

REPORT TO THE GENERAL ASSEMBLY

pursuant to
Section 47a-73 of the Connecticut General Statutes

January 9, 2019

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Acknowledgement

The Council gratefully acknowledges the participation and involvement in Advisory Council meetings of the housing clerks, housing mediators, housing prosecutors, and representatives of the Court Operations Division of the Judicial Branch.

SUMMARY OF RECOMMENDATIONS

I. Impact of the State Budget crisis on the Judicial Branch (p. 1)

All vacant housing court staff positions should be filled. The most pressing of these are:

A. Housing mediators:

1. All turnover in mediator positions should be refilled.
2. The cross-training of foreclosure mediators and their assignment to housing mediation should continue as needed into the future.

B. Housing prosecutors: The New Haven housing prosecutor position, which has become vacant through retirement, should be refilled promptly.

C. Clerks' offices:

1. The Judicial Branch should continue its on-going reviews of the proper level of staffing needed for the housing clerks' offices, should promptly refill vacancies, and should make adequate provision to cover extended absences caused by illness, disability, vacation, and other similar causes.
2. The Judicial Branch should notify the Advisory Council if vacancies occur that are not being promptly filled.

D. New Britain and Waterbury Housing Court Clerks:

1. The positions of clerk for housing matters in New Britain and in Waterbury should be restored.
2. To the extent that they are not restored, a person in each clerk's office should be designated and titled as the primary housing staff member.
3. The Judicial Branch should consult the Advisory Council, in advance, when changes affecting housing court operation are being considered.

E. Former G.A. clerks' offices:

1. The clerks' offices in non-housing court districts should be configured so that each has a separate window or defined area for housing matters.
2. At least one person in each clerks' office should be specially trained in housing clerking matters and specially designated as the primary person for handling housing inquiries.
3. All clerk's office staff having public contact regarding housing matters should be sufficiently trained so as to be able to provide adequate counter service to litigants and attorneys.
4. The Judicial Branch should make clear that clerk's office staff handling housing matters in the non-housing court district can provide pro se assistance.

II. Administration (p. 3)

A. Computerization:

1. Expanded ability to compile, sort, and analyze computerized housing data: The Judicial Branch should explore ways to increase the ability of the housing court computer system to manipulate and analyze data. It should also make sure that the Civil/Family system can easily produce the data that was previously used by the Advisory Council in its biennial reports.
2. Computer system capabilities: The Family/Civil computer system, as applied to housing case files, should have the capacity to sort small claims cases by property address, post on the web all conditions imposed in housing criminal cases, issue summary process judgment notices promptly to each defendant, track the history of appearances, continuances, and off markings, identify housing cases on the non-housing court civil dockets, and provide adequate notice to self-represented and non-appearing parties.
3. Reliability of data entry: The Judicial Branch should develop guidelines for housing clerks so as to make data entry as consistent as possible.
4. Expansion of fields in foreclosure cases as they relate to summary process cases: There should be searchable fields in foreclosure cases for the last law day and the date of approval of the deed of sale.
5. Better identification of docketed housing criminal cases in non-housing court districts: The computerization of cases in the G.A. courts should include a computer field or a separate docketing code to identify criminal housing cases.
6. Pro se accessibility: The system should continue to be easily usable by litigants who do not have ready access to computers, and the ability of pro se litigants to make paper filings should be preserved.

B. Case processing:

1. Speed of processing: The Judicial Branch should assure the maintenance of sufficient housing court staff to maintain adequate speed of processing eviction cases.
2. Cases that do not settle: Summary process cases that do not settle on their scheduled trial date should be continued for hearing no more than one week except by agreement of the parties, unless administratively impracticable.

- C. Public access to court records:
1. Location of disclaimers: The Judicial Branch website disclaimer concerning use of website data should be placed on the opening pages of Housing and Civil/Family Case Look-Up.
 2. Content of disclaimers: The housing disclaimer should state clearly that the database is not intended for tenant screening.
 3. Case labeling: The reference to “reasons for eviction” in the online docket sheet should be preceded by the word “alleged.”
- D. Expanded access to community resources:
1. Social services support: On a pilot basis, the stationing of social services and eviction prevention staff at the housing court on trial days should be reestablished.
 2. Legal counsel: One or more pilot “lawyer for a day” programs should be established for the housing courts.
- E. Small claims:
1. Magistrate training and resources: The Judicial Branch should strengthen magistrate support and training by (a) making housing law an integral part of magistrate training, (b) giving preference to magistrates with knowledge and experience in housing law in assignments to housing dockets, and (c) encouraging magistrates to be in contact with housing court clerks as valuable resources in the hearing of housing cases.
 2. Magistrate book: Once the Advisory Council completes update of *Housing Issues in the Small Claims Division of the Superior Court*, the Judicial Branch should make sure that all magistrates hearing housing cases have a hard copy of the booklet.
 3. Evaluation: The Judicial Branch should devise a method of evaluation of small claims magistrates who handle housing cases that includes input from the housing court clerks, attorneys who handle housing cases, and housing small claims litigants. Information should also more clearly be provided to litigants as to how to file a complaint against a magistrate.
- F. Bridgeport Housing Court location: The Bridgeport Housing Court should be returned to the 5th floor of the courthouse at 1061 Main Street.
- G. Recording of results in criminal housing cases: All in-court dispositions, including conditions that are part of nolle prosequi or probation, should be fully recorded

on the docket sheets.

III. Prosecution matters (p. 9)

A. Decline in number of prosecutions:

1. Prosecutor outreach: Housing prosecutors should expand community outreach, particularly to code enforcement agencies and particularly in eastern Connecticut.
2. Statewide housing code: The State of Connecticut should adopt a statewide housing maintenance code or housing code to apply to all towns.

B. Referral of G.A. criminal housing cases to the housing prosecutor: The Chief States Attorney should see that criminal housing cases are appropriately referred to the housing prosecutor under the Prosecution Guidelines. Referral paperwork from police departments should include a box for “Code enforcement and landlord/tenant.”

C. Commercial lockouts: Commercial lockouts should be included in the criminal lockout statute (C.G.S. 53a-214).

D. Police Training Manual and Prosecutor Guidelines: The Police Training Manual and the state’s Prosecutor Guidelines should be updated with Advisory Council participation or review prior to finalization.

IV. Role of the Advisory Council (p. 11)

A. General matters: The Judicial Branch should recommit to advance consultation with the Advisory Council in all matters that affect the hearing of housing cases and to inform all Judicial Branch employees who deal with housing courts of their duty to encourage, promote, and proactively involve the Council in all such matters.

B. Judicial assignments: The Judicial Branch should revise the process for Advisory Council input on housing court judicial assignments so as to provide for more effective Advisory Council input.

V. Other proposals (p. 11)

A. Court administration

1. Minimum job requirements for housing clerks: Supervisory/administrative experience should not be a precondition for consideration of an attorney candidate for housing court clerk.

2. Spanish-speaking staff: Every housing clerk's office should be staffed so as to have at least one bilingual employee who can handle telephone and counter work with litigants who are primarily Spanish-speaking. The ability to speak Spanish should be viewed as an important job-related skill in filling all housing court positions, including clerks, clerical staff, housing mediators, and housing prosecutors, and its desirability should be included in all housing court job postings and advertisements.
3. Telephone book listings: Housing court telephone listings should be moved from "Judicial" to "Housing Courts"; and missing listings should be filled.
4. Meriden housing cases: If the New Haven-Waterbury Housing Court judge continues to hear housing cases only four days a week, then he or she should be assigned on the fifth day to hear housing cases in Meriden rather than foreclosure cases in New Haven.

B. Prosecution

1. Criminal investigators: The Chief State's Attorney should make funding available for at least one investigator for the statewide housing prosecution unit.
2. Consultation in the hiring of housing prosecutors: A representative of the Advisory Council should be a participant in the screening process for the hiring of new housing prosecutors.
3. Standards for the hiring of housing prosecutors: The Criminal Justice Commission (or any other entity hiring housing prosecutors) should assure that the following five standards are included in the evaluation of applicants: (1) commitment to decent housing, as required by C.G.S. §51-278(b)(1)(B); (2) an expressed intention to remain as a housing prosecutor for an extended period of time; (3) an understanding that the prosecutor's role in the administration of local housing code enforcement will effectively control housing code enforcement administration by every local municipality in the entire region within the prosecutor's jurisdiction; (4) a commitment to active community outreach, particularly to local code officials, police departments, and neighborhood groups; and (5) a willingness to work cooperatively with the Advisory Council on issues of mutual concern. Job postings should include a statement that the ability to speak Spanish is desirable.

REPORT OF THE CONNECTICUT ADVISORY COUNCIL ON HOUSING MATTERS

Pursuant to C.G.S. §47a-73, every two years the Connecticut Advisory Council on Housing Matters makes a report to the General Assembly on the administration of housing matters in the court system. This report constitutes the Council's report and recommendations for 2019.

The purpose of this report is to recommend improvements in the way that housing cases are handled. As a result, it may appear to have a negative or critical tone. For that reason, the Advisory Council wants to be clear about two things. First, it believes the housing court system has been and remains a very positive part of the court system, both for landlords and for tenants. While the court operates within a framework that allows cases to move quickly, the key element of the housing court is a respect for due process for all litigants, including self-represented parties, and an opportunity for all litigants to be fairly heard. Even in the face of staff reductions, the Council believes that the court has done its best to maintain this framework. Second, the Judicial Branch has been fully supportive and cooperative in providing the Advisory Council with the data used in this report. It has also been open to requests to explore additional data analysis in the future. This report should therefore be read in the context of the Council's strong support for the housing court system, its belief that the existing system works well as a fair and effective mechanism for the handling of housing cases, and its appreciation for the Judicial Branch and its staff in the development of this report.

