APPENDIX I

HOUSING CODE ENFORCEMENT

THROUGH THE HOUSING COURT:

AN EMPIRICAL STUDY

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TABLE OF CONTENTS

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I also owe thanks to the staff of the housing court for its willingness to permit me to share its very limited office space and its creation of a xerox room office in which I could review files, to Carol Maurer of the Capitol Region Conference of Churches for her patience through many delays, and to the many people at the housing court and the Bureau of Housing Code Enforcement who took the time to speak with me about the court.

R.L.P.

PART I - INTRODUCTION AND SUMMARY OF FINDINGS

When the housing court[1] for the Judicial District of Hartford-New Britain began operations in January 1979, it had two major purposes. One was to provide a forum for the just, fair, and expeditious resolution of landlord-tenant disputes. The other was to create a mechanism to prevent the deterioration of rental housing through the effective enforcement of the housing code. During the past year, however, a number of complaints have surfaced about the second of these two functions -- the effective prosecution of housing code complaints.[2] This study was commissioned to examine in detail the processing of criminal complaints in the housing court and to evaluate the effectiveness of housing code prosecution through that institution.

In order to accomplish this, an examination was made of every City of Hartford criminal case filed in the Hartford office of the housing court for the full one-year period between April 1, 1979, and March 31, 1980. This empirical data was supplemented by interviews with court and code enforcement personnel. Appendix A describes the selection of cases in more detail.

The information gathered[3] confirms that very serious code enforcement problems do indeed exist and that the court has been a far less effective mechanism for housing code enforcement than it is capable of being. In particular, the study found:

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[1] Technically the correct name for the housing court is the housing "session" of the Superior Court for the Judicial District of Hartford-New Britain. It is not an independent court but is a part of the Superior Court. Nevertheless, it is commonly called the "housing court," and even the court's first judge referred to it by that name. See "The Hartford-New Britain Judicial District Housing Court," by Hon. Arthur L. Spada (March 8, 1979). For convenience, the term "housing court" is used throughout this report. All references to the housing court in this report refer to its Hartford office only.

[2] See, for example, the article in the Hartford Courant of May 15, 1980, headlined, "Inaction on Warrants Subject of Complaint," which reported that a Hartford city official claimed: "The Housing Court still isn't acting on many city applications for warrants to arrest landlords who refuse to correct code violations." Similarly, on July 29, 1980, the Courant headlined an article, "Owner of Apartments Won't Be Prosecuted." See also the letters of complaint in Cases #32 and #122.

[3] In some instances, the incomplete nature of the records kept by the housing court (see p.10) made it impossible to know to what extent events had occurred which were unrecorded. Of necessity, conclusions in this report were drawn from the information that did exist.

A-95

(1) Fines were almost never assessed against even the most serious code violators. A total of $220 in fines was levied in the 144 cases covered by the survey and no fine exceeded $100.

(2) Property owners who failed to comply with deadline dates for repairs, who delayed proceedings for extended periods of time, or who ignored orders to appear in court commonly received no penalties and cases against them were usually dropped without prosecution or nolled. Delays were tolerated by the court.

(3) Jail sentences were rarely given and never carried out. Only four such sentences were found in the sample, and all were suspended on condition that repairs be made. There was, however, no supervision of this "probation" and no monitoring to determine whether or not such repairs ever occurred.

(4) Sanctions were not sought if the defendant sold or transferred the building, without regard to the severity of the violations or the length of non-compliance prior to the sale. A substantial number of cases were closed for this or other reaons without obtaining the repair of the building.

(5) Inadequate systems for keeping records and evaluating complaints made proper prosecution review of the files nearly impossible.

(6) Field staff (housing code inspectors and housing specialists) were used in an inadequate manner and true consultation between the court and the municipal code enforcement agency was rare. Only the most limited information was ordinarily obtained by the housing court from the housing code inspectors and decisions to prosecute or nolle a case appear to have been frequently made on insufficient knowledge of the history of the case.

(7) Although many relatively simple cases were processed quickly, a large number of cases involved extensive and apparently unjustified delays.

The remainder of this report is divided into three major parts. The first is an analysis of the empirical and interview data. This portion of the report begins on p. 3. The second is a list of recommended changes in housing court procedures. That beings on p. 36. The third is an appendix. In particular, Appendix B contains summaries of 79 cases from the sample. They illustrate more specifically the sorts of weaknesses that have existed in housing code enforcement.

PART II - ANALYSIS OF THE DATA

A. NATURE OF THE CASES REFERRED TO THE COURT

1. Types of Cases Referred

Before the court's method of processing criminal cases is examined, it is useful to examine the files for information about the nature of the cases referred by Hartford's Bureau of Housing Code Enforcement (BCHE).[4]

Housing code prosecution represented a very small portion of the caseload of the Hartford housing court. Out of more than 6,000 cases filed during the sample period, less than 200, or about 3%, were criminal prosecutions.

TABLE 1

FREQUENCY OF CRIMINAL PROSECUTIONS
N = 6003

Criminal cases	187	3.1%
Summary process (evictions)	4,513	75.2%
Small claims	1,029	17.1%
Other civil	274	4.6%
	6,003	100.0%

The docket of the court was thus heavily dominated by eviction cases.

The number of cases subject to prosecution is not controlled by the court, however, but by the municipal code enforcement agencies which refer cases for prosecution.[5] One hundred eighty-seven such complaints were filed with the Hartford office of the court, almost all of which were from either Hartford or East Hartford.

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[4] The abbreviation "BHCE" is used throughout this report to refer to the Bureau of Housing Code Enforcement.

[5] The prosecutor is allowed to prosecute based on a complaint from the tenant, rather than from the code enforcement agency, but this procedure has never been utilized and any such direct complaints received at the court are referred to the code enforcement agency. In 1980 the Connecticut General Assembly amended the Housing Court Act to codify this already-existing power. See P.A. 80-448, Section 7.

TABLE 2

TOWNS WHERE PROPERTY LOCATED
N = 187

Hartford		164	88.2%
East Hartford		16	8.6%
All Others		6	3.2%
Windsor	2		
Canton	2		
Manchester	1		
West Hartford	1		
		186	100.0%
Unknown		1	
		187	

Not all cases were filed against landlords. Correction of most code violations is the responsibility of the owner, although in some cases the tenant can be required to reimburse him for his costs. See C.G.S. 47a-7(a), 47a-11, and 47a-21(d)(1). Under some circumstances, however, the code enforcement agency can issue an order directly against a tenant. In fact, nearly 10% of the Hartford cases, which were the ones to which the actual study was limited, named tenants as defendants.

TABLE 3

LANDLORD AND TENANT DEFENDANTS
N = 164

Landlord defendants	152	92.7%
Tenant defendants	12	7.3%
	164	100.0%

These complaints involved charges of improper tenant maintenance of the apartment, overcrowding, failure to vacate a condemned building, and, in one instance, theft of utility services.

TABLE 4

GROUNDS FOR COMPLAINTS AGAINST TENANTS
N = 12

Failure to maintain apartment properly	6	50.0%
Overcrowding	3	25.0%
Failure to vacate condemned building	2	16.7%
Theft of services	1	8.3%
	12	100.0%

[6] Case #97 was missing from the files.

All cases against landlords were for either housing or building code violations or for violation of C.G.S. 19-65, which makes it illegal for a landlord who has agreed to provide heat to fail to maintain a temperature of at least 65° in the building. About 10% of the cases were "no-heat" cases; and, at least in their initial steps, they were handled differently from other cases. There were no complaints filed alleging lockouts, which are violations of the larceny and criminal trespass statutes.

TABLE 5

GROUNDS FOR COMPLAINTS AGAINST LANDLORDS
N = 144

Housing code violations	127	88.2%
Building code violations	3	2.1%
No heat (C.G.S. 19-65)	14	9.7%
Lockouts (C.G.S.53a-119, 53a-108)	0	0.0%
	144	100.0%

For the purposes of this study, housing and building code violations were grouped together; but no-heat cases were, in some instances, classified separately.

Because prosecution patterns and problems are substantially different for complaints against landlords than against tenants, the study was limited to complaints against landlords. Through review of the cases, the sample was reduced to 144 useable cases,[7] and these are the only cases considered in the remainder of the report.

2. Number of Violations Cited

Most of the code complaints referred to the housing court cited very few violations. Almost 15% of the complaints cited just one violation; about half listed no more than five violations; and only 20% claimed more than 10 uncorrected items.

[7] See Methodology Appendix, p. 41-42, for an explanation of why eight were dropped.

TABLE 6

NUMBER OF VIOLATIONS CITED
N = 130

1	18	13.8%
2-3	31	23.8%
4-7	37	28.5%
8-15	25	19.2%
16-30	15	11.5%
More than 30	4	3.1%
	130	99.9%
No heat complaints	14	
	144	

1st Quartile - 3 violations
Median - 5 violations
3rd Quartile - 9 violations

The number of violations referred gives a rough approximation of the extensiveness and severity of the problems in the building.[8] The significance of these relatively low numbers is not certain, but it may well indicate that the most severe cases were, in effect, written off by the BHCE as hopeless and not referred for prosecution at all.

3. Location of Buildings and Owners

The complaints of housing code violations received by the housing court were not evenly distributed through the city. Nearly half of them came from just two neighborhoods -- Frog Hollow and Asylum Hill. The remainder were scattered throughout the city (Map 1). Relatively few originated in the city's North End.

[8] The number of violations cited does not correlate directly with the severity of the violation. For example, such offenses as lack of heat, severe rat or roach infestation, or a porch in danger of imminent collapse can appear as a one- or two-count complaint. However, when large numbers of violations were cited, it ordinarily meant both that the building was seriously deteriorated, with many severe violations, and that the violations were spread throughout the building and not in just one or two apartments. Good examples are Case #94 (66 violations), Case #164 (46 violations), and Case #104 (6 original violations but 152 more later added).

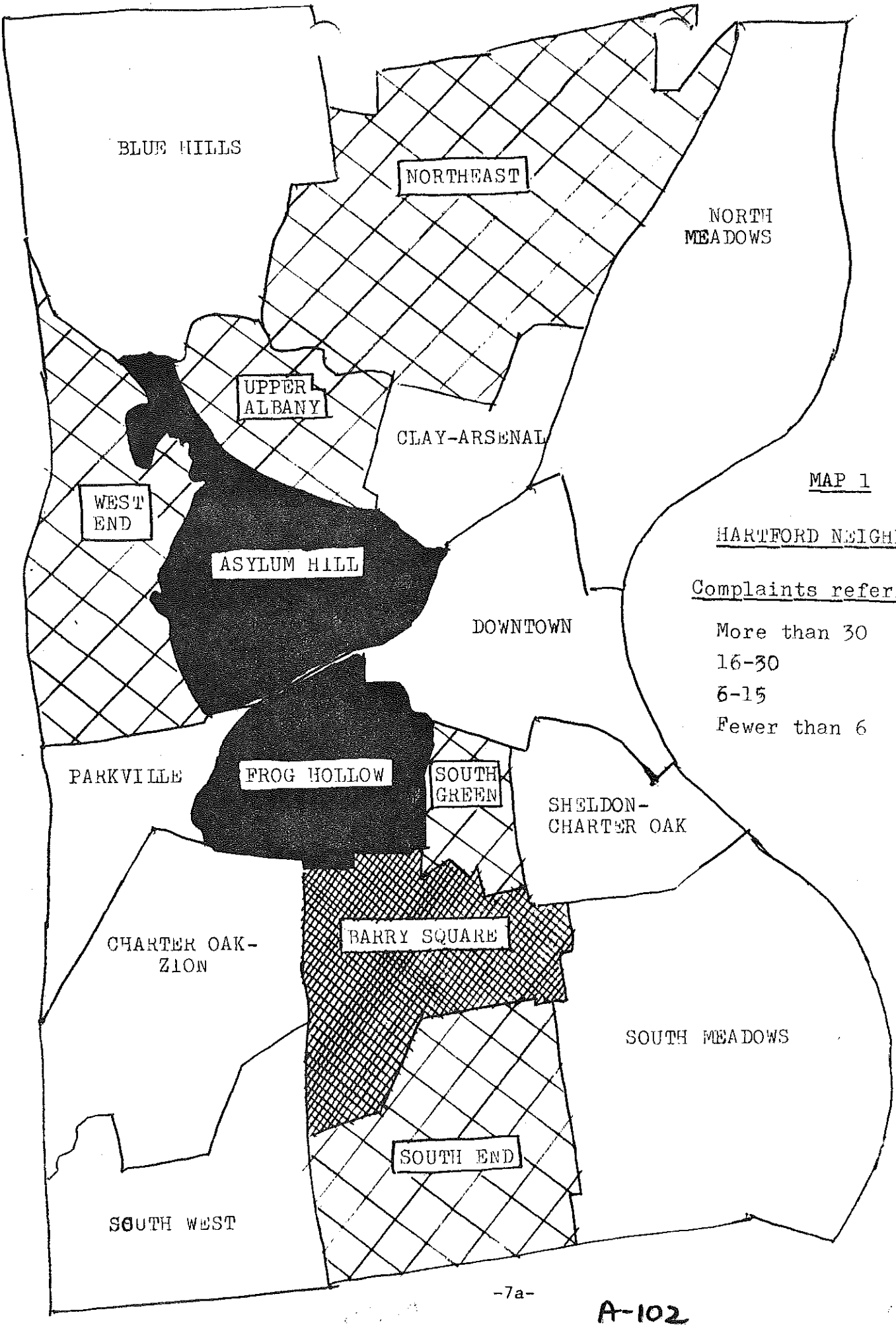
TABLE 7

CRIMINAL REFERRALS BY NEIGHBORHOOD
N = 144

Northern Neighborhoods		
North Meadows	0	0.0%
Northeast	12	8.3%
Blue Hills	0	0.0%
Upper Albany	6	4.2%
Clay-Arsenal	3	2.1%
Central Neighborhoods		
Downtown	2	1.4%
Asylum Hill	34	23.6%
West End	9	6.3%
Parkville	4	2.8%
Frog Hollow	37	25.7%
South Green	8	5.6%
Sheldon-Charter Oak	2	1.4%
Southern Neighborhoods		
Barry Square	17	11.8%
Charter Oak-Zion	2	1.4%
Southwest	0	0.0%
South End	8	5.6%
South Meadows	0	0.0%
	144	100.2%

