

REPORT OF THE HOUSING SESSION
HARTFORD-NEW BRITAIN JUDICIAL DISTRICT
TO
THE CONNECTICUT GENERAL ASSEMBLY
BY AUTHORITY OF P.A. 83-497 of the STATE OF CONNECTICUT

Prepared by
Arnold W. Aronson
Superior Court, Housing Session
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HOUSING COURT STAFF

1983-1984

HARTFORD: 18 Trinity Street, Hartford, CT 06106

(1) William Sadek, Esquire	Chief Clerk
(2) Susan N. Lee, Esquire	Clerk
(3) Victor Feigenbaum, Esquire	Assistant Clerk
(4) Judith A. DeMonte	Administrative Assistant
(5) Maureen Sullivan	Administrative Clerk I
(6) Marie Tanasi	Court Monitor
(7) Carol Smith	Office Clerk
(8) Valerie Belhumeur	Temporary Office Clerk
(9) Christopher Morano	Deputy Assistant State's Attorney
(10) Frances Z. Calafiore	Chief Housing Specialist
(11) Linda D. Bantell	Housing Specialist

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

(1) Michael J. Flynn, Esquire	Clerk
(2) Helen F. McCabe	Administrative Clerk
(3) Lois Sullivan	Office Clerk

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 Public Act 83-497 of the State of Connecticut.

Designated officially as the "Housing Session of the Superior Court," the Housing Court was statutorily created as a pilot project under Public Act 78-365 commencing operation in 1979. The court is legislatively mandated to specialize "on matters related to housing."

The Housing Court remains an integral part of the one-tier state-wide trial bench, accountable to the Chief Court Administrator, the Honorable Aaron Ment.

The court's geographical boundaries include 30 towns and cities extending over 772 square miles, containing a population of over 811,000.

Pursuant to Connecticut General Statutes Section 47a-68, the Housing Court has exclusive jurisdiction over a broad range of housing and landlord-tenant 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, commercial landlord-tenant actions, all actions under the provisions of Title 47A, prosecution of state and municipal housing related codes, "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," and (h) ". . . other

relief arising out of the parties' relationship as landlord and tenant or owner occupier." Public Act 80-268 deleted former subdivision (f) of Section 47a-68 thereby removing tort claim cases from consideration by the Housing Court. 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 18 Trinity Street, 4th floor, formerly occupied by the family court. The facilities are adequate for the business generated at this location. The courtroom is sufficient to accommodate all persons in a dignified and judicial setting.

Hearings in New Britain are conducted in a basement courtroom of the New Britain Judicial District courthouse. The accommodations are adequate for the court's business. Clerical staffs are maintained at both Hartford and New Britain.

The mission of the Housing Court is to reconcile landlord-tenant and owner-occupant disputes in a fair and prompt manner and to bring housing stock to code standards. We believe that the Housing Court has operated unqualifiedly in a successful manner. The credit needs to be shared by a dedicated staff that is professional, supportive of each other and dedicated to public service, the Citizens' Advisory Council, the Chief Court Administrator and a supportive community.

I strongly endorse the previous proposal of the Honorable Arthur L. Spada that additional housing courts be enacted on a statewide basis.

On December 6, 1984, under the auspices of the Hartford County Bar Association, I, the staff, and members of the Hartford County Bar conducted a seminar, attended by more than 75 lawyers, at the Hartford County Medical Association building in Hartford on the procedural and substantive provisions in our landlord-tenant law. An 82 page manual outline with citations and principles of laws was distributed to each attorney present. We hope to make an improvement in pleading practice and a greater grasp of substantive issues by housing court practitioners. The dissemination of the Hartford/New Britain Housing Court's more than 580 written opinions to our trial bench is producing a more consistent and uniform application of our housing laws statewide.

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 580 written opinions. Many of these are scholarly, lengthy and replete with citations; additionally, the significance of these cases lies in many being cases of first impression. A number of Housing Court opinions

have been published in the Connecticut Law Journal. A substantial number of decisions of the court have 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.

