

Fair Rent Commission

Minute of the Special Meeting

August 22, 2018

Attending: Elizabeth Burton, Shanae Draughn, Kenneth Riordan, Sharon Bradford, William Dennis, Assistant Town Attorney Tim Lee, Adam Sendroff, Community Development Manager

Also attending: Attorney Ori Spiegel, Landlords Alan Faticone and Pierce Lindsay
Debbie Giordano, Tenant (by face time)

Call to Order

Chairman Riordan called the meeting to order at 7:00 p.m.
At this time the Commissioners identified themselves.

New Business

Hearing regarding retaliatory eviction at 3936 Whitney Ave, Unit 2LB, Hamden – Attorney Lee advised the commission that Ms. Giordano made a request under ADA that she be granted face time for this hearing based on her request and her current medical condition. Mr. Sendroff called Ms. Giordano at 7:01 p.m.

Attorney Lee sworn in Ms. Giordano, Mr. Faticone and Mr. Lindsay. Attorney Lee asked Ms. Giordano to articulate why she thinks the landlord is retaliating against her, what is the basis of her claim. Ms. Giordano's response was, because they don't have any point for anything that they are saying.

At this time Attorney Lee noted that Ms. Giordano provided documents to Mr. Sendroff in support of her claim. Mr. Sendroff provided the Commissioners with these and other documents pertaining to the Current Complaint and Previous Rental Increase Complaint.

Ms. Giordano interjected at this time that she is constantly being bothered and felt it wasn't professional.

At this time Attorney Lee inquired of the Commissioners of the documents whether they had any questions for Ms. Giordano or questions regarding the documents. The commissioners had no questions at this time.

Attorney Lee asked Attorney Spiegel if he had questions for Ms. Giordano at this time.

Attorney Spiegel went on to ask Ms. Giordano questions pertaining to the rent increase and the eventual withdrawal of said increase. Ms. Giordano stated that the claim should not have been withdrawn but dismissed.

Mr. Dennis asked if any of the items on a list provided have been repaired. Ms. Giordano stated that none of them have been.

Attorney Spiegel asked Ms. Giordano if she recognized documents he was showing her from January 20, 2015, January 21, 2015, April 25, 2015 an undated letter and a letter of December 10, 2016 regarding Ms. Giordano's dog. Ms. Giordano stated that she did not receive any of said letters and that they are made up. Ms. Giordano stated that the landlords manipulate and lie.

Attorney Spiegel asked Ms. Giordano if the Police have been called with complaints about her dog. Ms. Giordano stated that they were false complaints. Attorney Spiegel inquired if she has ever had altercations with her neighbors about her dog and she stated ever never ever never.

At this time Attorney Spiegel asked Ms. Giordano about a number of tenants who reside or resided in the building and she responded with various stories about them which were not favorable to them.

At this time, Ms. Burton inquired about a previous question regarding the repairs. Mr. Faticone proceeded to advise the commission that various appointments with the help of Health Dept. were made and then cancelled by Ms. Giordano.

Ms. Giordano interjected at this time stating that Mr. Faticone was lying, that all he does is lie. Attorney Lee noted to Ms. Giordano as a point of order to let the landlord make his presentation then Ms. Giordano can make her presentation. Ms. Giordano kept talking stating that this is like all the hearings where people lie and she has to be made upset. Attorney Lee continued to advise Ms. Giordano that Mr. Faticone will finish his presentation and she will have the same opportunity.

Ms. Draughn asked if notice was given to the tenant requesting internal entry into the unit for repairs. Mr. Faticone stated that all the tenants were notified in case of possible water shut offs or other interruptions. The notice was provided 48 hours prior to appearing at the unit.

Again Attorney Lee had to ask Ms. Giordano to please refrain from interrupting the presentation of Mr. Faticone. Ms. Giordano stated that having her at this meeting is another form of harassment. Attorney Lee advised Ms. Giordano that she has a right to cross examine the landlord when they are done with their presentation and he asked that she hold on to her thoughts until the landlord has completed his presentation. She would then have the opportunity to ask her questions. Attorney Spiegel addressed additional letters sent to Ms. Giordano noting various request for appointment dates and times. The landlord appeared for one appointment but Ms. Giordano did not respond but could be heard in the unit talking on the phone. Another appointment date with the vendor for the windows you called me the morning of the appointment stating you was not feeling well and suggested that I reschedule the appointment in December. The appointment was rescheduled and when I contacted the vendor to see what their thoughts were on the appointment I was advised that Ms. Giordano had called and cancelled the appointment.

At this time Ms. Giordano stated that she is not feeling well and that if this meeting was going to be real she would continue, if not she was going to go because she was not going to listen to lies, nonsense and stupid stuff to harass her.

Attorney Spiegel had his client Mr. Faticone read a letter from the QVHD advising Ms. Giordano to allow entry into her unit to commence repairs. Mr. Faticone had another letter from QVHD granting him an extension. Ms. Giordano stated that she didn't allow entry if it was late and that "they" not specifying who "they" are have been harassing her since she moved in. She called the police on them because they were harassing her getting into her personal life. She stated she would only let them, them not a contractor there is a difference. I would only let them in with a policeman here.