I. Impact of the State Budget crisis on the Judicial Branch

The housing court system, as well as the Judicial Branch as a whole, has been severely impacted by funding reductions. The Council is pleased to report that, after several years of repeated staff reduction, the state's budget for Fiscal Year 2018-2019 has reversed that trend and has allowed the Judicial Branch to begin to rebuild its staffing. This is reflected in the restoration of some staff positions in the housing court system. No system can run effectively without a sufficient number of employees. The Council notes the following changes in housing court staffing from its report two years ago, as well as the continuing gaps in that staffing.

- Housing mediators: Because of retirements, the housing court system had been reduced to only four full-time housing mediators; but it is now anticipated that there will be six full-time mediators by January, 2019. The Council is pleased by this restoration of staff. The Council is also pleased that the Judicial Branch has been able to cover these temporary reductions by cross-training foreclosure mediators to supplement existing housing mediation staff when needed. The Council continues to support the refilling of all vacant housing mediator positions when they occur and the cross-training of foreclosure mediators to fill gaps when necessary.
- Housing prosecutors: The Council is very pleased that the Chief State's Attorney's Housing Prosecution Unit had become fully staffed. By 2018, there were four full-time housing prosecutors who cover all criminal housing prosecution in the state except for J.D. Middlesex, which is handled by a former full-time housing prosecutor otherwise

assigned to that courthouse. The full-time New Haven prosecutor has, however, retired. The Advisory Council urges the Chief State's Attorney to fill that vacancy promptly.

- Clerks' offices: The Judicial Branch conducts on-going review of the proper level of staffing needed for the housing clerks' offices. The Council recognizes that temporary shortages can occur for many reasons, including vacation, illness, disability, and retirement. In a time of tight staffing, however, such staff shortages can have a significant impact on the processing of cases; and short-term staffing gaps can sometimes become longer in term. Any such review of staffing level should include, on both a long-term and short-term basis, the need for courtroom coverage, the impact of the restoration of the small claims docket on the housing courts, the need for timely processing of paperwork, and the importance of the availability of staff for contact with the public at the counter. Judicial should promptly refill vacancies and should make adequate provision to cover extended absences caused by illness, disability, vacation, and other similar causes. In addition, the Advisory Council asks that it be notified when vacancies occur that are not being promptly filled.
- Housing Court Clerk position in New Britain and Waterbury: The positions of clerk for housing matters in New Britain and in Waterbury should be restored. Several years ago, when the New Britain and Waterbury housing clerks retired, these two housing court clerks' offices were folded into the J.D. civil clerks' offices. The litigant windows at both locations and the clerk's office lobby in New Britain were retained so as to present to litigants the appearance of separate housing court offices, but the housing clerk positions were not filled. The Council continues to have several concerns. First, these changes have resulted in a lack of clarity, particularly from a litigant perspective, as to who is the "director" of each housing court office. See C.G.S. 51-51v(a)(6), which requires the judges of the Superior Court to appoint "clerks for housing matters." While the Chief Clerk for Civil Matters is technically designated as the housing court clerk, the unique aspects of the housing court clerk's offices have not necessarily been preserved. In New Britain, at least, there is one employee, an attorney, designated as primarily responsible for housing, although that person lacks a title reflecting that designation. In Waterbury, there is no equivalent designation and there is no one, other than the Chief Clerk for Civil Matters himself, who is a lawyer. See C.G.S. 51-52(d), which has been interpreted by the Judicial Branch to require each housing court office to be headed by an attorney. At the least, in the absence of an actual clerk for housing matters, there should be a person in each office designated and titled as the primary housing court staff member. Second, the absence of a separate housing court clerk's office undercuts one of the core purposes of the Housing Court Act, which is to separate housing from non-housing matters so that they do not compete for priority. Third, the changes in both New Britain and Waterbury were made without any effort at discussion or consultation with the Council prior to making a decision. Indeed, it was community, Advisory Council, and legislative opposition that prevented the New Britain housing court from being closed in entirety. The Advisory Council should be consulted, in advance, when changes affecting housing court operation are being considered.
- Former G.A. clerks' offices: In 2017, partly in response to computerization and e-filing, the Judicial Branch completed the move of summary process and other civil housing

cases in the non-housing court districts from the G.A. courts to the J.D. civil courts, although summary process trials continue to be heard at G.A. locations in Danielson and Derby. The Advisory Council has always supported the computerization of G.A. cases and the enhancement of housing to the J.D. level in the non-housing court districts. It appears, however, that in New London (and perhaps in other locations) this change may have had an unintended undesirable consequence if G.A. staff experienced and knowledgeable in the handling of summary process cases were not transferred to the civil clerk's office. This has resulted in concerns about the continuing ability to provide the level of services previously provided in the G.A. court. It is important that all clerk's office staff in the non-housing court districts – and particularly every staff member who will have contact with members of the public in regard to housing matters – be sufficiently trained so as to be able to provide adequate counter service to litigants and attorneys.

The Council recommends that (a) civil clerk's offices in the non-housing court districts that now handle housing be configured so that each has a separate window or defined part of the counter, appropriately identified for housing matters, (b) at least one person in the clerk's office be specially trained in housing clerking matters and specially designated as the primary person for handling inquiries by litigants and attorneys, (c) all clerk's office staff having public contact regarding housing matters be sufficiently trained so as to be able to provide adequate counter service to litigants and attorneys, and (d) the Judicial Branch remove any doubt about the appropriateness of clerks' offices providing pro se assistance to litigants in the non-housing court districts. The Council has been told of occasions on which pro se litigants have been informed that counter staff cannot answer questions about the papers with which they have been served. Decades ago, the Judicial Branch had expressed the view that G.A. courts could not provide pro se assistance because some G.A. clerks were not attorneys. That issue is no longer relevant, since J.D. clerks are attorneys.

II. Administration

- A. Computerization: The Council believes that the use of efilng and the transition from the old Forecourt computer system to the Civil/Family computer system have worked well and have improved the efficiency of clerks' offices. There are, however, ways in which those systems can be improved. In particular, the Council recommends:
- Expanded ability to compile, sort, and analyze computerized housing data: The Judicial Branch should explore ways to increase the ability of the housing court computer system to manipulate data through "definable queries," i.e., to compile, sort, and analyze data in response to inquiries. This is particularly important for conducting studies of the housing courts, compiling more detailed statistical information, and promoting transparency within the court system. Data can be analyzed effectively only if it is entered in sufficient searchable fields. To the extent that it is not, computerized information can be analyzed only by manual methods. In addition, in light of changes in the docket numbers for housing cases as a result of merger into the Civil/Family computer system, it is important for the system to easily produce such basic data as the number of housing civil cases filed

each year. The Council also recommends that the Judicial Branch explore the practicability of creating fields that would allow the cases involving subsidized housing to be identified.

The Council is also concerned that some data which in prior years has been provided to it quickly and routinely for the preparation of its biennial reports does not appear to be easily produceable in the Civil/Family computer system. This has affected, for example, calculation of the default rate in summary process cases and determination of the median disposition time of such cases. The system should be modified so as to be able to replicate all tables in Appendix C of the Council's 2017 biennial report, without the need for extensive staff time.

- Other computer system capabilities: It is not clear that all capabilities of the prior Forecourt system exist in the Family/Civil computer system. To the extent not already the case, the Advisory Council urges that any system applicable to housing cases include the following elements, some of which were available in the Forecourt system:
 - In small claims actions, a sortable field for the address of affected properties;
 - In criminal cases, the posting of full court orders on the web, including all conditions related to those orders;
 - The ability to issue judgment notices promptly and with separate copies to each defendant;
 - The ability to track the history of attorney appearances for parties and of continuances and off markings.
 - The ability to identify civil cases as being housing cases.
 - The adequacy of notices to self-represented and non-appearing parties.

- Reliability of data entry: Questions have been raised as to the consistency with which data is entered into the computer system. For example, if a default judgment is opened and a new judgment by stipulation is entered, which date will appear as the date of final judgment and will the disposition be treated as a judgment by default or a judgment by stipulation? How are judgments labeled in a multi-ground eviction if the parties stipulate to a particular ground or if they do not identify which ground was stipulated to or if there are different grounds against different parties? The Judicial Branch should develop guidelines for housing clerks so as to make data entry in these and other areas as consistent as possible.

- Expansion of fields in foreclosure cases as they relate to summary process cases: The Connecticut Protecting Tenants at Foreclosure Act (C.G.S. 49-31p and 49-31q) and the equivalent federal act (Public Law 111-22, §701-703, and Public Law 115-174, §304) make the address of the property, the law day, and the sale date relevant to post-foreclosure summary process actions. There is now a field in the foreclosure dockets for property address but not for the last law day or the date of approval of the deed of sale. These latter two fields should be

incorporated into the record in a searchable format in foreclosure cases.

- Better identification of docketed housing criminal cases in non-housing court districts: The computerization of cases in the G.A. courts should include a better mechanism for identifying G.A. housing criminal cases. In particular, there should be a computer field or a separate docketing code to identify them. The Chief Housing Clerk and the Chief Housing Prosecutor should jointly figure out a workable way to do this. See Appendix E.
- Pro se accessibility: The system should continue to be easily usable by litigants who do not have ready access to computers. The existing system permits but does not require electronic filing by self-represented litigants. The Advisory Council supports the continued ability for self-represented litigants to file by paper and to receive notices and documents by mail.

B. Case processing:

While case processing times in eviction cases continue to confirm that most summary process cases move rapidly, the Advisory Council has identified troubling trends over the past six years which appear to suggest that long-term understaffing, with its growing cumulative effect as time passes, is having an increasingly serious impact on the pacing of summary process cases. It is important that this trend be reversed.