Nearly each of the 46 statutory sections, supra, has been judicially interpreted and ruled upon. The personal time of the housing court judge allocated to evaluation, research, and writing opinions exceeds 600 hours. Most of this work was accomplished during weekends and evenings. These opinions fixed parameters of procedure and responsibility between landlord and tenant for future guidance and conduct.

Although the supervision and disposition of small claims litigation has at times been onerous, we have, with the generous assistance of small claims commissioners, attempted in each case to provide the litigants a forum with an atmosphere where they can present their claims and defenses.

The Hartford/New Britain Court staff at Hartford and New Britain consists of two clerks for housing matters, an assistant clerk, two housing specialists (a part-time housing specialist has also been authorized), one full-time deputy assistant state's attorney, one court monitor, and six clerical employees. This staff now does the housing work previously done by six geographical area courts and is charged with the responsibility of handling over 7,000 cases annually. Without their professionalism, dedication, and conscientiousness, the Housing Court could never fulfill its mission.

The two court clerks are lawyers, experts in housing matters, and extremely diligent in their discharge of the legislative mandate that

"such clerks... shall provide assistance to pro se litigants." Susan Lee, Esquire, supervises the Hartford branch and Michael Flynn, Esquire, has charge of the New Britain office. The clerk's duties has expanded to deal with the increased demands of attorneys, supervision of the handling of housing matters, maintenance of court records, preparation of the docket, overseeing personnel, assistance to pro se litigants, assistance to the Citizen's Advisory Counsel, and the public at large.

Special commendation must be given to Attorney Susan Lee and Attorney Victor Feigenbaum, clerks in the Hartford Housing Court. Their professional skills and performance were of the highest order. They exhibit the true meaning of a dedicated state employee and public servant.

Pro se assistance has been generously, although discreetly dispensed. The clerks are prohibited from furnishing legal advice per se. Lists 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 court clerks have set aside writing areas with forms, adjacent to their offices, to accommodate pro se litigants in the preparation of their own pleadings.

The perception which the public sees of the willingness to be of assistance by the clerk's office and the courteous treatment 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 encroachment on time to deal with the regular court business. It is not unusual for clerks and clerical employees to work, without compensation, 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 counter. This Housing Court is truly a consumer's agency for the landlord-tenant community.

Many pro se litigants are Hispanic Americans. Fortunately, three 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/New Britain clerks' offices processed a combined total of 7,051 cases for the period from July 1, 1983 to June 30, 1984. Summary process cases represented 78 percent of the court's business; the small claims docket accounted for 15 percent of incoming files, while the remaining 7 percent was distributed between civil, criminal cases, and housing code enforcement cases. During this period of time, 7,364 cases were disposed of from the court list showing a reduction in the backlog of cases.

The number of summary process cases returned to court from January 1, 1984 to December 31, 1984 was 4,642 in the Hartford Housing Court. During this same period of time, 4,673 summary process cases were disposed of in the Hartford Housing Court.

From January 1, 1984 to December 31, 1983, 824 small claims cases were filed in the Hartford Housing Court. During this same period of time, the Hartford Housing Court disposed of 813 cases.

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 rent and damages to the premises caused by the tenant. Invariably, security deposit claims are met with counterclaims for property damage.

We observe that many landlords, especially individual condominium owners, are unaware of their obligation to escrow the security deposit and their obligation, under the statute to give written notice to the tenant when retaining the deposit.

The determination and application of reasonable use and occupancy in summary process cases, has proven a useful and an effective tool in balancing the rights of litigants. Pursuant to C.G.S. Section 47a-26, 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. Additionally, landlords declared responsible for either a code violation or a breach of habitability warranty are denied rental monies without prejudice to the tenants. The distribution of rent money to the landlord is, in some instances, 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 \$11,000. This sum has allowed us to expedite necessary repairs in a prompt and fair manner. In many instances, the landlord and tenant,

with the court's approval, work out their own arrangement for the payment of reasonable use and occupancy and the repairs to be made by the landlord.

