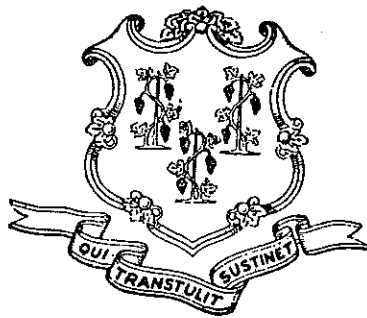


REPORT OF THE HOUSING COURT
HARTFORD-NEW BRITAIN JUDICIAL DISTRICT
TO
THE CONNECTICUT GENERAL ASSEMBLY
FEBRUARY, 1980
BY AUTHORITY OF SEC. 47a-73, GENERAL STATUTES



Prepared by
Arthur L. Spada
Superior Court, Housing Session
January 24, 1980

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HOUSING COURT STAFF

1979-1980

HARTFORD: 83½ Lafayette Street, Hartford, CT. 06106

- | | | |
|-----|------------------------|-----------------------------------|
| (1) | William Sadek, Esquire | Assistant Clerk |
| (2) | Judith A. DeMonte; | Administrative Assistant |
| (3) | Eileen M. Panazza; | Clerical Assistant |
| (4) | Isabelle Morin; | Court Monitor |
| (5) | (vacant) | Clerical Assistant |
| (6) | Raymond J. Wiezalis; | Deputy Assistant State's Attorney |
| (7) | Frances Z. Calafiore; | Chief Housing Specialist |
| (8) | Linda D. Bantell; | Housing Specialist |
| (9) | Sarah R. Taxsar; | Temporary Assistant Clerk |

NEW BRITAIN: 177 Columbus Boulevard, New Britain, CT. 06051

- | | | |
|-----|---------------------------|--------------------|
| (1) | Michael J. Flynn, Esquire | Assistant Clerk |
| (2) | Helen F. McCabe; | Clerical Assistant |

This report, with respect to the operations of the Housing Court for the Hartford-New Britain Judicial District, is submitted to the General Assembly pursuant to Section 47a-73, Connecticut General Statutes.

Designated officially as the "Housing Session of the Superior Court," the Housing Court was statutorily created as a pilot project, due to expire on June 30, 1980, under Public Act 78-365. The court is legislatively mandated to specialize "on matters related to housing."

The Housing Court remains an integral part of the one-tier statewide trial bench, accountable to the Chief Court Administrator, Justice John A. Speziale.

The court's geographical boundaries include 30 towns and cities extending over 772 square miles, containing a population of 836,000. This represents more than one-quarter (1/4) of the state's inhabitants.

The court has exclusive jurisdiction over a broad range of housing matters, including summary process (evictions), recovery of back rent, damages and security deposits, fair rent commission appeals, discrimination in the sale or rental of housing, forcible entry and detainer, prosecution of state and municipal housing related codes, negligence and tort actions arising from premise conditions, and finally, "all other actions of any nature concerning the health, safety or welfare of any occupants of any place used or intended for use as a place of human habitation, if any such action arises from or is related to its occupancy or right of occupancy." Section 47a-68, Connecticut General Statutes. The broad scope of jurisdiction makes the Hartford-New Britain Housing

Court one of the most comprehensive housing courts in the nation.

Housing Court sessions are conducted in Hartford and New Britain for litigants' convenience. The court sits in Hartford on Monday, Tuesday and Thursday; and, in New Britain on Wednesday and Friday. Actions are returnable to either location.

The Hartford session is held at 83 1/2 Lafayette Street, a two-story structure of 19th century vintage. The facilities are inadequate and over taxed for the business generated at this situs. There are generally insufficient chairs or space to accommodate litigants and witnesses. Parties, with their attorneys, are normally required to conduct negotiations in confined hallways and on the stairways. The courtroom can accommodate 30 persons. Not infrequently, we are confronted with over 75 people crammed into this small area. Minimal amenities for litigants, such as a conference room and water fountain, are absent. The location of the courtroom on the second floor, absent an elevator, poses a recurring hazard for the elderly and the infirm.

Hearings in New Britain are conducted in a basement courtroom of the New Britain Judicial District courthouse. The accommodations are minimally adequate for the court's business. Facilities have not yet been made comparable to Superior Court operations in the Judicial District courthouses. We are hopeful of improvements after the acceptance of the Housing Court. Clerical staffs are maintained at both Hartford and New Britain.

The mission of the Housing Court is to reconcile landlord-tenant disputes in a fair and prompt manner and to bring housing stock to code standards. Upon the anniversary of our first year's operation, we believe that the Housing Court has proven unqualifiedly

successful. The credit needs to be shared by a dedicated staff, the Citizens' Advisory Council, the Chief Court Administrator and a supportive community.

It is my unconditional recommendation that the Housing Court become a permanent session of the Superior Court. Further, I strongly propose that additional housing courts be enacted on a statewide basis.

The staff and I were appointed on or about December 22, 1978, to assume operations on January 1, 1979. A whirlwind of frenzied activity occupied us for the next four weeks as we undertook to discharge the mandates of the newly created Housing Court. We inherited a courthouse building recently abandoned by the Juvenile Court. Although it remains seriously lacking, herculean efforts during January, 1979, by the Chief Administrator's office rendered it operational for our purposes.

During January, 1979, daily staff meetings were held to determine how best to deliver housing court services. The initial start-up time gave us the opportunity to develop new procedures, new forms and to familiarize ourselves with the substantive law. Judge Peck and his staff at the Springfield Housing Court graciously hosted us for an intensive day of observing and learning.

We acknowledge herein the immediate response for clerical assistance from geographical area courts, Numbers 9, 10, 13, 14 and 15. Experienced personnel from these courts "seminared" our staff on the various aspects of clerking a criminal and civil housing court docket.

Seminars were convoked to familiarize staff with state and municipal housing related codes. Engineers, architects, inspectors,

health officers, fire marshals, police officers, utility spokesmen and a myriad of state and city agency representatives lectured and participated in a crash program on the various state and city housing related codes. To the several consultants, building officials and health officers who assisted our court in its formative days, we extend our heartfelt thanks and appreciation.

Many seminars were conducted and sponsored by state, local and private community agencies. This exchange allowed us to reach out to the court's constituency and advertise our services. Prompt response from the community can be ascribed in large part to these exchanges. In all of these activities, the Citizens' Advisory Council eagerly participated. The Council's support of the staff and judge during this early period never faltered.

Staff members assumed individual responsibility to carry the message of the Housing Court to the community. State and local service agencies, building officials, fire and police officials, tenants' advocates, landlord associations and elected officials were apprised of the presence and role of the Housing Court.

The staff and I unhesitatingly accepted speaking invitations from diverse groups interested in the burgeoning Housing Court. We conducted informative seminars for several local bar associations at the courthouse. Many attorneys participated in these sessions. I spoke on separate evenings to members of the Enfield and New Britain Bar Associations.

Television and radio interviews were held on Channels 3, 8, 24 and WDRC. Extensive and in depth news stories of the Housing Court and staff were carried by the New York Times, Hartford Courant, New Britain Herald and the Journal Inquirer. The Housing Court was

amply featured in the Connecticut Law Tribune, the Hartford Advocate and Asylum Hill Ink. I wrote an in depth analysis of the Housing Court and a profile of the Hartford housing market for the Urban Law Review of the American Bar Association. A synopsis of the ABA article was reprinted in the Hartford County Bar Association's newsletter.

In my role as judge, the invitation to address a cross-section of community housing-interested organizations was accepted often. These groups included the Greater Hartford Board of Realtors, the Greater Hartford Leadership Conference, the Connecticut Association of Housing Code Enforcement Officials, the Judiciary Committee of the General Assembly, the Danbury Housing Task Force, the Connecticut Association for Human Services and the Greater Hartford Association of Landlords.

On November 8, 1979, I conducted a seminar, attended by more than 200 lawyers, at the University of Connecticut School of Law on the procedural and substantive changes in our landlord-tenant law. A 35-page manual outline with citations and principles of laws was distributed to each attorney present. Copies of the manual were delivered to each of our 113 trial judges and placed on file and indexed in several law libraries. As a result, we have witnessed a dramatic improvement in pleading practice and a greater grasp of substantive issues by Housing Court practitioners. The dissemination of a synopsis of the Housing Court's more than 160 written opinions to our trial bench is producing a more consistent and uniform application of our housing laws statewide. These are collateral gains unforeseen at the time the court was enacted.