A-101

(1567)


BLUE HILLS
NORTHEAST
NORTH MEADOWS
UPPER ALBANY
CLAY-ARSENAL
WEST END
ASYLUM HILL
DOWNTOWN
PARKVILLE
FROG HOLLOW
SOUTH GREEN
SHELDON-CHARTER OAK
CHARTER OAK-ZION
BARRY SQUARE
SOUTH MEADOWS
SOUTH END
SOUTH WEST
MAP 1
HARTFORD NEIGHBORHOODS
Complaints referred:
More than 30
16-30
6-15
Fewer than 6

A-102

A very high percentage of the owners cited for violations were absentee. Only about 10% of the notices listed the address of the defendant as being in the same building as the property cited;[9] 90% were directed either out of the city or to other addresses in Hartford.

TABLE 8

OWNER-OCCUPANTS
N = 144

Owner-occupants	15	10.4%
Non-occupants	129	89.6%
	144	100.0%

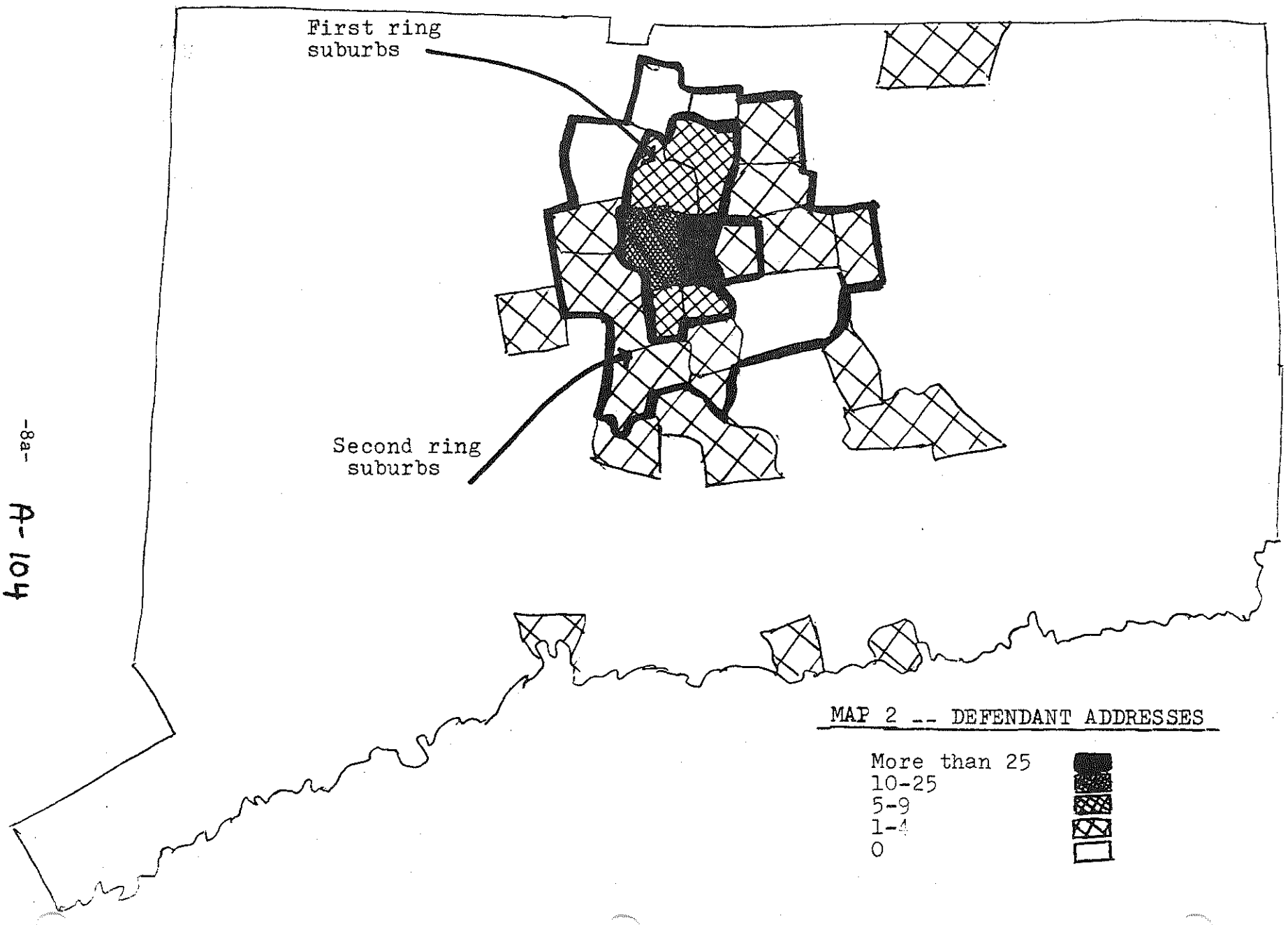
About half of the defendants were cited at addresses ouside of Hartford. About one-third of the non-Hartford owners were listed at West Hartford addresses; another third lived in the other "first ring" towns which circle Hartford; and most of the rest were from "second ring" towns, such as Farmington and Manchester, which form a larger second circle around the city. See Map 2.

TABLE 9

DEFENDANT ADDRESSES, BY TOWNS
N = 144

Hartford		66	45.8%
First ring towns		44	30.6%
(West Hartford)	23		
Other first ring towns (Bloomfield, Windsor, East Hartford, Wethersfield, Newington)	21		
Second ring towns		17	11.8%
Other Connecticut towns		14	9.7%
Out-of-state		3	2.1%
		144	100.0%

[9] Even this percentage may be overstated. If the notice was addressed to the defendant at the building cited, it was presumed he lived there. In fact, it is possible that the defendant had an office or a mailbox there, or that a resident superintendant collected his mail.



MAP 2 -- DEFENDANT ADDRESSES

A-104

It is likely, however, that many of those cited at Hartford addresses did not live in Hartford. In some cases, the owner was cited at his business, rather than his home, address. In others, the citation was directed to the man- aging agent instead of to the owner. If these cases are dropped from the Hartford count, it becomes clear that most cited defendants not only did not live in the buildings cited but also did not live in the city.

TABLE 10

DEFENDANT ADDRESSES, BY TOWN, ADJUSTED
N = 144

Hartford			
Owner-occupied	15		
Other	25	40	33.9%
All other towns		78	66.1%
		118	100.0%
Inconclusive Hartford listings			
Business address	17		
Agent address	9		
		26	
		144	

B. RECORD-KEEPING

The examination of the files revealed serious problems in the keeping of records in a usable and orderly manner. All files were kept loose and the paperwork in them was not in any way attached to the file. It would be easy for paperwork to be lost under such circumstances. Many of the records were not kept on standard-sized sheets of paper but appeared instead as memo pad-sized notes, usually about 5" x 7". Some scraps of paper smaller than 3" x 3" were found loose in the files.

No adequate record was kept of what happened each time the file was acted upon. The files did not have docket sheets. There was a space for a listing of scheduled court dates on the outside of each file, but the spaces often failed to indicate what happened on each date. For example, from the file, it cannot be determined definitely whether the case was called or not, whether the defendant appeared, and for what reason a continuance was given.

It is also impossible to tell whether or not all conversations with defendants and witnesses were recorded in the files, although it is likely they were not. For example, in a number of files there appeared loose pink telephone message slips indicating a phone call, with a message from the defendant to the prosecutor, taken by a clerical assistant; but it was not known whether any conversation with the prosecutor actually took place. Many court dates were listed in the files for which some discussion or report must have occurred, but there was no note to the file. The failure to record these matters adequately can create problems in reconstructing events if a serious prosecution is later attempted or if a different prosecutor must handle the files.

No papers in the files were date-stamped, making it impossible to tell when they were received. For example, it could not be established from the file when the BHCE filed affidavits. In addition, some of the loose pieces of paper in the file were also undated. Some were also unsigned, and familiarity with the handwriting styles of housing court staff was necessary to determine who wrote which ones.

In a number of cases, memos to the file indicated that a lawyer had contacted the prosecutor on behalf of the defendant, but a written appearance was rarely filed. This appears to violate Section 630 of the Connecticut Practice Book.

The court's case indexing system also seems to be inadequate. For example, the court does not completely cross-reference its criminal files to each other. There is a card index by defendant, but no index by street address. As a result, if an owner sells a building without correcting housing code violations, it would be extremely difficult for a prosecutor to know that a complaint against the new owner was part of a continuing effort to correct the old violations.

93592

The court does not cross-reference its criminal files to its civil files at all, either by party or by street address. As a result, it would be very time-consuming to determine, except by chance knowledge, that an eviction action involves a building in which there is a pending criminal prosecution.[10] There is also no formal cross-referencing to receivership actions, although in act the existence of a receivership was ordinarily noted in the criminal file, since the prosecutor normally stayed or dropped the criminal prosecution once a receivership was initiated.

C. PROCESSING OF CASES

1. BHCE Orders

Initial enforcement against housing code violations is made by the municipal code enforcement agency, which in Hartford is the Bureau of Housing Code Enforcement (BHCE). An investigation is ordinarily triggered by either a direct or an indirect complaint. These usually come from tenants or their representatives but many come from another city agency (such as the Fair Rent Commission) or a social services agency.[11] The Bureau then dispatches a housing code inspector (HCI) to investigate the complaint.

Upon finding violations, the BHCE issues an order to comply, usually to the landlord or his agent. See Table 3. An offense which involves an immediate threat to health and safety, such as the absence of heat during the winter, can result in an order for "immediate" compliance. If the owner does not comply, the city can correct the violation (e.g., fill an oil tank, repair a furnace, or stablize a porch) and place a lien on the property for its cost. Other orders may permit more time for repair. The agency can and often does extend the time for compliance. If there is no compliance, or if compliance is unsatisfactory, the agency can prepare an affidavit listing the violations and turn the case over to the housing court for prosecution. It appears that prosecution is rarely sought unless there has been a record of resistance to compliance.

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[10] The failure to cross-reference to the civil cases also contributes to a wasteful use of field staff, since housing specialists make inspections in the civil dockets while BHCE inspectors are relied on in the criminal cases. See p. 31.

[11] The housing court uses its own staff housing specialists to investigate when a tenant who is being evicted for non-payment of rent claims as a defense that there are code violations. Interviews with housing court staff indicate, however, that the housing specialists do not refer such evidence to the BHCE for investigation and a possible order.

By the time a case is referred to the housing court, a fairly substantial amount of time has already passed in which there has been no compliance with the code. About half of the cases were not filed until at least 75 days after the issuance of the BHCE's enforcement order, and in about one-fourth of the cases the landlord had already had more than 120 days in which to comply before prosecution was sought.[12] No heat cases were treated in separate manner, and every no heat referral for prosecution was made within 12 days of the official order.

TABLE 11

REFERRAL TIME
N = 144

No. of Days	All Cases Except No Heat N = 130		No Heat Cases N = 14	
0-30	15	11.5%	13	100.0%
31-60	39	30.0%	0	0.0%
61-90	24	18.5%	0	0.0%
91-120	20	15.4%	0	0.0%
121-150	14	10.8%	0	0.0%
151-270	16	12.3%	0	0.0%
More than 270	2	1.5%	0	0.0%
	130	100.0%	13	100.0%
Unknown	0		1	
	130		14	
1st Quartile -	41 days		0 days (same day)	
Median -	76 days		1 day	
3rd Quartile -	118 days		10 days	

[12] These figures understate the length of time that the BHCE worked in getting compliance before referral to the housing court and may understate it greatly. Referral time was measured from the date of the BHCE's "official notice" to repair until the signing of the affidavit. The official notice is necessarily preceded by at least one inspection and, in many cases, by several inspections and prior orders. These earlier trigger dates could be identified, however, only by inspecting the BHCE files themselves, a task which was beyond the scope of this study. As a result, Table 11 shows only the minimum known period of non-compliance before the BHCE and not necessarily the actual period of noncompliance.