We find that over 60 percent of tenants in summary process actions represented themselves. 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 toward uncounselled litigants.

The New Britain branch of the Housing Court is properly staffed. Attorney Michael Flynn is the clerk for housing at New Britain. The success of the New Britain court rests in large measure to the efforts of Attorney Flynn and his two assistant clerks, Helen McCabe and Lois Sullivan.

The New Britain branch, from January 1, 1984 through December 31, 1984, processed 885 cases. From this total, 659 cases or 75 percent, were summary process actions. Small claims cases numbered 194 or 22 percent, of the court's business. The remaining 3 percent were distributed between criminal and civil business.

The New Britain branch does not require additional staffing. It is functioning well and its case flow is current.

The prime objective of the present full-time deputy assistant state's attorney, Christopher Morano, 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 58 cases were referred for prosecution from January 1, 1984 to December 31, 1984, with 62 cases being disposed of.

Many cases were disposed of in 1984 by use of the accelerated rehabilitation program and with fines, community service, and suspended sentences. Fines levied and collected ranged from a minimum to the maximum of \$99.00 per each offense charged. One case went to trial by the Court. This case ended with the defendant property owner found guilty.

The full-time prosecutor, Christopher Morano, works professionally and diligently 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.

We find the Housing Court to be a restricted setting for the trial of criminal matters. Where a defendant elects to be tried by a jury, it becomes an almost physical impossibility to devote full time to the trial and let the remainder of the housing court business suffer. Fortunately, the Hartford Housing Court has not had a trial by jury during this court's one and one-half year tenure.

An acute housing shortage still exists in the Greater Hartford market. Many of the dwelling units are still seriously substandard. The conversion of apartment buildings into condominiums and commercial uses and the lack of commitment to build needed housing has resulted in poor people accepting substandard housing over no housing.

A constant battle goes on between financially marginal landlords and poor tenants. Most financially marginal landlords owning multi-

family dwellings use a band-aid approach to code compliance because they are unable to make large investments needed for meaningful repairs.

We find, on the other hand, poor tenants creating or advancing the need for repairs by failing to maintain their apartments in proper condition. These tenants assume the landlord's responsibility to be a substitute for their failings. An example is where tenants remove batteries from a smoke detector and then charge the landlord with a failure to maintain the alarm properly. Another example is where tenants contribute to roach and rat infestation and charge the landlord with failure to abate this kind of problem.

The point we are making is that the failure to maintain multi-family dwelling units in accordance with code requirements rests upon the noncompliance by both landlords and tenants to fulfill their respective obligation to maintain decent housing.

We concur with the remarks made by the Honorable Arthur Spada in his 1980 report to the General Assembly, when he stated

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, contracts 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 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.

The creation of the office of housing specialist commenced with the Honorable Arthur Spada in 1979. His initial two appointees still remain as housing specialists. Based on her own perceptions of an effective housing specialist, Frances Calafiore, the Chief Housing Specialist, has 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.

Frances Calafiore, as Chief Housing Specialist, has been of immeasurable assistance to the court, its litigants, the bar, code enforcement officials and the community. Ms. Calafiore, in addition to working full-time, was enrolled at the University of Connecticut School of Law evening program graduating in June of 1984. She has never hesitated to, and often does, work additional hours in the performance of her duties, without additional compensation. With her unique and professional approach to working out problems between landlords and tenants, she has gained a high respect from attorneys and pro se litigants in the housing court. Words cannot express the appreciation for and the high esteem we hold for Ms. Calafiore and the way she skillfully performs all of her duties.

Linda Bantell, our other housing specialist, has equally proven an intelligent, knowledgeable, hardworking, dedicated and professional person. The success of the Housing Court, in no small measure, is to be shared by these two outstanding persons.

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 payments, and occasionally assume the role of general contractor where the landlord is unwilling or recalcitrant.