The rights and responsibilities law of landlord and tenant is

incorporated under Title 47a, Chapter 830, et. seq, Connecticut General Statutes. There are 46 statutory sections governing the relationship between landlord and tenant. Many of these sections were enacted by the legislature during the past decade. They deal with retaliatory actions, Sections 47a-20 and 47a-33; warranties of habitability, Sections 47a-4(c) and 47a-7; the requirement of the preliminary notice, Section 47a-15; return of security deposits, Section 47a-21; notice to quit, service, non-residency requirements, return of process, Section 47a-23; use and occupancy, pleading requirements, Section 47a-26; nuisance, Section 47a-32; stays of execution, Sections 47a-36 and 47a-37; entry and detainer, Section 47a-43.

The Housing Court has to date issued in excess of 160 written opinions. Many of these are scholarly, lengthy and replete with citations; additionally, the significance of these cases lies in their being cases of first impression. A surprising number of Housing Court opinions has been published in the Connecticut Law Journal. Every written decision of the court, save small claims cases, has been printed in the weekly Connecticut Law Tribune. This legal periodical is distributed statewide and has provided to many practitioners outside of our jurisdiction access to all of our decisions.

The expeditiousness of the summary process action and the inability of litigants to defray appellate costs have generally negated the taking of appeals. Consequently, a majority of hitherto important summary process decisions remains unpublished and undistributed, of little precedent value save to the litigants. Not surprising, we find few, if any, published decisions annotated to

our landlord-tenant statutes.

In its one-year experience, the Housing Court has addressed nearly every conceivable issue capable of being raised by counsel. A written decision has been rendered in every contested case before the Housing Court. Nearly each of the 46 statutory sections, supra, has been judicially interpreted and ruled upon. The personal time allocated in evaluation, research and writing exceeds 600 hours. Most of this work was accomplished during weekends and evenings. We consider this achievement of great moment in that clearly fixed parameters of procedure and responsibility between landlord and tenant have been set down to paper for future guidance and conduct.

Although the supervision and disposition of small claims litigation has at times been onerous, we have attempted in each case to provide the litigants a forum with an unhurried atmosphere where they can articulate their concerns and claims. Lack of time prohibited scholarly decisions; however, we have furnished each litigant, in all contested small claims cases, written opinions detailing our findings and rationale in support thereof. We consider this a unique judicial departure for our state.

The Housing Court staff consists of "two assistant clerks for housing matters," two housing specialists, one deputy assistant state's attorney, one court monitor, and four clerical employees. This staff now does the housing work previously done by six geographical area courts and is charged with the responsibility of handling an expected 10,000 cases annually. Without their dedication and conscientiousness, the Housing Court could never have fulfilled its mission.

The two assistant clerks are lawyers diligent in their discharge of the legislative mandate that "such clerks...shall provide assistance to pro se litigants." William Sadek, Esquire, supervises the Hartford branch and Michael Flynn, Esquire, has charge of the New Britain office. The clerk's duties include supervision of the handling of housing matters, maintenance of court records, preparation of the docket, overseeing personnel and assistance to pro se litigants.

Pro se assistance has been generously, although discreetly dispensed. The clerks are prohibited from furnishing legal advice per se. Lists and business cards of lawyer referral services, legal aid attorneys and neighborhood legal service directories, however, are readily supplied and easily available to qualifying litigants at both branches of the courthouse.

Both clerks have set aside writing areas, adjacent to their offices, to accommodate pro se litigants in the preparation of their own pleadings.

The informality of the clerk's office and the confidence of being courteously received has escalated demands for pro se services to a level where they now seriously encroach upon staff efficiency. We are pleased with the favorable reaction but frustrated over the inability to expand our staff. It is not unusual for clerks and clerical employees to work during their lunch hour and beyond the normal working day to fulfill docket responsibilities and meet pro se requests for assistance.

Pro se litigation is equally divided between landlords and tenants. Many landlords, especially the inner city elderly, have become adept at representing themselves by the use of pre-printed

landlord complaint forms. It is not unusual to find at any given time a dozen litigants and their families queued up to the clerk's window and counter. The Housing Court has truly become a consumer's agency for the landlord-tenant community.

A near majority of pro se litigants are Hispanic Americans. Fortunately, two members of the staff are trained and fluent in Spanish; one is always available to assist in the preparation of required pleading forms. Interpreters are available for civil and criminal proceedings on a 24-hour notice.

The Hartford clerk's office processed a total of 5,700 cases for the period from January 2, 1979, to December 31, 1979. (See Exhibit A, attached.) Summary process cases represented 80 percent of the court's business; the small claims docket accounted for 15 percent of incoming files, while the remaining five percent was distributed between civil and criminal cases. A statistical break down by originating towns is additionally set out in Exhibit A, supra.

In Hartford, the gross receipts realized from fees and fines, during the first year's operation, was \$140,000. Costs and expenses, including salaries, renovations and alterations, purchase of stock and furnishings, and building maintenance totalled a like sum of \$140,000. The Housing Court in Hartford is more than financially self-sufficient. Excepting that we were charged a reasonable rental for a building owned by the state, we would have demonstrated an actual and an accounting gain over expenditures. We will not be charged during our second year's operation with costs of renovation, alteration, purchase of furnishings, and a year's salary for the court's deputy assistant state's attorney.

Due to the low volume of criminal business, we have arranged to retain the prosecutor's services for two days per week thereby saving approximately \$13,500.

We do not attempt to make a case for the Housing Court on the basis of profit or loss. The dispensing of justice ought not to be measured so cynically and so insensitively. We think it a positive factor to underscore, however, in our support for both a continuation and an expansion of the Housing Court.

Phone calls to the Hartford clerk's office average 250 per week and are equally divided amongst pro se inquiries, referrals, general information, lawyers, litigants and sheriffs. These calls are handled by three (3) employees, already over burdened with substantial statutory and judicial duties.

The court heard 703 contested summary process actions and 572 contested small claims cases. These figures do not include non-adversary hearings in which only one party is present to provide testimony and evidence, nor do they include civil action cases seeking money damages exceeding \$750 and forcible entries and detainers.

The number of summary process cases returned to court was 4,409. Sixty-five (65) percent of all eviction actions were disposed of by default for either non-appearance or non-pleading. Surprisingly, only 45 percent of small claims cases concluded in default. This contrasts sharply with a 90 percent default rate registered in geographical area courts.

We submit that the reduction of the default rate by 50 percent is credible testimony that the pro se litigant has accepted the Housing Court as a consumer's forum to articulate his complaints.

The vast majority of small claims cases are disputes between landlords and tenants. These cases divide equally between tenants' claims for security deposits wrongfully withheld and landlords' claims for unpaid rents. Invariably, security deposit claims are met with counter-claims for property damage.

We observe that many marginal landlords find it difficult to voluntarily relinquish the security deposit. The adage of "possession being 90 percent of the law" is repeatedly reaffirmed in the security deposit contests. We are hopeful that the recently enacted amendment, Public Act 79-559, will bring about meaningful improvements in this area. We have painstakingly attempted, on a case-by-case basis, to educate both landlords and tenants as to what constitutes "normal wear and tear." It is to reduce this repeatedly familiar complaint that we issue a written memorandum for the parties in each contested small claims case. We are encouraged by the attitude changes being developed.

In talks to landlord and tenant groups, we have recommended both the use of photographs and signed pre-occupancy inspection reports. These inexpensive but common-sense suggestions, if implemented, will alleviate needless trauma and anxiety.

The judicious assessment and application of reasonable use and occupancy has proven a useful and effective tool, Section 47a-26, Connecticut General Statutes, in balancing the rights of litigants. Firstly, the court is empowered to establish a reasonable occupancy rate equal to the fair rental value during the pendency of the proceedings. This allows the court to set off from the agreed rent the monetary value of a code violation, if any. Secondly, landlords declared responsible for either a code violation or a breach of

habitability warranty are denied rental monies without prejudice to the tenants. Thirdly, the distribution of rent money to the landlord is made contingent upon correction of the violation either by the landlord or by the housing specialist. The sum ordered deposited with the clerk to date is \$80,000. This sum has allowed us to expedite necessary repairs in a prompt and fair manner.

The power to "control the rent," where justified, was rarely, if at all, employed prior to the enactment of the Housing Court. Although setting the rental rate cannot, under our laws, guarantee the continued possession of the tenant, it has nevertheless produced improved and safe housing. Its benefit is that immediate corrections are ensured under the supervision of the housing specialist.

The Hartford clerk, William Sadek, Esquire, attended 33 meetings during our first year with representatives of public and non-profit agencies to explain generally the purpose, operation and function of the court, and in particular, pro se services. The evidence is clear. Over 60 percent of tenants in summary process actions represented themselves. We have received in excess of 300 pro se landlord eviction complaints. Pro se appearances, overall, exceed 1,200. This is a development which could not occur in a busy geographical area court. We are convinced that the dramatic growth of pro se use of the court's facilities is an accurate yardstick of the expertise and sensitivity developed by the clerk's office towards uncounselled litigants.

