CITIZENS ADVISORY COUNCIL FOR HOUSING MATTERS

CACHM

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Citizen's Advisory Council Minutes
March 19, 2008

Attendees:
Penny Trick, CT Fair Housing Center; Julie Morgan, Brown & Welsh; Houston Putnam Lowry, Brown & Welsh; Sonja Devitt, Milford; G. Adam Schweickert, Landlord Law Firm; Judith Dicine, State of CT; Rich DeParle, CCOPO, GDPSA, BAA; Joe Wincze, Bridgeport Fair Housing; Richard Tenenbaum, CT Legal Services; Raphael Podolsky, LARCC; and Carl Lupinacci, Stamford Property Owners Association.

The meeting was called to order at 2:15 pm at the Connecticut Bar Association, 30 Bank Street, New Britain.

1. Preliminary Matters
   a. The agenda was approved
   b. The minutes of the December 19, 2007, meeting were approved with the following correction to Section 2(a)(i): Change "incl" to "plus" in two places, i.e., the Wednesday docket in Bridgeport is 35 cases plus criminal and the Friday docket is 15 cases plus criminal.
   c. Sandy DesRosiers and Penny Trick were approved as co-secretaries.

2. Housing court operations Reports
   a. Judicial
      i. Small claims court delays: Rich DeParle reported that HB 5920, a bill pending in the Judiciary Committee, would move the housing small claims cases back to the Housing Court. It is believed that the Judicial Branch opposes the bill. An alternative approach would be to give special treatment to housing cases within the Centralized Small Claims System, with specific employees assigned only to housing. This could be done administratively by the Judicial Branch. About 3.5% of small claims cases are housing. They tend to differ from most other small claims cases because they have a lower default rate, are heard on a separate docket, and require hearings even if the defendant does not appear.

      ii. Small claims court magistrate issues: The Council finally received a response to its complaint that a magistrate was dismissing all security deposit cases in which the tenant had cashed a partial refund check, without any proof that it was accepted as full payment. The magistrate's brief response did not address the Council's letter but did

confirm that the description of his position that had been reported to the Council was correct. The Council considers this response to be unsatisfactory. The chairperson was directed to write the Judicial Branch to express its concern.

iii. Canvass-related issues – Houston Putnam Lowry and Julie Morgan raised the question as to whether some judges were requiring excessive canvassing on stipulated agreements before they will enter judgment. There was discussion about different practices by different judges and different methods of canvassing in different courts. Some Council members felt that there were legitimate differences in what canvassing should be required, depending upon whether or not both parties were represented by counsel. After discussion, the Council voted to recommend that judges should not require canvassing if both parties are represented by counsel and the signed stipulation expressly waives canvass. The chairperson was directed to communicate this recommendation to the Judicial Branch and to inquire as to whether there is any Judicial Branch policy on canvassing.

b. Housing Prosecutors

i. Hiring the eastern CT prosecutor – Jennifer Berry, the eastern Connecticut prosecutor, has transferred to a different position. No current prosecutor has been willing to transfer to the position, so Judy Dicine is covering on an interim basis and hopes to get the assistance of a per diem temporary prosecutor. Judy expects that the position will be advertised generally. The Council reaffirmed its policies that (a) bilingual skills are desirable for the position, (b) the Advisory Council should be included in the hiring process, (c) Judy Dicine, as the chief housing prosecutor, should be included in the hiring process, and (d) the Advisory Council's standards for housing prosecutors should be applied by the Chief State's Attorney in making hiring recommendations and by the Criminal Justice Commission in making hiring decisions. The Council unanimously directed the chairperson to write a letter to Chief State's Attorney Kevin Kane urging that he follow these policies in the hiring process.

ii. Meeting with the Bridgeport police – Judy Dicine will be doing a training of Bridgeport police supervisors in April and a training of new recruits in July. The planned meeting of the Bridgeport police chief with Judy and the state's attorney for J.D. Fairfield has not yet occurred and may well not happen. Dick Tenenbaum reported that a Bridgeport landlord was arrested for a lockout, raising some hope that training was starting to have an impact on Bridgeport police policies. Joe Wincze reported, however, on an incident in which a landlord brought a police officer to enforce his demand for entry to make repairs, leading the tenant to believe that she had let him in. This has apparently happened several times with different police officers. Judy Dicine described situations in which a "police assist" (i.e., a police officer being present to prevent violence) is and is not proper. The question of police practices in Bridgeport was continued to the next meeting.

iii. Prosecutor space in the Bridgeport courthouse – The prosecutor's space remains unsuitable but it is not clear what can be done about it. The matter was continued to the next meeting.

iv. Prosecution Guidelines – Judy Dicine said the prosecution guidelines have been approved and will be on the Intranet next week. She will send a copy to the chairperson for distribution to the Council.

v. Police Training Academy- Judy Dicine reported that two hours of training in Landlord /Tenant law has been approved. The course will be offered both for new recruits and as continuing education for other police officers. Judy will explore whether the most recent draft of the Advisory Council's police manual can be used as training material on an interim basis until a final draft is prepared.

vi. Police Manual – Tabled.

vii. Other – Judy Dicine reported that the computerization of criminal matters in housing sessions is now in progress. State money to improve communications among criminal justice agencies was approved as a result of the recent Cheshire murders. The goal is to interlink the various criminal databases, including between criminal housing cases and the rest of the criminal docket. Judy wants a database program that can be shared by the five housing prosecutors. The matter was continued to the next meeting.

c. Clerk's offices

i. Bridgeport courtroom – The Bridgeport courtroom situation remains unsatisfactory. The hearing room is far too small to handle the number of people, leaving many people to stand in the hallway. The problem is on Mondays and Fridays. The Judicial Branch has not been willing to make any further changes at this time. This is particularly frustrating, because larger courtrooms in the same area are often not being used. The Council continues to believe that it ought to be possible for a way to be worked out so that those courtrooms can used when they are available. Advisory Council members in Bridgeport will make their own contacts with Judge Gilardi or other judges in Bridgeport. The chairperson will contact Court Operations in Hartford to request another meeting in Bridgeport, preferably on a day, such as a Friday, when the court will be crowded. Adam Schweickert was added to the committee working on this issue.

ii. Update on the Advisory Council website –Both DECD and Judicial are looking at providing space on their websites for the Citizen's Advisory Council. Houston Putnam Lowry offered to provide free web hosting if needed. The matter was continued to the next meeting.

iii. Staff vacancies - There are no vacancies in the clerks' offices now.

d. Housing Specialists - Cynthia Teixeira has been authorized to hire a housing specialist for New Haven from outside the Judicial Branch. Interviews took place last week. The Advisory Council participated.

3. Other business

a. Legislative Report – The chairperson reported that the Governor submitted a property tax reform proposal (H.B. 5028) that included eliminating the duty of towns to store property after an eviction and having it held instead by marshals, who must be paid by the landlords. There is opposition to the bill from many sources, and it is likely that the proposal will die in the legislature's Finance Committee.

b. Advisory Council appointments - No appointments have been made.

4. Adjournment - The meeting was adjourned at 3:47 p.m.

Respectfully submitted,

Penny Trick, Secretary