The Housing Specialists, as an additional burden, have in the past, assumed receivership control of unit apartment houses in Hartford.

The housing specialists perform a major role in mediating landlord-tenant disputes. Litigants and their cases are screened and interviewed for settlement and reconciliation. Nearly 98 percent of all landlord-tenant disputes on the trial docket are reconciled by the specialists. Assistance of the housing specialist is required in all cases coming before the judge. The assistance may be in the resolution of minor differences but not necessarily dispositive of the case or may require follow up and supervision of a court mandated order. In all the eviction cases in which an agreement is reached, most include a stay of execution for the tenant. This service almost guarantees that tenants and their furnishings will not be thrown out into the street by a sheriff's van.

We submit that the Housing Court has achieved its dual mission to reconcile landlord-tenant disputes in a fair and prompt manner; and we

attempt to bring housing stock to code standards. We recognize, however, that mediating landlord-tenant disputes overshadows the progress in code enforcement.

In summary, the Hartford-New Britain housing court is, for the most part, attempting to fulfill its two-fold purpose of improving the quality of housing and creating a forum for the fair and prompt resolution of housing cases in a dignified setting.

EVALUATION OF P.A. 83-510
TENANT'S COMPLAINT LAW

Public Act No. 83-510, an Act concerning Housing Code Enforcement By Individual Tenants, was enacted into law by state legislation in 1983. This Act became effective on January 1, 1984 for a trial period of 18 months solely in the "Housing Court" for the Judicial District of Hartford/New Britain. Public Act No. 83-150 is commonly known as the "Payment into Court" law or "Tenant's Complaint" law.

The primary purpose of P.A. 83-150 is to permit a tenant, where housing code violations exist, to pay rent into court instead of paying rent to the landlord. This action prevents the landlord from evicting the tenant for nonpayment of rent. It also requires the housing court and its staff to verify the tenant's complaint, and if meritorious, to require the landlord to cure the code violations. If the landlord does not cure the code violations, the Act gives the court authority to order the repairs made and deduct the cost from the rents paid into court.

In each action, the court must make three findings:

1. That a landlord-tenant relationship exists.
2. That a complaint of housing code violations was made to a housing code enforcement agency.
3. That the tenant's complaint deals with a violation of the landlord's responsibilities under C.G.S. Section 47a-7.

C.G.S. Section 47-7(a) sets forth the statutory responsibilities of a residential landlord as follows:

- a. Abide by building and housing codes affecting safety and health;

- b. Make repairs and keep premises fit and habitable except where rendered unfit or uninhabitable by tenant;
- c. Keep common areas clean and safe;
- d. Maintain in good and safe working order, electrical, plumbing, sanitary, heating, ventilating and other facilities and appliances and elevators, supplied or required to be supplied by the landlord;
- e. Provide and maintain receptacles for trash, rubbish, waste and arrange for removal;
- f. Supply running water and reasonable amounts of hot water at all times and reasonable heat unless not required by law to be equipped for that purpose or if heat and hot water is generated within the exclusive control of the tenant or supplied directly by a public utility.

Prior to January 1, 1984, in anticipation of the enactment of P.A. 83-510, the housing court staff, with the assistance of the Citizen's Advisory Committee, prepared a form complaint for initiating an action by a tenant. In addition to the complaint form the staff has developed its own internal forms to process the cases and to account for the funds held and disbursed.

From January 1, 1984 to December 31, 1984, a total of 27 cases were filed with the clerk's office in Hartford. In New Britain, the first case was filed in the clerk's office in December of 1984.

Of the total of 27 cases filed with the clerk of the Hartford court, ten cases were filed together against one mobile home park landlord. Another 6 cases were filed by the tenants of one apartment complex against one landlord. The balance of the 11 cases involved individual tenants against individual landlords.