1. Speed of processing: In 2016, the Judicial Branch transferred the housing court computer system from Forecourt, a system that was being used only in the housing courts, to the Civil/Family computer system, which was in use elsewhere in the civil court system. Although the Advisory Council was assured that this change would preserve all capabilities of the old system, it has become clear that some of the tables routinely created for the Advisory Council's biennial reports cannot easily be replicated in the Civil/Family system. See the first bullet in Part II(A) above. This raises questions as to whether the new and the old data on the speed of case processing are measuring the same thing. Based on this newest data, over the past four years, there have been increases in the processing time for summary process cases in all housing court districts, even though the number of summary process cases filed has actually declined. The median disposition time (from return day to entry of final judgment) for all housing court eviction cases, which for decades had stood at 18 to 19 days, rose to 24 days in FY 2016¹ and to 29 days in FY 2018. This system-wide median appears to be substantially distorted by the data from the Hartford Housing Court, the largest of the housing court locations, for which the median jumped from 21 days in FY 2016 (the lowest median at that time) to 38 days (by far the highest median). There is reason to believe that the serious staff shortage that contributed to the exceptional time escalation in Hartford in FY 2018 has now been corrected. Except for Hartford and to a lesser extent New Haven, median disposition times for the housing courts (i.e., in Bridgeport, New Britain, Norwalk, and Waterbury) were about the same or lower in FY 2018 than in FY 2016. All court locations, however, have shown increases in median disposition

¹ "FY" stands for "Fiscal Year." A fiscal year runs from July 1 through the following June 30. The fiscal year is named for the calendar year in which the fiscal year ends. "FY 2016" therefore refers to the 12 months from July 1, 2015, through June 30, 2016.

times since FY 2012, some of them (particularly Hartford, New Haven, and Waterbury) quite large. See Appendix C-4. Data for contested cases only (cases in which the defendant filed an appearance) is not available for FY 2018; but the medians for contested cases have historically averaged about three to four days longer than the medians for all cases.

The Advisory Council expressed concern about this pattern two years ago, and it remains of significant concern. The housing courts are respected because they move eviction cases quickly (a matter of great concern to landlords) while at the same time giving tenants a fair opportunity to present their defenses and be heard (a matter of great concern to tenants). A significant lengthening of disposition times risks this core aspect of the reputation of the housing courts. The Council believes that a significant contributing factor to these time increases has been the Judicial Branch's long-term downsizing of staff. The end of the hiring freeze should have some impact but it is too early to tell how great it will be. The benefits of staff restoration are partially counterbalanced by the addition of about 1,400 new small claims cases per year to the housing court system, which must be processed by staff. The Council strongly urges the maintenance of adequate staffing levels to restore the historic timeline of housing court cases.

2. Same-day trials: A large percentage of summary process cases that do not end in a default judgment are resolved by stipulated judgment, i.e., by a negotiated settlement. Past estimates are that almost 95% of cases handled by housing mediators are resolved by settlement. The Advisory Council has in the past expressed concern that many cases not settled were being continued for periods of two weeks or more. It appears, however, that a larger number of non-settled cases are being tried the same day or within one week and that only a small number now have to be continued for more than two weeks.

3. Other time-related processing: There is reason to believe that, in some housing court locations, particular aspects of the housing court process have become delayed. In Bridgeport, for example, the clerk's office staff at one point was reduced to two people, resulting in delays in the largely clerical tasks of entering default judgments and issuing executions. It is expected that that the recent hiring of an office clerk and of a temporary assistant clerk (TAC) for Bridgeport will resolve those problems. At times, the housing courts have also faced a shortage of housing mediators, which has led in some locations to fewer cases being placed on dockets and initial trial dates being set for three to four weeks in the future. The addition of housing mediators, as noted in Part I, should help in reducing these times.

C. Public access to court records:

The Council has increasingly become aware of the tension between easy public access to information from the court system and the distribution of misleading or inaccurate information that can be harmful to parties in housing cases. The Council has always supported maximum public access to case information, including by computer. That information is increasingly being used by property owners to evaluate tenant applicants. It turns out, however, that, used in isolation, such information can be inaccurate or misleading and can result in unjustified rejections of applications; and state and federal credit-reporting laws put limits on the use of such data by tenant screening and credit-reporting agencies. Those rules, however, do not apply to use of such data by others. For example, multiple people can have the same name. The naming of a party in a summary process action does not necessarily mean that the party was at fault.

Indeed, it can be difficult to determine fault even from case outcome, because the same outcome (e.g., a withdrawal or a stipulated judgment) can result from radically different fact situations.

As a result, the Council believes a more appropriate balance needs to be struck between public access and accuracy. The Council has begun consideration of this issue in detail. At this time, the Council recommends the following:

- Location of disclaimers: A disclaimer concerning use of the Judicial Branch website should appear conspicuously on the opening pages of both the Civil/Family and the Housing Case Look-Up pages. In fact, the existing Judicial Branch disclaimers are virtually invisible. They do not appear as text on the entry page at all. In Civil/Family Look-Up, one would have to know to click on “Website Policies” in very small typeface on the last line of the page. In Housing Look-Up, the equivalent small print at the bottom of the window has the slightly more informative label “Policies and Disclaimers.” Both are so inconspicuous and so obtuse in titling as to make it unlikely that more than a handful of users of the website will look at them.
- Content of disclaimers: The content of the disclaimers, and especially the Housing Look-Up disclaimer, is inadequate to warn users that the data is not appropriate for use for tenant screening. The following or a similar sentence should be added:

This database is not intended for the purpose of tenant screening. It does not contain the personal identifying information about the parties necessary for adequate identification.

- Case labeling: The Council also recommends that the reference in the online docket sheet to “reasons for eviction” be changed to “alleged reasons for eviction.”

D. Expanded access to community resources for case resolution:

- Social services support: In past years, social services agencies that administered eviction prevention assistance sometimes stationed a staff member at the Hartford Housing Court on summary process trial days to facilitate the resolution of cases. For example, if funds could be provided through the Rent Bank as part of the resolution of a case, an on-the-spot determination of an application for funds could be made, which in turn could become the core of a reinstatement agreement. As state funding diminished, the practice of stationing social services staff in the courthouse died. The Council recommends that, on a pilot basis, this program be reestablished.
- Legal counsel: In recent years, there has been an increased interest in broadening access to legal counsel in summary process cases. This led to the establishment by the legislature of the Task Force to Improve Access to Legal Counsel in Civil Matters (known as the “Civil Gideon” Task Force). In response to its report, the

legislature created a pilot program for representation of parties in domestic violence temporary restraining order cases. One of its additional recommendations, however, is the creation of a statutory right to counsel in residential evictions. Meanwhile, the Yale Legal Clinic, has run a two-day trial of a pilot “lawyer for a day” program in New Haven in which the Clinic, together with staff lawyers from the New Haven Legal Assistance Association, provided short-term legal assistance. The pilot is expected to be repeated early in 2019. A similar proposal is being looked at by the Hartford Housing Court. The Advisory Council recommends that pilots for this purpose be continued and expanded.

E. Small claims: One of the purposes of the Housing Court Act was to place all housing matters within a single portion of the judicial system. As a result, each housing court originally had a small claims docket. In 2005, however, the Judicial Branch centralized administration of the small claims system and eliminated small claims dockets in the housing courts. This change was opposed by the Council, although Judicial made some adjustments to centralization so as to preserve some separation of housing small claims cases. For example, the new system identified the housing cases and, in some locations (Hartford, New Britain, New Haven, and Norwalk), scheduled them for hearing on separate dockets from other small claims cases, although not necessarily at the same location as the housing court. After about ten years of this system, the Judicial Branch in 2017 ended small claims centralization and returned small claims cases to their former locations. This brought housing small claims cases back to the housing courts, but it did not include the addition of staff to handle the increased caseload. The Council nevertheless supports this change.

The return of housing small claims to the housing courts inherently addresses some of the Council’s past concerns (e.g., the cases will be heard on a housing docket and at a housing court location) but leaves some unanswered. Within the restored framework, the Council recommends:

- Magistrate training and resources: First, housing law should be an integral part of training sessions for small claims magistrates. Second, preference should be given in the assigning of magistrates to housing cases to those with a knowledge of housing law and prior experience in the housing law field, or at least a strong interest in learning a new body of law. Third, magistrates who hear housing small claims cases in housing court districts should be expected to make contact with the housing court clerk and should be informed that housing court clerks, and particularly the Chief Clerk for Housing Matters, are valuable resources in the hearing of housing cases.
- Magistrate book: Since 1993, the Advisory Council has published and updated a booklet on housing law for magistrates. The 5th edition was issued in 2018 under the name *Housing Issues in the Small Claims Session of the Superior Court*. Earlier editions were distributed to magistrates in hard copy. The booklet is currently posted on the magistrates’ website. The Council is in the process of expanding the 2018 update into a 6th edition, which it hopes will be completed before the end of 2019. When that update is complete, the Council requests that the booklet be distributed to magistrates in hard copy, in addition to placement on

the website. The Council believes that possession of a hard copy will increase the likelihood that a magistrate handling housing small claims will actually use the booklet to self-educate and as a reference on landlord-tenant law.

- Evaluation: The Judicial Branch should devise a method of evaluation of small claims magistrates who handle housing cases that invites input from housing court clerks, attorneys who handle housing cases, and housing small claims litigants. Such input should not be based solely on complaints about individual magistrates. In addition, information should more clearly be provided to litigants as to how to file complaints against magistrates.

F. Bridgeport Housing Court location: The Advisory Council continues to believe that the space allocated for the housing courtroom, housing mediators, and housing prosecutors at 1061 Main Street is less than satisfactory, notwithstanding the efforts of the housing court staff to work with the space that has been allotted. Before 2007, the housing courtroom and staff offices (other than the clerk's office) were located near each other on the 5th floor. At that time, a former jury room on the 6th floor was converted to a housing courtroom and the staff offices were split among 5th and 6th floor locations. The result, as described in more detail in the Council's 2009 biennial report, was inconvenience and confusion. The new courtroom was too small for the caseload and therefore overcrowded, also increasing the number of people crowded into the adjacent hallways. Litigants were confused by the separation of mediation and prosecution offices from the courtroom. Staff was forced to either work from temporary offices on the 6th floor without adequate equipment or move litigants back and forth between floors so that 5th floor staff offices could be used. Space for private consultations between parties and litigants was inadequate. The overall effect was to reduce the level of respect with which housing litigants were being treated. These problems, which were brought about by unilateral administrative decisions made without Council input, have never adequately been resolved. The Council urges that the Judicial Branch -- whether through intervention by the Chief Court Administrator or by the action of the administrative judge for J.D. Fairfield -- revise room assignments and make other improvements so as to ameliorate the situation. In particular, the Council recommends that the court be returned to the 5th floor of 1061 Main Street, with the courtroom, the judge's chambers, the mediators' office, and the prosecutor's office all grouped together on the 5th floor. This was the arrangement within the courthouse until 2007.