The clerk's office is stocked with booklets and pamphlets detailing tenants' rights and responsibilities. More than 2,500 of these advisory pamphlets have been distributed to appropriate agencies. An instruction form, in plain language, is distributed

and explained to each pro se litigant. A small claims instruction booklet is equally available. All of the instruction pamphlets are available in every ethnic language serviced by the court.

The most critical aspect of the clerk's office is the inadequate staffing to properly accommodate pro se litigation. It often becomes necessary not only to explain substantive and procedural rights, but to assist in filing and filling "pleading" forms. The summary process statute, Section 47a-26, is rigidly time sequenced. The preparation and filing of cases, dockets, pleadings, judgments and executions is inexorable. The staff cannot shirk its statutory duties because of a pro se deluge. We wait patiently to be excepted from the restraints of an austere state budget.

There is attached, for your examination, Exhibits B to Q, Housing Court Forms, prepared by Clerk Sadek, available to litigants counselled or pro se.

The New Britain branch of the Housing Court is equally understaffed. Repeated requests for staff expansion are rejected for budgetary reasons. Attorney Michael Flynn is the assistant clerk for housing at New Britain. The success of the New Britain court rests in large measure upon our persuading Helen McCabe, summary process clerk of G.A. 15, to join us in this new venture. Fortunately for everyone, Mrs. McCabe was imbued with a pioneering spirit.

The New Britain branch, through December 31, 1979, processed 1,585 cases. From this total, 1,014 cases, or 64 percent, were summary process actions. Small claims cases numbered 472, or 30 percent, of the court's business. The remaining six percent were distributed between criminal and civil business.

Gross receipts from entry fees through December 31, 1979,

totalled \$34,691. No criminal fines were levied during this period. The court averages 23 hearings and contested trials per week. Summary process leads with 11, followed by eight small claims cases. The civil and criminal provide the remaining four cases.

The clerk's office receives 150 incoming telephone calls weekly. Pro se interviews at the office occur approximately 35 times each week. Pro se summary process complaints exceed 75 to date. The vast majority of summary process tenants are represented by the New Britain neighborhood legal services office.

The New Britain branch requires additional staffing. It is building a backlog jeopardizing expeditiousness of the summary process. If the staff is not to be increased, it may be wise to consider closing the New Britain branch and consolidating its staff with the Hartford branch for greater efficiency.

On each Wednesday and Friday, clerk Flynn's presence is required in court. This leaves Mrs. McCabe the sole employee to process paper work, assist pro se litigants and handle the phone. The task at times appears almost unmanageable.

As the Housing Court judge, I would prefer retention of the New Britain branch court. With the increase of business foreseen for the coming year, the failure to expand staff will inevitably seriously jeopardize the effective delivery of housing services to the New Britain constituency.

The volume of business ascribed to venue towns is contained in Exhibit R, attached hereto.

The prime objective of the deputy assistant state's attorney, Raymond Wiezalis, is to secure compliance with the basic requirements of the local building, health and housing codes. The prosecutor uses the threat of prosecution to convince defendants that voluntary remedial action is in their best interests.

A total of 190 cases were referred for prosecution from January 1, 1979, to December 31, 1979. Seventy-four (74) percent of code violation cases originated from Hartford, 17 percent from New Britain, six percent from East Hartford and the remaining three percent were scattered amongst Windsor, Plainville, Bristol, Manchester and West Hartford. A statistical break down by towns is set down in Exhibit S, attached hereto.

From the total of 190 cases referred, 93 cases or 49 percent could not be resolved at the preliminary stages, resulting, therefore, in the issuance of prosecutor's summonses.

One hundred eighteen (118) cases, 62 percent, were disposed of in 1979 as follows:

1. Resolved informally (prior to issuance of summons).	61
2. Nolled. Violations corrected (after issuance of summons).	44
3. Not Guilty (after trial).	1
4. Guilty.	<u>12</u>
5. Total	118

Fines levied and collected were \$635, ranging from a minimum of \$20 to the maximum of \$100. Two landlords, to date, have received suspended jail sentences subject to discharge upon condition that all charged code violations be corrected on or before a specified time period.

The prosecutor works at the Hartford branch on Monday, Tuesday and Thursday and at New Britain on Wednesday and Friday. The prosecutor responds to most technical inquiries and complaints submitted either in person or over the telephone. Many potential disputes have been aborted by the public's easy accessibility to the prosecutor and his general availability to the community.

As an integral part of the court's outreach program, the prosecutor, on 16 separate occasions, was either a speaker or panelist at housing related seminars. He has addressed the Urban League, Connecticut Association for Human Services, Neighborhood Housing Services, Vecinos Unidos, Code Enforcement Officials and numerous neighborhood block clubs. Many of these engagements were conducted during evening hours. The prosecutor participated in all Housing Court sponsored seminars; his most important contribution in this respect was to conduct and moderate 14 training seminars for code officials from the various towns within our jurisdiction.

It is beyond dispute that an acute housing shortage exists in the greater Hartford market. Many of the dwelling units are seriously substandard. The reduction of code enforcement offices, the shortfall of housing and the lack of commitment to build needed housing has reinforced our belief that poor people accept substandard housing over no housing. This may explain in great measure the paucity of code complaints from tenants and code officials.

These conclusions have caused us to prevent marginally profitable rental housing from being abandoned or placarded. To prevent this occurrence, landlords are extended every opportunity to effectuate compliance. Where landlords are cooperative, the court

has interposed no objection to nolle prosequi or early dismissals.

We are not convinced that substandard housing is the result of insensitive rapacious landlords. We believe that by the adoption of an inadequate and unfair rent shelter formula, city landlords, along with their public assistance tenants, have been victimized in accepting intolerable shelter.

We reject further the budding "lynch syndrome" being dangerously advanced by some tenant advocates. The lynch syndrome contends that the incarceration of some landlords will produce immediate code compliance and, therefore, safe and decent shelter.

The emergence of decent housing by jailing landlords is a non-sequitur. The confiscation of individual liberties will occur in the Housing Court only when the standards of individual justice demand it, and not otherwise. Advocates who contend that jailing a few landlords will produce safe and decent housing instantly belie their knowledge of the housing market in our area.

The Housing Court is staffed with two housing specialists. The role of the housing specialist is multi-faceted. The position requires close work with all phases of the court's operation. The housing specialists deal extensively with the public, health and housing code enforcement officials, private and legal service attorneys, contractors and subcontractors, human service organizations personnel and housing related public officials at the federal, state and local level.

The duties of the housing specialist are divided into three categories: office, court and "in the field."

The two specialists review all cases claimed for the Housing Court docket. Special attention is directed to those cases asserting

special defenses of code violations. Tenants are invited to request corroborative inspections of code violations. Housing specialists have responded to "on site" inspections in approximately 30 percent of cases alleging code violations. In all cases charging code violations or a breach of habitability warranty, the housing specialists contact the appropriate agencies to determine the existence of any complaint or inspection report. Where reports of code violations are found, certified copies are made available to the Housing Court.

Although not included in their job specifications, each of the housing specialists volunteers assistance to the pro se litigant. Both specialists are tri-lingual. To date, they have assisted more than 325 pro se litigants whose primary language is either Spanish, Italian or French. This includes explaining forms and assisting in preparing and filing "appearances" and pleadings. Both specialists receive, on average, 155 telephone calls per week. Nearly 50 percent of all calls are requests for information, assistance and referrals.

The creation of the office of housing specialist imposed a unique responsibility upon its initial appointees. They eagerly accepted the challenge of explorers in a new field. Based on her own perceptions of an effective housing specialist, the chief housing specialist devised interagency complaint forms, information sheets for telephone and walk-in complaints, and stipulation and agreement forms embodying mediated settlements in summary process, small claims and criminal cases.

The housing specialist office contains a storehouse of printed literature to counsel both landlord and tenant. Most of the

significant literature is available in English and in Spanish. Information distributed to housing related community organizations and walk-in parties includes pre-occupancy checklists, tenant-landlord rights and responsibilities, lead paint warnings, fact sheets and educational and resource materials.

The housing specialists under the direction and leadership of chief specialist, Frances Calafiore, have conducted numerous housing and code seminars both in-house and throughout the community. To date, over 25 seminars, in both English and Spanish, have been presented by the chief specialist before a diverse cross section of the community. These include, in part, the following: West Hartford Services, Vecinos Unidos, Connecticut Association of Code Enforcement Officials, Neighborhood Centers, Dorothy Street Tenants Association, Board of Realtors, YWCA Regional Conference, WKND Radio interview, Tri-County Regional Housing Conference, Buffalo, New York, La Casa de Puerto Rico, Community Renewal Team, S.A.N.D., and the Danbury Housing Task Force.

