



March 31, 2020

Jennifer Gottlieb-Elazhari, Director
United States Department of Housing and Urban Development
Jennifer.R.Gottlieb@hud.gov

Suzanne Piacentini, Field Office Director
United States Department of Housing and Urban Development
Suzanne.piacentini@hud.gov

Seila Mosquera-Bruno, Commissioner
Connecticut State Department of Housing
Seila.mosquera-bruno@ct.gov

RE: Recent Correspondence from CT Legal Services, Greater Hartford Legal Aid and NH Legal Assistance

Dear Director Gottlieb-Elazhari, Director Piacentini and Commissioner Mosquera-Bruno:

As you undoubtedly already know the Connecticut National Association of Housing and Redevelopment Officials ("CONN-NAHRO") is an organization consisting of housing professionals and other industry partners. The majority of those members are executive directors and managers of housing authorities. It is those housing authorities that have the responsibility of managing or administering housing for over 150,000 families and individuals in over 62,000 housing units throughout the State of Connecticut.

Recently, CONN-NAHRO received a copy of the March 17, 2020 correspondence from several Connecticut legal service providers which was directed to your attention. In that correspondence, there are a substantial number of requests made that would significantly impact the majority of our members. While our membership disagrees with many of the requests made and does intend to counter the correspondence point-by-point, there are several examples that illustrate that before any of the requests are implemented, the requests require further discussion and analysis. Several of CONN-NAHRO's concerns include:

- (1) The correspondence requests the complete suspension of all pre-termination notices and notices to quit. A portion of this request has already been addressed by the "Coronavirus Aid, Relief and Economic Security Act" (CARES Act). Section 4024 of the Act imposes a 120-day moratorium on substantially all nonpayment eviction actions involving federal housing. The impact of that moratorium may not impact many in our organization as (recognizing the crisis tenants are experiencing), they were not likely to immediately seek evictions concerning nonpayment of rent. It should also be pointed out that under the Act and in addition to the typical amount an individual would receive under unemployment, there is

additional unemployment compensation of \$600.00 per week. With this additional compensation, our members hope that non-payment situations will not increase during the moratorium. However, of greater concern would be a moratorium on evictions based on serious nuisance, nuisance, or other breaches of lease cases. Those matters should be allowed to commence with the issuance of a pre-termination notice. Simply put, the nuisance and serious nuisance conduct that would give rise to a pre-termination notice (and notice to quit) would undoubtedly be unrelated to the pandemic and, therefore, those notices should be allowed to be served. In addition, notices to quit based on long-standing arrearages (and therefore not the result of the current pandemic) should also not be prohibited. It should also be pointed out that Connecticut courts have already taken measures to protect tenants during this time. All superior courts have been closed with the exception of one court for each judicial district. Moreover, those courts that are open are only handling time sensitive or serious criminal or family matters.

- (2) The request is also made that housing authorities adopt flexible policies to allow guests to remain in units. There is a clear concern that this request, if implemented, will be interpreted to essentially turn today's illegal occupant into tomorrow's legal guest. Moreover, there is also a concern that given the ease the Coronavirus is apparently transmitted, housing authorities are concerned with allowing additional individuals to be brought onsite to reside. At the very least, any situation with an illegal occupant should be treated on a case-by-case basis, as opposed to the broad treatment suggested in the correspondence.

- (3) Lastly, the request to have housing authorities identify housing units for the homeless or unstable would result in a logistical nightmare for housing authorities. The request does not state whether those individuals are to be screened before being supplied a unit. Likewise, there is no explanation how someone would qualify for a unit and whether those individuals would be selected randomly or on a "first come, first served" basis. Moreover, once the pandemic is over, how are authorities to know if those individuals will leave and, if they will not, how are they to be evicted since housing courts do not allow for eviction of those in federal housing on the basis of lapse of time or because the occupant's right or privilege has terminated.

As stated above, while our membership disagrees with some of the other requests made as well as those highlighted above, CONN-NAHRO did not wish to respond to the March 17, 2020 correspondence point by point. Rather, the primary purpose of this correspondence is to make your organizations aware that the requests made require substantial, in-depth discussion as there are serious ramifications to our members should they be implemented. It is CONN-NAHRO's hope, that it would be part of any discussion concerning the requests before any of them are put into effect.

Very truly yours,

Joseph D'Ascoli

Joseph D'Ascoli
President
CONN NAHRO
Executive Director Manchester Housing Authority

cc: Nilda R. Havrilla, Litigation and Advocacy Director, Connecticut Legal Services, Inc.
Giovanna Shay, Litigation and Advocacy Director, Greater Hartford Legal Aid
Shelley White, Litigation Director, New Haven Legal Assistance Association, Inc.
Erin Kemple, Executive Director, Connecticut Fair Housing Center
Kathy Flaherty, Executive Director, Connecticut Legal Rights Project
Liam Brennan, Executive Director, Connecticut Veterans Legal Center
Dr. Richard Cho, Executive Director, Connecticut Coalition to End Homelessness