G. Recording of results in criminal housing cases: Criminal housing cases are sometimes disposed of subject to conditions, such as an agreement to make repairs within a certain time frame. All in-court dispositions, including conditions that are part of nolle prosequi or probation, should be fully recorded on the docket sheets so that they can be identified.

III. Prosecution matters

A. Decline in number of prosecutions:

Over the past decade, the number of criminal housing prosecutions in the housing courts has dropped enormously, which raises questions about the way in which housing codes are being enforced. The most precipitous part of the decline came between 2010 and 2012 -- a drop in docketed cases of more than 60% in two years -- with a more gradual continuing decline since

then In FY 2010, for example, 677 criminal cases were docketed in the housing courts. By FY 2012, that number had fallen to 265 (61%). In FY 2018, it was down further to 208, 10% less than two years before and more than 20% less than in FY 2012. In the Bridgeport Housing Court, the number has fallen from 291 in FY 2010 to 11 in FY 2018, a reduction of 96%. In Norwalk, it was from 31 to 13 (58%); in New Britain, from 69 to 20 (71%); in Hartford, from 64 to 31 (52%). See Appendix C-7.

The Council has sought to determine what is causing these changes. Several factors appear to be at play. One is a decline in municipal code enforcement, driven in large part by cuts to town budgets that have resulted in fewer code enforcement staff. Housing prosecutors cannot prosecute cases unless the municipality enforces its codes and turns cases over to the housing prosecutor if compliance is not obtained. A second is the increased use of anti-bligh ordinances, which until recently could be enforced only administratively and civilly and not on the criminal side. Third is the impact of state budget cuts on housing prosecution staff. While Bridgeport and Norwalk now have a regular housing prosecutor, there is no longer a single prosecutor with responsibility for eastern Connecticut. One function of housing prosecutors has been outreach, both to the code enforcement agencies that bring them cases and to the landlord and tenant community. Contact with code enforcement agencies tends to increase enforcement and result in more referrals to housing prosecutors. The Advisory Council urges the housing prosecutors to expand their community outreach, particularly to code enforcement agencies and particularly in eastern Connecticut.

Developments outside the court system may also have a similar impact. The State Housing Improvement Plan (SHIP), a multi-disciplinary initiative of the State Department of Health for the purpose of improving health outcomes in Connecticut, could result in greater housing code enforcement. Similarly, the adoption of the proposed statewide property maintenance code – most likely a Connecticut version of the International Code Council (ICC) Property Maintenance Code – would enhance enforcement in towns presently without housing codes or anti-bligh ordinances. Such a statewide code, which would become the mandatory code for all towns (just as the State Building Code and State Fire Safety Code are mandatory for every town), would be under the supervision of a state agency. The Council has endorsed the adoption of such a code.

B. Referral of G.A. criminal housing cases to the housing prosecutor: The Council believes that there may be inconsistencies in the referral to the housing prosecutors of criminal housing cases that are not obviously housing cases. These include both cases brought to the prosecutors by police officers rather than code enforcement officials (e.g., a lockout or a breach of the peace from a fight or argument between landlord and tenant) and those filed by a code enforcement agency other than a housing code agency (e.g., a zoning enforcement officer). The Council urges the Chief State’s Attorney to see that these cases are appropriately screened and referred in accordance with his own guidelines. See Appendix E. It also recommends that referral paperwork from police departments include a box called “Code enforcement and landlord/tenant” that the submitting official can check.

C. Commercial lockouts: All evictions in Connecticut, both residential and commercial, must go through the court system, and no landlord can lock a tenant out. There must be a judgment, which can be executed only by a marshal. While there are civil remedies for a

lockout, lockouts are also violations of the criminal law. In 1981, the General Assembly made this explicit for lockouts from residential premises by adopting C.G.S. 53a-214, which declares such lockouts to be Class A misdemeanors. That statute, however, does not apply to lockouts from commercial premises, forcing prosecutors to rely on trespassing and breach of the peace statutes. The Chief State's Attorney has on multiple occasions proposed that commercial lockouts be included in C.G.S. 53a-214. The Advisory Council supports this proposal.

D. Police Training Manual and Prosecutor Guidelines: The Advisory Council was involved a decade ago in the development by the Chief State's Attorney of a training manual on criminal housing law for police departments and a set of guidelines for housing prosecutors. Both should be updated with Advisory Council participation or review prior to finalization. The police training manual in particular should be reviewed for issues concerning lockouts from accessory buildings (such as garages) and the towing of tenant motor vehicles.

IV. Role of the Advisory Council

A. General matters: The Council urges the Judicial Branch to recommit to advance consultation with the Advisory Council in all matters that affect the hearing of housing cases and to inform all Judicial Branch employees who deal with housing courts, directly or indirectly, of their duty to encourage, promote, and proactively involve the Council in all such matters. The Council very much appreciates the efforts that the Branch has made to provide opportunity for such input, but the Council often continues to be left out of the planning stage when input can be most essential. For example, although the Council was pleased that housing small claims cases were returned to the housing courts in 2017, as the Council itself had long urged, the decision was a surprise to the Council. The Council had no input into the decision-making process and therefore no opportunity to make suggestions on implementation. Similarly, there was no advance consultation when the Waterbury Housing Court clerk's office was merged into the Civil Clerk's Office for J.D. Waterbury and the position of Clerk for Housing Matters in J.D. Waterbury was eliminated.

B. Judicial assignments: The Council continues to request that a better system for Council input into the assignment of housing court judges be developed. At various times in the past, a Council subcommittee has been able to meet with judges under consideration for housing court assignment so as to provide feedback to the Chief Court Administrator before assignment is made. Such a system can be effective only if the Chief Court Administrator provides the Council subcommittee with enough information to allow it to focus on a realistic subset of theoretically available judges and enough time to gather information and provide input. Variations of this approach have been used on and off since the Council's creation, depending largely on the Chief Court Administrator, with the degree of Council input varying substantially. The Council believes that revisions are needed in regard to both access to information and time to respond.

V. Other proposals

The Advisory Council continues to stand behind a number of unimplemented proposals it has made over the years. Those proposals are summarized briefly below. The Council hopes that they will eventually be adopted.

A. Court administration

1. Minimum job requirements for housing clerks: Supervisory/administrative experience ought not to be a precondition for consideration of an attorney candidate for housing court clerk.

2. Spanish-speaking staff: The Council notes that the Judicial Branch has improved the ability of staff to communicate with litigants who have limited English proficiency and now provides access through the use of telephonic interpreting services in more than 150 languages. This enhanced capacity, however, has not eliminated the need for every housing clerk's office to be staffed so as to have at least one bilingual employee who can handle telephone and counter work with litigants who are primarily Spanish-speaking. In addition, the ability to speak Spanish should be viewed as an important job-related skill in filling all housing court positions, including clerks, clerical staff, housing mediators, and housing prosecutors; and its desirability should be included in all housing court job postings and advertisements.

3. Telephone book listings: Although telephone books play a declining role for persons seeking out phone numbers, both the Frontier and the YP business phone directories continue to have a blue pages government section that includes a phone listing for each clerk's and prosecutor's office that handles housing matters. They are, however, not easy to find. Two changes should be made. First, the listings should be moved out of "Judicial" to a separate category for "Housing Courts." Second, the existing housing court listings should be reviewed for completeness (e.g., the continuing absence of a listing for New Britain).

4. Meriden housing cases: If the New Haven-Waterbury Housing Court judge continues to hear housing only four days a week, then he or she should be assigned on the fifth day to hear housing cases in Meriden rather than foreclosure cases in New Haven.

B. Prosecution

1. Criminal investigators: The Chief State's Attorney should make funding available for at least one investigator to be assigned to the statewide housing prosecution unit.

2. Consultation in the hiring of housing prosecutors: A representative of the Advisory Council should be a participant in the screening process for the hiring of new housing prosecutors in a manner similar to the way in which the Council has participated in an advisory capacity in the hiring of housing court clerks and housing mediators.

