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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1988

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House of Representatives

Tuesday, April 19, 1988

Substitute for House Bill 5210, File 453. AN ACT
CONCERNING THE COMMISSION ON VICTIM SERVICES.

On page 14, near the top, Calendar 393, Substitute
for House Bill 5930, File 460. AN ACT CONCERNING WORK
INCENTIVE GRANTS FOR CERTAIN FULLY EMPLOYED RESIDENTS
OF COMMUNITY FACILITIES.

On page 15, near the middle, Calendar 400,
Substitute for Senate Bill 97, File 380. AN ACT
CONCERNING ATTORNEY GRIEVANCE PROCEDURES.

On page 16, at the top, Calendar 404, Senate Bill
500, File 375. AN ACT CONCERNING COLLECTION COSTS FOR
FORECLOSURES BY MUNICIPALITIES.

At the bottom, Calendar 409, Substitute for House
Bill 5090, File 478. AN ACT CONCERNING THE TASK FORCE
ON WOMEN, CHILDREN AND THE CRIMINAL JUSTICE SYSTEM.

On page 21, in the middle, Calendar 238, Substitute
for House Bill 5984, File 473. AN ACT CONCERNING
NOTIFICATION OF VICTIMS OF THEIR RIGHTS.

On page 23, near the top, Calendar 313, House Bill
5693, File 344. AN ACT CONCERNING THE STATE GEOLOGICAL
AND NATURAL HISTORY SURVEY.

At the bottom, Calendar 335, Substitute for House
Bill 5222, File 376. AN ACT ESTABLISHING THE CITIZENS'
TRANSPORTATION ADVISORY COUNCIL.

Mr. Speaker, I would ask those items be placed on

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SERVICES.

On Page 3, Calendar 393, Substitute for House Bill 5930, File 460, AN ACT CONCERNING WORK INCENTIVE GRANTS FOR CERTAIN FULLY EMPLOYED RESIDENTS OF COMMUNITY FACILITIES.

Calendar 394, House Bill 6000, File 461, AN ACT CONCERNING THE FINANCING OF CONVERSIONS TO THE MUNICIPAL UNIFORM FISCAL YEAR.

Calendar 400, Substitute for Senate Bill 97, File 380, AN ACT CONCERNING ATTORNEY GRIEVANCE PROCEDURES.

Calendar 404, Senate Bill 500, File 375, AN ACT CONCERNING COLLECTION COSTS FOR FORECLOSURES BY MUNICIPALITIES.

Calendar 409, Substitute for House Bill 5090, File 478, AN ACT CONCERNING THE TASK FORCE ON WOMEN, CHILDREN AND THE CRIMINAL JUSTICE SYSTEM.

Mr. Speaker, I move adoption of today's Consent Calendar.

SPEAKER STOLBERG:

Is there objection to the passage of any of those items on today's Consent Calendar? Representative Nickerson, are you, okay. I understand.

Will all those who object please stand up. Is there objection to the passage of any of those items on today's Consent Calendar. If not, the Consent Calendar

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is adopted and the bills are passed.

CLERK:

Please turn to Page 9, Calendar 387, Substitute for House Bill 5025, AN ACT CONCERNING MARINA CONDOMINIUMS. Favorable Report of the Committee on Judiciary.

REP. LUBY: (82nd)

Mr. Speaker, I would move the Joint Committee's Favorable Report and passage of this bill.

SPEAKER STOLBERG:

Will you remark, Sir?

REP. LUBY: (82nd)

Yes, Mr. Speaker, basically what this bill does is it provides a warning and the public offering statement that is provided to buyers of new condominium units that contain dockominiums, so to speak, along waterways or coastal properties.

Mr. Speaker, in order to make a couple of technical clarifications to definitions within the bill, I would note that the Clerk has an amendment, LCO No. 3743 and I would ask that the Clerk please call the amendment and read it.

SPEAKER STOLBERG:

The Clerk has an amendment, LCO 3743, House Amendment Schedule "A". Will the Clerk please call and

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SENATOR UPSON:

If I may, Mr. President, ask one more question and I also appreciate Senator Avallone's willingness to add that. Senator Avallone, through you, Mr. President, it's discretionary, so if it's a technical violation, that is let's say someone is \$20 behind or something of not great magnitude, then necessarily council fees would not be awarded, is that correct?

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

That is correct.

SENATOR UPSON:

Thank you very much.

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

I would move it to Consent, Mr. President.

THE CHAIR:

Without objection, the item is referred to Consent Calendar. Now we will go to Calendar 274.

THE CLERK:

Calendar Page 5, Calendar 274, File 375, Senate Bill 500, AN ACT CONCERNING COLLECTION COSTS FOR FORECLOSURES BY MUNICIPALITIES. Favorable Report of

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the Committee on JUDICIARY.