When the BHCE decides to seek prosecution, the HCI prepares an affidavit which, with other documentation, is turned over to the housing court. It is not clear from the files whether these documents are hand-delivered or mailed, nor is it clear on what date they left the BHCE. It is also uncertain when they arrived at the housing court, since none of the documents were date-stamped upon receipt. It is clear, however, that there is a significant time lapse between the signing of the affidavit and the opening of the file at the housing court. The gap was rarely less than five calendar days and in about half of the cases it was nine or more days. There was a delay of two weeks or more in nearly one out of four cases. It is impossible to determine from the files whether the responsibility for this form of delay rests with the BHCE, the housing court, or both.

TABLE 12

TRANSFER TIME[13]
N = 144

No. of Days	All Cases Except No Heat N = 130		No Heat Cases N = 14	
0-4	2	1.5%	8	61.5%
5-8	65	50.0%	3	23.1%
9-12	30	23.1%	0	0.0%
13-16	23	17.7%	1	7.7%
17 or more	10	7.7%	1	7.7%
	130	100.0%	13	100.0%
Unknown	0		1	
	130		14	
1st Quartile -	7 days		1 day	
Median -	8 days		3 days	
3rd Quartile -	13 days		8 days	

2. Initial Action in the Housing Court

Once the file is opened, the responsibility for moving the case clearly rests with the housing court. Since the creation of the court in January 1979, at least four different methods of taking initial action on cases have been used in the court. From January through June 1979, which included the first quarter of the sample, the defendant was sent a letter by one of the court's housing specialists instructing the owner to call the specialist "immediately" to "avoid a court appearance." From July through the entire remaining period of the study, the letter was sent by the prosecutor. It did not request contact with court staff but instead gave the defendant a fixed

[13] The time period was from the date of the affidavit to the date on which the housing court file was opened.

period of time, usually three to five weeks, to make the repairs (this is referred to as the "voluntary compliance letter"). Sometime in the summer of 1980, after the close of the sample period, the prosecutor substituted a letter instructing the defendant to contact the prosecutor on a particular date. In the fall of 1980 the voluntary compliance letter was dropped and the case begun directly with a summons. In no-heat cases the voluntary compliance letter was initially not used and a summons was instead issued immediately. Starting in January 1980, however, a voluntary compliance letter was sent with a reduced compliance date, usually about two weeks.

TABLE 13

VOLUNTARY COMPLIANCE LETTER -- TIME TO COMPLY
N = 102

No. of Days	All Cases Except No Heat N = 96		No Heat Cases N = 6	
0-7	0	0.0%	1	16.7%
8-14	3	3.2%	4	66.7%
15-21	18	19.1%	1	16.7%
22-28	42	44.7%	0	0.0%
29-35	24	25.5%	0	0.0%
36-42	5	5.3%	0	0.0%
43-49	2	2.1%	0	0.0%
	94	99.9%	6	100.1%
Unknown	2			
	96			
1st Quartile -	24 days		10 days	
Median -	27 days		14 days	
3rd Quartile -	33 days		17 days	

At the end of this time period, a letter was usually sent to the HCI requesting a reinspection. Nearly all such letters were issued within a day of the deadline date. If the HCI reported satisfactory compliance, the case was ordinarily closed without court action or further investigation. If compliance was unsatisfactory, a summons was issued. In a smaller number of cases, a second extension was given, followed by a reinspection, before issuance of a summons.

Throughout most of the sample period, there was a long delay between the reinspection report and the issuance of the summons -- usually about three weeks.[14] In March 1980, however, the last month of the sample, there appears to have been a procedural change, because in that month summonses were usually issued within a week of the reinspection report.

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[14] Because the reinspection reports were not date stamped at the housing court, it is impossible to know when they were received. The measurement was therefore made from the date that the HCI signed the report, which was probably the same day that it left the BHCE office for delivery to the housing court.

TABLE 14

ISSUANCE OF SUMMONS - REINSPECTION REPORT TO SUMMONS
N = 45

No. of Days	Before 3/1/80		After 3/1/80	
0-3	1	4.5%	3	13.0%
4-9	1	4.5%	15	65.2%
10-15	4	18.2%	1	4.3%
16-24	6	27.3%	2	8.7%
25-39	8	36.4%	2	8.7%
40 or more	2	9.1%	0	0.0%
	22	100.0%	23	99.9%
1st Quartile -	14 days		4 days	
Median -	22 days		6 day	
3rd Quartile -	28 days		9 days	

The use of the voluntary compliance letter significantly delayed the prosecution of those cases in which the letter did not produce voluntary compliance. In half of the cases in which a summons was issued, it was issued more than 55 days after the file was opened, a delay of almost two months. In 23% of those cases, the summons was not issued until more than three months after the opening of the file; and in more than 10% of the cases more than four months was lost waiting for voluntary compliance which did not occur.

TABLE 15

TIME LAG - OPENING OF FILE TO ISSUANCE OF SUMMONS
N = 68

Less than 30	2	3.3%
31 - 60	34	56.7%
61 - 90	10	16.7%
91 - 120	7	11.7%
121 - 150	5	8.3%
151 - 180	2	3.3%
	60	100.0%
Unknown	2	
No Heat	6	
	68	
1st Quartile -	42 days	
Median -	56 days	
3rd Quartile -	87 days	

3. Use of Summons

The opening of the file brings the prosecutor into the case. The service of a summons technically brings the court itself into the case. Summonses were served in less than half of the cases. The rest of the files were closed without any court action at all.

TABLE 16

SUMMONSES SERVED
N - 144

Summons issued	68	47.2%
No Summons issued	76	52.8%
	144	100.0%

It should be noted that these 68 summonses did not involve arrests.[15] A summons is not an arrest warrant. Although it can be served by a police officer, no arrest is made and the defendant is not taken into custody. The summons merely orders the defendant to appear in court on a certain date, which is supposed to be no more than two weeks from the date of issuance of the complaint. See Connecticut Practice Book, 599(5). Nevertheless, more than half of the summonses served set the court date more than 14 days in advance and thus appear not to have complied with the Practice Book.

TABLE 17

TIME TO RESPOND TO SUMMONS
N = 68

No. of Days	All Cases Except No Heat N = 62		No Heat Cases N = 6	
0- 7	6	9.8%	4	66.7%
8-14	22	36.1%	1	16.7%
15-21	24	39.3%	1	16.7%
22-28	9	14.8%	0	0.0%
	61	100.0%	6	100.1%
Unknown	1		0	
	62		6	
1st Quartile -	13 days		4 days	
Median -	18 days		7 day	
3rd Quartile -	21 days		18 days	

[15] In fact, in the early cases in the sample the police were not involved at all, since the summonses were served by certified mail. Later delivery by a police officer (but without an arrest) was substituted because many defendants failed to claim their mail.

The use of the summons is in sharp contrast to the pre-housing court procedure that had been in use in the G.A. 14 court, which has previously handled housing code cases. Cases there were initiated with an arrest warrant;[16] the defendant was arrested and arraigned; and every case could be disposed of only by some form of court action. A summons necessarily lacks the powerful impact of an arrest.

There is scattered evidence in the files that some difficulties with getting defendants to court promptly resulted from a lack of effort by local police departments, who served the summonses and, when issued, the arrest warrants.[17] Summonses were sometimes returned unserved with cover memoranda which showed on their face no serious effort to locate the defendant.

For example, in Case #164 the original summons was returned unserved by the Hartford Police Department with the report:

> The undersigned officer went to 42 Beacon Street to serve a summons and complaint but could not find anyone at home.

The officer was apparently unwilling to return later to try again. A month later a reissued summons was successfully served on the defendant at the same address. In Case #51 the police reported that the defendant "could not be located at these premises." The officer had apparently gone to the wrong entrance to the building. After a month's delay, a new summons resulted in successful service. In Case #144 three efforts at service by the Hartford police failed, with the police in the last instance reporting that the defendant "does not reside there any more, no forwarding address." No service was ever made. See also Case #174. In Case #200 a summons against a partnership was returned because the partnership name did not appear on the directory of the office building. No effort at all appears to have been made to locate the business to determine whether it still existed. In Cases #182 and #209 arrest warrants resulting from the failure of the defendant to appear for a hearing had still not been returned to court more than one month after their issuance.

For the cases in which summonses were issued, continuances were a frequent event. The initial court date is the date that appears on the summons. Each additional court date constitutes a continuance. Only five of 68 cases were disposed of on the first court date, requiring at least one continuance in more than 90% of the cases. One continuance is not surprising, but additional ones raise serious questions about the vigor of prosecution, especially in cases which are relatively simple and require no substantial amount of preparation to be ready for trial. Nevertheless, almost half of the cases for which a summons was issued required at least four court dates (three or more continuances) and more than a quarter of them required five or more dates.

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[16] This procedure can be seen in Case #31, which was transferred to the housing court from G.A. 14 after the defendant's arrest for two counts of violation of the Hartford housing code. Although an arrest is more powerful than a summons, there were other defects in the pre-housing court system of code prosecution that made it of very limited effectiveness.

[17] Arrest warrants were used only in certain cases of failure to appear for court and not for failure to comply with the housing code.

TABLE 18

COURT DATES
N = 68

1	5	7.4%
2	16	23.5%
3	14	20.6%
4	13	19.1%
5	9	13.2%
6	6	8.8%
7	4	5.9%
8	1	1.5%
	68	100.1%

1st Quartile - 2 days
Median - 3 days
3rd Quartile - 5 days

Three of these cases were still pending, of which two had already been continued four times and one had been continued six times.

Cases in which a summons is issued must be disposed of before the court, though it is not necessarily required that the defendant be present. The files are less than clear, but it appears that in many cases the defendant was not required to appear for court hearings, so that the defendant was often not seen by the judge. The erratic recording of court appearances in the file makes this impossible to quantify. Indeed, the files often failed to indicate what, if anything, happened on each scheduled court date. Nevertheless, it was clear from telephone messages in the file that attendance was often excused.

In addition, it was possible to identify at least 12 instances (involving 16 cases) in which the defendant failed at least once without permission to appear for a scheduled court date.[18] It is likely that there were other cases as well, but the files did not record unexcused absences in a systematic way. Although wilful failure to appear is a separate criminal offense (C.G.S. 53a-173), in only one instance in the sample was a defendant actually arrested for his failure to appear (Cases #125/#136/#140/#143), and that charge was nolled. In two other cases (#182 and #209) arrest warrants were issued but had not been returned when the data gathering closed, although more than a month had passed. In those latter two cases, it appeared from each file that the defendant has missed two scheduled hearings before the warrants were issued.

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[18] When a defendant failed to appear without first obtaining permission, the prosecutor would send him a form letter continuing the case and threatening arrest if a second hearing was missed. Some of these letters were in the file and others were noted on the file folder cover. Occasionally other material in the file indicated an unexcused absence. The sixteen identified files each contained at least one such piece of evidence.

In the other cases in which a failure to appear could be identified, the usual remedy appeared to be to give a continuance, without any sanction for the non-appearance.[19] Nor did the failure to appear seem to produce a stiffer penalty for the code violations themselves. In the 12 identified instances, there was only one conviction, and that involved a suspended sentence without a fine (Case #125). Even cases with multiple absences failed to produce sanctions. For example, in Case #142 the defendant repeatedly missed court dates; but, because he finally made the repairs some ten months after the file was opened, all charges were nolled.

Lawyers appear to have been involved in relatively few of the criminal cases.[20] Most of those were in cases where a summons was issued. Thus there was some record of attorney representation in about 30% of the cases in which a summons was issued but only about 10% of those in which no summons was issued. In 80% of the cases however, there appears to have been no attorney involvement for the defendant.

TABLE 19

ATTORNEY REPRESENTATION
N = 144

	Summons Issued N = 68		No Summons Issued N = 76		Total N = 144	
Lawyer	20	29.4%	9	11.8%	29	20.1%
No Lawyer	48	70.6%	67	88.2%	115	79.9%
	68	100.0%	76	100.0%	144	100.0%

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[19] Case #280, which arose after the sample, involved the same landlord and the same building as in Case #45 but cited new and different violations. The case was heard under revised procedures, in which a summons was issued at the very beginning of the case. The defendant apparently failed to appear on the hearing date listed in the summons. As a result, a form letter was issued by the prosecutor scheduling the case for a date five weeks in the future. In effect, by simply ignoring the summons the defendant got a five-week continuance without ever having to go to court to ask for it. The particular defendant, it should be noted, was not a first offender in the court. He had been the defendant in five other prosecutions, involving this and two other buildings.

[20] Attorney participation was difficult to identify conclusively because almost no attorney filed the appearance required by Connecticut Practice Book 630. It was therefore necessary to deduce attorney representation by file notes which mentioned conversations with an attorney or by letters from an attorney that were found in the file.

