

August 19, 2020

Via Electronic Mail

Ms. Serena Neal-Sanjurjo
Director, Livable City Initiative
City of New Haven
165 Church Street, 3rd Floor
New Haven, CT 06510

Re: Livable City Initiative Improvements

Dear Ms. Neal-Sanjurjo:

We hope this letter finds you well in this difficult time. Since City Hall closed to the public in March of this year, we have received numerous calls from tenants living in homes with serious housing code violations. These conditions – mice and cockroach infestations, bedbugs, leaks, cracked windows, mold, and insufficient smoke detectors – are difficult in normal times, but unbearable when a family is told to shelter in place, and most schools, libraries, and other public spaces remain closed. Our efforts to assist these tenants has confirmed that a number of the issues with LCI's handling of housing code complaints that we raised with the Mayoral Transition Team in November of last year remain unresolved, and have also uncovered new ones.

We understand that the pandemic poses significant challenges to assure the safety of landlords and tenants, as well as LCI inspectors and staff. As discussed in this letter, we know that the inspectors have adopted many creative approaches to conducting inspections during the COVID-19 pandemic. However, issues remain with respect to the process for requesting inspections, the maintenance and distribution of complaint records, the issuance of written orders, and the follow up to confirm compliance with such orders. We therefore write today with a list of ways to address these critical shortcomings in the management of the City of New Haven's code enforcement office.

While we believe LCI should have addressed these shortcomings before the pandemic hit, we also believe many of these are simple changes that can be implemented immediately. In the midst of a public health crisis in which our homes should be the safest place for families to shelter, it is more important than ever that our City's housing code enforcement system is effectively and expeditiously functioning to assure that tenants are protected from conditions that threaten their health and safety.

1. Communications, Primary Phone Number Voicemail Message, Email, and Website:

The voicemail message for LCI's primary telephone number does not state that a caller has reached LCI, does not state how to reach someone should one have an urgent matter, or provide any other information. We request that the primary number's voicemail message at all times inform callers that they have reached LCI and inform them what LCI does (e.g., enforces the City's Housing Code, and has inspectors whose job it is to inspect residential and commercial

properties to ensure they are in compliance). The message must instruct callers to leave their name, number, home address, and the best times to reach them. The message should invite callers to state the specific reason for their call. Finally, it should tell callers that they can expect a follow up call on the next business day unless the call concerns an emergency such as the lack of heat, or water, or no running toilets. The message should tell the caller to call a specific designated person (as discussed below) if they do not receive a return call within that timeframe. LCI should also create and advertise an e-mail address where people can send complaints. This address should be provided in the voicemail message and on the LCI's main webpage, <https://www.newhavenct.gov/gov/depts/lci/default.htm>.

LCI's main webpage should also clearly state all of the above information (and also some of the information described throughout this letter) so that residents visiting the LCI page can clearly understand how LCI can help them address housing code violations.

2. Supervisor and Quality Control: We request that the primary number's voicemail message and the webpage also state the name of the office's housing code enforcement supervisor and invite them to call this supervisor in the event that they have called the main number twice and received no return call. Further, we request that quality control be done on primary telephone number, including, but not limited to: a) the Director should call the number from time to time to see what is being experienced or a "tester" should call from another number; and b) some follow-up should be done to review the list of calls and make sure each call has been answered. This follow-up should be reported publicly on a semi-annual or quarterly basis.

3. Electronic Call Log: When a tenant wishes to exercise their legal right to pay rent into court when their dwelling is not maintained in a safe and habitable condition, that tenant is required by statute to first make a complaint to LCI, and prove that they did so. Therefore, it is imperative that LCI immediately begin keeping a complete electronic phone log of each person who calls LCI to report conditions and to request an inspection, including those calls that are answered by the aforementioned voicemail system. The log should include the caller's name, address, time and date of the call, the specific nature of the complaint, and the name of any LCI employee answering the phone or otherwise interacting with the caller. For any calls answered by the voicemail system after hours, those calls should be logged the following business day with the same information. Further, the log should contain any and all follow-up actions, from returned calls to inspections. That log should be shared with the complainant upon request (e.g., for the purpose of filing a Housing Code Enforcement complaint with the court), and the public as needed. This log should not be an internal document or private to LCI.

4. Online Presence, Including Database for All Complaints and Reports for Properties in LCI's Area, including ECC/HANH Properties: LCI should immediately adopt the Mayoral Transition Team's recommendation to "[c]reate a searchable online database of landlord registries and oversight programs, including property code violators; an online system to file housing code complaints; and a database for record-keeping for all inspections and enforcement."

This means that each and every inspection performed by LCI, including follow-up inspections, should generate a report. All parties (resident/ landlord/ property management

company) should get copies of that report automatically, or receive via electronic transmission a link to access the report online when it is posted. All reports should identify the following information at a minimum: the date of and genesis of the initial request for inspection (see No. 3 above) the inspector who performed the initial inspection (and, if different, the inspector who performed the follow-up inspection, if necessary), the dates those inspections were performed, the specific violations observed and the specific next steps, if any. Those reports should be generated soon (no later than two business days) after the initial inspection, and no later than one business day after a follow-up inspection. The online system should provide for any person to request a copy of an inspection report, and should also note that one can request a paper copy of any report by calling the main LCI number.

