels. Michael Clinton abstained.

2. Public comment –None.
3. Process for selection of officers - The three officers on the Council are Chair, Secretary and Deputy Secretary. The chair explained the roles. No one not already serving in an officer role indicated a desire to take upon officer responsibilities. Therefore the current assignments shall stand: Raphael Podolsky as Chair, Kathy Flaherty Secretary. The Deputy Secretary position is temporarily vacant.
4. New issues
 - a. Forms: Judicial Branch has apparently been revising pro se forms. Why was the Council not contacted for input prior to the revisions? How can we make sure that the Council has the opportunity for input in the future? Bill Pitt from Judicial explained that forms are reviewed on a regular basis. Statutory changes require changes in some forms. The Motion To Open form was designed for 30 years ago with everything on one form. There is no longer a need for things like the judge's order to be included on the form.

In Hartford, they have sample forms posted so that people can look at them as they are filling out their own forms. Courts only use new forms when they are revised. The court guides have examples of the forms in the back. Limited-scope representation forms are not e-filable.

The Council decided to create a standing Forms Subcommittee. J.L. Pottenger agreed to chair, Committee members include Houston Putnam Lowry, Michael Clinton and David Pels. There are 42 forms currently in use in housing court. Bill Pitt agreed to send copies of existing forms to the Council, which can then send questions back to him so he can bring that to Judicial.

- b. Duplicate notices: Michael Clinton raised issue of getting paper mail in addition to electronic notification of events even in cases where both parties are represented by counsel and all counsel have agreed to electronic notification. Bill Pitt explained that in cases when one party doesn't agree to electronic notice, paper notices go out to both parties. Paper notices get printed in Enfield and take at least a day to get into USPS system – that's why hearing notices are scheduled two weeks out. Defaults are printed manually by the local courts. There was a discussion of hearing notice and mail processes. Bill Pitt wants to know if anyone ever gets an original execution in the mail from a court. That is not supposed to happen. The original in the computer e-file is considered the original.

c. Mediation in Bridgeport: Venoal Fountain raised the issue of the single mediator in Bridgeport and impact on time waiting in court for canvass. Consensus was people would like to see two full time mediators in Bridgeport. Issues are money (reduced resources for Branch) and use of foreclosure mediators (unclear if that program will continue). Foreclosure mediators are being cross-trained in housing. There will probably be no second mediator until the legislature decides whether or not to extend the Foreclosure Mediation Program.

5. Follow up on biennial report

- a. Organizational changes – There are new people holding the following positions: Hon. Elizabeth Bozzuto (Deputy Chief Court Administrator), Tais Ericson (Executive Director, Superior Court Operations), Krista Hess (Director, Superior Court Operations), and Nancy McGann (Deputy Director for Civil Matters). Hon. Patrick Carroll III remains Chief Court Administrator.
- b. Housing court issues
 - i. Staffing – still a freeze;
 - ii. Case processing – The Hartford numbers seemed out of line. The Clerk’s Office is trying to get additional data from Judicial. Bill Pitt explained that first-time trial notices are 2 weeks out because of mailing issues. When they were generating notices locally, it was one week. He thinks progress is being made. Judicial is aware of the issues. Waterbury now has a catch up day on the 1st Friday of every month. They are trying to find a date for Hartford. The standard continuance is two weeks.
- c. Prosecution issues (Agenda 5f)
 - i. Revision of police/prosecutor manuals – There is no revised draft yet. Other events have taken priority, but Judy Dicine will be going back to it. There are changes in personnel at the Division (lots of retirements). Her new supervisor is Kevin Lawlor (Len Boyle retired).
 - ii. Staffing changes – John F. Kerwin III has transferred from Derby to become the New Haven/Waterbury prosecutor; Maura Coyne is prosecutor in Bridgeport, Stamford/Norwalk and Danbury; there is a new secretary in Hartford - SA Hardy. At this point, housing prosecutors are at full staffing.

- iii. Question from Mr. Quinto (member of public) about the use of restraining orders to remove a resident without going through summary process. Judith Dicine explained the law. The issue was tabled to the next meeting.

b. Housing Court issues (continued):

- ii. New Britain/Waterbury primary contacts – no update. Teresa Boehner is the administrative assistant.
- iii. Small claims – question re: whether transfer back into housing is working? Housing courts would like to have regular magistrates and are trying to encourage that. The Council supports both clerk involvement in assigning magistrates to housing and in allowing magistrates to develop housing expertise.

c. Non-housing court issues

- i. Training and pro se assistance – NB/NL issue. J.L. Pottenger provided an update on the “Lawyer for the Day” program at New Haven Court by New Haven Legal Assistance and the Yale Law School Clinic. They were in court on March 5, 2019. There were 34 cases on the docket, 21 pro se’s against lawyers, 8 cases pro se parties on both sides. They provided advice-only to 3; limited-scope representation to 7 (4 of those 7 cases settled without a mediator); 2 went to mediation but didn’t settle; 1 went to trial at which the case was dismissed. In another case, a motion to dismiss was denied and a trial date set. They provided advice or representation to 14 of 34 on the docket with help of 3 lawyers from NHLAA and 8 students from the clinic. They will be doing this again on April 2, and are drafting a grant application

d. Computerization – tabled

- e. Public access to data – tabled. The Council is still not happy with the location the of disclaimer.

6. Legislative report

Bills still pending include HB 7289, money damages in summary process (would probably trigger the right to a jury trial in summary process); HB 7106 and a number of bills about deceptive of animals being service animals; HB 7271 (rent

receiverships); HB 7318 (relocation assistance); SB 877 (expanding sales tax to legal services); HB 6955 (statewide property maintenance code); SB 996 (criminal lockouts); HB 7276 (in-home child care); SB 823 and HB 6996 (Foreclosure Mediation Program).

7. Committees and projects – nothing
8. Other business -- Judith Dicine announced a conference on Hoarding Disorder to be held on 3/15/19 at Anthony's Ocean View. It is mostly for municipal officers. Anyone can contact her for access to the materials.
9. Adjournment: Motion to adjourn made by J.L. Pottenger, Jr. seconded by Michael Clinton, passed unanimously at 4:03 pm.

Respectfully submitted,

Kathleen Flaherty
Secretary

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