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

Yes, Mr. President, I would move the Joint Committee's Favorable Report and adoption of the bill.

THE CHAIR:

Will you remark?

SENATOR AVALLONE:

Please. In foreclosure actions started by non-public agencies, not public institutions, if a case is commenced and then prior to its going to judgement it is settled or in some way resolved, the moving party is entitled to costs of initiating the action.

Municipalities, as of today, are not allowed to collect these costs. This bill would allow them to collect those costs as any department.

THE CHAIR:

Further remarks on the bill? Senator Upson.

SENATOR UPSON:

Again, Mr. President, one more question for legislative history. Through you, Mr. President, to Senator Avallone, that means would attorney fees be something for example that the attorney for the town would decide what the fees are or are they decided by a

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judge or how would that be determined? Through you,
Mr. President.

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

Through you, Mr. President, that is all up to the
discretion of the court.

THE CHAIR:

Further remarks?

SENATOR UPSON:

And also through you, Mr. President, that would be
for all the fees involved, the appraisal fees. A
determination would still have to be made as to the
reasonableness of the fees by the judge, even though it
has not gone to judgement? Through you, Mr. President.

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

That's correct.

SENATOR UPSON:

Thank you very much.

THE CHAIR:

Further remarks? Senator Avallone.

SENATOR AVALLONE:

I would move it to Consent.

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THE CHAIR:

Without objection the item is placed on the Consent Calendar. Senator Johnston you wish to be recognized.

SENATOR JOHNSTON:

Yes, Mr. President. Just briefly, I would like to introduce some guests in the Gallery this afternoon. They are actually semi-employees of the General Assembly. They work for the Headquarters Company and do all of the transcriptions of our public hearings and the floor debates in both the House and the Senate. And I would ask that they please rise and we offer them a very warm welcome and I thank you. (Applause)

THE CHAIR:

Senator Przybysz.

SENATOR PRZYBYSZ:

Thank you, Mr. President. I also would like to have the Senate welcome three friends of mine who are here today. Betty Baraff, Irene LaRochelle and Dr. Kevin Rye. Would you mind standing please? Thank you. (Applause)

THE CHAIR:

Call the next item please.

THE CLERK:

Returning to Calendar Page 4, Calendar 269, File 226, Substitute for House Bill 5850, AN ACT CONCERNING

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on the Consent Calendar. Will all Senators please return to the Chamber. Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Please give your attention to the Clerk who will call the items that have been referred to the Consent Calendar. Mr. Clerk.

THE CLERK:

Beginning on Page 3, Calendar 225, Substitute for Senate Bill 450. Calendar 255, Substitute for Senate Bill 499. Calendar Page 4, Calendar 263, House Bill 5887. Calendar 269, Substitute for House Bill 5850. Calendar Page 5, Calendar 274, Senate Bill 500. Calendar 275, House Bill 6037. Calendar 276, House Bill 5769. Calendar Page 6, Calendar 277, Substitute for House Bill 5777. Calendar 278, Substitute for House Bill 5319. Calendar 279, House Bill 5256. Calendar 282, House Bill 5919. Calendar 284, Substitute for House Bill 5983. Calendar 285, Substitute for House Bill 5852. Calendar Page 8, Calendar 288, House Bill 6001. Calendar 289, Senate Bill 544. Calendar 290, Substitute for Senate Bill 97.

I believe that that completes the first Consent Calendar, Mr. President.

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THE CHAIR:

Any changes or omissions? The machine is open.
Please record your vote. Has everyone voted? The
machine is closed. Clerk please tally the vote.

The result of the vote:

36 Yea

0 Nay

The Consent Calendar is adopted.

THE CLERK:

Calendar Page 5, Calendar 273, Substitute for
Senate Bill 402, AN ACT CONCERNING THE COMPOSITION OF
THE CODES AND STANDARDS COMMITTEE. Favorable Report of
the Committee on GOVERNMENT ADMINISTRATION AND
ELECTIONS. Clerk is in possession of an amendment.

THE CHAIR:

Senator Herbst.

SENATOR HERBST:

Thank you, Mr. President. I move the Joint
Favorable Report and passage of the bill.

THE CHAIR:

Clerk please call the amendment.

THE CLERK:

LCO 3178 designated Senate Amendment Schedule "A"
offered by Senator Herbst of the 35th District.

THE CHAIR:

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garbage can is that you'd give somebody a ticket for?

SUSAN WEISSELBERG: If I could

REP. TULISANO: I've got to - I'm afraid of this one - go ahead.

SUSAN WEISSELBERG: No. Uncovered dumpsters . . .