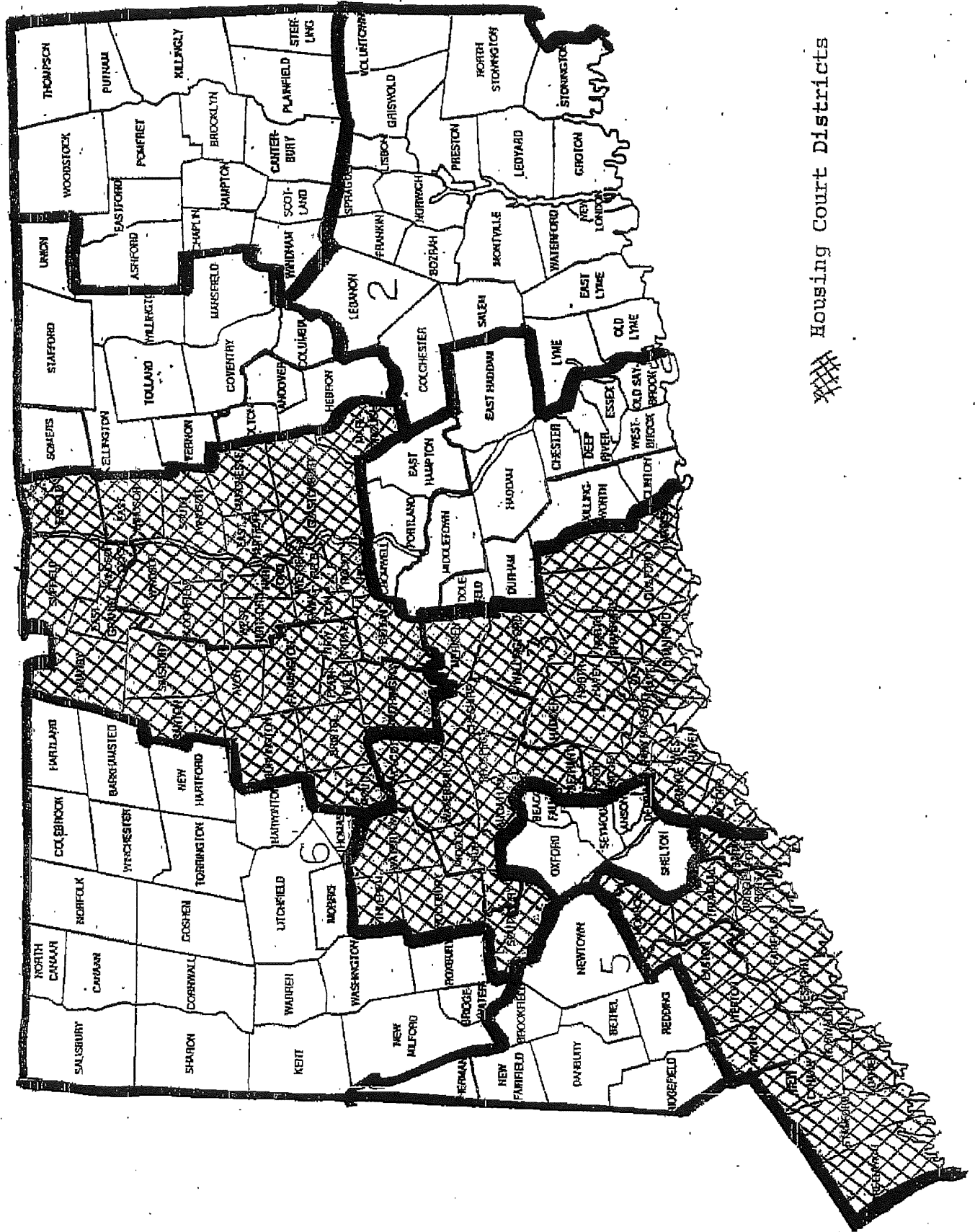
3. Standards for the hiring of housing prosecutors: The Criminal Justice Commission (or any other entity hiring housing prosecutors) should formally adopt the following five standards for the evaluation of applicants for housing prosecutor positions: (1) commitment to decent housing, as required by C.G.S. §51-278(b)(1)(B); (2) an expressed intention to remain as a housing prosecutor for an extended period of time; (3) an understanding of the prosecutor's role in the administration of local housing code enforcement, i.e., that the prosecutor's approach to code enforcement (e.g., the level of proof required, the offenses prosecuted or not prosecuted, the degree of compliance required for a nolle) will effectively control housing code enforcement administration by every local municipality in the entire region within the prosecutor's

jurisdiction; (4) a commitment to active community outreach, particularly to local code officials, local police departments, and neighborhood groups; and (5) a willingness to work cooperatively with the Advisory Council on issues of mutual concern. The Commission and the Chief State's Attorney should also make certain that job postings include a reference to a commitment to decent housing and a statement that the ability to speak Spanish is desirable.

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APPENDIX A --- HOUSING COURT DISTRICTS



XXXXX Housing Court Districts

APPENDIX B

HOUSING COURT ACT as amended through December 31, 2018

Sec. 47a-68. Definitions.

As used in this chapter, sections 51-51v, 51-165, 51-348 and subsection (b) of section 51-278, "housing matters" means:

- (a) Summary process;
- (b) Appeals from the decisions of a fair rent commission under sections 7-148e and 7-148f;
- (c) Actions and administrative appeals involving discrimination in the sale or rental of residential property;
- (d) All actions regarding forcible entry and detainer;
- (e) Actions under the provisions of title 47a, chapter 412 or section 47-294;
- (f) All actions involving one or more violations of any state or municipal health, housing, building, electrical, plumbing, fire or sanitation code, including violations occurring in commercial properties, or of any other statute, ordinance or regulation concerned with the health, safety or welfare of any occupant of any housing;
- (g) All actions under sections 47a-56a to 47a-59, inclusive;
- (h) All actions for back rent, damages, return of security deposits and other relief arising out of the parties' relationship as landlord and tenant or owner and occupant;
- (i) All other actions of any nature concerning the health, safety or welfare of any occupant 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.

Sec. 47a-70. Housing docket. Entry and transfer of cases on docket.

(a) All proceedings involving a housing matter in the judicial district of Hartford, New Britain, New Haven, Fairfield, Waterbury or Stamford-Norwalk shall first be placed on the housing docket for that district, provided that the judge before whom such proceeding is brought may transfer such matter to the regular docket for a judicial district if he determines that such matter is not a housing matter or that such docket is more suitable for the disposition of the case. Any case so entered or transferred to either docket shall be proceeded upon as are other cases of like nature standing on such docket.

(b) If two or more actions are pending between the same parties, including for the purposes hereof any other court proceedings arising out of or connected with the same housing accommodation, of which one or more of such actions is on the housing docket and one or more of such actions is on some other docket, the judge handling such other docket, upon motion of any party to any such actions, may order that the action pending on such docket, with all papers relating thereto, be transferred to the housing docket; and such action or actions shall thereafter proceed as though originally entered there.

Sec. 51-348b. Hearing of housing matters.

Housing matters, as defined in section 47a-68 of the general statutes, shall be heard on a docket separate from other matters within the judicial districts of Hartford, New Britain, New Haven, Fairfield, Waterbury and Stamford-Norwalk, provided in the judicial district of (1) New Britain, such matters shall be heard by the judge assigned to hear housing matters in the judicial district of Hartford, (2) Waterbury, such matters shall be heard by the judge assigned to hear housing matters in the judicial district of New Haven, and (3) Stamford-Norwalk, such matters shall be heard by the judge assigned to hear housing matters in the judicial district of Fairfield. The records, files and other documents pertaining to housing matters shall be maintained separate from the records, files and other documents of the court. Housing matters do not have to be heard in the facilities to which the process is returned and the pleadings are filed.

Sec. 51-345(h). Return of housing actions.

(h) (1) In all actions involving housing matters, as defined in section 47a-68, civil process shall be made returnable to the judicial district where the premises are located, except that actions described in subdivision (6) of section 47a-68 shall be heard in the geographical area where the premises are located unless otherwise provided in subsection (d) of section 51-348, as amended by this act.

(2) Notwithstanding the provisions of subdivision (1) of this subsection concerning the judicial district to which civil process shall be made returnable:

(A) If the premises are located in Avon, Canton, Farmington, Newington, Rocky Hill, Simsbury or Wethersfield, the action may be made returnable at the option of the plaintiff to either the judicial district of Hartford or the judicial district of New Britain.

(B) If the premises are located in Ansonia, Beacon Falls, Derby, Oxford, Seymour or Shelton, the action shall be made returnable to the judicial district of Ansonia-Milford. After the filing of the action, the plaintiff or defendant may request a change in venue to the judicial district of New Haven or the judicial district of Waterbury.

(C) If the premises are located in Milford, Orange or West Haven, the action shall be made returnable to the judicial district of New Haven.

Sec. 51-348(d). Venue for housing matters. Housing docket.

(d) In any judicial district in which housing matters are heard on a separate docket under section 16 of this act, venue for an action pertaining to one or more violations of any state or municipal health, housing, building, electrical, plumbing, fire or sanitation code, including violations occurring in commercial properties, or of any other statute, ordinance or regulation concerned with the health, safety or welfare of any occupant of any housing shall be in the housing session for the judicial district, except that venue for such an action concerning premises located in Milford, Orange or West Haven shall be in the judicial district of New Haven. In all other judicial districts, venue for such actions, if placed on the criminal docket, shall be in the geographical area where the premises are located.

Sec. 51-165(c). Assignment of judges to hear housing matters.

Any judge assigned to hear housing matters should have a commitment to the maintenance of decent, safe and sanitary housing and, if practicable, shall devote full time to housing matters. If practicable, he should be assigned to hear matters for not less than eighteen months. Any judge assigned to housing matters in a judicial district should reside in one of the judicial districts served by the housing session after he is assigned thereto.

Sec. 51-51v(a). Appointment of clerks for housing matters.

The judges of the superior court, at their annual meeting in June, shall appoint...clerks for housing matters, including a chief clerk for housing matters.

Sec. 51-52(d). Duties of clerks for housing matters.

Each clerk for housing matters and the clerks for the judicial district of New Haven at Meriden shall supervise the handling of housing matters and the maintenance of court records relating thereto and shall provide assistance to pro se litigants and perform such other duties in connection with housing matters as the chief court administrator or the judge assigned to hear the matters may assign to him.

Sec. 51-278(b)(1)(B). Appointment of assistant and deputy assistant state's attorneys for housing matters.

...At least three such assistant state's attorneys or deputy assistant state's attorneys shall be designated by the chief state's attorney to handle all prosecutions in the state of housing matters deemed to be criminal. Any assistant or deputy assistant state's attorney so designated should have a commitment to the maintenance of decent, safe and sanitary housing and, to the extent practicable, shall handle housing matters on a full-time basis.

Sec. 51-286b. Duties re housing matters.

The deputy assistant state's attorney assigned to handle housing matters may initiate prosecutions for violations of any state or municipal housing or health law, code or ordinance either upon the affidavit of an individual complainant or upon complaint from a state or municipal agency responsible for the enforcement of any law, code or ordinance concerning housing matters.

Sec. 47a-69. Appointment of housing mediators. Qualifications. Duties.

(a) The judges of the superior court or an authorized committee thereof may appoint such housing mediators as they deem necessary for the purpose of assisting the court in the prompt and efficient hearing of housing matters within the limit of their appropriation therefor. Such judges or such committee shall appoint not less than two such mediators for each of the judicial districts of Hartford, New Haven and Fairfield and may designate one of them in each judicial district as chief housing mediator. Such judges or committee shall also appoint not less than

three such housing mediators for all other judicial districts. The housing mediators for the judicial district of New Haven shall assist the court in the hearing of housing matters in the judicial district of Waterbury and the housing mediators for the judicial district of Fairfield shall assist the court in the hearing of housing matters in the judicial district of Stamford-Norwalk.