Mrs. Calafiore has responded to hundreds of inquiries from local public officials throughout this state. She has been a guest speaker at Olean, New York, and has enrolled in specialized training at Springfield, Massachusetts, Boston, Massachusetts, and Madison, Wisconsin. She exchanges information and data with housing, court officials from Buffalo and Philadelphia. She has extensively assisted the American Bar Association Housing Justice Division, Washington, D.C., in its national survey of housing courts.

Frances Calafiore, in her first year of operation as Chief Housing Specialist, has been of immeasurable assistance to the court, its litigants, the bar, code enforcement officials and the community.

Linda Bantell, our other housing specialist, came on board in August, 1979. She has acclimated rapidly and has gradually assumed sole control of the New Britain branch court. She has proven a quick study. The success of the Housing Court, in no small measure, is to be shared by these two outstanding ladies. Most of the time and effort spent in community seminars was during the evenings and beyond the normal working day.

Housing specialists allocate 50 percent of their time to in-court sessions. They conduct code violation inspections either at the request of the court or a litigant. They supervise court ordered repairs, disburse use and occupancy rentals, and occasionally assume the role of general contractor where the landlord is unwilling or recalcitrant.

The Chief Housing Specialist, as an additional burden, assumed receivership control of a 12-unit apartment house in Enfield. Extraordinary efforts are producing an apartment complex relieved of previous countless levied code violations.

The housing specialists perform a significant role in mediating landlord-tenant disputes. Litigants and their cases are screened and interviewed for settlement and reconciliation. Nearly 23 percent of all landlord-tenant disputes on the trial docket are reconciled by the specialists. Assistance is rendered in almost 85 percent of the cases coming before the judge. The assistance may be in the resolution of a minor contention not necessarily dispositive of the case or may require follow up and supervision of a court mandated order.

Significantly, in all the eviction cases in which an agreement is reached, 100 percent of these cases include a stay of execution

for the tenant. The quality of this service almost guarantees the elimination of tenants and their furnishings being hustled out into the street by a sheriff's van.

In 47 percent of all agreements, the housing specialists have persuaded landlords to make repairs on the subject premises. In 15 percent of these settlements the landlord was induced to reduce his previously imposed rent. Stays of execution secured in a housing specialist agreement averaged two and one-half months. These stays, co-incidentally, are especially significant when we consider our statutory law provides for no stays for grounds of nuisance or nonpayment.

The housing specialists have visited 16 towns in completing 450 on-site personal inspections of alleged code violations. These inspections are made at the request of the pro se parties, the attorneys, the prosecutor and the judge.

Finally, in a note of frugality, both housing specialists have volunteered to serve prosecutorial summonses as a means of saving money for the state's taxpayers.

We submit that the Housing Court has achieved its dual mission to reconcile landlord-tenant disputes in a fair and prompt manner; and to bring housing stock to code standards. Concedely, dramatic improvements in mediating landlord-tenant disputes overshadows the progress registered in code enforcement.

Where previously landlord-tenant conflicts were accorded scant attention and low priority, they now are disposed of in a humane and considerate manner. In each case, the Court and staff seek to provide

housing for the tenant; correct code violations; and collect the rental arrearage.

We are reasonably satisfied with the results achieved to date. Tenants now enjoy a forum to articulate their complaints and frustrations. They no longer appear intimidated by the judicial system. Landlords are acclimating to the statutory and judicial safeguards accorded tenants.

We further believe that we have gained the confidence of the landlord and tenant communities. Tenants are confident that every charge of code violation or breach of warranty of habitability will be investigated. Landlords acknowledge the Court's insight and understanding of their problems, especially as they affect inner city housing.

We are disappointed but not surprised at our inability to bring all housing stock to code standard. Critics or supporters of the Housing Court who are surprised have misperceived the role of the Housing Court.

Rehabilitation of deteriorated housing stock is primarily a legislative and executive function. During the past decade the City of Hartford lost more than 10,000 dwelling units. The effect has been to force families to double up and strain already marginal facilities. It has discouraged placarding unsafe apartments because substandard units are better than no units.

Nearly one-third (1/3) of statewide public assistant households reside in Hartford. The City counts 37,000 households receiving either social security payments or public assistance. The conclusions are

unavoidable. The City has been abandoned mainly to the poor, the aged and the disadvantaged.

The adoption of the state assistance flat grant program in 1971 and its perpetuation to date has foredoomed both Hartford landlords and tenants. The flat grant incorporates a fallacious welfare rent schedule calculated from prevailing public housing rents. It has foisted a gross inequity upon landlords and represents the single most important factor in the removal of dwelling units from the marketplace. The shelter formula's inadequacy in 1971 has been grossly compounded by its failure to remain abreast of inflation.

The vast majority of Hartford tenants are the working poor and public assistance beneficiaries occupying dwelling units more than 40 years old. Most apartment houses provide heat by a central heating system under the control of the landlord. During the past twelve (12) months, the cost of fuel oil escalated 100% while the rent shelter formula increased 5%.

It is not surprising, therefore to understand why apartment buildings are being placarded, abandoned or neglected by landlords. We are on the threshold of an explosive public receivership program whereby the private ownership of tenant-assisted rental property will disappear.

The responsibility to provide shelter is a statutory obligation of the state. The unwillingness however to provide a fair rental to landlords has transferred this public responsibility upon the shoulders of private landlords. Unhappily, both the landlord and tenant communities have suffered from this neglect to housing.

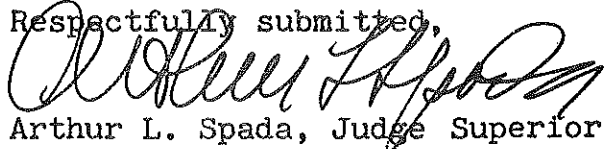
We are not unmindful of the sacrifices spawned by the constraints of an austere state budget. We are aware of the myriad of special interests groups competing for a higher priority of scarce state dollars. We felt nevertheless an obligation in this report to provide you with a candid and frank appraisal of the Housing Court and "matters related to housing." We have attached herewith, with some reticence, a list of recommendations and suggestions for your perusal and adoption.

The Housing Court has been intensely scrutinized by the American Bar Association, National Housing Justice and Field Assistance Program. We are in receipt of its recently proposed draft analyzing the Hartford-New Britain Housing Court. I consider it significant and relevant to reproduce the last two (2) paragraphs of the 34 page ABA report.

"In summary, the Hartford-New Britain housing court is, for the most part, attempting to fulfill its two-fold purpose (as viewed by the Housing Court Study Commission and the judge) of improving the quality of housing and creating a forum for the fair and prompt resolution of housing cases in a dignified setting. With respect to the first purpose, one of the representatives of the Housing Court Study Commission is skeptical about a housing court's ability to be a panacea for bad housing.

"However, in regard to the first purpose of the housing court, it has overwhelmingly succeeded in resolving housing cases in a fair and just manner and has significantly improved the quality of justice, particularly for the large number of pro se litigants."

Respectfully submitted,


Arthur L. Spada, Judge Superior Court
January 24, 1980

INDEX - EXHIBITS

- Ex. A: Statistical Volume of Business From originating towns, Hartford branch.
- Ex. B: Summary Process--Procedure
- Ex. C: Summary Process--Complaint
- Ex. D: Notice to Quit
- Ex. E: Motion, Default for Failure to Appear and Judgment for Possession
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- Ex. H: Tenant Pro-Se Instructions for Summary Process
- Ex. I: Pro Se Instructions on Court Procedures
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EXHIBIT A

COURT CASES FILED IN THE HARTFORD HOUSING SESSION
OF THE SUPERIOR COURT
JANUARY 2, 1979 - DECEMBER 31, 1979

TOWN	SUMMARY PROCESS	CIVIL	SMALL CLAIMS	CRIMINAL
AVON	4	-	8	-
BERLIN	1	1	1	-
BLOOMFIELD	21	1	35	-
BRISTOL	12	1	-	-
BURLINGTON	1	-	-	-
CANTON	8	-	8	-
EAST GRANBY	12	-	1	-
EAST HARTFORD	397	23	136	12
EAST WINDSOR	59	6	18	-
ENFIELD	72	8	21	-
FARMINGTON	24	1	25	-
GLASTONBURY	15	2	12	-
GRANBY	3	1	2	-
HARTFORD	3400	51	480	140
HARTLAND	-	-	1	-
MANCHESTER	151	14	94	1
MARLBOROUGH	2	-	1	-
NEW BRITAIN	4	-	-	-
NEWINGTON	12	6	12	-
PLAINVILLE	2	1	2	-
PLYMOUTH	-	-	2	-
ROCKY HILL	26	2	11	-

TOWN	SUMMARY PROCESS	CIVIL	SMALL CLAIMS	CRIMINAL
SIMSBURY	4	2	10	-
SOUTHINGTON	3	-	2	-
SOUTH WINDSOR	43	9	11	-
SUFFIELD	2	2	2	-
WEST HARTFORD	54	11	34	1
WETHERSFIELD	14	1	3	-
WINDSOR	46	8	49	2
WINDSOR LOCKS	17	1	2	-
TOTAL	4409	152	983	156

STATE OF CONNECTICUT
OFFICE OF THE CLERK
SUPERIOR COURT HOUSING SESSION



83 1/2 Lafayette Street, P.O. Box 8190, Station A, Hartford, Connecticut 06106

Telephone (203) 566-8350

SUMMARY PROCESS (EVICTION) PROCEDURE

1. The first step in the Summary Process (Eviction) Procedure is the Notice to Quit Possession. This notice, one blank copy of which the Court can provide for you, must be filled out by you, complete with apartment number as the plaintiff/owner of the building in which the tenants you wish to evict live. You must make as least three (3) copies of the Notice to Quit.