REP. TULISANO: No plastic bag or something . . .

PETER DURANTI: Well, if you have a garbage container that doesn't have a proper fitting cover. That's not allowed. You can have a garbage container that they put in too much garbage - where it's - the weight is too heavy, but we have a limit on the weight by ordinance.

REP. TULISANO: Well - I don't think you're going to have to testify any more.

: (Laughter)

REP. TULISANO: It's getting worse as you go on.

SUSAN WEISSELBERG: We've a problem with dumpsters on the street without permits that are overflowing and creating garbage problems around the city. Would you like . . .

SEN. AVALLONE: The next bill.

SUSAN WEISSELBERG: Our next bill - Raised Committee Bill 500, AN ACT CONCERNING COLLECTION COSTS FOR FORECLOSURES BY MUNICIPALITIES.

Right now in New Haven, and I'm sure in other municipalities as well, the increased land values have meant that when we bring foreclosure actions for failure to pay delinquent back taxes, people pay their properties off before we have gotten a judgment of foreclosure. However, under the current statute, although we're allowed to tax those costs, it's not clear that we can tax them before judgment. What we're looking for is some parity with the private sector, where banks and other lenders often in their documents allow recovery of legal costs once a foreclosure action

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is initiated.

We're looking for something very similar because we too incur costs and would like the opportunity to recover them.

SEN. AVALLONE: This works for Norwalk, too. I just want everybody to know that.

SUSAN WEISSELBERG: And that's a serious problem, I believe, in many municipalities.

There's one last bill, Raised Committee Bill 536, AN ACT CONCERNING RELOCATION ASSISTANCE. This is a bill that, currently, when we relocate people around the city and we lien from 70 to 80 relocations a year, there's no specific notice and hearing provision in the statutes on those relocation liens. There has been the threat of litigation by landlords when they're about to close on their properties and pay us over that. All we ask is that there be notice and hearing provisions to cure what could be a constitutional defect so that we can recover those costs without challenge when there's finally closing. Thank you.

SEN. AVALLONE: Mr. Duranti, did you want to testify?

PETER DURANTI: Not really. I'm just here to answer any questions that the committee might have in regard to Bill 514.

SEN. AVALLONE: Is one of the major problems this bill is to rectify - when you have a bulk trash pick up people are leaving major amounts of mattresses, washers and dryers, appliances - besides other items of furniture on sidewalks for three or four weeks at a time?

PETER DURANTI: Correct. We are going into a bulk trash - as you know I've only been a Public Works Director for the past two months. A new program I'm coming up with is bulk trash by appointment only - 12 months a year. We have to be able to have some enforcement against the individual that you stated and against the individual that puts it out without an appointment. Because it then becomes a health problem out there. When you have that garbage staying out there four and five weeks



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JUDICIARY COMMITTEE

MARCH 21, 1988

TESTIMONY ON RAISED COMMITTEE BILLS

No. 500, "An Act Concerning Collection Costs for Foreclosures by
Municipalities"

and

No. 514, "An Act Permitting Municipal Officers to Impose Civil Penalties
for Violations of Regulations and Ordinances"

Good afternoon. My name is Susan Weisselberg, and I am an Assistant Corporation Counsel with the City of New Haven. I am here to testify on two bills before you, Raised Committee Bill No. 500, "An Act Concerning Collection Costs for Foreclosures by Municipalities," and Raised Committee Bill No. 514, "An Act Permitting Municipal Officers to Impose Civil Penalties for Violations of Regulations and Ordinances." Seated next to me is Peter Durante, the Director of the City's Department of Public Works, to address any questions on Senate Bill 514.

Senate Bill 500, on foreclosure costs, would help address a problem that New Haven, and undoubtedly other municipalities, now face when we work to collect delinquent taxes through foreclosure actions. The rapid rise in real estate values the last few years has meant that many property owners pay off their delinquent taxes when we are partway through the foreclosure process: either we have notified them that we intend to foreclose on their property because their taxes are so delinquent, and ordered a title search and appraisal (and sometimes served the writ) at the request of the tax collector, or the action has been returned to court and is in the pleadings stage. In either situation, the City has incurred collection costs that can be difficult to collect because of the ambiguity in the current statute, C.G.S. Sec. 12-192. That statute allows us to tax costs, which we can only do once we have a judgment of foreclosure, but often the taxes are paid before we have obtained that judgment. We have found that, in most private foreclosure actions, banks or other lenders write into their documents that they can collect legal costs from the borrower if they have to initiate legal action for the moneys owed. Senate Bill 500 helps to put us in the same position as the private sector, in that we could collect costs once a foreclosure action has been brought, and therefore we support the bill.