The procedure that the court adopted in hearing the tenant's complaint consisted of holding a court hearing within the statutory time period of 14 days. At this hearing, the court inquired into the tenant's complaint. The landlord, if he was present at the hearing, was also allowed to present his side of the case. In most cases, the housing code enforcement officer for the town involved usually was in attendance for the hearing.

Following a determination by the court that a landlord-tenant relationship existed, that a complaint had been made to the housing code enforcement agency, and that violations existed on the landlord's part, the court, in every instance, referred the matter to a housing specialist. The instructions given by the court to the housing specialist ordered that an inspection of the premises be made. After the inspection was made the housing specialist was ordered to attempt to have the landlord make the necessary repairs. If the landlord refused, the housing specialist was directed to obtain estimates to cure the violations. Thereafter, if the landlord failed to make the repairs, the housing specialist was generally ordered to follow through to effectuate the repairs and pay for the repairs from the rents collected by the court.

In situations where the landlord voluntarily made the repairs which were his responsibility, the court held a hearing to determine whether the funds on hand were to be distributed to the landlord for past rent due or to the tenant for an abatement of rent or refund of costs.

27 cases were entered and 21 cases were disposed of between January 1, 1984 and December 31, 1984 in the Hartford Housing Court.

We find that the payment into court law removes the responsibility for enforcement of the landlords's statutory obligation from the municipal

housing code enforcement agency and passes it on to the housing court and its staff.

Unfortunately, this Act permits the landlords to view the housing court to be an advocate of tenant's rights against the landlord. This perception removes the housing court as an impartial magistrate. When one party to a lawsuit sees the court as an advocate for one side, the court loses its ability to be perceived as acting fairly to all parties. When this happens, the court becomes an administrative instrument of the legislature to enforce local housing code violations and not a judicial tribunal as its true function.

We see no great benefit in maintaining this program. The Act is a creation of another program to duplicate laws already on the books. We recommend a proper enforcement of existing laws not the creation of new ones when the existing ones are not enforced.

An example of proper use of existing laws can be found in the Town of East Hartford. I must single out and compliment William H. Boardman, Jr., the housing code enforcement official for the Town of East Hartford, and Attorney David Zipfel, Assistant Town Attorney. They, as a team, have consistently used existing laws to enforce landlord and tenant obligations. When they run into a recalcitrant landlord or property owner, they have requested, and the housing court has granted, injunctive remedies to ensure compliance.

There are presently sufficient laws on the books, if properly enforced, to obtain compliance with statutory mandates. To this end, we recommend training existing personnel not new laws or programs. Frequent, periodic and meaningful seminars or training programs for housing code enforcement officials, corporation counsels and town attorneys,

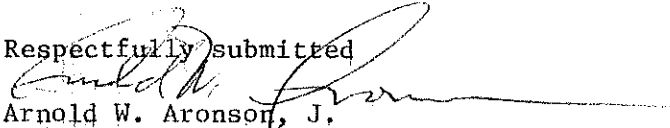
sanitarians, and public health officers, would in our opinion, obtain better compliance and enforcement of existing laws.

Chapter 833a, Public Enforcement of Health and Safety Standards in Tenement and Boarding Houses, contains provisions which, if properly enforced by the proper agencies, will ensure compliance with these laws.

In addition to laws requiring enforcement by public officials, tenants need not pay rent to the landlord under C.G.S. 47a-4a during any period in which the landlord has failed to comply with his statutory obligation under C.G.S. 47a-7. In addition, no rent is recoverable by the landlord under C.G.S. 47a-5 where no certificate of occupancy has been issued by a municipality where one is required prior to being leased to a tenant. Tenants may also bring an action against a landlord by private receivership of a tenement house. C.G.S. 47a-14a-47a-14g. These statutory provisions authorize the court to appoint a receiver to collect the rents and make the necessary repairs to cure the landlord's violation of his statutory obligations.

Since the trial period of P.A. 83-510 will not expire until June 30, 1985, the legislature will have the advantage of receiving the recommendations of Judge Goldstein, the new housing court judge for the Judicial District of Hartford/New Britain, in addition to this report in order to more accurately evaluate the program.