4. Disposition of Cases

Eventually, each case must be closed when action on it is completed. Although many cases involved extensive delays and in some no repairs were ever made, all but a handful of cases were either resolved without court action, nolled, or dismissed. Less than 5% of the caes resulted in any sanction whatsoever and those all resulted from guilty pleas.[21]

Although all defendants had a right to trial by jury, none in the sample requested one. In fact, only one case in the sample was even tried before the court, and in that case the defendant was acquitted.[22]

TABLE 20

DISPOSITION OF CASES
N = 144

Resolved without court action	69	51.5%)	
Nolled or dismissed	58	43.3%)	94.8%
Guilty plea	6	4.5%)	
Trial	1	0.7%)	5.2%
	134		100.0%
Pending as of 10/20/80	10		
	144	100.0%	

Even in those cases where sanctions were imposed, they were not large. The Hartford Municipal Code provides for a wide range of penalties. Section 18-18 sets the maximum penalty at $100 and 30 days in jail, but every code violation cited counts as a separate offense, as does every day that a violation remains uncorrected. It is therefore possible, at least in theory, to seek substantial penalties. With one exception, however, all guilty pleas were for one count only, and in the four other convictions that involved multiple-count charges all other charges were nolled.

Fines were imposed in only three of the six cases involving guilty pleas,[23] and they totalled only $220, an average of $73.33 per fine. In addition, a review was made of all fines levied in the Hartford office of the court from January 1, 1979 through October 20, 1980. It was found that a total of only $835 in fines had been levied in almost two years and that none was for more than $100.

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[21] If the defendant pleaded guilty to one or more counts and other counts were nolled, to avoid a double listing the case was tabulated only as a guilty plea and not as a nolle.

[22] In this case (Case #133) the defendant was acquitted by the court of a charge that he had wilfully failed to provide the heat required by C.G.S. 19-65. Although the file does not explain the reason for the acquittal, it appears that the court was not persuaded that the failure was wilful.

[23] The guilty pleas were in Cases #48, #64, #81, #125, #151, and #164. In Case #125 the defendant pleaded guilty to two counts.

TABLE 21

FINES
N = 144

No conviction		128	95.5%
Conviction			
No fine	3		2.2%
$100	2		1.5%
$ 20	1	6	0.7%
		134	99.9%
Pending		10	
		144	

In four of the six convictions, including one in which a $100 fine was assessed, a suspended jail sentence was also imposed. The sentences ranged from a low of three days to a high of ten days, with six months' unsupervised probation. All such sentences were subject to a condition that all repairs cited in the BHCE affidavit (not just those on the count to which the guilty plea was made) be corrected within a certain period of time. If not complied with, the sentence would have to be served. The time to comply ranged from 3-1/2 to 5-1/2 months.

The files indicate, however, that there was no monitoring of these conditions to determine compliance and no supervision of probation. Instead, each file was considered closed as soon as the defendant was sentenced. In the one case in which it inadvertantly came to the court's attention that the defendant had not complied with the conditions of sentencing (Case #151), the jail sentence was not carried out but the defendant was instead given an additional eight months of unsupervised probation and more time to make the repairs.

Although jailing is potentially the most severe of sanctions, the imposition of a suspended sentence in a housing code case with no fine and no supervision cannot reasonably be considered severe. Case #125 is a good example. Eight different cases involving three different buildings had been initiated against the defendant. He was thus not a minor offender. Code enforcement orders for which compliance had not been obtained on two of the buildings went back at least to 1978 and on the third building at least to 1979. By the time that the cases were disposed of in April 1980, there had been an open housing court file on one building for more than a year and on the other two buildings for about six months each. On the disposition date, the violations had still not been corrected but, in the interim, the landlord has lost one of the buildings by foreclosure. All charges on that latter building were nolled. The defendant pleaded guilty to two counts on the other buildings, was given a ten-day suspended sentence with six months' probation but without supervision, and was ordered to comply with the code enforcement orders within four months. Even if he did so, this case disposition meant that the landlord had been allowed to delay repairs more than two years after the BHCE order on one property and more than one year on the other, with the sole actual penalty being an order at long last to comply with the code. As to the third building, for which the defendant had put off compliance during at least the last 18 months that he owned it, there was no penalty at all.

The problems arising from unmonitored agreements to repair can be illustrated by one of the cases in the sample. In Case #151, the BHCE issued an order in August 1979. In December, after four months without compliance, it turned the case over to the housing court, citing 18 violations. The landlord failed to repair but on February 19, 1980, pleaded guilty to one of the 18 counts in return for the nolle of the other 17. He was givn a three day sentence, suspended on condition that all repairs be made by June 1. Probation was to extend to August 19. No fine was imposed. The file was closed immediately, and there was no monitoring or inspection. In late July, however, almost two months after the repair deadline, the housing court learned by chance that the repairs had not been made when a tenant called to complain. As a result, a reinspection procedure was initiated which confirmed that the defendant had violated the terms of his probation. The three-day sentence was never carried out, however. Instead, in August 1980, a year and four days after the original order and with corrections still not made, the defendant's probation was extended eight more months to permit more time for repairs. There was again no supervision imposed and again no follow-up inspection; and it is not known whether compliance was ever obtained.

In one pair of cases (#137 and #138) the court employed a unique and innovative type of informal sanction. Both involved claims of the failure to provide heat. At a hearing while the criminal cases were pending, the judge suggested and the defendant agreed to rebate $20 to each tenant in the two buildings. Since the buildings contained a total of 24 units, this would have been the functional equivalent of a $480 civil penalty to be paid to the victims, an amount almost five times greater than the highest fine assessed by the court. Unfortunately, the implementaion of the suggestion did not produce that result. First, the evidence of the rebate submitted by the owner failed to show a giving of rebates in one of the two buildings and showed that rebates in the other building went as low as $12, totaling $322. Second, almost all of the rebates were in the form of write-offs against unpaid (and possibly uncollectible) back debts, so that the landlord paid out only $27 in actual rebates. Third, the landlord failed to tell the tenants why they were receiving the credit. The form letter which he sent on December 20 said only:

> January 1, 1980, the amount of $____ will be taken off the balance you owe on your back rent.

It was signed "Merry Christmas," and appeared to be a Christmas gift from the landlord, rather than compensation for failure to provide heat. Nevertheless both cases were nolled.[24]

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[24] Ironically, subsequent events showed that the landlord continued, even after the Christmas letter, not to provide heat. See p. 28.

5. Disposition Time

Unless a case was disposed of quickly without court action, case disposition time tended to be long.[25] No-heat cases were processed much more quickly than other cases. Half of the no-heat cases were closed within 45 days of being opened, while less than 25% of other cases were closed quickly. It took almost four months to close the average case that did not involve heat and a quarter of the cases took more than 200 days. In fact, almost one out of every six such cases took more than nine months to close. At the time of the closing of data gathering for the survey, the 10 cases which were still pending had been open a median of 268 days (the highest was 489 days), and these lengths were growing daily.

TABLE 22

DISPOSITION TIME -- FILE OPENING TO FILE CLOSING
N = 144

	All Cases Except No Heat								No Heat Cases	
No. Days	RWCA[26]		Other		Pending		Total			
30 or less	10	16.1%	0	0.0%	0	0.0%	10	7.7%	6	42.9%
31- 60	24	38.7%	4	6.9%	0	0.0%	28	21.5%	3	21.4%
61-120	11	17.7%	17	29.3%	0	0.0%	28	21.5%	1	7.1%
121-180	7	11.3%	19	32.8%	0	0.0%	26	20.0%	4	28.6%
181-270	3	4.8%	10	17.2%	5	50.0%	18	13.8%	0	0.0%
271-360	3	4.8%	6	10.3%	3	30.0%	12	9.2%	0	0.0%
More than 360	4	6.5%	2	3.4%	2	20.0%	8	6.2%	0	0.0%
	62	99.9%	58	99.9%	10	100.0%	130	99.9%	14	100.0%
1st Quartile	35 days		91 days		236 days		49 days		21 days	
Median	56 days		143 days		268 days		118 days		45 days	
3rd Quartile	127 days		195 days		374 days		198 days		140 days	

Although no heat cases moved three times as quickly as other cases, this was not nearly fast enough in light of the nature of the problem. In the middle of the winter, heat must be restored quickly. Because no arrest warrants were issued, it took at best several days to get the case into court and often took much longer. This made it impossible to use prosecution as a means to induce the landlord to comply with the code enforcement order. Because of this lack of speed, BHCE officials reported that they ordinarily could refer no heat cases for prosecution only after the city filled the oil tank or fixed the furnace, so that the violation was usually corrected by the time of referral. Since the court rarely imposed sanctions after repairs were made, this nearly assured that each case would be either nolled or dropped without prosecution.

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[25] It is important to note that the time for dispositon is not the same as the time to obtain compliance with the code enforcement orders. About 40% of the files failed to show compliance, and about half of those were closed without any anticipation of compliance by the defendant. See Table 24.

[26] "RWCA" refers to cases "resolved without court action," i.e., without the issuance of a summons.

When the time that the case was before the BHCE is added to its time in the housing court, the processing time becomes longer. The median case for which housing court referral was made (excluding no-heat cases) took about eight months from the BHCE official notice to closing in the housing court. A quarter of the cases took more than 10 months and about 15% took more than one year.

TABLE 23

DISPOSITION TIME -- FIRST ORDER TO CLOSING
N = 144

	All Cases Except No Heat								No Heat Cases	
No. Days	RWCA		Other		Pending		Total			
60 or less	1	1.6%	1	1.7%	0	0.0%	2	1.5%	8	57.1%
61-120	16	25.8%	5	8.6%	0	0.0%	21	16.2%	2	14.3%
121-180	15	24.2%	5	8.6%	0	0.0%	20	15.4%	3	21.4%
181-240	17	27.4%	19	32.8%	0	0.0%	36	27.7%	1	7.1%
241-300	4	6.5%	11	19.0%	1	10.0%	16	12.3%	0	0.0%
301-360	3	4.8	8	13.8%	3	30.0%	14	10.8%	0	0.0%
361-420	0	0.0	6	10.3%	1	10.0%	7	5.4%	0	0.0%
More than 420	6	9.7%	3	5.2%	5	50.0%	14	10.8%	0	0.0%
	62	100.0%	58	100.0%	10	100.0%	130	100.1%	14	99.9%
1st Quartile	117 days		189 days		319 days		156 days		28 days	
Median	176 days		238 days		428 days		213 days		49 days	
3rd Quartile	222 days		304 days		571 days		304 days		148 days	

The slow movement of housing court cases was compounded in early 1980 when the prosecutor was cut from three days per week to one day per week in the Hartford housing court. It is difficult to see how cases can be moved effectively on such a limited schedule.

6. Correction of Violations

A long disposition time might be justified on the ground that it was necessary to obtain correction of violations. The study found, however, that more than 40% of all case files were closed without evidence in the file that the violations had been corrected at the time of disposition.[27]

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[27] A violation was considered to have been corrected if the file contained a report or a notation that full compliance had been confirmed by either a HCI or a housing specialist inspection. Even an inspection was not a guarantee of full compliance. See, for example, Cases #101 and #247 in which there was evidence that a HCI had reported full compliance when compliance was only partial.

TABLE 24

CORRECTION OF VIOLATIONS
N = 144

	No Summons		Summons		Total	
Repairs Made	51	73.9%	27	41.5%	78	58.2%
Repairs Not Made	14	20.2%	32	49.2%	46	34.3%
Bldg. Sold	8		16		24	
Bldg. Abandoned	3		0		3	
Landlord agreement to repair	2		11		13	
Bldg.in receivership	1		0		1	
No explanation in file	0		5		5	
Unknown[28]	4	5.8%	6	9.2%	10	7.5%
	69	99.9%	65	99.9%	134	100.0%
Pending					10	
					144	

There were significant differences in the compliance records for cases which were resolved without court action and those that involved the issuance of a summons. Of the cases in which all violations were corrected, about two-thirds of them never involved the issuance of a summons. These can be viewed as the "easier" cases, since the defendant complied after a warning letter from the prosecutor. In cases where a summons was required, thus indicating landlord resistance to repair, about half of the files were closed without the repairs have been made.

There were a few cases in which a major rehabilitation of the property seems eventually to have occurred, although not within the context of the criminal prosecution. The City of Hartford initiated receiverships on the buildings affected by Cases #133, #137, #168, and #169, and the receivership files showed evidence of substantial rehabilitation. There was also evidence of major work on the buildings affected by Case #94 (but only after the building was sold) and Case #104. In the first five cases, rehabilitation work seems to have been unrelated to the criminal prosecution. In the sixth case, although it is not clear, the prosecution may well have been a significant factor.

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[28] A case was classified as "unknown" if the file gave no information, one way or the other, on compliance. It was classified as "repairs not made - no explanation in file" if there was an inspection shortly before close-out which expressly found that violations remained.

A-121

The 46 non-compliance cases fell into three broad categories. The first involved buildings which were sold, foreclosed, otherwise transferred, or abandoned without the making of repairs. With one possible exception,[29] every such case was closed without the imposition of any sanction at all, without regard to how egregious the violations, how uncooperative the owner, how long the violations had been permitted to exist, or whether the new owner made repairs.[30] The prosecutor clearly recognized his power to prosecute even though the defendant had disposed of the building, since he frequently threatened such prosecutions, but he did not carry out those threats.[31] In addition, there was no system for identifying a new case against the new owner of the building, since cases were not recorded by address.

