CITIZENS ADVISORY COUNCIL FOR HOUSING MATTERS

CACHM

Reply to:
44 Capitol Ave., Suite 301
Hartford, CT 06106
860-278-5688 x203

Next meeting

2:00 pm
Wednesday, March 19, 2008

Connecticut Bar Association
30 Bank St., New Britain
(860-223-4400 for directions)

Citizens Advisory Council Minutes

December 19, 2007

Attending: Penny Trick, CT Fair Housing Ctr; Beth Duffy Burns, Bridgeport Housing Court; Sharon Levy, Hirsch & Levy, LLC; Rocco Guarnieri, Greater Bridgeport Property Owners Association (GBPOA); Rich Deparle, GBPOA, CT Council of Property Owners & Fair Rent Commission; Joe Formato, GBPOA; Judith Dicine, Chief State's Attorneys Office; Sonja Devitt, Milford Housing Inspector; Joe Wincze, Bridgeport Fair Housing Officer & Fair Rent Officer; Rafie Podolsky, Legal Assistance Resource Center of CT; David Pels, Greater Hartford Legal Aid; Houston Putnam Lowry, Brown & Welsh; Julie Morgan, Brown & Welsh; Barry Piesner, GBPOA; Charles Coviello, Jr., GBPOA; and Cynthia Texiera, Court Operations, New Haven Housing Court.

1. Preliminary Matters
2:10 pm meeting was called to order by Chairperson Podolsky at the Burroughs Community Center, 2470 Fairfield Ave., Bridgeport. Introductions were done.
a.) Agenda was approved, after adding "Website" under new business.
b.) Minutes of the September 19, 2007, meeting were approved

2. Housing Court operations reports

a.) Clerk's offices
i.) Bridgeport courtroom
Deputy Chief Administrator Judge Patrick Carroll and Director of Court Operations Nancy Kierstead visited the Bridgeport Housing Court to review the space problem there. In an effort to reduce overcrowding, there are now three staggered dockets on Mondays and single dockets on Wednesdays and Fridays. On Wednesdays, a larger courtroom on the 5th floor (5B) is used, which is near the Housing Specialists' offices. The small 6th floor hearing room is used on

Mondays and Fridays, and the Housing Specialists now use space on the 6th floor for mediations on those days. The current configuration of the Bridgeport docket is:

Mon – 9:30 -15 cases
Mon -11:30 - 15 cases
Mon - 2:00 - 15 cases
Wed - 9:30 - 35 cases incl criminal
Fri - in the morning – 15 cases incl criminal

This is an improvement but does not address the real problem of lack of space. The multiple dockets on Mondays are very burdensome for the clerk's office, because each requires the same labor to set up. The 6th floor hearing room is too crowded (it is possible that attendance sometimes violates the 33-person Fire Code maximum), even with fewer cases scheduled. Lawyers with large summary process caseloads often must return to court more than once on Mondays because cases appear on multiple calendars. Courtroom 5B, which is used by family, is sometimes free on Monday or Friday. A question was raised as to whether a system could be worked out for use of a 5th floor courtroom on those days. It was left to the Bridgeport Subcommittee to decide whether or not to explore that alternative. It is clear that the only real solution is for Judicial to make a larger courtroom available on Mondays and Fridays.

ii.) Staff vacancies
The clerical position in Bridgeport is still vacant, and multiple inside postings have not generated an applicant. The Chairperson was directed to write Judicial and request an outside posting for the position. New Haven has been approved for an outside posting for its vacant clerical position and will hire from the interviews on Dec 17 & 18th.

b.) Housing Specialists
i.) Staff vacancies
The New Haven Housing Specialist position is externally posted with a Dec. 31, 2007 closing date. They have requested bilingual skills. Hartford is also seriously short of staff. It currently has only 1.5 Housing Specialist positions when it should have 3.0 FTE. This has forced them to fill in with staff from other locations. They hope to post externally in the spring.

c.) Housing Prosecutors
i). Bridgeport police
Judy Dicine and the Bridgeport State's Attorney will be meeting with the Bridgeport chief of police.

ii.) Prosecution Guidelines
The final Prosecution Guidelines are still not available. They have been sent to the State's Attorneys for final review. The section on administrative warrants has been dropped.