In cases of non-payment of rent, the notice to quit must allow the tenants seven (7) days in which to move. In cases where the lease has terminated by lapse of time or the tenants have committed a nuisance, they must be allowed twelve (12) days in which to move. The tenants have until midnight of the last day given to them in the notice to quit in which to move before you can proceed with Step 2 below.

The notice to quit must be served by a Deputy Sheriff. If you do not know one, the Sheriff's Office is located at 95 Washington Street, Hartford (566-4930). The fee for serving a notice to quit is approximately \$10.00.

2. If your tenant(s) still has not moved, you must personally come to the clerk's office with the original notice to quit with the sheriff's service noted, on the day after the notice to quit has expired and pick up forms called a Summons and Complaint. The clerk will help you with these forms and issue them to you. The clerk will also set the return date. The return date is a date from which certain time periods are measured, such as when the defendant must file an appearance or a pleading. There must be at least three (3) copies of each of the summons, complaint and notice to quit. Keep one copy of each for yourself and give the other two (2) to the sheriff who will serve the copy on the tenant(s) and return the original to you. The fee for this sheriff's service is approximately \$15.00.
3. Once the sheriff returns the original summons and complaint to you, immediately bring them down to the clerk's office at the Housing Session with the original notice to quit and the Court entry fee of \$30.00, payable by check.
4. The defendant then has two (2) days after the return date, to file his appearance in the case. If he does not do this by the third day after the return date, you can get a default judgment for failure to appear. In order to get the default judgment for failure to appear, you must come to the clerk's office to file a Motion for Default Judgment for Failure to Appear and a Military Affidavit. You must mail a copy of the motion to the defendant. Judgment in your favor will enter automatically once the Judge signs the order. You will be notified by mail.

5. If the defendant does appear, he must then file some type of answer to your complaint. He has three (3) days in which to do this after you file what is called a Motion for Default Judgment for Failure to Plead. The clerk will provide you with this form. You must mail a copy of this form to the defendant or his attorney. If he still does not answer then you can get an automatic default judgment once the Judge signs it. You will be notified by mail.
6. If the defendant does file a pleading, you will receive a copy of it. If the pleading is an answer and special defense, you must reply to the special defense. If this happens, the clerk's office will set up a formal hearing date at which time the case will be heard by the Judge. You will be notified of the date and time of the hearing by mail by the clerk's office. Bring all papers and receipts with you to the hearing. The Judge will either make his decision then or you will be notified by mail. The Court has specially trained Housing Specialists to assist you on the day of the trial who attempt to work out an agreement beneficial to both parties.
7. The defendant/tenant has seven (7) days after judgment in which to move in a case of non-payment of rent or nuisance. If he is not out after seven (7) days, you can then apply to the Court, in writing, for an execution giving the case name and the docket number. The clerk will then mail you an execution which you must give to a sheriff to have served on the defendant, telling them they must move immediately.
8. In cases other than non-payment and nuisance, the tenants have twenty (20) full days in which to move and apply to the Court for up to an additional six (6) months.

EXHIBIT C

Return Date:

: SUPERIOR COURT

: HOUSING SESSION

vs.

:

SUMMARY PROCESS (EVICTION) COMPLAINT

1. On or about _____ the plaintiff, as lessor (landlord), and the defendant, as lessee (tenant), entered into an oral / a written lease for the term of one month / year for the use and occupancy of the following premises (apartment) : _____.
2. The defendant agreed to pay the monthly rental of \$ _____, payable on the _____ day of each month.
3. The defendant took possession of the premises pursuant to the oral / written one month / year lease, and still occupies the premises.
4. The defendant has failed to pay the rent due under the lease on _____.
5. On _____ the plaintiff caused a notice to quit possession to be served on the defendant to vacate the premises on or before _____ as required by law. A copy is attached to the complaint.
6. Although the time given in the notice to quit possession of the premises has passed, the defendant still continues in possession.

THE PLAINTIFF CLAIMS : Immediate possession of the premises.

Plaintiff (landlord)

EXHIBIT D

NOTICE TO QUIT POSSESSION

To:

I hereby terminate your lease and give you notice that you are to move out of the apartment, you occupy at in the Town of _____ on or before _____, 19 _____ for the following reason(s):

If you do not move by the date stated above, I may start an eviction action against you.

_____, 19 _____

Owner

Then I made due and legal service of the foregoing notice by leaving a true and attested copy with/at the usual place of abode of the within named tenant(s) in the Town of _____ on _____, 19 _____

Attest: _____
Deputy Sheriff

FEE: \$ _____

Case No. _____ EXHIBIT E Return Date _____

(Plaintiff) : SUPERIOR COURT
V. : HOUSING SESSION

(Defendant) : HARTFORD/NEW BRITAIN

MOTION FOR DEFAULT FOR FAILURE TO APPEAR AND JUDGMENT FOR POSSESSION

The plaintiff in the above-entitled action respectfully requests that the defendant be defaulted for failure to appear and that judgment for possession enter for the plaintiff.

PLAINTIFF,

(Signature)

MILITARY AFFIDAVIT

The undersigned deposes and says that no defendant in this action is in the military or naval services of the United States. This affidavit is based upon the following facts:

(Signature of Affiant)

Subscribed and sworn to before me on _____.

(Signed (Asst. Clerk, Notary,
Commissioner of Superior Court)

ORDER

The above motion, having been heard, it is hereby ordered:
GRANTED.

BY THE COURT

JUDGE/ASSISTANT CLERK

This is to certify that a copy of this motion was mailed to the defendant/defendant's counsel on _____.

(Signature of Plaintiff)

EXHIBIT F

Case No. _____ Return Date _____
 _____ : SUPERIOR COURT
 (Plaintiff)
 V. : HOUSING SESSION
 _____ : HARTFORD/NEW BRITAIN
 (Defendant)

MOTION FOR DEFAULT FOR FAILURE TO PLEAD
AND JUDGMENT FOR POSSESSION

The plaintiff in the above-entitled action respectfully requests that the defendant be defaulted for failure to plead within the time allowed by statute and that judgment for possession enter for the plaintiff.

PLAINTIFF

 (Signature)

ORDER

The above motion having been heard, it is hereby ordered:

GRANTED

BY THE COURT

 Judge/Assistant Clerk

This is to certify that a copy of this motion was mailed to the defendant/defendant's counsel on _____.

 (Signature of Plaintiff)

BILL OF COSTS

Sheriff's Fee	
Entry Fee	<u>30.00</u>
Indemnity Fee	<u>10.00</u>
TOTAL	

EXHIBIT G

Case No. _____

Return Date _____

(Plaintiff)

: SUPERIOR COURT

V.

: HOUSING SESSION

(Defendant)

: HARTFORD/NEW BRITAIN

MOTION FOR PAYMENT OF DEPOSIT

FOR USE AND OCCUPANCY

The plaintiff requests, pursuant to Connecticut General Statutes, Section 47a-26, that the defendant be ordered to deposit with the court payments for use and occupancy in an amount equal to the fair rental value of the premises during the pendency of this action.

PLAINTIFF

(Signature)

ORDER

The above motion, having been heard, it is hereby ORDERED that the defendant deposit _____ per month with the court. The first payment must be received by the clerk on or before _____.

BY THE COURT

JUDGE/ASSISTANT CLERK

This is to certify that a copy of this motion was mailed to the defendant/defendant's counsel on _____.