The nature of this problem can be illustrated in the only instance in the sample in which both the old and the new owners were cited during the sample period (Cases #29, #30, #145, #155). The original case was started by the BHCE in February 1979 and turned over to the housing court in April, citing 19 violations. The file was closed without court action in September, apparently because the defendant was no longer the owner. At about the same time the BHCE issued new orders against the new owner. In December it turned a list of 40 violations over to the housing court, of which at least 11 were the same as items on the February list and must therefore not yet have been corrected. After a January 1980 inspection found no compliance, the file was inexplicably allowed to sit dormant for five months before a summons was issued against the new owner. The 40-count summons was nolled on July 1, however, because the new owner reported that he had sold the building in January and that it was now vacant and boarded. Thus, a once-occupied building became boarded and vacant and neither of its owners was held responsible by the housing court, although both were referred to the court for prosecution.

Numerous other examples appear in the files. In some cases the file was closed as soon as a contract of sale was signed, without waiting for a closing to be sure that the sale went through.[32] At least two files were

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[29] The exception is Case #164, in which a $100 fine was imposed. The file is incomplete, but it is likely that the building was foreclosed.

[30] In some cases, the defendant was warned at the time the file was closed to put the buyer on notice that the violations would have to be fixed; but no follow-up was ordinarily done and no sanction was applied to either the defendant or to the new buyer.

[31] Explicit assertions of the right to prosecute appear, for example, in Cases #34, #136, and #146. The BHCE must, at least in some cases, bear some responsibility for these prosecutorial decisions. For example, in Case #65, which involved a recalcitrant landlord, the BHCE reported that violations were uncorrected but followed with a letter stating that the building had been sold and that the Bureau wanted the case withdrawn, which the prosecutor then did. Compare p.34, n. 46, in which similar BHCE requests were made in other cases.

[32] Cases #40 and #163 were such cases.

allowed to sit dormant for long periods of time because of an anticipated sale and, when finally reinspected, revealed that neither the old nor the new owner had made repairs.[33] In another instance, four related files on the same building with uncorrected violations going back more than one and one-half years were nolled because the building was foreclosed, even though the owner was being prosecuted for non-compliance with BHCE orders on two other buildings.[34]

A uniform policy of delay and non-prosecution if a building is sold discourages voluntary compliance with code enforcement orders and accelerates building decline, since it invites a landlord who is getting rid of a building to discontinue maintenance. While there may be some circumstances where it would not be reasonable to expect a major rehabilitation if a building is about to be sold for major rehabilitation work (e.g., as in Case #94), in most cases there is no good reason to delay compliance, which can deprive the building's occupants of the benefits of the repairs for an extended period of time.

The policy is especially frustrating if a bank is involved in either a resale or a foreclosure, since it then becomes possible to tap an institution with access to liquid funds. A bank is also in a position to require repairs in connection with financing a resale. If a bank forecloses, it actually becomes the owner of the property with legal, as well as practical, responsibility for it. Prompt and effective prosecution could be used to induce repairs at that point. See Case #146 for an example of an unsuccessful effort to hold a bank responsible for the making of repairs.

In at least two cases, the housing court seems to have helped encourage the removal of a building from the housing market through a policy of non-enforcement of the housing code. In Case #163 the prosecutor gave continuances on fixing an overhang to the defendant so that he could process a zoning application for a special exception to convert to offices. The building became vacant, zoning board approval was obtained, the building was sold without the repair being made and the charge was nolled. In Case #122 the prosecutor apparently did not object to the defendant's evicting his tenants in an effort to avoid spending money on the building while pursuing a zoning application to convert to offices.

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[33] In Case #34 a reinspection a year after the case was held pending sale found no compliance. In Case #99 the case was dormant seven months, after which a reinspection found a new owner but no repairs. The old owner had had a long history of non-compliance, and the HCI had inspected the property 18 times before giving the case to the court for prosecution.

[34] The cases were #136, #143, #165, and #197. A suspended sentence was imposed concerning the other two buildings, of which ownership was retained. See p. 21.

The second category of non-compliance concerned cases closed on either the landlord's promise to repair before re-renting or the court's order to repair.[35] None of these promises or orders was monitored, however, so it was not possible to know whether compliance was ever obtained. The seven voluntary agreements all contained no deadline date for the repairs but merely required HCI approval before re-renting. The HCI was not informed when to make the inspection, and the defendant was therefore left on his honor not to re-rent without first contacting the inspector. The experience with Case #151, discussed at p. 22, establishes that even a conditional jail sentence is no guarantee of repair if probation is not supervised.

The third category of cases without compliance involved ones in which the file was closed either without a close-out inspection or in the face of an inspection that found less than 100% compliance, or where a subsequent case revealed that compliance had never been obtained. For example, Cases #190 and #199 were closed, although the HCI report had found the work incomplete and unacceptable. Case #111 was closed without an inspection, although in an interview the HCI reported that a casual drive past the premises shows that at least one of the violations is uncorrected. In Case #66 the housing specialist reported that the premises were much improved but suggested a HCI inspection to determine compliance with the housing code. The case was nolled, however, without any record of a request for the inspection. In Cases #137 and #138 no-heat charges were nolled without an HCI reinspection, apparently in the belief that the violations were corrected. Subsequent inspections found, however, that "heat and hot water [are] supplied intermittently. Also tenants behind in rent are shut off constantly." These were the very violations supposedly corrected previously and suggested that the violations were wilful. A new case (#152) was opened over the more recent cases, and about the same time the city put the building into receivership. When summer came, the prosecutor dropped this last case also, thus relieving a repeat violator of any criminal responsibility.

7. Effect of Processing Problems

Analysis of the effectiveness of the housing court by the cumulation of data into tables has some important limitations because of the existence of two very different patterns in the resolution of criminal cases. The first type involved cases in which the owner complied with the code order promptly upon receipt of the voluntary compliance letter from the prosecutor. Nearly all of these were "easy" cases, with relatively few violations requiring relatively little time or expense to make the repair. All were dropped without court action, and most were closed successfully within three months. These are, in the most part, the 51 cases at the top of Column 1 in Table 24, representing more than one-third of the sample.

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[35] Since the file was closed immediately, it was known that there was no compliance at the time of disposition. Examples include Cases #41, #198, and #202.

Most of the other cases fell into a second and more disturbing pattern, and these are the cases summarized in Appendix B. In varying combinations, they include evidence of the following characteristics: (1) unnecessary delays between steps of the enforcement process, including in some cases periods of up to a year in which the file was allowed to sit dormant,[36] (2) misrepresentations by defendants as to the extent to which repairs had been made without the imposition of sanctions,[37] (3) promises by defendants to complete repairs by deadlines which were not kept and not sanctioned,[38] (4) unsanctioned failures of the defendant to appear; resulting in delays in the case,[39] (5) threats by the prosecutor to seek stiff penalties if certain behavior occurred but with the threats not carried out,[40] (6) no penalties or minimal penalties for serious violations,[41] and similar circumstances. Some cases ultimately resulted in compliance, though it took far longer than it should have to obtain. In some cases it took many months to obtain correction of violations which were obviously quickly correctible.[42]

These patterns can best be illustrated by a few examples. Those recited here are not necessarily the most serious or egregious but are typical of the prosecution problems described. Readers are encouraged to read Appendix B in detail, with particular concern to time sequences and case dispositions.

In Case #109, a small case involving eight violations, the owner ignored the original code enforcement order, misinformed the prosecutor of the extent of his repair work and failed to make repairs in accordance with his promises. The case included four continuances and took more than four months in the court to get compliance. There was no penalty and all charges were nolled.

Case #142 involved five housing code violations. The BHCE waited three months to refer the case, but the prosecutor still gave the defendant another month to comply. A reinspection found no compliance. It took another month to issue the summons, which allowed three more weeks until the court hearing. Five days before the hearing, the defendant called to say he could not come but claimed that all work was done. Apparently based on this call, the file was allowed to sit three months without a request for an inspection. When finally sought, the HCI reported three of the five violations still outstanding. A new hearing was then scheduled about four weeks in the future.

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[36] There are numerous such cases in Appendix B. Cases #34, #36, #37, #46, #53, #61, #96, #99, #122, #144, #145, #146, #155, #159, and #186 are some examples. In one case (#61) the housing court had not found the landlord more than a year after the file was opened, and a note by the prosecutor indicated that he would close the file if the tenants made the repairs.

[37] For example, see Cases #44, #48, #50, #109, and #142.

[38] For example, see Cases #42, #45, #50, #120, #182 and #190.

[39] See p. 18-19.

[40] For example, see Cases #136, #146, and #202.

[41] For example, see the cases described under Cases #38 and #125, and see Cases #137 and #164.

[42] Case #64 is a good example.

The day before, the defendant again called to say that he could not make it. This produced a five-week continuance. After that continuance, the defendant promised to complete repairs within another five weeks, but he missed that court date too, and an inspection found the work in progress but incomplete. Three weeks later, after the defendant missed yet another court date, the HCI found full compliance. It was now ten months after the file was opened and 13 months after the first order. The defendant had made several false statements about the degree of complaince, missed court many times, and failed to keep to agreed-upon deadlines. The case was nolled.

Cases #158, #159, and #183 alleged 33 violations in 12 apartments in a large apartment building. The landlord had already had five and a half months to repair when the housing court opened the file. The prosecutor nevertheless gave six weeks for voluntary compliance, which failed to eliminate the violations. The prosecutor then held the case while he requested a transcript from the Fair Rent Commisssion, which does not appear in the file. Three months later he asked the HCI for a reinspection, but no response appears in the file. The HCI was not asked a second time, and four months later two of the files were still pending when the study period closed. In those two cases, more than a year had passed since the original BHCE order, but no summons had yet been issued.

Cases #190 and #199 cited ten code violations in a building. The earlier case had begun in the BHCE in November 1979, but did not reach the housing court until March 1980. At the end of April the defendant promised compliance within two weeks. The work was not done when inspected at the end of May or at the end of July. At the beginning of September, the code inspector reported:

> Some sections of siding [re]placed at rear but no work done on porches or front siding. Unacceptable.

In spite of this report, the case was nolled the next week. Five court dates had been required to produce this result.

In Case #96 ten violations (five general and five in the third floor apartment) were turned over the housing court in late August 1979, after seven months of unsuccessful efforts at enforcement by the BHCE. Five weeks were allowed for voluntary compliance with no success. Another month passed before the summons was issued in late November, almost three months after the housing court file had been opened. A housing specialist inspected the building in January 1980 and confirmed the continuing existence of all ten violations, three of which affecting the porches were characterised as "dangerous." The landlord promised not to rent one apartment until it was repaired. The case then sat dormant for six months. A reinspection was finally requested in June, which reported that all violations were still not corrected. Another month passed. On August 5 a hearing was schedule for August 19. The case was continued to August 26, October 14, and November 18, with the file indicating that the defendant failed each time to appear. More than two years after the BHCE order and more than one year after the housing court opened a file the case was still pending. There was no record in the file that anyone had ever verified whether the landlord had kept her January promise not to rent the third floor apartment until repairs were made.

D. USE OF FIELD STAFF

In handling criminal cases, the court has access to two different types of professional investigatory staff -- housing specialists and housing code enforcement officers.

The housing specialists are part of the housing court staff. C.G.S. 47a-69, which is a section of the Housing Court Act, mandated that at least two specialist be hired. Three were originally employed; but, when two of them left, only one was replaced. During the first six months of the court, which includes the first three months of the study, housing specialists were used in all criminal cases. The initial contact with the defendant was made by mail by the housing specialist, and the specialist was used to negotiate with the defendant and confirm compliance.

When the system was revised in July 1979, the housing specialists, except in unusual cases, ceased to participate in criminal cases. The prosecutor relied on the HCI's for inspections and did his own negotiating with defendants. The housing specialists instead took responsibility for negotiation in civil cases, especially evictions, and also did field inspections in eviction cases when a tenant's answer claimed there were housing code violations. Although the housing specialists were thus making on-site visits to determine whether code violations existed, there was no formal (and little informal) coordination between the civil and criminal dockets. For example, if the housing specialist confirmed violations, they were not referred to either the BHCE for further investigation or to the prosecutor for prosecution.[43] Similarly, if the housing specialist made an inspection in an eviction brought by the landlord while a criminal case against the landlord was pending, it would have been only by chance that the prosecutor would know of the specialist's viewing of the property.

In addition, the housing specialists have both knowledge and skills in areas beyond the specialization of an HCI. Specialists, for example, are familiar with loan and grant programs which might help a landlord finance repairs, may be better able to evaluate landlord excuses for non-compliance, and can better gather information about violations from tenants, including Spanish-speaking ones. These skills were lost to the criminal docket when the specialists were limited to civil work.

Since July 1979, the HCI's from the BHCE have been the major professional source of information for the prosecutor about the condition of the building. When the time allotted in the voluntary compliance letter expired, a form notice was sent to the HCI requesting a reinspection. Based on the information in the response, the prosecutor either closed the file or issued a summons.

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[43] It is a violation of both the Hartford Housing Code (Section 18-18) and the state statutes (C.G.S. 19-347, 19-88, and 19-65) both to fail to comply with a BHCE order and to fail to comply with the substantive provisions of the code. See also P.A. 80-448, Section 7. The prosecutor can therefore act on an affidavit from a housing specialist (or a tenant) without regard to whether the BHCE has issued an enforcement order.