iii.) Police training course
The Police Officer Standards and Training (POST) Curriculum Committee has agreed to recommend two hours of landlord-tenant law in the training for all new police officers. We have suggested that they use the Question and Answer manual as training materials once it is

completed and that they use the statutes on an interim basis until then. Judy expects the housing prosecutors to be certified as teachers. Judy has done training of police officers in Bridgeport and some other cities but based only on requests. The longer-term goal is to get landlord-tenant law into police continuing education so that the older officers who never got this training will be covered.

iv.) Police training manual
The completion of the manual is still on hold. It was suggested that the recent statute allowing towns to require landlords to file their actual address should be included.

v.) Office space
The Housing Prosecutor's space in New Haven has been moved to a location adjacent to the housing courtroom but this is proving disruptive to the housing court judge. In Bridgeport, Judy Hayes is still sharing space with her secretary, which is not satisfactory. There is a former court reporter's office in the courtroom that might be used as separate space for the secretary.

d.) Judicial
i.) Small claims court issues

(A) Delays: The long delays to get small claims hearings continue. It was reported that one Bridgeport case was filed in March and not heard until October. Judicial says that it can't reduce the delays without hiring additional staff, but that is unlikely to happen because juvenile and criminal, which also have staff shortages, are high priorities. Juvenile court's caseload will expand to cover 16- and 17-year-olds in 2010, imposing major staff demands on Judicial. In 2007, representatives of both landlords and tenants testified to the Appropriations Committee in support of more funding for small claims staff but no additional money was added to the budget. The Connecticut Council of Property Owners may ask the legislature to reestablish venue for housing small claims cases in the housing courts. That may not be practical, however, because some of the housing court staff has been moved to the centralized small claims court system.

(B) Bridgeport hearings: Bridgeport small claims cases are not heard in the same building where the housing court is located. The 6th floor housing hearing room, however, is not used on Tuesdays and Thursdays when the housing court sits in Norwalk. The Council has previously recommended that the 6th floor courtroom be used for housing small claims.

(C) Magistrate issues: The Council is still waiting for a response to its complaint that one 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. There was also a complaint about the fairness and demeanor of the same magistrate in another case.

(D) Filing of cases: In three locations – Hartford, Waterbury, and New Haven – almost no small claims cases are being filed through the housing court clerk's office, although the clerk's offices help litigants with paperwork. The litigants are apparently advised to mail the paperwork to the Centralized Office in Hartford. In other housing courts, the number of filings through the clerk's offices is down but a substantial number of cases continue to be filed. The reduction in local filings may in part result from large collection law firms filing directly in Hartford.

(E) Hearings in damages: At the suggestion of the Advisory Council, Centralized Small Claims has now restored the practice of scheduling all housing small claims cases for hearings and is not entering defaults on the papers. This is necessary because housing cases involve

property damage, use and occupancy, and security deposit claims all require proof at a hearing, even if the opposing party defaults.

(F) Banking Department enforcement: There was a discussion of the advantages and disadvantages of filing cases for the refund of security deposits cases in small claims court versus filing with the Banking Department.

ii.) Housing court decisions

Suzanne Colasanto met with the state law librarians, who informed her that they are receiving and filing all housing court decisions.

3.) Other business

i). Website

The Council by motion formalized a request that the state provide the Council with its own website or web page. The Council has asked the Department of Economic and Community Development (DECD) and the Judicial Branch to provide it with a page on their website but both agencies have turned us down. Website space would allow the Council to post its agendas, minutes, and reports. At present agendas and minutes are posted on the Secretary of the State's website and the biennial report is posted on the DECD website. It was suggested that we make a request directly to the state's Department of Information Technology (DOIT). If we cannot get a state agency to host a Council website, Houston Putnam Lowry offered to have his office be the host.

ii.) Meeting dates for 2008

The Council voted to continue its present schedule of meeting the third Wednesday of every quarter – March, June, Sept & Dec -- and will rotate the meetings between the Connecticut Bar Association office in New Britain and the Burroughs Community Center in Bridgeport.

iii.) Summary process canvasses

Houston Putnam Lowry and Julie Morgan raised questions about the degree of in-person canvassing of stipulated judgments in some courthouse locations, even when both sides have an attorney. The matter was tabled to the next Council meeting.

iv.) Appointments to the Advisory Council

At the request of the Governor, the Chairperson has provided the Governor's office with a list of Council members who would like reappointment and of non-members who regularly attend meetings and would like to be appointed. It is not clear how or when the Governor intends to proceed.

4.) Adjournment

The meeting was adjourned at 4: 13pm

Respectfully submitted,

Penny Trick, Acting Secretary