(Signature of Plaintiff)

EXHIBIT H
STATE OF CONNECTICUT
OFFICE OF THE CLERK
SUPERIOR COURT HOUSING SESSION



83½ Lafayette Street, P.O. Box 6390, Station A, Hartford, Connecticut 06106

Telephone (203) 566-8550

PROCEDURES TO FOLLOW
IF YOU ARE A TENANT REPRESENTING YOURSELF
IN AN EVICTION (SUMMARY PROCESS) CASE

1. The first step in order to represent yourself is to file a form called an APPEARANCE at the Clerk's office at the Housing Session. By filing your APPEARANCE you have begun to contest (challenge) your eviction case. Your landlord is the plaintiff in the case and you are the defendant.
2. Once the clerk helps you fill out your APPEARANCE, you should then file an ANSWER to your landlord's complaint. The ANSWER will give you the opportunity to admit or deny any of your landlord's claims and also let you give other reasons to stop your eviction. You must mail a copy of your ANSWER to your landlord or his attorney. If you do not, you will automatically lose the case.
3. In order for you to contest (challenge) the case, you must have some good reasons for doing so. If you do have good reasons (defenses) to your landlord's claim, the case will be scheduled for a hearing before a Judge in about one week. You will be notified by mail of the hearing date.
4. If you do not have any good defenses to your landlord's claim for an eviction, a hearing will not be scheduled in your case and a judgment will be entered against you automatically. If that is the case, you will receive a Notice of Judgment by mail from the Housing Session. You then have five (5) days in which to move in cases of non-payment of rent or nuisance and twenty (20) days in cases of termination of lease. In cases of termination of lease only, you can apply to the Court for more time to stay in your apartment if you cannot find another place to live. This application must be filed during the initial twenty (20) day period you are allowed to stay.
5. If judgment against you does not enter automatically by default, the Court will set up a hearing for you. On the day of the hearing, come to Court a few minutes early and bring any witnesses, papers or receipts you may have. Do not be nervous, the Judge and the staff are all here to help you. The courtroom is on the second floor of this building.

6. Your case will be called by the clerk to see if you are present. The case may then be assigned to a Housing Specialist who is here to assist you with your case. The Housing Specialist will try and work out a fair agreement satisfactory to both you and your landlord. You are under no obligation to make an agreement. If no agreement can be worked out, the Judge will listen to your case and then make his decision. Speak slowly and clearly and do not interrupt the Judge, your landlord or his attorney when they speak. Everyone will have their say.

7. You will receive a copy of the Judge's decision by mail a few days after the hearing. If the Judge decides in your favor, you can stay in the apartment. If you lose the case, you will then have five (5) days to move in cases of non-payment or nuisance or twenty (20) days in cases of termination of lease with the right to stay longer in termination cases by following the procedure outlined in No. 4 above.

8. If you do not understand anything, please feel free to ask. If you feel that you would like a lawyer to represent you and do not know how to get one, please ask us and we will tell you how to go about it.

9. If you think you need an interpreter, you must call the clerk's office at least 24 hours before the hearing.

NOTICE TO ALL DEFENDANTS
CLAIMING HOUSING CODE VIOLATIONS

Your claiming of Housing Code violations is a special defense which you must prove at the time of your hearing. In order to support your claims, you may seek an inspection of your apartment by a Housing Specialist of this Court. It is your responsibility to contact one of the Housing Specialists at 566-8550 and arrange this inspection at least five (5) days before your hearing date.

EXHIBIT I

Notice to Persons Appearing Pro Se
CCP-179 (K) 4-76

STATE OF CONNECTICUT
COURT OF COMMON PLEAS

COUNTY/DIST

vs.

G.A. NO.

Held at

NOTICE TO PERSONS APPEARING PRO SE

The filing of an appearance (either pro se, or by an attorney) is only the first step in the defense of an action brought against you. There are other things which you must do because there are various stages in the defense of a law suit.

In addition to the appearance there are certain written statements called "pleadings" which must be filed. Your main pleading is called an "answer" which is a written statement setting forth your defenses to the action. **UNLESS THE APPEARANCE AND EACH PLEADING IS FILED WITHIN THE PROPER TIME, A JUDGMENT BY DEFAULT WILL BE ENTERED AGAINST YOU.**

In the ordinary civil case, the first such pleading must be filed within fifteen (15) days of the return date and succeeding pleadings within the times specified in the Connecticut Practice Book. However, in an eviction case known as a Summary Process action, the first such pleadings must be filed within three (3) days after the return day and succeeding pleadings within three (3) days after each stage of the proceedings.

Also, if you do not appear in court at the proper times at any hearings or trials, a judgment by default may be entered against you.

The Rules of Practice, which specify the formalities required in the defense of a civil action, are set out in the Connecticut Practice Book. While a layman may handle his own civil case, he will ordinarily be under a disadvantage since he is usually unfamiliar with the technical requirements of pleadings and in the presentation of evidence in court.

If you do nothing, or if you do the wrong thing, a judgment by default may be entered against you, which may permit the plaintiff to levy an execution against your wages and property.

It is therefore suggested that you consider retaining an attorney and if you are unable to pay for the services of an attorney, that you contact your local legal aid bureau or legal assistance association.

*[a. Give one copy of CCP-179 to all persons who wish to appear for themselves in the ordinary civil case and to those who ask questions about procedure in civil cases.

b. Enter on docket sheet the date and the name of the recipient].

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EXHIBIT J
STATE OF CONNECTICUT
HOUSING SPECIALIST
SUPERIOR COURT HOUSING SESSION



83½ Lafayette Street, P.O. Box 6390, Station A, Hartford, Connecticut 06106 Telephone: (203) 566-8550

*** AVISO ***

A TODOS LOS DEMANDADOS QUE RECLAMAN VIOLACIONES DEL CODIGO DE VIVIENDAS:

Su reclamación de las violaciones del código de viviendas es una defensa especial, la cual usted debe probar en el momento de su juicio. Para mantener sus reclamaciones puede pedir una inspección de su apartamento por un especialista de viviendas de esta corte. Es su responsabilidad de ponerse en contacto con la encargada especialista de viviendas, Frances Calafiore, al número de teléfono 566-3550, y combine un día para esta inspección durante los cinco primeros días antes de su juicio.

Docket # _____

Return Date: _____

Plaintiff (Landlord)

: SUPERIOR COURT

VS

: HOUSING SESSION

: DATE _____

Defendant (Tenant)

SUMMARY PROCESS ANSWER

1. I admit the following paragraphs of the plaintiff's complaint.
(Circle them) 1 2 3 4 5 6 7 _____
2. I deny the following paragraphs of the plaintiff's complaint.
c (Circle them) 1 2 3 4 5 6 7 _____
3. I do not have sufficient knowledge or information as to paragraphs 1 2 3 4 5 6 7 _____ upon which to form a belief, and therefore leave the plaintiff to his proof.

SPECIAL DEFENSES

- () 1. All rent has been paid in full to the landlord.
- () 2. Rent was offered to the landlord on _____ but it was refused.
- () 3. I am withholding the rent, pursuant to CGS 47a-4c, because there are Housing Code violations contrary to CGS 47a-7.
- () 4. I notified the Landlord/Health Department of these violations on _____.
- () 5. This eviction is retaliatory in violation of CGS 47a-20 and CGS 47a-33.
- () 6. I have a written lease that does not terminate until _____.

I understand that if any of the above pleadings are made in bad faith, I can be penalized up to \$250.00 by the court (P.B. section 111).

Signed _____
Defendant

I hereby certify that a copy of this Answer was mailed to all the other parties or their attorneys.

Signed _____
Defendant

-39-
EXHIBIT L
STATE OF CONNECTICUT
OFFICE OF THE CLERK
SUPERIOR COURT HOUSING SESSION



83½ Lafayette Street, Hartford, Connecticut 06106

Telephone: (203) 566-8550



TO

1

2.

Fold
1.

NOTICE OF COURT HEARING

NAME OF CASE

Fold
2.

ADDRESS AND TELEPHONE NO. OF COURT *(If different from that shown above)*

DATE OF HEARING

TIME OF HEARING

COURTROOM NO.

CASE DOCKET NO.

The above claim has been assigned for a court hearing for the reason indicated below:

- THE CLAIM IS BEING CONTESTED** *(Please notify your witnesses [if any] so they can arrange to be in court with you. Bring all other evidence you wish to present, such as bills, receipts, invoices, etc.)*
- HEARING IN DAMAGES – PROOF OF LOSS REQUIRED**
- SUMMARY PROCESS TRIAL**
- OTHER:**

All parties are required to appear at the place and time indicated above. If you are unable to attend the hearing you must notify the opposing party before you notify the court.

JD-CL-9 1-79 (Old JD-SC-5)

CLERK OF COURT, BY _____ DATE _____

EXHIBIT M

Docket No. _____

_____ : SUPERIOR COURT
 vs : HOUSING SESSION
 _____ : HARTFORD

MOTION TO { } REOPEN JUDGMENT
 RELEASE EXECUTION

The undersigned respectfully move that the () Judgment entered () Execution issued in the above matter be () reopened () released for the following reasons (s):

- 1.
- 2.