Once a summons was issued, the use of HCI's for further reinspections varied greatly. In some cases, the prosecutor might request a follow-up inspection. In others, he apparently relied exclusively on what the landlord or his lawyer told him, even in the face of a past history of misinformation from the landlord on the degree of compliance. In other cases he accepted a promise to repair and to produce the approval of the HCI before rerenting, although this agreement depended entirely on the landlord to initiate the contact with the HCI. In still other cases, the arrival of new information, such as the transfer of title to the building, led the prosecutor to close the file without any inspection to determine compliance or in the face of knowledge that there had been none.

Other than the exchange of these written forms, there was ordinarily no communication at all on cases between the prosecutor and the HCI. HCI's were almost never asked to come to court, were not solicited for information about the background of the case or of the defendant, and were not consulted in making prosecution decisions on the severity of sanctions to be sought. The prosecutor was therefore functioning with only a small portion of the information needed to make prosecutorial decisions. In addition, HCI's were not informed of the disposition of cases and did not know when the prosecutor closed a file.[44]

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[44] In August and September 1980 the court attempted to remedy this by sending a close-out letter on all closed cases, some of which had been closed more than a year before without the knowledge of the BHCE. Although well-intentioned, some of the letters did more harm than good. They were prepared by a housing court clerical employee, who reviewed each file to determine the reason for the close-out; but they were sent out over the prosecutor's signature. At least ten of those letters, and perhaps more, incorrectly stated that a case was nolled or not prosecuted because "all housing code violations have been corrected," when in fact the file was closed because the building was sold or for other reasons and the repairs had not been made. For example, such a letter was sent out in Case #122, when in fact the building was vacant and boarded. It is evident that such letters did not build the HCI's confidence in the housing court.

In at least one major case, the information received from the court bordered on the misleading. In a set of four companion cases on the same building (Cases #136, #143, #165, and #197), the prosecutor wrote the HCI that the building had been foreclsoed. He added:

> However, [the former owner] may still be prosecuted by my office for violations that existed while he was the owner of record.

In fact, the prosecutor did not hold these files for possible prosecution. On the same day that the letter was dated, he nolled the charges in all four cases and closed the files.

This breakdown of communication created a number of very serious problems for the BHCE. First, it immobilized the agency in its ability to conduct on-going enforcement. Once a case was turned over to the housing court for prosecution, the BHCE considered it to be out of its control. Although it responded to new complaints at the same building, it made inspections to see if the referred violations had been corrected only on request of the housing court. The immobility extended far beyond the closing date of the housing court files, because of the failure of the court to tell the HCI that the file was closed. A large number of cases which were closed by the housing court were believed by the HCI's to be open and pending, especially since in some cases it was evident from casual observation that the violations were still present. This meant that, for many months, no one was enforcing the housing code in buildings referred for prosecution.

Second, the failure to consult further isolated the HCI's from enforcement. They never had an opportunity to present a case to the judge, and they rarely knew of nolles until long after they occurred. When interviewed, BHCE staff expressed the opinion that the effectiveness of the housing court in code enforcement was worse than it had been in the mid-1970's, when there was no housing court but when the Corporation Counsel's office had assigned a part-time attorney to prosecute code violations.

Third, the inspection report form used by the prosecutor was inadequate to gather the information needed. The form asked the HCI only to sign the following statement:

All violations have been corrected / have not _____ Inspector

There was neither space nor request to provide additional information about partial compliance.[45] When a returned form stated that "all" violations were not corrected, the prosecutor could not know how much was left to be done.

In addition, the all-or-nothing format discouraged the provision of information about the quality of repairs, so that correction of all violations in an unsatisfactory manner may well have been reported as full compliance. It also made it impossible to distinguish between a case in which the defendant corrected the violation and one in which the city or the tenant had to make the repair. For example, code enforcement staff reported that, in most of the no-heat cases, the city filled the oil tank before turning the case over for prosecution. The prosecutor, however, based on the HCI inspection report of compliance, treated the case as if the landlord had voluntarily complied. See Case #208, one of the few cases where the file indicates that the repair was made by the city. Some inspectors occasionally wrote additional notes in the margins in an effort to give the court more information than it had asked for.

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[45] The early version of the form did not include the "have not" alternative leaving the HCI no place to indicate non-compliance.

If the inspector indicated that all violations were removed, the prosecutor apparently treated this as the functional equivalent of a request to drop prosecution, although that may or may not have been the intent.[46]

Fourth, the HCI's found themselves in a very embarrassing position in regard to neighborhood and tenant complaints that buildings were not being repaired. They bore the brunt of criticism but were not actively participating in prosecution, were not consulted, and had no control over the timing of a case. On a few occasions, the files indicate requests from a HCI to step up prosecution because of neighborhood pressure or because of an exceptionally serious condition (e.g., Case #136).[46]

Fifth, because of the low level of prosecution and the lack of penalty for delay, the HCI's reported that referral to the housing court had lost all credibility as a threat. As a result, voluntary compliance was increasingly difficult to obtain. One inspector commented that inaction and slow action by the court had "contributed to the deliquency of the property." Another said that the persistent violators "are laughing at us" because they know that "nothing will happen" if a case is referred.

Taken together, these factors appear to have had a very demoralizing effect on code enforcement staff and have seriously undercut their faith in the housing court. As one inspector said when interviewed, "If you're going to enforce the code, enforce it. If not, then stop the charade."

E. ROLE OF THE TENANT

Although the complaining witness for the purpose of the prosecution is the HCI, the real complainant in each case was ordinarily the tenant. There is no evidence at all in the files, however, of any effort to interview or use the tenant as a witness, to verify with the tenant whether satisfactory repairs were made, or to protect the tenant's interests in the prosecution. Indeed, what sporadic references to tenants appeared in the files were almost entirely hostile.

Although the housing code has many purposes, its most important one is to protect the health and safety of occupants of rental housing by setting minimum standards of maintenance with which the owner of the property must com-

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[46] The BHCE contributed substantially to this possible misunderstanding by the use of its own form letter that discouraged prosecution. When an HCI inspection found compliance, on some occasions the BHCE wrote that it had "closed our case" and sometimes added, "Please withdraw the warrant." In fact, no warrants were ever issued, but it is hardly surprising that a prosecutor would close a file without court action or nolle a case in response to such a letter.

[47] In that case, no summons had yet been issued four weeks after the housing court opened the file. A phone message in the file says the HCI called and "wants [an] immediate summons issued. Apt. 2...is very bad; has continuous water leakage and apartment [ceiling] is caving in."

ply. Many of the sample cases showed little concern for vindicating that public policy.

For example, in several cases a file was held so that the landlord could proceed with an eviction. In Case #209 the prosecutor recommended a continuance "to allow the eviction to progress and to allow some time for repairs." In Case #141, after the landlord claimed that the tenant would damage any repairs, the prosecutor without further investigation agreed "to hold [the] case for awhile ... so that the eviction case can be decided." See also Cases #108, #178, and #193. There was a suggestion in at least three files (Cases #73, #209, and #210) that the proscecutor encouraged the landlord to begin eviction proceedings, and some reason to believe he sometimes helped landlords prepare eviction papers. In Case #122 he seemed to accept the landlord's plan to vacate and board the building as an alternative to complying with the code order to make repairs. In other cases (e.g., Case #37) he implicitly accepted a refusal to repair an apartment because the tenant was in arrears in the rent. In two cases agreements by the tenant to make repairs were allowed to absolve the landlord from criminal sanction (Cases #26 and #61). In a number of cases the prosecutor settled cases on the basis that the landlord make repairs only after the tenant moved out. These included Cases #41, #198, and #202. In another case, in which a defendant pleaded guilty and was given a suspended sentence, it was made a condition of his probation that he "diligently continue to complete all evictions," and he was exempted from making some repairs until after the tenants were out.

In none of these cases was there any indication that the matters had been discussed with the tenants in question or that they were ever informed of these decisions. Only two tenant contacts appeared in the sample (Cases #151 and #208), and neither contact obtained an effective prosecution. In fact, the weaknesses in the investigatory system forced the prosecutor to rely heavily on defendant landlords for his information about the extent of repairs and the reason for delayed compliance. Tenants were never contacted for information and HCI's were asked only to submit a general "yes" or "no" answer by mail.

The effect of this treatment of tenant complaints appears to have been to undercut C.G.S. 47a-20, which protects a tenant from eviction in retaliation for the making of a housing code complaint.[48] In addition, a policy of delaying repairs or tolerating non-compliance tends to promote non-payment of rent, evictions, and high tenant turnover by tenants who are resentful that repairs do not get made. It therefore contributes to the cycle of deterioration, in which low rent collections discourage repair and lack of repair in turn discourages rent payment.

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[48] In Case #193 the defendant, in a lengthy letter to the prosecutor, labeled one of the tenants a "constant problem." "He was able to convince two tenants to file a complaint with the Fair Rent Commission, an action which resulted in a rent reduction." He claimed that the tenant was uncooperative, and that an eviction action was pending. In spite of the obvious suspicion of retaliatory eviction, the prosecutor held the case two months before requesting a reinspection by the HCI.

PART III - RECOMMENDATIONS

The recommendations which follow are based on the empirical and interview data gathered in the preparation of this report. They are therefore limited to methods of dealing with the prosecution of owners and their agents who violate the housing code, and do not necessarily apply to prosecutions against tenants, the review of which was beyond the scope of this study. Prosecution policy in regard to tenant defendants should be reviewed and analyzed separately.

A. RECORD-KEEPING

(1) All papers included in a file should be attached to it, e.g., with ACCO fasteners or by some similar means.

(2) To the maximum extent practicable, all file papers should be of uniform 8-1/2" x 11" size. Loose scraps of paper should either be rewritten on larger sheets or attached to larger sheets for proper retention.

(3) All papers received from non-court staff should be date-stamped upon receipt. All file memos from court personnel should be dated and identified by author.

(4) All attorneys representing defendants should be required to file a written appearance, which should be retained in the file.

(5) Each file should contain a docket sheet identifying each date for which a case is scheduled to be heard in court and how the case is disposed of on that date, including "off" markings and continuances. A brief explanation of the reason for any continuance should appear on the notation (e.g., "Continued to .... because.....").

(6) A summary of each significant conversation about the case should appear in the file, as should a summary of each court hearing.

(7) Each file should include the name and apartment number of the complaining party. The BHCE should provide this information to the prosecutor when a case is referred.

(8) The clerk's office should maintain a card file, by street address, of all buildings against which a criminal complaint has been filed.

(9) Each criminal file should be cross-referenced to:

(a) All other criminal files from the same address;
(b) All other criminal files for the same defendant; and
(c) All civil files (including receiverships and evictions) for the same address.

B. INITIATION OF CASES

(1) Affidavits should be hand delivered from the BHCE to the housing court.

(2) All referred cases should be opened at the housing court and a summons issued within one day of receipt.

(3) Use of the voluntary compliance letter should be discontinued.

(4) All cases, except no heat, lock-out, and other emergency cases, should be initiated with a summons. The summons should schedule a hearing within 14 days of the date of issuance, as required by Connecticut Practice Book Section 599.

(5) No heat, lock-out, and other emergency cases should be initiated by arrest warrant.

(6) The prosecutor should negotiate with local police departments, and particularly with the Hartford Police Department, to obtain assurances that adequate efforts will be made to locate defendants who prove to be difficult to serve.

(7) Court records should routinely be checked to determine whether any related files, either criminal or civil, are pending or closed in the court.

C. USE OF SANCTIONS

(1) Failure to comply with a BHCE order within the time required by the order should be considered a serious offense, to be excused only under exceptional circumstances.

(2) A fine should be sought in every case referred for prosecution, unless there are extraordinarily compelling circumstances which would make a fine unjust. Mere belated compliance with a code enforcement order should not alone be sufficient to avoid a fine.

(3) Fines should be graduated, depending upon the severity of the violation and the cooperativeness of the defendant.

(4) The Hartford Bureau of Code Enforcement should end its practice of requesting that warrants be "withdrawn" when repairs are made.

(5) In approrpiate circumstances, fines should be sought for each count and/or for more than one day of violation.

(6) Limited jail sentences should be used in severe cases of wilful violations involving extensive landlord delays. The entirety of a sentence should rarely be suspended.

(7) The court should experiement with agreements to rebate rent to tenants as part of a plea bargain in which a voluntary rebate is coupled with a reduced fine.

(8) Repeat and multiple offense violators should be punished more severely for their violations.

(9) Sale or abandonment of a building should not relieve a defendant from criminal sanctions for his conduct when he owned the building.

(10) The prosecutor should maintain his credibility with defendants by carrying out his own threats. When increased sanctions are threatened because of dilatory conduct, such sanctions should be sought.

(11) Files for conditional discharges should remain open until the condition is discharged. Responsibility for requesting the follow-up inspection should rest with the prosecutor, not the defendant.

(12) HCI's should be notified of the names of all convicted defendants who are placed on probation. They should be instructed to notify the prosecutor promptly of any new orders issued against the defendant concerning the same or different buildings, even before the later case is referred for prosecution. Such reports should be reviewed by the prosecutor for possible probation violation.