(b) Housing mediators shall be knowledgeable in the maintenance, repair and rehabilitation of dwelling units and the federal, state and municipal laws, ordinances, rules and regulations pertaining thereto. Housing mediators shall also have knowledge necessary to advise parties regarding the type of funds and services available to assist owners, landlords and tenants in the financing of resolutions to housing problems. Housing mediators shall make inspections and conduct investigations at the request of the court, shall advise parties in locating possible sources of financial assistance necessary to comply with orders of the court and shall exercise such other powers and perform such other duties as the judge may from time to time prescribe.

(c) Housing mediators (1) shall be responsible for the initial screening and evaluation of all contested housing matters eligible for placement on the housing docket pursuant to section 47a-68, (2) may conduct investigations of such matters including, but not limited to, interviews with the parties, and (3) may recommend settlements.

Sec. 47a-71a. Connecticut advisory council on housing matters.

There is hereby created the Connecticut Advisory Council on Housing Matters consisting of eighteen members. The members of the advisory council shall be appointed by the Governor for terms of four years, from July first of the year of their appointment. The advisory council shall consist of representatives of tenants, landlords, and others concerned with housing and shall reflect a balance of the interests of tenants and landlords. The members of the advisory council shall elect their own chairperson. Five members shall be residents of the judicial districts of Hartford or New Britain; five members shall be residents of the judicial districts of New Haven, Waterbury or Ansonia-Milford; five members shall be residents of the judicial districts of Fairfield or Stamford-Norwalk; and three members shall be residents of the judicial districts of Danbury, Litchfield, Middlesex, New London, Tolland or Windham. Any member who fails to attend three consecutive meetings or who fails to attend fifty per cent of all meetings held during any calendar year shall be deemed to have resigned from office. Any vacancy in the membership of the advisory council shall be filled by the Governor for the unexpired portion of the term.

Sec. 47a-72. Duties of Connecticut advisory council. Meetings. No compensation or reimbursement.

(a) The council shall from time to time view the housing docket proceedings and review the manner in which the housing docket is functioning, consult with the judges assigned to housing matters and the chief court administrator and assist them in such manner as is appropriate, assist in making the public aware of the existence of the housing docket, receive comments from the general public about the handling of housing matters, and make such recommendations as it may choose. The council shall meet as a full body at least two times a year and on such additional occasions as it may require. The council may divide itself into subcommittees as it deems appropriate. The council may submit its recommendations concerning housing matters to the chief court administrator, to any judge hearing housing matters

and to the general assembly. Members of the council shall receive no compensation and, notwithstanding the provisions of section 4-1, shall not receive their actual and necessary expenses incurred in the performance of their official duties.

(b) The council may recommend to the governor and to the chief court administrator the names of persons it believes to be suitable for appointment or assignment to hear housing matters in any judicial district for which a special housing session has been established, pursuant to subsection (a) of section 47a-70.

Sec. 47a-73. Judges and council to report to general assembly.

The judges hearing housing matters and the Connecticut Advisory Council on Housing Matters shall each submit a report, in accordance with the provisions of section 11-4a, with respect to the operation of the special docket for housing matters and their respective recommendations to the General Assembly at the opening of its regular sessions in the odd-numbered years. Such reports may also include recommendations for legislation with respect to housing matters.

Sec. 47a-74. Rules of practice to be adopted.

The judges of the superior court may adopt such rules of practice and procedure not inconsistent with the general statutes to implement the provisions of this chapter and section 51-51v, 51-165, 51-348 and subsection (b) of section 51-278.

APPENDIX C-1

HOUSING CASELOADS FY 2018
July 1, 2017 to June 30, 2018

<u>Housing courts</u>	<u>Summary process</u>	<u>Change since 2015-16</u>	<u>Civil 47a-14h</u>	<u>Criminal¹</u>	<u>Small claims</u>	<u>Total</u>	<u>%summary process</u>
<u>Housing courts</u>							
Hartford-New Britain							
Hartford	4,437	4,756 - 6.7%	88	41	31	5,039	88.1%
New Britain	<u>1,822</u>	<u>1,889 - 3.5%</u>	<u>16</u>	<u>2</u>	<u>20</u>	<u>2,060</u>	<u>88.4%</u>
	6,259	6,645 - 5.8%	104	43	51	7,099	88.2%
New Haven-Waterbury							
New Haven	3,490	3,728 - 6.4%	86	29	52	3,898	89.5%
Waterbury	<u>2,241</u>	<u>2,340 - 4.2%</u>	<u>27</u>	<u>5</u>	<u>81</u>	<u>2,482</u>	<u>90.3%</u>
	5,731	6,068 - 5.6%	113	34	133	6,380	89.8%
Bridgeport-Norwalk							
Bridgeport	2,585	2,700 - 4.3%	63	7	11	2,932	88.2%
Norwalk	<u>1,158</u>	<u>1,437 -19.4%</u>	<u>128</u>	<u>8</u>	<u>13</u>	<u>1,626</u>	<u>71.2%</u>
	3,743	4,137 - 9.5%	191	15	24	4,558	82.1%
Total	15,733	16,850 - 6.6%	408	92	208	17,785	88.5%
<u>Non-housing courts²</u>							
Central Connecticut							
Meriden ³	426	455 - 6.4%	5	2		84	
Derby	<u>480</u>	<u>475 + 1.1%</u>	<u>24</u>	<u>1</u>		<u>93</u>	
	906	930 - 1.6%	29	3		177	
Eastern Connecticut							
New London	794	890 -19.8%	11	2		107	
Norwich	782	877 -10.8%	5	4		0 ³	
Willimantic	579	609 - 4.9%	5	3		32	
Tolland	356	414 -14.0%	3	0		52	
Middletown	<u>543</u>	<u>547 - 0.7%</u>	<u>3</u>	<u>1</u>		<u>63</u>	
	3,054	3,446 -11.4%	27	10		254	
Western Connecticut							
Danbury	483	528 - 8.5%	22	2		55	
Litchfield	<u>476</u>	<u>547 -13.0%</u>	<u>9</u>	<u>4</u>		<u>58</u>	
	959	1,075 -10.8%	31	6		113	
Total non-housing cts	4,919	5,341 - 7.9%	87	19		544	
<u>Connecticut total</u>	<u>20,652</u>	<u>22,191 - 6.9%</u>	<u>495</u>	<u>111</u>		<u>1,925</u>	
Housing small claims							
Housing small claims					1,925		4.1%
Other small claims					<u>45,473</u>		<u>95.9%</u>
All small claims					47,398		100.0%

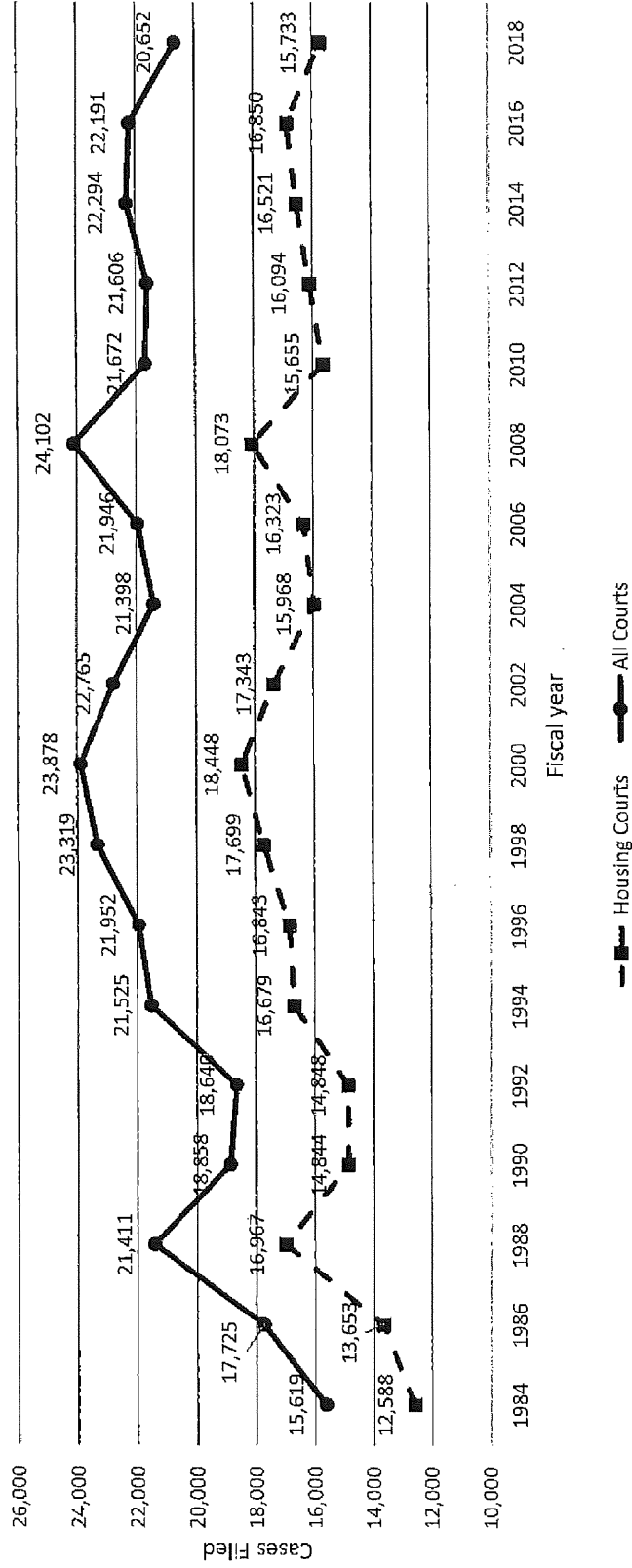
Summaries: 76.2% of all summary process cases were filed in the housing courts.
88.5% of all housing court cases were summary process cases.