Dated at Hartford Connecticut, this _____ day of _____ 197____

I hereby certify that the above statements are true to the best of my knowledge.

 Defendant

Signed and sworn to before me on _____

 Assistant Clerk

The above motion having come before this Court and heard
 IT IS HEREBY ORDERED THAT said motion be GRANTED/DENIED.
 (for release only - all monies held by employer are released)

BY THE COURT

 ASSISTANT CLERK

Copy mailed to:

EXHIBIT N

SUPERIOR COURT

HOUSING SESSION

83½ Lafayette Street
Hartford, Conn. 06106

NOTICE TO TENANTS

Judgment has been entered against you and you must leave your apartment within 20 days from the date of judgment. During this 20 day period, you have the right to apply to the Court for additional time to stay in your apartment.. If you need more time, sign and mail the enclosed Stay of Execution application to the Housing Session. Make sure that the Court received the application before the 20 days is up. You will then be notified of the Court date and time.

Assistant Clerk
Housing Session

STAY OF EXECUTION APPLICATION
SUMMARY PROCESS
 CCP-121 REV. 4-75

STATE OF CONNECTICUT
COURT OF COMMON PLEAS

To Tenant: File three copies with the Clerk of the said Court where the judgment was rendered. One copy will be returned, showing Date of Hearing.

CASE NO.	G.A. NO.	CLERK'S OFFICE LOCATION	DATE OF JUDGMENT	DATE OF THIS APPLICATION
NAME OF LANDLORD		ADDRESS OF LANDLORD		
ATTORNEY FOR LANDLORD		ADDRESS OF ATTORNEY FOR LANDLORD		
NAME OF TENANT (Applicant)		ADDRESS OF TENANT (If different from Location of Premises, below)		
ATTORNEY FOR TENANT		ADDRESS OF ATTORNEY FOR TENANT		
LOCATION OF PREMISES				

TO: The Court of Common Pleas of said Geographical Area at said town.

1. The undersigned hereby requests a stay of execution in the above case for the following reasons:
 - A. The premises involved are used for dwelling purposes as set out in Sections 52-543, 52-544 of the General Statutes, Rev. 1975, as amended.
 - B. The undersigned has used due diligence and reasonable effort to secure other premises suitable for himself and his family elsewhere within the city or town or in a city or town adjacent thereto in a comparable neighborhood and cannot secure such premises.
 - C. This application is made in good faith and the undersigned will abide by and comply with such terms and provisions as the court may prescribe.
2. Said judgment was granted for reasons other than non-payment of rent or nuisance committed or permitted by the applicant or the use of or permitting the use of the premises for an immoral or illegal purpose.

TELEPHONE NO. OF APPLICANT	SIGNED (Applicant)
----------------------------	--------------------

NOTICE OF HEARING
STAY OF EXECUTION APPLICATION

STATE OF CONNECTICUT
COURT OF COMMON PLEAS

TO: The Landlord above shown

Your tenant above shown has filed an application in this court praying that execution of the judgment rendered on said Date of Judgment by the **Court of Common Pleas** in the action of summary process brought by you against said tenant(s), be stayed, as more fully appears on the Stay of Execution Application above.

The Court of Common Pleas will hold a hearing upon this application at the Place of Hearing shown below on the Date of Hearing shown below, at 10 A.M.

This is to notify you that if you wish to contest this application, you must appear in the court on said day and at said time, personally or by attorney. If you do not appear, a judgment granting said application and staying the execution of the judgment rendered in the summary process action may be entered against you by default.

PLACE OF HEARING	DATE OF HEARING	DATE OF THIS NOTICE	SIGNED (Assistant Clerk)
------------------	-----------------	---------------------	--------------------------

EXHIBIT O

OFFICE OF THE CLERK
SUPERIOR COURT
HOUSING SESSION

Docket No.

SUMMARY PROCESS
NOTICE OF JUDGMENT

vs.

, 19

Judgment for the plaintiff was entered on
for immediate possession with a Stay of Execution until
. The stay of execution is based upon
the following conditions:

Assistant Clerk
Hartford Housing
Session
83½ Lafayette St.
Hartford, Ct. 06106

EXHIBIT P

HOUSING SESSION COMPLAINT FORM

DATE: _____

COMPLAINANT:

Name _____ Tel. No. _____ Apt. No. _____ Floor _____
Address _____ City _____

VIOLATOR:

Name _____ Tel. No. _____ Apt. No. _____ Floor _____
Address _____ City _____

Property Address _____ Apt. _____ Floor _____
No. of Apts. in Building _____ Written Lease _____
Rent: _____ Includes: Heat _____ Electricity _____ Gas _____ Other _____
No. of People Living in Apt. _____ No. of Children _____

COMPLAINT:

Heat _____ Hot Water _____ Rubbish _____ Repairs _____ Fair Rent _____
Lead Paint _____ Malicious Damage _____ Discrimination _____ Nuisance _____
Housing Code Violations _____ Other _____

When was condition FIRST reported to Landlord? _____ LAST? _____
Condition was reported to: Housing Code _____ Health Dept. _____ Other _____
When? _____ Action Taken _____

I was referred to the Housing Court by _____

USE REVERSE SIDE FOR ADDITIONAL INFORMATION REGARDING THE CONDITION OF THE APARTMENT:

DATE _____

EXHIBIT Q

Referred by: _____
Telephone _____
Letter _____
Office _____
Other _____

HOUSING SESSION INTERAGENCY

COMPLAINT REPORT

Complainant _____ Violator _____

Address _____ Address _____

City _____ City _____

Apt. No. _____ Tel. No. _____ Apt. No. _____ Tel. No. _____

Address of Property _____ Apt. _____ Floor _____ No. Apts. _____

No. in Family _____ No. Children _____ Lease: Yes ___ No ___

Rent _____ Includes: Heat () Gas () Electricity () Other: _____

Complaint: Heat () HW () Mal. Dam. () PEN () RBSH () Repairs () LDP ()

Dscrm () FR () Bldg. Cd. () Other: _____ Violation Ch. _____ Sec. _____

When was condition first reported to Owner _____ Last _____

Rept. to Housing Code Enf. _____ Health Dept. _____ Bldg. Dept. _____ Other _____

When _____ Action _____

NOTES:

Action taken: Referred to: HCE () Health Dept. () Bldg. Dept. () LA ()

SS () Info Line () Other: _____

Contacted: HCE () Health Dept. () Bldg. Dept. () LA ()

SS () Info Line () Other: _____

COURT CASES FILED IN THE NEW BRITAIN HOUSING SESSION
OF THE SUPERIOR COURT

JANUARY 2, 1979 - DECEMBER 31, 1979

TOWN	SUMMARY PROCESS	CIVIL	SMALL CLAIMS	CRIMINAL
AVON	-	-	-	-
BERLIN	5	-	5	-
BLOOMFIELD	-	-	-	-
BRISTOL	301	15	138	1
BURLINGTON	-	-	-	-
CANTON	4	-	1	-
EAST GRANBY	-	-	-	-
EAST HARTFORD	2	1	5	-
EAST WINDSOR	-	-	-	-
ENFIELD	-	-	-	-
FARMINGTON	4	4	25	-
GLASTONBURY	-	1	-	-
GRANBY	-	-	-	-
HARTFORD	10	1	4	-
HARTLAND	1	1	-	-
MANCHESTER	-	-	-	-
MARLBOROUGH	-	-	-	-
NEW BRITAIN	542	24	205	32
NEWINGTON	18	2	15	-
PLAINVILLE	24	7	7	1
PLYMOUTH	18	4	8	-
ROCKY HILL	13	1	27	-

TOWN	SUMMARY PROCESS	CIVIL	SMALL CLAIMS	CRIMINAL
SIMSBURY	-	-	1	-
SOUTHINGTON	67	4	16	-
SOUTH WINDSOR	-	-	-	-
SUFFIELD	-	-	-	-
WEST HARTFORD	2	-	4	-
WETHERSFIELD	3	-	5	-
WINDSOR	-	-	6	-
WINDSOR LOCKS	-	-	-	-
TOTAL	1014	65	472	34

EXHIBIT S

CRIMINAL CODE VIOLATIONS

REFERENCE TOWNS

January 1, 1979 to December 31, 1979

Hartford	140
New Britain	32
East Hartford	12
Windsor	2
Plainville	1
Bristol	1
Manchester	1
West Hartford	<u>1</u>
Total	190

R E C O M M E N D A T I O N S

LEGISLATIVE

- (1) The Court's jurisdiction comprises 30 towns. Some towns have individual housing codes; while others have none. There is a need for a uniform housing code to be regulated by the State's Department of Housing. We strongly recommend the model Housing Code published in January, 1972 by the former Connecticut Department of Community Affairs. Massachusetts, a sister New England State with many of Connecticut's historical attributes, functions under a statewide housing code with no serious effects.
- (2) Adopt a specific statute proscribing lockouts, so that such actions constitute a crime. The eviction laws are circumvented sufficiently to justify the enactment of a "Lockout" Statute. Tenants physically dispossessed without court order are unsuccessful in securing police assistance. Local police dub this a "Civil matter" and take no action. The civil action of forceful entry and detainer although speedy can nevertheless leave tenants "out in the cold" for several days.
- (3) Adjust the rent shelter formula to a level competitive with the private market.
- (4) Require direct vendor payments to landlords. This would eliminate more than 50% of our evictions. Provide that upon filing an affidavit of alleged code violations, all rents would be paid into a trustee account supervised by the Housing Court. This diversion of rent would result in no prejudice to the tenant.