D. HANDLING OF CASES

(1) Continuances should b given once to complete repair work but at no other times without penalty, other than in highly exceptional circumstances.

(2) Continuances should rarely be for more than one week and should not exceed two weeks.

(3) Cases involving non-compliance should be pressed for trial. If found guilty sentencing should be deferred until repairs are completed.

(4) The prosecutor should spend a minimum of three full days per week at the Hartford office of the housing court.

(5) Arrest warrants should be issued against any person not appearing in court when due. Excuses should be accepted only if compelling. Continuances against persons arrested for failure to appear in response to a summons should be brief, and such a case should ordinarily be continued only to the earliest available court date, which need not necessarily be a day regularly assigned to criminal cases. Violations of C.G.S. 53a-173, if wilful, should be prosecuted.

(6) Each successive step in a case should be initiated promptly.

(7) The time to make repairs under a conditional discharge should be short, and housing specialist staff should work with the defendant to be sure that repair work is begun and completed promptly.

(8) Private conversations between the prosecutor and the defendant should not be a substitute for an actual hearing before the court. Defendant representations about the extent of compliance and the date by which it will be complete should always be on the record and should preferably be under oath.

E. USE OF FIELD STAFF

(1) The prosecutor should develop a working relationship with the BHCE. Housing code inspectors should regularly be consulted on cases to determine the severity of the violations, the extent of past and present landlord cooperation, and the degree of compliance.

(2) No case file should be closed without a final inspection by the HCI approving the work as in compliance with the code.

(3) HCI's should regularly be brought to court on their cases so that the judge can obtain first-hand information on the case and so that the prosecutor can evaluate claims by the defendant.

(4) The HCI should be notified promptly of the disposition of each case in which he was the complainant.

(5) Housing specialists should be used in appropriate cases for the following purposes:

(a) To help direct defendants to financial resources and to suitable repair contractors, and to advisory services, so as to promote repairs.

(b) As probation officers, to monitor condition discharges.

(c) To contact tenants where additional information is needed to prepare a case for prosecution or to evaluate landlord allegations about tenant conduct.

(d) To act as mediators where there appear to be genuine disputes between the defendant and either the HCI or the tenants.

(e) To provide field information where they are already involved in a civil case involving the same building.

(6) Housing specialists who in the course of investigations in civil cases discover housing code violations, should refer them to either the BHCE or to the prosecutor for action.

(7) At least one, and preferably two, additional housing specialists should be added to the staff of the housing court.

(8) The form used for reinspections by the BHCE should be substantially revised so as to permit a checklist indicating what degree of compliance has occurred for each cited violation. The precise form should be worked out jointly by the prosecutor and the BHCE. The simplest method would be to list each violation on the left-hand side of the affidavit, which could then be xeroxed, with the right-hand side being used to record reinspection results in an item-by-item format.

F. RELATION TO TENANTS

(1) The occupying tenants should be viewed as the victims of th criminal violations. In appropriate cases they should be interviewed and called as witnesses.

(2) Except where evidence is compelling, landlords should not be allowed to excuse non-compliance by blaming tenants; and cases, except in extraordinary circumstances, should not be delayed to permit evictions or to give the landlord time to force the complaining tenant out. If a defendant's allegations about tenant conduct might affect the prosecution of a case, the tenant should be interviewed to evaluate the reasonableness of the defendant's claims. Housing specialists should conduct such interviews.

(3)The failure of tenants to pay rent should not be accepted as an excuse for non-compliance by a defendant with the housing code.

(4) The prosecutor should avoid using his or her position to promote the eviction of tenants.

(5) Consideration should be given to developing a system of notice to the tenant of the existence of the criminal prosecution and of any claims that all code violations have been corrected.

APPENDIX A

METHODOLOGY

The housing court has been in existence since January 1979. It has two offices, one in Hartford and one in New Britain. The Hartford office handles most of its caseload and all of the criminal complaints from the City of Hartford.

In order to have a fair sample of code enforcement cases to evaluate, an entire year's operation of the court was chosen. The sample period included all criminal complaints filed with the Hartford office of the housing court between April 1, 1979, and March 31, 1980. There were 187 such cases, with docket numbers from CRH-7904-0026 through CRH-8003-0212. The first three months of the court's existence were excluded to allow time for the court to develop prosecution procedures. The sample was ended in March 1980 so as to leave sufficient time for all cases in the sample to have received final dispositions. Even with this closing time of more than six months, ten cases were still pending on October 20, 1980, when review of the data was stopped.

Cases in the report were identified by an abbreviated form of their docket numbers. The full docket numbers for a Hartford office case consists of four parts: (1) "CRH," for "Criminal Hartford"; (2) four digits, such as "7904," for the year and month of filing (which in the example would be April 1979); (3) a four-digit case number, such as "0026" (which would be the 26th case filed since the court was created); and (4) two letters indicating the town where the property is located, such as "HD" (for Hartford). In this report, the cases have been identified by their case numbers, so that CRH-7904-0026-HD is referred to simply as Case #26.

In order to make the study manageable, only cases which involved Hartford buildings were included in the study. This made it possible to limit research to the Hartford clerk's office of the court; and no files in the New Britain office were reviewed. About 80% of the criminal cases for the judicial district were filed in the Hartford clerk's office. It also permitted the study to focus on one relationship between the housing court and the single administrative agency, Hartford's Bureau of Housing Code Enforcement, which generated about 88% of the Hartford offices criminal caseload. As a result, all non-Hartford cases were dropped from the sample, thereby reducing it from 187 to 164.

With the permission of the prosecutor, each file was inspected individually, and appropriate information noted on a form. As a result of the review, a number of additional cases were excluded from the sample. Twelve of the remaining cases were brought against tenants. They were omitted because they raised substantially different enforcement issues than did the cases against landlords. Five more cases were eliminated because they had originated in the G.A. 14 court, which handled Hartford code prosecutions prior to the creation of the housing session, and had been transferred to the housing

court. They were excluded because their time frames, some of which dated back to 1977, could not fairly be compared with cases which originated in the housing court. Finally, three cases which had separate docket numbers appeared to be identical to three other docketed cases, in that they involved the same violations in the same building and were issued against the same landlord. These were #29 and #30, #38 and #39, and #158 and #159. Each of these pairs of cases was therefore treated as a single case.

As a result of these adjustments, the working sample was reduced to 144 cases. This case grouping constitutes a 100% sample of all cases brought against landlords over property located in Hartford during a one-year period.

The information found in the files was then classified and tabulated. This was anything but easy, since most of the files were in a distressing state of disarray and much critical information was not to be found there. See the discussion of record-keeping problems, p. 10-11. As a result, it was impossible to be certain in many of the cases whether the defendant had been represented by a lawyer, whether a housing specialist had been involved, how many times the case had been continued, whether the defendant had failed to show for a hearing, whether the property had been repaired, whether there had been a close-out inspection, and so forth, since these items were not recorded in any systematic way. The files often did contain memos to the file from the prosecutor or a housing specialist, as well as secretary's notes on telephone messages. These handwritten notes were reviewed as were other criminal and receivership files involving the same defendant, in an effort to fill in missing facts. BHCE files were not inspected, nor were eviction files.

In addition to the gathering of this purely objective data, interviews were held with a dozen people who were connected either with the court or with Hartford's code enforcement agency and who were familiar with the operation of criminal enforcement through the court. These people were:

Housing session personnel:

Hon. Arthur L. Spada, judge
Raymond J. Wiezalis, prosecutor
William D. Sadek, assistant clerk for housing matters, Hartford office
Frances Z. Calefiore, senior housing specialist
Linda D. Bantell, housing specialist

City of Hartford, Bureau of Housing Code Enforcement personnel:

William H. Curtis, Jr., Director
James J. Nanni, supervisor, South office
Joseph Zabbiddio, supervisor, North office
John E. Dickson , inspector
Michael P. Abbruzzese, inspector
Joseph S. DiStafano, inspector
Alvin D. Silverberg, inspector

The report is based on both the empirical and the interview data.

Two abbreviations are commonly used in this report. "BHCE" stands for the Bureau of Housing Code Enforcement of the City of Hartford. "HCI" stands for housing code inspector, which is the inspection official of the municipal BHCE. The field staff employed by the housing court itself are called housing specialists.

When applicable, each of the data tables identifies both the median and the first and third quartiles. The median is the number which half of the cases were above and half were below. The first quartile is the number which one-fourth of the cases were below, and the third quartile is the number which three-fourths of the cases were below. Thus, if the third quartile in a table is listed as 100 days, it means that 75% of the cases were processed in less than 100 days and 25% on more than 100 days.

APPENDIX B

CASE SUMMARIES

This appendix contains summaries of 79 cases from among the 144 cases in the sample. They were chosen to illustrate some of the problems of code enforcement in the court. It should be understood that there were also a substantial number of cases in which compliance was obtained promptly without court action in response to a voluntary compliance letter. Those cases have not been summarized here.*

Case #29 (includes #30, #145, and #155)
Neighborhood: Upper Albany

These cases, which involved a 12-family building, began with a February 13, 1979, order to the original owner to correct 19 housing code violations in the building, including roach infestation and leaky ceilings. The housing court file was opened April 16 (Cases #29 and #30). On May 4, however, the housing specialist reported that the building had been sold and that work by the new owner was in progress. On June 7 the new owner (who was not the defendant) reported that "most of the repairs had been completed." There was no HCI inspection conducted for the court. The case against the old owner was closed in September, apparently because he no longer owned the building, without evidence that the building had been repaired.

Meanwhile the HCI, after inspections in September, October, and November, issued two new sets of orders against the new owner. The first was issued September 10 and the second on October 31. Between them, they cited forty code violations, of which at least eleven were the same as ones on the original February 13 order. The two new files were opened at the housing court on December 4 and December 10, respectively (Cases #145 and #155). A reinspection on January 9, 1980, confirmed that all violations were still present. The file was allowed to sit for more than five months, however, until a summons was finally issued on May 30, ordering the landlord to appear on June 24. When he did not show, he was given a week's continuance and threatened with arrest; but no warrant was issued. On July 1 the landlord appeared, claimed that the building had been sold in January and that it was now boarded up and vacant after a fire. The case was nolled. On September 18 the prosecutor incorrectly informed the HCI that the case had been nolled because "all code violations have been corrected."

Neither defendant was ever held criminally responsible for the failure to correct the deteriorating conditions.

As used in this appendix, "BHCE" is the Bureau of Housing Code Enforcement of the City of Hartford; "HCI" stands for "housing code inspector," who is an employee of the BHCE; and "HCV" means "housing code violation."

Case #30: See Case #29.

Case #32 (includes #122)
Neighborhood: Frog Hollow

The complaint was based on a November 30, 1978 order that the front and back porches were in disrepair. The case was not opened in the housing court until May 3, 1979 (Case #32). On May 17 the landlord reported that the back porch had been fixed, claimed ignorance of any problems with the front porch, but promised it would be fixed. The prosecutor gave him until June 30. A July 25 inspection, however, revealed that the work on both porches was not complete, and a summons was issued on August 2. The work on the front porch was apparently completed in early August.

On August 14 the HCI reinspected the building and on August 20 issued a new order lising 13 specific violations affecting the rear porch, which evidently had not been fully repaired. On September 10, the Hungerford Street Block Club wrote to the chief state's attorney to complain about the condition of the building. On October 3 the housing court file was opened, after receiving the non-compliance list from the BHCE (Case #122). A November 1 inspection found the violations still present. A November 8 note to the file from the prosecutor indicates that the defendant, who was pursuing a zoning appeal to convert the building from housing to offices, would not comply with the code order if "the costs are too high." He would instead evict the tenants and board the building. There was no apparent effort to gather information on the cost of repair or to discourage eviction. On December 27 the defendant called the prosecutor and informed him that the building was empty. A letter which he promised to send did not appear to have been received, since it was not in the file, but on January 3, 1980 the first case was nolled.

The second case, however, remained open; but nothing was done with it for six months. An inspection on June 26 confirmed that the building was vacant. On July 1 the file was closed. By letter of July 21, 1980, the Hungerford Street Block Club again complained about the building:

> The property has gone from a stable, working building, housing three families, to a presently vacant, boarded-up, arson target.

It reported that a suspicious fire had been set there on July 14.

On September 15, 1980, a close-out letter was sent to the HCI stating that "the violations were corrected." To the contrary, it appears that the rear porch was never fixed and that the building had been deliberately removed from the housing market.

Case #33
Neighborhood: South Green

The HCI affidavit indicates that inspections had found violations as long ago as December 15, 1977. The file was opened at the housing court on May 3, 1979. The HCI complaint had cited three violations concerning an air-shaft in disrepair. On May 11 the defendant called, said he had been having trouble getting a carpenter to show up, and would comply as soon as he got the carpenter. No reinspection was requested until July 23, and two days later the HCI reported no compliance. A summons was issued on August 2, with an August 13 court date. On that date, the landlord represented that the work had been finished a month ago. As a result of this representation, which was not verified, he got a five-week continuance to September 17 and was told to contact the HCI.