¹ Criminal cases do not include cases filed in a G.A. court and transferred to a housing court. The number of such cases is believed to be small.

² Norwich small claims cases are included in the New London total. The Derby total includes Ansonia-Milford.

³ Meriden technically is part of the New Haven-Waterbury Housing Court district but does not have full housing court services.

Appendix C-2 Summary Process Cases Files Since 1984



Housing Summary Process

Case Processing FY18¹

FY18

Civil/Family E-file System

Housing Sessions

% Disposed	Bridgeport	Hartford	New Britain	New Haven	Norwalk	Waterbury	Total
within 30 Days	64.0%	32.0%	71.0%	58.0%	53.0%	61.0%	54.1%
within 60 Days	87.0%	78.0%	95.0%	83.0%	76.0%	86.0%	83.6%
within 90 Days	92.0%	87.0%	97.0%	88.0%	83.0%	91.0%	89.7%
median (days)	23	38	20	27	28	27	29

Non-Housing Sessions

% Disposed	Ansonia/Milford	Danbury	New London	Norwich	Litchfield	Middlesex	Meriden	Tolland	Windham	Total
within 30 days	49.0%	56.0%	69.0%	73.0%	51.0%	59.0%	60.0%	64.0%	58.0%	61.3%
within 60 days	86.0%	82.0%	91.0%	89.0%	86.0%	85.0%	78.0%	86.0%	82.0%	85.4%
within 90 days	93.0%	89.0%	95.0%	94.0%	95.0%	90.0%	82.0%	93.0%	88.0%	91.2%
median (days)	31	28	24	21	30	27	24	24	27	25

Housing and Non-Housing Sessions

% Disposed	All Locations
within 30 days	56.0%
within 60 days	84.0%
within 90 days	90.0%
median (days)	28

Notes

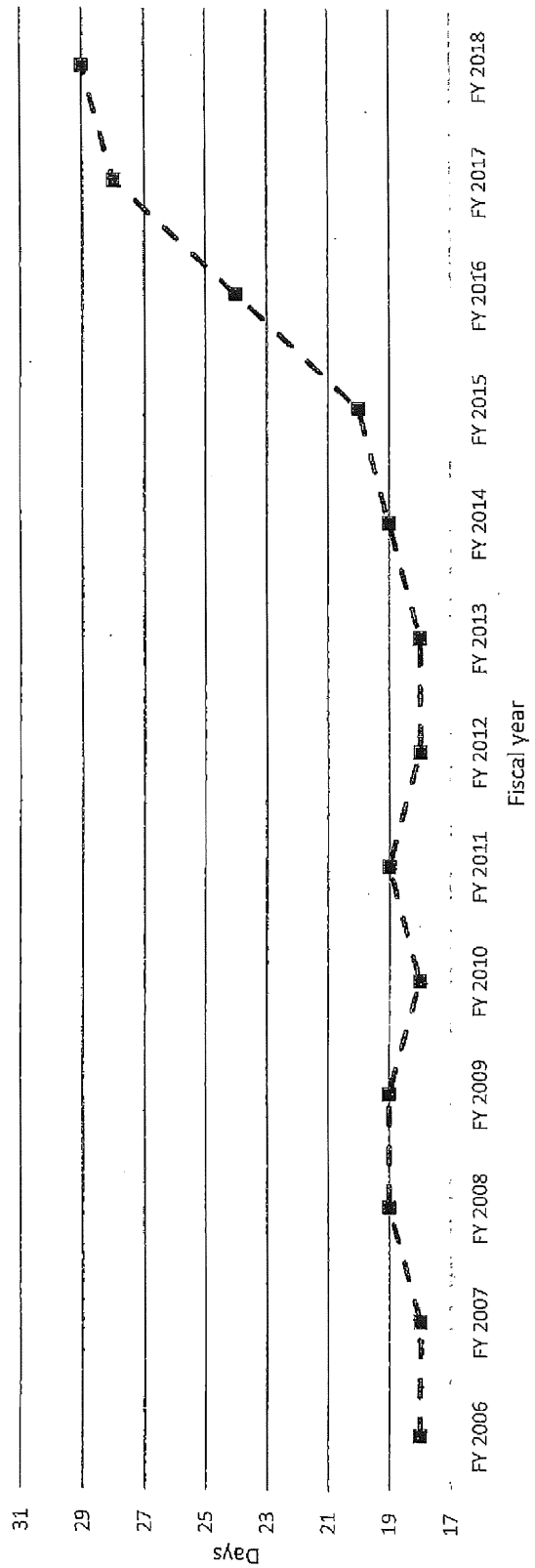
Time frames measured from Return Date to last Initial Disposition within timeframe

Footnotes

¹ Includes all dispositions EXCLUDING Withdrawals

Appendix C-5
Median Disposition Time of Court Processing of Summary Process Case
Since FY 2006 -- All Housing Courts

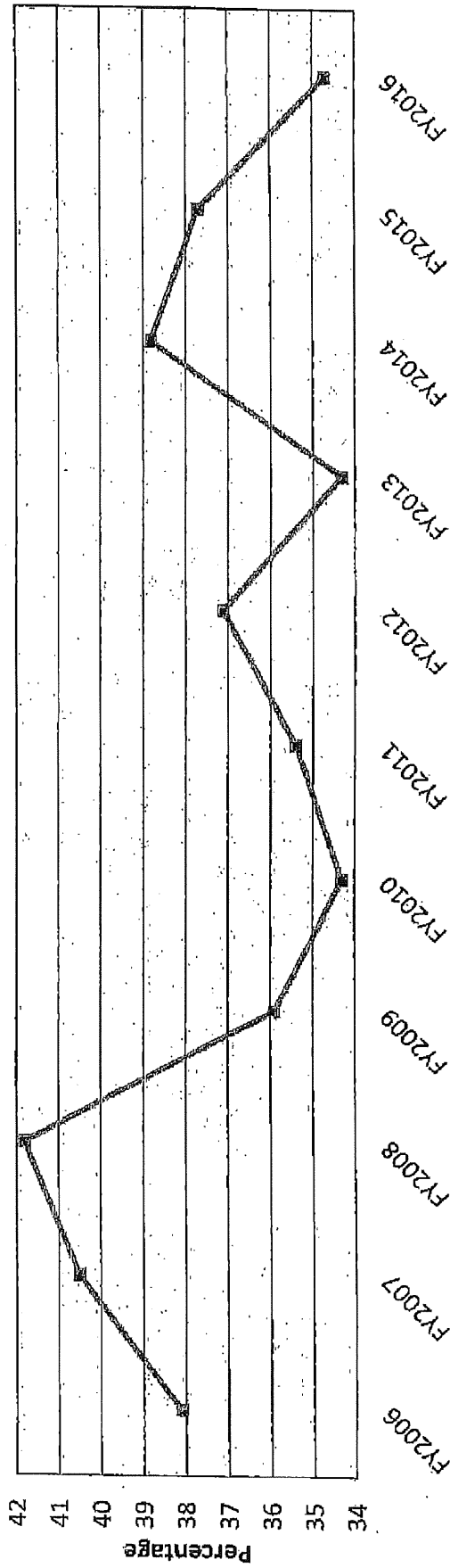
Median number of days from return day to entry of final judgment by housing court



Note: Judicial Branch data for FY 2017 was not available. The 2017 data point is the midpoint between FY 2016 and FY 2018.

Appendix C-6 Default Rate in Summary Process Cases – FY 2006 to FY 2016

All Housing Courts
Default for failure to appear as a percentage of all cases



Appendix C-7

Number of criminal housing cases docketed by fiscal year since FY 2010

All housing courts

Location	FY 2010	FY 2012	FY 2014	FY 2016	FY 2018	% change 2010 - 2018
Hartford	64	39	45	38	31	- 52%
New Britain	69	9	4	21	20	- 71%
New Haven	62	70	55	37	52	- 16%
Waterbury	160	109	243	91	81	- 49%
Bridgeport	291	36	42	38	11	- 96%
Norwalk	31	2	1	7	13	- 58%
Total	677	265	390	232	208	- 69%

