CITIZENS ADVISORY COUNCIL FOR HOUSING MATTERS

CACHM

Reply to:

44 Capitol Avenue, Suite 301
Hartford, CT 06106
860-278-5688 x203

Next meeting

2:00 pm
Wednesday, September 15, 2010

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

MINUTES FOR MEETING OF WEDNESDAY JUNE 16, 2010

Attendance: Carl Lupinacci, Rich DeParle, Pat Walker, Richard Tenenbaum, Sonja Devitt, David Pels, Rafie Podolsky, Penny Trick, Rocco Guarnieri, Jeffrey Hammer, Frank Dineen, and Charles Miller

Preliminary Matters
The meeting was called to order at approximately 2:10 p.m. The minutes of the March 17, 2010 meeting and the agenda for the June 16 meeting were approved.

Housing Court Operations
Judicial -
Judicial assignments for the period September 1, 2010 to August 31, 2011 are as follows:
Judge Sheridan Moore in Bridgeport/Norwalk
Judge Vernon Oliver in Hartford/New Britain
Judge Terence Zemetis in New Haven/Waterbury

The Citizens Advisory Council for Housing Matters (CACHM) gave feedback to the Judicial Branch on housing court judicial assignments. It appears, however, that the Bridgeport/Norwalk assignment remains split, with it likely that Judge Grogins will handle the Norwalk cases. Although Judge Moore was again designated Presiding Judge for Housing Matters for both Bridgeport and Norwalk, Judge Grogins was also assigned to housing in Norwalk. The Council directed the Chairperson to re-communicate to Judge Quinn its continuing recommendation that Judge Moore, as the Presiding Housing Judge for both districts, should also be the primary judge handling housing cases in both districts, as is required by the Housing Court Act.

A year ago, Judicial suggested that CACHM try to recruit judges for housing court prior to the time that judges request assignments. There are practical difficulties in doing so, but the Council will explore that possibility next year.

CACHM web site –
The website at www.ct.gov/cachm is now active. There was some discussion about making it more personal with more information regarding the housing courts. There is currently a link to information on the Judicial Branch website for pro se litigants. Discussion followed. The long-term plan is to upload archival materials, including agendas, minutes, and reports. This will take some time because everything has to be turned into a .pdf file first.

Small claims update –
There has been no response yet on the Council's suggestion that small claims files in multi-day trials be retained in the local courthouse until the trial is complete or that it otherwise be possible to check the file without having to go to Hartford. It is not clear whether housing small claims cases are in fact being heard more quickly than they previously were.

The Judicial Branch has adopted new Practice Book rules that will require small claims plaintiffs, rather than the small claims court, to serve small claims complaints on defendants. The main reason for the change is to reduce costs for the Judicial Branch. The plaintiff can use certified mail, registered mail, or first class mail with Delivery Confirmation. Instead of an answer date, the defendant will get a separate notice from the clerk, telling him how and when to file an answer. Council members raised several concerns about the new procedure, including the possible difficulty of service for pro se landlords and tenants, the added cost for small claims plaintiffs (who are primarily landlords), and the potential confusion to defendants because of the separation of the answering process from the service of the complaint.

Housing Recommendations by Judicial Branch's Public Service and Trust Commission (PSTC) –
The Judicial Branch created the PSTC a year or two ago. That Commission had a subcommittee which made recommendations on housing matters. The Advisory Council was never asked for input. The Commission's recommendations have already been made and implementation is in progress. Copies of the PSTC recommendations and an update from the Judicial Branch were distributed at the meeting, and the subject was tabled to the September meeting to give Council members time to review them. There is some concern that the Commission did not appear to coordinate some of its recommendations with materials already in use in the housing courts (e.g., a "Dear Litigant" letter). Jeff Hammer will send a copy of these materials to the Chairperson for distribution to the Council.

Housing Mediators –

There was brief discussion of the name change from housing specialist to housing mediator.

Advisory Council contact information –
The Chairperson will distribute to regular attendees at Council meetings a list of contact information for communicating directly with either other.

Housing Prosecutors –
Judy Dicine, the Supervisory Prosecutor for Housing Matters, could not attend the meeting. Prosecution matters were tabled to the September meeting.

Clerk's office staffing -
George Papallo, the former Norwalk housing clerk, is now the housing clerk in Bridgeport. Ed O'Garro is the new Norwalk Housing Court clerk.

The Hartford and New Haven clerk's offices are each down one staff person; it appears that there is no present plan to fill those vacancies.

Housing Mediator staffing –
There had been three housing mediator vacancies. All three positions were advertised but the housing courts were allowed to fill only one of the positions.

New legislation –
P.A. 10-171: This law changes the way in which tenant possessions are handled after an eviction. It is effective July 1, 2010. Under the new law, the marshal (rather than the town) will arrange to move the possessions to the town's storage location. This will add to the landlord's eviction-related costs (for which the tenant is ultimately liable) but will also eliminate the need to wait for a town truck in those towns where there are delays in scheduling town pick-ups.

P.A. 10-161, Section 5: This law allows victims of domestic violence to break a long-term lease if it is necessary to vacate for their own protection against domestic violence. The tenant must give 30 days notice and is still liable for the rent for those 30 days. The tenant must provide clear proof of domestic violence for the statute to apply.

P.A. 10-181: This law extends the Foreclosure Mediation Program to June 30, 2012. It also clarifies language in the Cash for Keys statute, which regulates "cash for keys" offers by banks after a foreclosure. Cash for keys payments after a foreclosure are not required but, if they are offered, this law makes clear that they can be no less than the highest of the following: double the security deposit, double the rent, or $2000. Federal law gives tenants in a foreclosed building at least 90 days after the foreclosure action is completed before they can be required to move out.

Bridgeport Housing Court -
Representatives of the Advisory Council had met last fall with Judge Tyma, Administrative Judge of the Bridgeport Civil Court, about the unsatisfactory allocation of

space for housing in the Bridgeport courthouse. This spring, he notified the Judicial Branch that he had decided to make no changes, concluding that the existing arrangement is adequate. The Council reaffirmed its conclusion that the space is inadequate and directed the Chairperson to write Chief Court Administrator Quinn and urge her to involve herself in the matter, to review the issue, and to arrange for a more appropriate allocation of space.

Biennial Report -
The Advisory Council's Biennial Report is due January 2011. The Chairperson will prepare a first draft for the Council to review at its September meeting.

Access to old housing court files –
In response to a question, Jeff Hammer reported that physical files are maintained for three years from the Stay of Execution, and then the hard copy is destroyed. Starting with the Hartford Housing court on March 2, 1997, housing court docket sheets are now posted on line. These virtual computer files will continue to exist on the Judicial Branch website indefinitely, but older files will be available only to court personnel in each district.

Foreclosure-Related Evictions –
As the number of foreclosures has increased, there has been an increase in evictions related to foreclosure as lenders get occupants to vacate the buildings. It was reported to the Council that the largest law firm representing lenders in these eviction cases is still not consistently giving the 90 days notice required by federal law. The AG's office had previously issued warning letters. The clerk's offices have also been monitoring eviction complaints, since the federal notice is supposed to be attached to the complaint.

Hoarding Seminar –
Patrice Palombo from Judy Dicine's office will be hosting a Hoarding Seminar on June 30, 2010 in New Haven.

The meeting was adjourned at 4:04 p.m.

Respectfully submitted,

Penny Trick, Co-Secretary