Respectfully submitted


Arnold W. Aronson, J.

LEGISLATIVE RECOMMENDATIONS

The following statutory changes are recommended.

1. 47a-4 Terms prohibited in rental agreement.

ADD: (8) agrees to pay a late charge before the expiration of the grace period described in section 47a-15a.

This addition prohibits a landlord from collecting a late payment charge when the legislature had given the tenant a 9 day grace period for payment of rent in 47a-15a.

2. 47a-15 Change "may" to "shall."

Sec. 47a-15. Noncompliance by tenant. Landlord's remedies.

Except in the case in which the landlord elects to proceed under sections 47a-23 to 47a-23b, inclusive, to evict based on nonpayment of rent or based on conduct by the tenant which is illegal, if there is a material noncompliance with section 47a-11 which materially affects the health and safety of the other tenants or materially affects the physical condition of the premises, or if there is a material noncompliance by the tenant with the rental agreement or a material noncompliance with the rules and regulations adopted in accordance with section 47a-9, the landlord [may] SHALL deliver a written notice to the tenant specifying the acts or omissions constituting the breach and that the rental agreement shall terminate upon a date not less than thirty days after receipt of the notice. If such breach can be remedied by repair by the tenant or payment of damages by the tenant to the landlord, and such breach is not so remedied within twenty-one days the rental agreement

shall terminate except that (1) if the breach is remediable by repairs or the payment of damages and the tenant adequately remedies the breach within such twenty-one day period, the rental agreement shall not terminate; or (2) if substantially the same act or omission for which notice was given recurs within six months, the landlord may terminate the rental agreement in accordance with the provisions of sections 47a-23 to 47a-23b, inclusive.

This change codifies the interpretation of Judge Arthur Spada that "may" means "shall" in the enforcement of this section.

3. 47a-15a If rent is unpaid when due and the tenant fails to pay rent within nine days thereafter or, IN THE CASE OF A WEEK TO WEEK TENANCY, WITHIN THREE DAYS THEREAFTER, the landlord may terminate the rental agreement in accordance with the provisions of sections 47a-23 to 47a-23b, inclusive.

This change deals with week to week tenancies, not previously addressed.

4. 47a-23 (a) When a rental agreement or lease of any land or building or of any apartment in any building, or of any dwelling unit, or of any trailer, or any land upon which a trailer is used or stands, whether in writing or by parol, terminates for any of the following reasons:
- (1) by lapse of time;
 - (2) by reason of any expressed stipulation therein;

- (3) for nonpayment of rent when due or within the grace period provided for residential property in 47a-15.
- (4) for a violation of TENANT'S OBLIGATION UNDER 47a-11 or of the rental agreement or lease or of any rules or regulations adopted in accordance with §47a-9;
- (5) for nuisance or illegal conduct;
- (6) where there is no right or privilege to occupy the premises;
- (7) where one originally had the right or privilege to occupy, but such right of privilege has terminated

and the owner or lessor, or his legal representative, or his attorney-at-law or in-fact, desires to obtain possession or occupancy of the same, at the termination of the rental agreement or lease, if any, or at any subsequent time, he or they shall give notice to the lessee or occupancy to quite possession of such land, building, apartment or dwelling unit, at least eight days before the termination of the rental agreement or lease, if any, or before the time specified in the notice for the lessee or occupant to quit possession or occupancy.

This addition clarifies 47a-23a(4).

5. 47a-26b If the defendant appears, the court shall, upon motion and after hearing, which hearing shall be held WITHIN TEN DAYS AFTER SAID MOTION IS FILED

This change allows a more practical timing for hearings.

6. 47a-35 Time to Appeal

Execution shall be stayed for five days from the date judgment has been rendered, provided any Sunday or legal holiday intervening shall be excluded in computing such five days.