Additionally, there is currently some confusion when an inspection has been done at the request of the Section 8 office of Elm City Communities / Housing Authority of New Haven (ECC/HANH). LCI's position is that it does not have the right to give out the inspection report. This practice of preventing ECC/HANH unit inspection reports from being provided to those who ask should be abolished, as such a practice only undermines the faith of ECC/HANH residents in the functioning of their City government. All ECC/HANH residents should be able to interact with the LCI system, whether by phone or online, just like any other tenant in the City of New Haven.

5. Best Practices for Inspectors and Inspections: The following are practices and procedures that LCI should implement.

A. Clearly Identify Procedures For Clearing Violations: As a general matter, there should exist a set amount of days a landlord has to fix an identified violation in a property, as well as a defined number of times the landlord can fix the same problem before suffering consequences. Such requirements should be listed on the LCI website so that they are clearly understood by all.

B. Inspector Contacts: All current LCI inspectors should be identified on the LCI website, as should their contact information (phone and e-mail addresses). When an inspector goes out to a unit and a tenant is present, the tenant should be provided with a business card or other contact card that includes the inspector's full name and contact information. If the inspector has a cell phone number that they give to some parties, they should give it to all (i.e., tenant and landlord). Currently, there is an uneven system as some tenants receive the cell phone numbers of inspectors and others do not. If an inspector receives a call on their phone, they must report those calls to the call log.

C. Record of Patterns Observed: LCI should keep records on all properties so that a pattern (for example: continuous infestation, complaints about leaking roof) can be recorded. If a property changes hands, a new owner should be able to observe the log of complaints that have accrued on the property, as should any member of the public (including a prospective tenant). Additionally, where LCI becomes aware that a landlord has allowed a tenant to move out for conditions issues, the landlord should be told they are not allowed to let someone else move in until LCI inspects and finds that the conditions are

ameliorated. Otherwise, landlords can move a complaining tenant out and move another, unsuspecting one in.

D. Observed Violations Require a Follow-Up Inspection: LCI must end its current practice of allowing landlords to claim compliance and receive LCI compliance notifications without a follow-up inspection. Where a violation is serious enough that a tenant has called LCI to file a complaint that triggers an inspection, and LCI has witnessed the conditions issue and ordered the landlord to take some action to ameliorate the problem, LCI must ensure compliance with its orders by conducting a follow-up inspection.

E. End the Practice of Notifying Landlords Ahead of Time of Tenant Complaint-Initiated Inspections, Except for Purposes of Gaining Entry to a Property: LCI's inspectors should be prohibited from alerting landlords about their intent to inspect a dwelling unit on a specific date, based on a housing code complaint made by the landlord's tenant, unless such notice is necessary for the inspector to have ability to enter and inspect the dwelling. The tenant should be there and the tenant has all necessary legal authority to enable access. If a landlord or its representative is necessary to give inspectors dwelling access, LCI inspector protocol should be to simply request access and instruct the landlord or their representatives that they may not interfere with the inspection or otherwise attempt to influence the outcome of the inspection. The inspector should not ask for or consider information from the landlord regarding the conditions at issue in determining whether or not LCI will inspect the unit. The practice of advance notification is not required by law, and the decision to inspect should be based solely on the information provided by the tenant complainant. To do otherwise is inconsistent with the City's statutory "commit[ment] to protecting the safety, health and welfare of its residents and to eliminating housing blight." The practice undermines tenants' trust in the City's ability to enforce its own Housing Code and should end immediately.

6. Pandemic-Specific Procedures: We understand and appreciate that LCI has been creative during the pandemic in how it conducts inspections. For example, some inspectors have come out with an extra phone (or have used one inspector's phone) and asked the resident to do a video call (e.g., Facetime) with them. Such creative use of technology for communication should continue wherever possible for the safety of inspectors and tenants/ landlords. LCI inspectors should develop more procedures to identify how to conduct an inspection where they cannot physically enter the unit for reasons such as the tenant's vulnerable health, or lack of access/ ability to use technology such as a smartphone. Further, if LCI informs someone that they cannot/ will not come out to inspect a property because of the pandemic, LCI should make and keep a log of all of these missed inspections. Tenants should be told when a missed inspection can reasonably occur and such inspections should be done as soon as possible.

Again, we appreciate what a difficult time this is and appreciate your willingness to engage with us to make this process better for all. We think many of the above procedures can and should be implemented immediately. For that reason, we are requesting that you respond to this letter by Wednesday, August 26, either by implementing the changes suggested here or letting us know what questions you have. We are happy to talk to you about these ideas or set up a virtual meeting at a time that is convenient for you. We can be reached at: Attorney Yonatan Zamir:

(203) 946-4811 x1115 / (475) 441-3814/ yzamir@nhlegal.org; Attorney Sarah Mervine: SMervine@nhlegal.org / (608) 332-2129. If we do not hear from you by that date, we, or attorneys from our office, plan to forward these concerns on to Mayor Elicker.

Sincerely,

/s/ Yonatan Zamir
Yonatan Zamir, Esq.
Staff Attorney
NHLAA Housing Unit

/s/ Sarah Mervine
Sarah Mervine, Esq.
Attorney-at-Law