APPENDIX D

HOUSING COURT JUDGES

<u>Hartford-New Britain</u>	<u>New Haven-Waterbury</u>	<u>Bridgeport-Norwalk</u>
1-1-79 Arthur Spada		
1-1-80 Arthur Spada		
1-1-81 Robert Satter	Paul Foti (10-1-81)	
1-1-82 John Maloney	Paul Foti	Margaret Driscoll (10-1-82)
1-1-83 John Maloney/Arnold Aronson	Dennis Harrigan	Margaret Driscoll
1-1-84 Arnold Aronson	Dennis Harrigan/Jerrold Barnett	Margaret Driscoll
1-1-85 Samuel Goldstein	Jerrold Barnett	Margaret Driscoll/Thomas Gerety
1-1-86 Samuel Goldstein	William Ramsey	Thomas West
1-1-87 J. Kaplan/S. Goldstein/Edward Doyle	William Ramsey	Thomas West/Morton Riefberg
3-1-88 Edward Doyle	William Ramsey	Morton Riefberg
9-1-88 Edward Doyle/Wendy Susco	Anthony DeMayo	Morton Riefberg
9-1-89 Wendy Susco	Anthony DeMayo	L. Scott Melville
9-1-90 Marshall Berger	Christine Vertefeuille	L. Scott Melville/Sandra Leheny
9-1-91 Marshall Berger/ Robert Holzberg	Christine Vertefeuille	Sandra Leheny
9-1-92 Robert Holzberg	Clarine Nardi Riddle	L. Scott Melville
9-1-93 Robert Holzberg	Clarine Nardi Riddle/Douglas Mintz	L. Scott Melville
9-1-94 Alexandra DiPentima	Clarance Jones	Kevin Tierney
9-1-95 Alexandra DiPentima	Clarance Jones	Kevin Tierney
9-1-96 Robert E. Beach, Jr.	Lynda B. Munro/Bruce L. Levin	Leonard M. Cocco
9-1-97 Robert E. Beach, Jr.	Bruce L. Levin	Leonard M. Cocco
9-1-98 Lois Tanzer	Edward J. Leavitt	Leonard M. Cocco
9-1-99 Lois Tanzer	Edward J. Leavitt	Leonard M. Cocco
9-1-00 L. P. Sullivan/ Juliette L. Crawford	Edward J. Leavitt	Leonard M. Cocco
9-1-01 Juliette L. Crawford	Edward J. Leavitt	Leonard M. Cocco
9-1-02 Angelo L. dos Santos	Edward J. Leavitt	Leonard M. Cocco
9-1-03 Angelo L. dos Santos	Edward J. Leavitt/Barry Pinkus	Leonard M. Cocco
9-1-04 Angelo L. dos Santos	Barry Pinkus	Leonard M. Cocco
9-1-05 James Bentivegna	Joseph Doherty	Barry Pinkus/Leonard M. Cocco
9-1-06 James Bentivegna/ A. Susan Peck	Juliette L. Crawford	Leonard M. Cocco/Jack Grogins
9-1-07 Peter Emmett Wiese	Juliette L. Crawford	Leonard M. Cocco/Jack Grogins
9-1-08 Robert Gilligan	Bruce L. Levin/James Abrams	Sheridan Moore/Jack Grogins
9-1-09 Robert Gilligan	James Abrams	Sheridan Moore/Jack Grogins
9-1-10 Vernon Oliver	Terence Zemetis	Sheridan Moore/Jack Grogins
9-1-11 Vernon Oliver	Terence Zemetis	Michael Maronich
9-1-12 Glenn Woods	Michael Maronich	Lawrence Hauser/Eddie Rodriguez, Jr.
9-1-13 Glenn Woods	Michael Maronich	Eddie Rodriguez, Jr.
9-1-14 Glenn Woods	Steven D. Ecker	Eddie Rodriguez, Jr.
9-1-15 Nicola Rubinow	Anthony Avallone	Eddie Rodriguez, Jr.
9-1-16 Grant Miller	Anthony Avallone	Eddie Rodriguez, Jr.
9-1-17 Grant Miller/Rupal Shah	Anthony Avallone/Walter M. Spader, Jr.	Eddie Rodriguez, Jr.
9-1-18 Rupal Shah	John L. Cordani	Walter M. Spader, Jr.

Appendix E -- Criminal Statutes Involving Housing Matters

7-148f	Fair rent commission	29-318	Space heaters
8-12	Zoning regulations	29-394	Building official orders
19a-36	Public Health Code	29-414	State Demolition Code
19a-109	Essential Services	46a-64c	Fair Housing Act
19a-111	Lead paint (per 19a-230)	47a-21	Security Deposit Act
19a-111c	Lead paint (per 19a-230)	47a-52	Health orders (1- and 2-family)
19a-230	Health department orders	47a-55	Health orders (tenements)
19a-365	Tenement House Act	53a-117e	Damage to landlord property 1
29-254a	State Building Code	53a-117f	Damage to landlord property 2
29-295	Fire Safety Code	53a-117g	Damage to landlord property 3
29-306	Fire hazard abatement	53a-214	Criminal lockout

Source: *Criminal Housing Matters Prosecution Manual*, Chief State's Attorney, 2008.

APPENDIX F

STATUS OF 2017 CONNECTICUT ADVISORY COUNCIL RECOMMENDATIONS

I. Impact of the State Budget crisis on the Judicial Branch

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| A. <u>Overall</u> : All vacant positions should be filled. | Partially implemented. |
| 1. <u>Housing mediators</u> : | |
| a. At least one vacant position should be filled immediately. | Substantially implemented by reorganization of housing mediation staff. There are currently four full-time housing mediators, supplemented by four foreclosure mediators who spend approximately half of their time on housing. This results in the equivalent of about 6.0 full-time mediators, which appears to be sufficient at this time. |
| b. The assignment of two foreclosure mediators part-time to housing mediation should continue into the future. | |
| 2. <u>Housing prosecutors</u> : The temporary housing prosecutor position for Danielson should be restored. | Addressed on an interim basis in a different way. The Danielson position has not been restored, but the Housing Prosecution Unit currently is at full staffing with four prosecutors, who among them cover all housing and non-housing court locations. |
| 3. <u>Clerks' Offices</u> : The Judicial Branch should conduct a review of the proper level of staffing needed for the housing clerks' offices. | Additional staff is still needed. |
| 4. <u>Chief Clerk for Housing Matters and New Haven Housing Court Clerk</u> : The New Haven Housing Court Clerk position should be refilled and one of the six housing court clerks should be designated as Chief Clerk for Housing Matters. | Implemented. |

5. New Britain and Waterbury Housing Court Clerks: The positions of clerk for housing matters in New Britain and in Waterbury should be restored. Not implemented.

II. Administration

- A. Computerization: All parts of the housing court system should be computerized. Implemented as to the civil aspects of the housing court system; not implemented as to housing criminal in the G.A. courts.
1. Preservation of prior computer capabilities: All capabilities of the prior Forecourt system should be included in any new system. Unclear as to the extent all prior capabilities have been preserved.
 2. Pro se accessibility: The system should be easily usable by litigants who do not have easy access to computers. Self-represented litigants are not required to file electronically.
 3. Expanded ability to compile, sort, and analyze computerized housing data: The Judicial Branch should explore ways to improve the ability of the housing court computer system to analyze data. Not implemented, but discussions are in progress.
 4. Reliability of data entry: The Judicial Branch should develop guidelines for housing clerks so as to make data entry as consistent as possible. Not implemented, but discussions are in progress.
 5. Document integrity: The system should protect the integrity of documents filed with the court so that it will be possible to evaluate original documents. Implemented through e-filing.
 6. Expansion of fields in foreclosure cases as they relate to summary process cases: There should be a searchable field in foreclosure cases for the last law day and the date of approval of the deed of sale. Not implemented, but discussions are in progress.
 7. Better identification of docketed housing criminal cases in non-housing court districts: The computerization of cases in the G.A. courts should include a computer field or a separate docketing code to identify criminal housing cases. Not implemented.

B. Case processing:

1. Speed of processing: The reasons for slower processing of eviction cases in some court locations should be examined and corrected (particularly through the restoration of housing court staff). Not implemented.
2. Cases that do not settle: Summary process cases that do not settle on their scheduled trial date should be continued for hearing no more than one week except by agreement of the parties, unless administratively impracticable. Implemented at most housing court locations.

C. Public access to court records:

1. The Judicial Branch website should contain a clear plain-language disclaimer against use for tenant-screening purposes. Not implemented.

D. Overall small claims: Housing small claims should be restored to the housing court dockets with adequate staffing.

Small claims was restored but no more than minimal staff was transferred. Staffing may nevertheless be adequate.

1. Separation of housing dockets: Housing small claims dockets should remain separated from other small claims dockets in all housing court districts where they are separate and should be separated in districts where they are not – most specifically in Waterbury and Bridgeport. Implemented.
2. Hearing locations: Housing small claims hearing and trials should be held in the housing courtroom or, if not practicable, in the same building as the housing court clerk's office and as close to that office as is practical. Implemented.
3. Magistrate resources: The Judicial Branch should strengthen magistrate support and training by:

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| <ul style="list-style-type: none"> a. Making sure that all magistrates have a hard copy of <i>Housing Issues in the Small Claims Division of the Superior Court</i>; b. Making housing law an integral part of magistrate training; and c. Giving preference to magistrates with knowledge and experience in housing law in assignments to housing dockets. | <p>Not implemented.</p> <p>Not implemented.</p> <p>Implementation unclear but housing court clerks are expected to play a greater role.</p> |
| <p>4. <u>Contact with housing court clerks</u>: Magistrates who hear housing small claims should be expected to make contact with the housing court clerk and should be informed that housing clerks are valuable resources in the hearing and deciding of cases.</p> | <p>Implementation unclear but housing court clerks are expected to play a greater role.</p> |
| <p>5. <u>Evaluation</u>:</p> <ul style="list-style-type: none"> a. The Judicial Branch should devise a method of evaluation of small claims magistrates who handle housing cases that includes input from the housing court clerk, attorneys who handle housing cases, and housing small claims litigants. b. Information should also be routinely provided to litigants as to how to file a complaint against a magistrate. | <p>Not implemented.</p> <p>Not implemented.</p> |
| <p>E. <u>Bridgeport Housing Court location</u>: The Bridgeport Housing Court should be returned to the 5th floor of the courthouse at 1061 Main Street.</p> | <p>Not implemented.</p> |
| <p>F. <u>Venue</u>: Venue for housing matters in all parts of the state should be at the Judicial District level.</p> | <p>Implemented.</p> |

III. Prosecution matters:

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| <p>A. <u>Decline in number of prosecutions</u>: The reasons for a reduction in the number of housing prosecutions should be studied and measures taken to assure effective housing prosecution.</p> | <p>Causes identified but implementation not clear.</p> |
| <p>B. <u>Referral of G.A. criminal housing cases to the housing prosecutor</u>:</p> | <p>Further review needed.</p> |

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| 1. The Chief States Attorney should see that criminal housing cases are appropriately referred to the housing prosecutor under the Prosecution Guidelines. | Implementation unclear. |
| 2. Referral paperwork from police departments should include a box for "Code enforcement and landlord/tenant." | Not implemented. |
| C. <u>Commercial lockouts</u> : Commercial lockouts should be included in the criminal lockout statute (C.G.S. 52a-214). | Proposed by Chief State's Attorney but no action taken by legislature. |

IV. Advisory Council:

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| A. <u>General matters</u> : The Judicial Branch should recommit to advance consultation with the Advisory Council in all matters that affect the hearing of housing cases and to inform all Judicial Branch employees who deal with housing courts of their duty to encourage, promote, and proactively involved the Council in all such matters. | Agreed in principle but not necessarily in practice. |
| B. <u>Judicial assignments</u> : The Judicial Branch should revise the process for Advisory Council input on housing court judicial assignments so as to provide more effective input. | No satisfactory process yet worked out. |