Again Attorney Lee had to remind Ms. Giordano not to interrupt that she would have her opportunity to address her questions to the landlords.

Attorney Spiegel provided correspondence from various neighbors regarding her dog and nothing to do with the increase in rent. He stated the landlord is willing to leave the rent as it is even though it is undervalued. He also stated it's not about the conditions of the unit. You will see in these documents that the landlords made more than reasonable attempts at repairing any damage to the unit if there are any, this is simply about a dog who has been a problem since the day Ms. Giordano moved in. Attorney Spiegel stated the dog is creating a danger, he has police reports demonstrating the dog's behavior as being dangerous by growling, documented by the police in the report dating back to 2016 and as late as July 2018.

During Attorney Spiegel's testimony, again Ms. Giordano had to be asked to refrain from speaking as she would have her opportunity.

Attorney Spiegel went on referring to documents stating the noise is constant and correspondence to that effect is also included in the materials showing three tenants who left because of the dog and others who left but Mr. Faticone does not have documentation for them.

Attorney Lee asked Attorney Spiegel to identify the documents he is submitting which were all provided to the clerk for the record.

Again Attorney Lee had to ask Ms. Giordano to stop interrupting. Chairman Riordan asked that she stop or not continue any further at which time Ms. Giordano proceeded talking calling the landlord criminals and that they are stating stuff that was not true.

Ms. Burton had questions regarding letters from the QVHD coming to the property in 2016 and 2017 in attempts to make repairs, and another letter dated January 2018. Were all these letters referring to the same issues, have they been resolved yet or are they new issues. Mr. Faticone stated they were for all the same issues, the windows. Mr. Faticone stated he contacted Ms. Fox approximately 6 months ago at QVHD for a status update and Ms. Fox stated there was no change. Mr. Faticone referred to a letter he received stating Ms. Giordano would not give an appointment to QVHD or the landlords to enter the premises.

Ms. Burton wants to clarify that Ms. Giordano would let QVHD in but not the landlord. Mr. Faticone stated Ms. Giordano would not let either party in. Mr. Lindsay stated that they did ask Ms. Giordano to leave because of the dog in 2015.

Mr. Dennis noted she moved in in 2014 and this is now 2018 and they haven't evicted her yet?

Attorney Spiegel stated that the landlord did attempt to evict Ms. Giordano last year for expiration of the lease period. Mr. Faticone did hire Ms. Malloy of Laughlin, Fitzgerald to prosecute that eviction but the eviction was dismissed because Ms. Giordano falls into the category of a protected tenant because she is over the age of 62 and resides in a building of five or more units, she can't be evicted due to what is called lapse of time. Attorney Spiegel provided a letter from Ms. Malloy indicating she was not aware that Ms. Giordano was 62 or older and that my client came to her for the sole purpose of evicting her because of the dog.

Mr. Dennis asked how long the landlords have owned the property, Mr. Faticone stated 15 years. Mr. Dennis asked how many evictions have they had in five years and Mr. Faticone stated one. Mr. Faticone stated he has a variety of tenants, a mailman, a nurse a food prep service man who

have been there for six to ten years. Mr. Faticone stated that as landlords they have always been pet friendly.

Mr. Dennis inquired if any of the other neighbors have a dog and Mr. Faticone stated no.

Ms. Draughn asked if it is Mr. Faticone's claim that the reason you are filing this current eviction is because the dog is a nuisance and has nothing to do with the prior increase in the rent. Mr. Faticone stated absolutely and that he is in no physical condition for this type of stress at all.

The question was raised that you requested a rent increase after Ms. Giordano residing in the unit for four years? Mr. Faticone stated yes but that the request was withdrawn.

Attorney Lee asked Ms. Giordano if she had any questions of the landlord for the issue at hand at this time.

Ms. Giordano stated that she has not let anyone in as it is a form of harassment. The phone at this time was overheating and a technical issue happened. Ms. Giordano stated that the landlords new about all the problems when they rented her the apartment. She stated she had mold on the ceiling from the beginning but that she wasn't familiar with mold she never had it in her life, she didn't know it was going to be a contestant problem. She stated the two bathroom windows, at this point she said can you stop doing things so she doesn't lose her train of thought, she doesn't like those games, but nothing was being do to distract her. She stated the bathroom windows never open and shut correctly, in fact they never opened at all.

Chairman Riordan indicated he didn't feel what Ms. Giordano was going on about was the issue and asked Attorney Lee to remind her to stay on point but Ms. Giordano felt she was. Attorney Lee pointed out that the issue is her retaliatory claim. Ms. Giordano stated she is referring to the issue, that this is what she don't like already, if she don't see the people then this needs to be continued, she needs to see the people (visual contact from the phone had stopped.) She stated she needs to see the people to talk to them and not play games and if the Commission can't give her that opportunity it's not right. Attorney Lee explained to her that they had her on face time and they don't know but for what reason the phone has overheated and that the face time is not working but the audio on the phone is working and the commission can hear clearly. He asked once again that she asked her questions of the retaliatory conviction only to the landlords.