(deleted) An appeal shall not be taken except within said period. If an appeal is taken within such period, execution shall be stayed until the final determination of the cause, unless it appears to the judge who tried the case that the appeal was taken solely for the purpose of delay or unless the defendant fails to give bond, as provided in section 47a-35a. If execution has not been stayed, as provided in this action, execution may then issue, except as otherwise provided in sections 47a-36 to 47a-41, inclusive.

7. 47a-36 Stay of Execution

(a) If any action of summary process to recover possession where judgment has been rendered for the plaintiff under the provisions of sections 47a-26, 47a-26a, 47a-26b or 47a-26d, execution shall be stayed in accordance with the judgment as follows:

(1) In any case in which judgment has entered on the basis of nuisance or no right or privilege to occupy, execution shall be stayed for five days.

(2) In any action in which judgment has entered on the basis of nonpayment of rent, execution shall be stayed for five days. If within five days of the date judgment is rendered the defendant deposits with the clerk of the court the full arrearage, then the defendant may apply for a stay of execution in accordance with section 47a-37. No such stay may exceed three months in the aggregate from the date of judgment.

(3) In any action in which judgment has entered on the basis of non-compliance, execution shall be stayed for five days. Within five days of the date judgment is rendered the defendant must apply for a stay of execution in accordance with section 47a-37. No such date may exceed three months in the aggregate.

(4) If any action in which judgment has entered on the basis of termination by lapse of time, by reason of any expressed stipulation in the rental agreement or lease, or as a result of a violation of section 47a-11, except nuisance, execution shall be stayed for twenty days, notwithstanding the provisions of sections 47a-35 and 47a-35a. Within twenty days of the date judgment is rendered the defendant may apply for a stay of execution in accordance with section 47a-37.

This change clarifies the stays of execution for the appropriate reason.

8. 47a-37 Application for Stay of Execution

Delete reference to "twenty days."

47a-23a(b)

Venue for actions brought pursuant to this chapter shall be the Judicial District Housing Session pursuant to Sec. 47a-70, where the defendant resides or where the leased premises or trailer are located at the plaintiff's If the defendant is a nonresident, venue shall be the Judicial District Housing Session established pursuant to sec. 47a-70

This change eliminates reference to the geographical area.

9. ADD 47a-54g. Smoke Alarms

In each single family dwelling, tenement, lodging or boarding house, a smoke alarm shall be installed on each story of the building, including the basement.

It is recommended that smoke alarms be required in all residential dwelling units whether single family dwellings or multi-family dwellings.

A

CASES ENTERED
HARTFORD HOUSING COURT
 1984

	<u>Summary</u> <u>Process</u>	<u>Civil</u>	<u>Small</u> <u>Claims</u>	<u>Criminal</u>	<u>Tenant's</u> <u>Complaints</u>
January	359	21	76	12	2
February	314	26	61	7	1
March	401	31	54	9	1
April	343	24	84	2	2
May	360	19	64	1	2
June	401	25	50	6	2
July	437	33	75	4	0
August	378	28	99	1	0
September	442	39	61	4	10
October	395	24	53	3	1
November	385	22	76	7	0
December	<u>427</u>	<u>32</u>	<u>71</u>	<u>2</u>	<u>6</u>
	3642	324	824	58	27

CASES DEPOSED
HARTFORD HOUSING COURT

January	352	22	53	3	0
February	267	23	47	8	2
March	413	100	49	4	0
April	364	28	39	8	1
May	380	21	62	7	2
June	375	20	68	5	3
July	371	12	195	9	3
August	467	18	64	5	0
September	399	25	47	3	0
October	455	18	67	3	1
November	313	16	80	4	0
December	<u>517</u>	<u>17</u>	<u>42</u>	<u>3</u>	<u>10</u>
	4673	320	813	62	21