R E C O M M E N D A T I O N S

LEGISLATIVE (Cont'd Page 2)

- (5) Extend tenants' rights to a stay of execution, subject to judicial discretion, other than for nonpayment of rent or nuisance from the present maximum of 6 months to a maximum of 24 months.
- (6) Adopt a "Section 8" program, for the Connecticut's Urban Centers.
- (7) Implement Section 19-347i, General Statutes. This is an excellent tool for the judiciary to employ in the rapid rehabilitation of deteriorated housing stock. The Statute should be amended to include the following:
 - (a) A priority lien to the State
 - (b) Rent Control established by Housing Court over any property under receivership
 - (c) No evictions without just cause.
- (8) Encourage construction of new apartment housing for the elderly and the low and moderate income.
- (9) Provide municipal grants in aid based on the availability of dwelling units for the elderly and the poor.
- (10) Empower the Department of Housing to supersede local zoning laws for the construction of housing for the elderly and moderate income based on a fair distribution of housing throughout a particular geographical area.

R E C O M M E N D A T I O N S

LEGISLATIVE (Cont'd, Page 3)

- (11) Legislate permanently the Housing Court, due to expire on June 30, 1980. Enact five (5) additional housing courts, for a total of six (6), statewide, along congressional district lines. This would encompass approximately 500,000 people per housing court district.
- (12) Amend the three (3) to five (5) day hearing requirement under Section 47a-26 for determining use and occupancy. Clerical processing and mail delays render this provision unachievable. Substitute in its place that motions for reasonable use and occupancy are to be scheduled on the next available calendar date, not to exceed 10 days from filing.
- (13) Reduce the one year period for the issuance of summary process executions to a period of 6 months from the date of judgment.
- (14) Redraft Sections 47a-23 and 47a-26, our two basic summary process statutes. At present, these statutes are nearly unintelligible to all but a few practitioners experienced in their application. The redrafting should contemplate several comprehensible subsections.
- (15) Review the inclusion of back rent and property damage to the summary process action.

R E C O M M E N D A T I O N S

LEGISLATIVE (Cont'd, Page 4)

- (16) Clarify service of process to non-resident defendants in the summary process. See Section 47a-23, General Statutes.
- (17) Amend Section 47a-23 to make clear that a summary process based on nuisance requires a ten (10) day notice to quit.
- (18) Expand definition of dwelling unit to include rooming and boarding houses. Section 47a-1.
- (19) Amend Section 47a-68 to reduce the court's jurisdiction. We feel it is too broad and unwieldy. The Housing Court anticipates a load of 10,000 cases for the 1980 Calendar year. Most of these will involve direct landlord-tenant confrontations. To pretend that the Court and its staff can encompass "all matters related to housing" is to misunderstand the Court's role and its function. We would recommend the deletion of:
 - (a) 47a-68(f) Tort claims
 - (b) 47a-68(j) The delegation of jurisdiction appears too broad. Efforts should be made to make it more specific.
- (20) Prohibit the imposition of a late charge in a written lease within the statutory grace period of nine (9) days. Section 47a-15 (b). Provide, further, that any late charge shall not be punitive. Lessors are including in written leases the payment of a late charge (\$10 - \$15) if the rent is not paid on or before the 5th day. We have ruled these "late

R E C O M M E N D A T I O N S

LEGISLATIVE (Cont'd, Page 5)

charge" are against public policy and amount to "fines." Decisions unfortunately do not possess the immediacy of a statutory directive.

- (21) Amend Section 47a-43 to permit a claim for money damages in an action of Forcible Entry & Detainer. Trial court decisions hold that a "locked out" tenant seeking re-entry is required to initiate a separate independent action for money damages.
- (22) Amend Section 52-185 to except indigent plaintiffs from filing a bond for prosecution in cases of Forcible Entry and Detainer. Surprisingly, an indigent who is "locked out" cannot proceed civilly against a wrongful landlord unless she secures private counsel who can provide a 3rd party recognizance. Section 52-185 and Sections 50-55 of our Practice Book have effectively blocked access to the courts by indigent claimants.
- (23) Amend Section 47a-4(7) to make clear that the payment of attorney's fees (not to exceed 15%) is restricted to the balance of unpaid rent, as determined by the court. It should further provide that tenants' agreement to pay the landlord's attorney's fees for the summary process must be italicized and printed in bold lettering. The amendment should further state that the summary process legal fees are to be "reasonable" fees as awarded by a Court.

R E C O M M E N D A T I O N S

LEGISLATIVE (Cont'd, Page 6)

- (24) Waive the recognizance requirements for pro se landlords in the summary process. This requirement is superfluous as the prevailing tenant is entitled to no costs, generally.
- (25) Allow the deposit of rent by the tenant with the Housing Court to constitute an equivalent payment of rent to the landlord, where the tenant charges a code violation or a breach of warranty of habitability. The Court can determine the validity of the charge. If proven, the Court can establish a reasonable use and occupancy to protect the parties from a nonpayment eviction. The Court can order a portion distributed to the landlord or order repairs with the monies on deposit. Upon correction of the violations, the originally agreed upon rent can be reinstated. This type of flexibility will avoid the frustrations of paying rent by tenants who believe code violations exist but not to the extent of constituting a breach of the warranty of habitability.
- (26) Increase appropriation to allow for proper expansion of staff. The Housing Court requires two additional clerical employees; a part-time bookkeeper for summary process accounts; and a secretary to be shared by the Judge, Prosecutor and Housing Specialist.
- (27) Increase appropriations for improved courthouse facilities. Please see note 2, Recommendations, Judicial Department.

R E C O M M E N D A T I O N S

LEGISLATIVE (Cont'd, Page 7)

- (28) Amend Section 47a-23 to make uniform the time period for all notices to quit. At present, only 5 days is required for nonpayment; and 10 days is required for all others. This has created unnecessary confusion, often causing technical delays for landlords. It is suggested that an eight (8) day period be mandated for all notices to quit.
- (29) Amend 47a-36 to allow a judge to grant a stay of execution in cases of rental nonpayment, provided the tenant has tendered or is able to tender the entire rental arrearage on the date of judgment. The present "five (5) days and out" rule is harsh and does not consider extenuating circumstances. This amendment will also pre-empt many small claims cases brought to collect back rent.
- (30) Delete the jury option in Forcible Entry and Detainer complaints. Section 47a-43.
- (31) Amend Section 47a-15 to eliminate the required preliminary notice to tenants charged with criminal conduct or criminal behavior. Presently Section 47a-15 requires a first notice (Kapa vs. Flores, Hartford Housing Court) for conduct proscribed under Section 47a-11. One of the conditions prohibited is disturbance of the peace. Section 47a-11 (g).

R E C O M M E N D A T I O N S

JUDICIAL DEPARTMENT

- (1) General expansion of staff to expeditiously discharge the mission of the Court. The Housing Court is in need of two additional clerical employees; a part time bookkeeper for summary process accounts; and a secretary to be shared by the Judge, Prosecutor and Housing Specialists.

- (2) Provide a new location tailored to meet the requirements of the Housing Court, its staff, litigants and spectators. The Hartford branch is physically overtaxed. Jury cases cannot be conducted in this location. Space requirements are forcing us to relocate the monitor to the third floor, an area deemed "undesirable" by the Department of Public Works. We have had 75 litigants and witnesses squeezed into a courtroom accommodating 30 persons. The second floor location of the courtroom is a hazard to the elderly and the infirm. Once the pilot project has expired, the Court's physical facilities should be on a level with our sister courts in the judicial district courthouse.

- (3) Under Section 47a-69, Frances Calafiore was appointed Chief Housing Specialist, in February, 1979. No pay differential is presently in effect between the Chief Specialist and the second specialist. We are recommending a higher pay classification for the Chief by virtue of her extra duties and supervisory responsibilities.