Ms. Giordano stated that what the landlords are stating is not true, these people have known about the problems, they rented me an apartment with these problems knowing they were existing, which is totally wrong and that is like fraud. They then starting harassing me, getting into my personal life nobody is going to feel comfortable with a person in their apartment doing that. She stated she let the installer into the apartment and she spent 2 hours with him measuring her windows, QVHD knows they gave her windows away on purpose, another retaliation, to tenants who didn't complain about them. She stated she had a legal aid attorney, she has the

paperwork that they were not cooperating, they were just playing games after she had the people come in and measure windows. She stated all the letters from the landlord are false and as far as her dog goes, she is a doll. She stated she lives on the Trail, she barks at people that's a normal thing, that people on the Trail have dogs and that their dogs bark. She stated that there was a fire at the building and that all the tenants stated to her that they did not like the landlords or the condition of the building. She stated that the landlords had violations from the Fire Department because things weren't right with the fire alarms and stuff like that, a tenant had a fire in their apartment and so everything the landlords are saying is not true. She stated that she knows for a fact from a past neighbor that her dog did not bother him and a current neighbor Brandi that her dog does not bother them. She claims that the landlord never called her about a contractor coming to the unit. She noted that she had been dealing with cancer for a year and she was very, very very sick and that she is still not well, I don't have the energy, I can not sit here with my dog, it's a very small place and have workers in here, it's very hard for me and I don't have anyone to sit with me and I can't leave the place alone. I suggested to QVHD that I move next door when it was vacant but unfortunately the individual at QVHD didn't act quickly enough and that I should call the Board and that didn't come to be and it would have been very difficult for me to move next door anyway. I'm just saying I put that out there as an option. The bottom line is nothing has been settled and she really wants it to end up being settled because she is in a situation that hasn't been right way back to my divorce and I should not have been there to begin with and the landlords know that because my sister told me.

Attorney Lee stated to Ms. Giordano that at this time he was going to ask the Commission if they required any further evidence from her or the landlords. At this time Attorney Lee advised all present that the public comment portion of the application would be closed and that the Commission would discuss the claim and evaluate the claim and not allow any more input from the landlord or tenant at this time.

Attorney Lee advised Ms. Giordano that she could stay on the line for the discussion or she can hang up. She asked, we can not speak any more and no evidence can be presented, Attorney Lee stated that is correct but she went on to say that the letters were not certified and they are not valid.

Attorney Lee stated at 7:57 the public comment portion of the hearing is closed. Ms. Giordano did not want to remain on the phone to hear the deliberation and she terminated the call.

Attorney Lee noted that the matter was now before the Commission having heard the evidence and being provided with documentation. The matter before the Commission under Section 33.83 of the Town of Ordinances that deals with complains regarding retaliatory eviction and the Commission will have to make a determination as to whether the landlord commenced this

eviction in retaliation for the tenant filing a complaint with the Fair Rent Commission or otherwise asserting some legal rights, or the Commission could find that the landlord commenced the summary action for a different purpose i.e. concerns about how the dog is impacting the use and enjoyment of the other tenants.

Mr. Sendroff noted that his opinion is this should have been resolved before it came to all this.

Chairman Riordan noted that if they decide against Ms. Giordano, she has other options to explore.

Attorney Lee noted that if the Commission decides this is not retaliatory the landlord can proceed with the summary process action. The tenant can still defend the summary process action based on her age, disability or whatever. You are not preventing that.

Ms. Burton asked if she could please see the documents submitted by Attorney Spiegel. The documents were passed to the Commission members for their review.

Ms. Draughn noted her concern is that the letters that were sent to Ms. Giordano to make reasonable entrance into her apartment number is one and the second concern is that Ms. Giordano is going to make this a long process. As far as QVHD, someone from there probably should have tried to intervene, which they said they did to get into that apartment to make the repairs. She feels that Ms. Giordano is going to use that against them whether they are saying it is the pet noise or whatever else.

A brief discussion ensued regarding Ms. Giordano's statements about other's she made about i.e. the Fire Dept. are not the issue at hand. A recap of some of the statements made by Ms. Giordano and the documents being provided to the commission they have made a decision.

Chairman Riordan entertained a motion for the decision.

Ms. Bradford made a motion that the Fair Rent Commission, after having considered all of the evidence, the Commission finds that the eviction was not commenced in retaliation for filing a claim with the Hamden Fair Rent Commission. The Commission determines that the landlord commenced eviction because of the other tenants concerns about the barking of the dog, the tenant's dog. In making this finding, the Commission makes no determination as to whether the rationale is an appropriate basis for a summary process action. The motion is seconded by Ms. Draughn. ***The motion carried unanimously.***

Adjourn

At 8:10 p.m. Ms. Draughn motioned to adjourn, seconded by Ms. Bradford. ***The motion carried unanimously.***

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Recorded by,

Catherine E. Gempka

Catherine E. Gempka
Substitute Clerk