SUPERIOR COURT
HOUSING SESSION
JANUARY 1, 1984 - JULY 1, 1984

TYPE OF CASE	BRIDGEPORT	HARTFORD	NEW BRITAIN	NEW HAVEN	MERIDEN	STAMFORD	WATERBURY	TOTAL
SUMMARY PROCESS								
Pending, Start of Period	583	431	96	160	0	415	115	1,800
Cases Added	981	2,700	478	1,160	99	581	427	5,926
Cases Disposed	1,365	2,151	459	1,197	65	641	448	6,326
Pending, End of Period	199	480	115	123	34	355	94	1,400
SMALL CLAIMS								
Pending, Start of Period	157	525	231	403	0	96	129	1,541
Cases Added	137	391	145	287	43	118	146	1,267
Cases Disposed	123	313	118	257	23	82	125	1,041
Pending, End of Period	171	603	258	433	20	132	150	1,767
CIVIL DOCKET								
Pending, Start of Period	98	302	82	267	0	117	47	913
Cases Added	60	150	29	285	13	82	45	664
Cases Disposed	25	214	42	325	1	44	49	700
Pending, End of Period	133	238	69	227	12	155	43	877
CRIMINAL DOCKET								
Pending, Start of Period	9	21	3	24	0	3	6	66
Cases Added	3	37	8	18	0	8	6	80
Cases Disposed	4	35	10	17	0	9	7	82
Pending, End of Period	8	23	1	25	0	2	5	64
HOUSING CODE ENFORCEMENT								
Pending, Start of Period	0	0	0	0	0	0	0	0
Cases Added	0	10	0	0	0	0	0	10
Cases Disposed	0	7	0	0	0	0	0	7
Pending, End of Period	0	3	0	0	0	0	0	3
TOTAL DOCKET								
Pending Start of Period	847	1,279	412	854	0	631	297	4,320
Cases Added	1,181	2,788	660	1,750	155	789	624	7,947
Cases Disposed	1,517	2,720	629	1,756	89	776	629	8,156
Pending, End of Period	1,311	1,347	443	808	66	644	252	4,111

SUPERIOR COURT
HOUSING SESSION
JULY 1, 1984 - JANUARY 1, 1985

TYPE OF CASE	BRIDGEPORT	HARTFORD	NEW BRITAIN	NEW HAVEN	MERIDEN	STAMFORD	WATERBURY	TOTAL
SUMMARY PROCESS								
Pending, Start of Period	199	480	115	123	34	355	94	1,400
Cases Added	1,051	2,489	659	1,249	114	622	492	6,676
Cases Disposed	985	2,522	662	1,118	124	723	459	6,593
Pending, End of Period	265	447	112	254	24	254	127	1,483
SMALL CLAIMS								
Pending, Start of Period	171	603	258	433	20	132	150	1,767
Cases Added	124	438	194	291	52	123	159	1,381
Cases Disposed	128	495	231	341	49	92	128	1,464
Pending, End of Period	167	546	221	383	23	163	181	1,684
CIVIL DOCKET								
Pending, Start of Period	133	238	69	227	12	147	43	869
Cases Added	61	180	28	256	16	127	30	698
Cases Disposed	83	106	20	200	9	58	23	499
Pending, End of Period	111	312	77	283	19	216	50	1,068
CRIMINAL DOCKET								
Pending, Start of Period	8	23	1	25	0	2	5	64
Cases Added	8	21	3	29	5	9	3	78
Cases Disposed	12	27	1	39	2	5	1	87
Pending, End of Period	4	17	3	15	3	6	7	55
HOUSING CODE ENFORCEMENT								
Pending, Start of Period	0	3	0	0	0	0	0	3
Cases Added	0	17	1	0	0	0	0	18
Cases Disposed	0	14	0	0	0	0	0	14
Pending, End of Period	0	6	1	0	0	0	0	7
TOTAL DOCKET								
Pending, Start of Period	511	1,347	443	808	66	636	292	4,103
Cases Added	1,244	3,145	885	1,825	187	881	684	8,851
Cases Disposed	1,208	3,164	914	1,698	184	878	611	8,657
Pending, End of Period	347	1,328	414	935	69	639	365	4,297