

Steering Committee for Concord's Plan to End Homelessness
Meeting Notes- June 19, 2018
Greater Concord Chamber of Commerce

Steering Committee Members Present: Rosemary Heard, Ron White, Pamela Puleo, Byron Champlin

Absent: Claudia Walker, Kara Wyman, Karen Emis-Williams, Tim Sink, Lew Feldstein, Steve Duprey, Peter Evers, Ruth Perencevich, Nicole Shutz-Price

Additional: Ellen Groh, Ellen Fries (notetaker) from CCEH

Call to Order: EG called to order at 2:10 pm

Guest speaker on eviction process: Attorney Brian Shaughnessy from Shaughnessy Raiche, PLLC

Ellen Groh gave background of this Steering Committee and CCEH and their work. Asked Brian to speak about evictions, homelessness, housing issues from his perspective.

Brian: Is on board of The Way Home. 55 units owned or managed. Started with a Security Deposit Guarantee Fund and Security Deposit Loans. The CAP SDL program is modelled on Way Home. Had 3 months guaranteed Security Deposit but no longer available. It is needed.

Broad View – Brian teaches fair housing to landlords, management companies, judges, and also serves as defense for evictions.

Problems – having a record of eviction causes a barrier for future rentals. A “mutual rescission” of the eviction is needed. Tenant can't get into public housing or get on Section 8, if they are evicted while in these programs. Mutual rescission will keep your eviction off the record.

Private landlords often do their own evictions, so they don't know about this. Used to be if landlord had LLC's, they couldn't represent themselves pro se. The rule changed, and there was an increase in Pro se landlords. They often don't understand all the LL-tenant rules, so their case gets kicked out for non-compliance with those rules, which is very frustrating to the LL. The LL's also often don't understand that a mutual rescission and a “**Discretionary Stay**” may be better for tenant and landlord.

Current rule: (since 2016) Section 540 (13) (c) (I): Discretionary stay: LL brings the eviction case for non-payment and gets a judgement, but makes an agreement that tenant can stay for 3 months so long as they make payments each week, based on amount past due plus future rent. If tenant does not pay on time, LL can get a writ of possession by filing an affidavit of non-compliance, and does not have to go back to court. This allows LL to actually collect the back rent if tenant complies. Often in eviction cases, LL never actually gets the back rent because tenant just does not have it at time of judgement. Once period is over and tenant moves out, he can do motion to dismiss the case and it will not go on the record as an eviction (instead - “mutual rescission of lease”) LL gets control back quicker, gets the back rent, tenant gets out of lease without an eviction record.

Section 540 (13) (c) (II) Brian calls this “pay and stay” - LL could decide to let tenant stay if he gets all caught up.

Eviction notices for non-payment: usually requires 7 days notice. If tenant pays prior to notice period ending, they can stay. You can do that 3 times in 12 month period, on 4th time LL can still evict even if tenant pays within the notice period. Eviction for other causes: usually 30 days notice required, unless extreme case.

Access to Justice Commission – Brian is trying to set up **mediation** and **ADR - alternate dispute resolution** system for landlord-tenant matters, similar to what currently exists for credit card debt. Mediator will explain of all the other routes that LL’s are unaware of, or not aware of the benefit to them. Better for all. Hope to have this in a year.

Cause of most evictions Brian sees? Non-payment of rent - caused by job loss, income loss, or other costs such as car repair that use funds. No backup funds. Budget counselling, money management training for tenants very helpful.

Fair Housing issues: If a landlord treats one of CCEH clients differently from others, can get in trouble. For example, if client has mental health issue, LL can’t evict for that. Can evict for non-payment, but if LL has not treated others in the same way, and has singled out the person with mental health issues for eviction, that’s not allowed. Landlord in trouble - Fair Housing Act. Disabling condition.

Advice - landlords need education about their rights as well as demands on them. Teach Fair Housing to Landlords (get a grant to cover cost of this). Offer the training for free to landlords. Perhaps ask landlords to accept clients in return for free training. (Ellen- or just educate them about our program, don’t make it mandatory to participate with CCEH)

All agree this would be great.

Educate tenants as well? Each has a role and responsibility in preventing evictions. Harder to do with our client base.
City Clerk’s Office has list of landlords.

Rosemary will ask what Brian would charge for a seminar for landlords. We can seek funding from a bank perhaps.

Can Chamber play a role?

Granite State Managers Assn. - does an annual fair housing training, but not all LL’s are part of this.

Maybe at the Grappone Center – offer breakfast. Ask FoxFire involved - get other landlords to come?

Sec. 811 - law suit against state for discriminating against people with mental illness.
Successful landlords - better ways to deal with eviction! Come learn!

Approval of May Meeting Notes: No quorum

Update from Byron on presenting refreshed priorities to City council:
Steering Committee is on agenda for July 9 City Council Meeting 7pm

Probably at top of the meeting, 10 to 15 minutes. Rosemary and Tim to present. Will ask that City Councillors have Executive Summary to read ahead of time. Ellen will email to Mayor, cc: Tom Aspell, Carlos Baia, Janice Bonenfant, Michelle Mulholland

- Work on filling out work plan with dates and responsible parties. Updates on any work plan items. **Did not get to this- begin at next meeting.**

Next Meeting: July 17 2PM No meeting in August.

The Steering Committee typically meets the third Tuesday of the month. The meetings will be monthly, rather than bi-monthly, until further notice.