The file fails to indicate what happened on September 17, but on September 24, the defendant was claiming only that the work, which he had previously said was 100% done in July, was at that time only 90% done. On October 1 full compliance was confirmed and on October 2 the case was nolled. It had been scheduled for five different court dates.

Case #34
Neighborhood: Frog Hollow

The file was opened at the housing court on May 3, 1979, after HCI inspections dating back at least to May 1978. Five violations concerning the rear porch, overhang, and gutters were cited. On June 4 the landlord told the prosecutor that he could not afford to make the repairs. A meeting was scheduled for June 11. On that date, the defendant cancelled the meeting because he had a buyer for the property. The prosecutor noted in his file:

> I pointed out ... that I would (could) still hold him responsible criminally for the violations but that I would hold off until the first week of July, pending the sale. I told him that I wanted the buyer to contact me and I wanted a copy of the warranty deed.

No evidence of either a contract or a deed appears in the file.

The case then sat dormant for a year, until a reinspection was requested on June 24, 1980. On June 26 the HCI reported that there was a new owner and that the orders were being reissued. It therefore appeared that, even a year later, there was still no compliance with the order. A week later, on July 1, 1980, the file was closed. There was no record of the name of the new owner, no check as to the date of transfer, and no notations by which a case against the new owner could be cross-referenced to this one.

Case #36
Neighborhood: South Green

On January 24, 1979, the BHCE ordered the landlord to repair an overhang in disrepair. The housing court file was opened on May 3, 1979. On May 14 the defendant reported that work would be underway within two weeks. A July 25 HCI inspection, however, revealed that it was not yet completed. A summons was issued August 2. On August 13, the lawyer for the defendant, which was a savings and loan association, reported that the building was to be sold to a buyer who would demolish it, thereby making repairs "wasteful," although just three months before it had promised to do the work. The case was continued to September 17, a week after the intended closing, with the prosecutor noting:

> Atty ... will contact the inspector ... to see if a remedy can be found to satisfy the inspector. Otherwise, the new owner, who is aware of the conditions, will have to make the repairs -- or proceed with his plans for demolition.

The closing apparently did not occur on September 10, because of "financial problems of the buyer," although a call from the defendant's lawyer promised that it would take place on September 28. There was no follow-up in the file for nine months.

On June 24, 1980, a reinspection was requested. The report, dated June 26, stated that the building was being rehabilitated by a new owner, the City of Hartford. It is not clear whether the September owner ever went through with the purchase, but the demolition apparently did not take place. The file was closed on July 1 without further investigation.

Case #37
Neighborhood: Upper Albany

Orders were issued by the HCI on March 28, 1979, citing eight HCV's including mouse and roach infestation and plumbing disrepair in one apartment. The housing court file was opened May 3. On June 4 the landlord's lawyer responded that the occupants of the apartment in question had not paid rent in three of the preceding 12 months and that "the owner of the property will not comply with this, or in any other case, wherein the occupant of the premises is in default in the payment of rent." The attorney's father had been murdered in the building some three years before, and the property was owned by his estate. Failure to pay the rent is not a defense to an order to comply with the housing code.

On June 4 and June 5 the defendant again refused to make repairs for a non-paying tenant and informed the prosecutor that he had arranged for a community organizer to help form a tenants association. He also claimed to have a potential buyer for the building. No further action was taken for a year, until June 24, 1980, when a reinspection was requested. The HCI reported that the building was vacant, and on July 1, the file was closed.

Case #38 (includes #39)
Neighborhood: Asylum Hill

The HCI orders, issued January 30, 1979, cited three HCV's dealing mainly with the deteriorated condition of the porches. The file was opened May 3. On June 5 the defendant promised full repairs by July 7, but a July 25 inspection found only partial compliance. A summons was issued on August 2. Four court dates were scheduled, including at least one at which the defendant failed to appear (he was given a two-week extension as a result). A September 27 inspection by a housing specialist found full compliance, and the case was nolled on October 2.

Case #39: See Case #38.

Case #40
Neighborhood: Asylum Hill

The BHCE order was dated March 15, 1979. Twelve HCV's were referred to the court. The file was opened at the housing court on May 8. On June 4, the defendant agreed to complete work by July 7. On July 9, however, the landlord reported that he had a contract of sale with a buyer who would rehabilitate the building. Although there had as yet been no closing, the prosecutor noted in the file:

> I agreed that we should wait for the new owners to make repairs. I will close out this file and do nothing further.

The file was closed the same day. There is nothing at all in the file to indicate either whether the sale took place or repairs were ever performed. Over a year later, an incorrect close-out letter informed the HCI that the reason for the close-out was because the violations had been corrected.

Case #41 (includes #129 and #191)
Neighborhood: South Green and Sheldon-Charter Oak (2 buildings)

The HCI order was dated April 4, 1979, citing ten HCV's in the common hallway and two apartments, mostly related to water damage. The housing court file was opened on May 8. On June 5 the landlord promised to repair by June 30 but a July 25 reinspection found only partial compliance. A summons was issued July 31. On August 7 the landlord informed the court during a hearing that all work was completed, but an August 16 inspection found a portion of the work still incomplete. The housing specialist recommended a $100 fine, but the prosecutor instead nolled the charge on September 6, with the following comment:

> ...it was stipulated in court that the present tenant will be vacating the unit within the next few weeks and that no new occupants would be allowed until such time as your office [BHCE] inspects and approves the conditions of Apartment No. 211. [The defendant] will contact you when he is ready for such an inspection.

There is nothing in the file to indicate whether the repairs were ever completed or whether the landlord obtained BHCE approval before rerenting.

Meanwhile on August 3 an order was issued by the building department because the rear three-story stairway was "in hazardous condition" and part of the front masonry was in disrepair. The housing court file was opened on October 11, and by November 19 the conditions were reported as corrected.

On October 9, 1979, the BHCE issued a different set of orders against a second apartment building owned by the same defendant. The housing court file was not opened until March 4, 1980, when 53 violations were listed (Case #191). In spite of the landlord's record of slow compliance, the prosecutor gave him six weeks to repair. When reinspected on April 23, however, the work was still not done. A summons was issued on May 30. The HCI suggested that the city seek a receivership. This suggestion was communicated by the prosecutor to the city of Hartford, which rejected it. On May 30 a summons was issued. A reinspection on June 24 found the repair work done and the case was nolled on July 8.

Case #42 (includes #50)
Neighborhood: Charter Oak-Zion (2 buildings)

These cases involved two adjacent buildings owned by the same landlord. Orders on both buildings were issued in late March, 1979, citing four HCV's concerning rubbish accumulation and back porch disrepair. One file was opened May 8 and the other on May 24. On May 10 the landlord promised repairs to the first building within a month. On June 5 he informed the prosecutor that all but one item had been repaired and that it would be done by June 21. A June 21 HCI inspection, however, found three of the four violations still present. On June 26 the prosecutor by letter described this situation as "contrary to the agreement you made with me" but gave another extension to July 15. When a July 19 inspection found full compliance, the file was closed without court action.

Case #44
Neighborhood: West End

The HCI order was issued March 28, 1979, citing nine HCV's concerning the disrepair of Apartment 107 and Apartment 211. The housing court file was

opened May 8. On June 11 the defendant wrote that all repairs were complete. A July 6 HCI reinspection, however, found that only the violations in Apartment 107 had been corrected, but noted that the tenant in Apartment 211 was "scheduled" to vacate by July 9. It is not clear whether this referred to the tenant's agreement to leave, whether there had been a summary process judgment, or whether this was merely the end date on a notice to quit. There is no record of any other inspection or communication in the file, which was closed on August 31, 1979. There are neither notes nor memos from which to determine that Apartment 211 was properly repaired.

Case #45
Neighborhood: Asylum Hill

On February 8, 1979 the BHCE ordered repair of the leaders and gutters, which were "in disrepair, hanging sections, broken and deteriorated." The housing court file was opened May 8. On May 14 the landlord informed the prosecutor that the work had been done, but a July 25 HCI inspection disagreed. A summons was issued on August 2. Inspections on September 14 and September 17 confirmed that the gutters were not completely fixed. Compliance was obtained the next day.

Meanwhile on September 14 the HCI reported that no gas or hot water was being supplied to the building. It is not clear from the file, although it appears that the gas company may have turned the service off. The condition was corrected by September 18.

On September 24 the case was nolled on the fourth court date for the case.

Case #46
Neighborhood: Asylum Hill

The HCI order was issued March 15, 1979. Seven HCV's affecting the front and rear porches were cited. The housing court file was opened on May 8. On May 11 a note to the file indicated that the building was being sold. There was no action on the file for almost four months. A reinspection report on September 10 stated that the building had been vacated but that the violations had not been corrected. The building was apparently sold on September 8.

On September 25 the prosecutor wrote the defendant stating:

> ...since there are no tenants at the present time and since you apparently intend to sell the premises, I have decided to forego prosecution at the present time.

The decision, he stated, was predicated on the defendant's notifying any

subsequent owner of the porch violations and on no tenants being permitted to occupy until the repairs are made. The file was closed two days later, however, without any evidence that the defendant had agreed to the terms and without any monitoring mechanism. No subsequent inspection was ever requested. Almost a year later on August 27, 1980, a close-out letter incorrectly stated that the violations had been corrected.

Case #47
Neighborhood: Frog Hollow

HCI notices were issued on February 6 and April 20, 1979 citing ten HCV's in Apartment C-3 and in the common hallways. All ceilings were cited as water damaged. The housing court file was opened on May 24. On May 29 the landlord reported that repairs were 90% complete. Nothing happened for two and one half months, until a reinspection was requested by the prosecutor on August 13. An August 28 HCI report found that compliance was not complete. A summons was issued on September 24. On November 26 the defendant claimed that the building had been sold. On December 10 the prosecutor nolled the case, and one week later he informed the HCI of the name of the new owner, with a suggestion that orders be reissued. Three court dates had been scheduled without obtaining repairs.

Case #48
Neighborhood: Frog Hollow

The official HCI order for the prosecution was issued on April 11, 1979, although there had been inspections at least as early as November 15, 1978. Eighteen violations were cited, suggesting many serious problems. The file was opened on May 24 but no inspection was requested until August 13. The August 28 HCI response approximated 15% compliance with the orders. A summons was issued on September 24. On October 29 the defendant told the prosecutor that all work, except work in the first floor apartment, had been done. If true, this would have left only seven of the original eighteen violations uncorrected. The landlord blamed the tenant for damage.

The HCI reinspected on October 31 but found most violations still there. On November 5, the prosecutor, after talking with the defendant, noted that "he was not completely candid with me." Nevertheless, his case was continued to December 3 to make repairs, the third continuance on the case. HCI's December 3 reinspection found many continuing violations in both the second floor apartment, which the landlord had claimed was fixed, and in the common areas. On January 14, 1980, the sixth court date for the case, the violations were still not corrected. On that date the defendant agreed to plead guilty. He received a $100 fine and a five-day suspended sentence, provided that all

A-147

code violations were corrected by July 1, 1980 - a period of about five and one half months from the date of the sentence, more than a year from the date that the file was opened, and more than a year and a half from the first reported inspection. The file was closed on January 14, 1980, and no inspection was ever made to determine whether the conditions of the suspension were met.

Case #49: See Case #81.

Case #50: See Case #42.

Case #51
Neighborhood: Northeast

The official HCI order was issued March 19, 1979, and the file was opened on May 24. The affidavit listed four HCV's in Apartment 204 and disrepair in the common hallway. No reinspection was requested until early September, and a September 10 report indicates no compliance. On September 21 a summons was mailed to the defendant but came back unclaimed. It was reissued on October 18 and returned unserved by the police, who failed to find the defendant's apartment, although it was in the building. A third summons was finally served on December 4. On December 10 the defendant promised to make repairs by January 7, which a February 19 inspection confirmed had been done. The prosecutor nolled the case on its fourth court date. Eleven months had passed from the date of the first order.

Case #52
Neighborhood: Northeast

The HCI order, dated October 13, 1978, listed six HCV's affecting the porch, hallways, and first floor apartment of a two-family house. Nine inspections were made before the case was turned over to the housing court, which opened its file on May 24. On June 5 the prosecutor agreed to an extension until July 9 to complete repairs. The landlord told him that he had been ill, that the first-floor tenant was a relative who "is not too concerned with the problems," and that the relative would help pool resources to make the repair. On July 10 the landlord reported that work was still in progress, and the prosecutor gave him until August 15 to complete it. An inspection on August 29 by the HCI, however, found that half the violations remained uncorrected. A month later, on September 24, a summons was issued. On October 12 the landlord claimed that all but one violation had been corrected. On October 15 the prosecutor noted in the file that "repairs were completed." This was apparently based on a conversation with the landlord, since there is no record of any inspection or conversation with an inspector after August 29. The charge was nolled October 15.

Case #53
Neighborhood: Upper Albany

The HCI order was issued March 26, 1979. It listed four HCV's, including three violations in the third floor left apartment, apparently related to a roof leak, and rubbish in the yard. The housing court opened its file on May 24. An earlier no heat case (#22) had involved the same landlord and building. That case file was closed in March, before this case was brought.

On June 5 the defendant promised the prosecutor that he would make repairs by June 30. No reinspection was requested, however, until September 18. No response from the HCI appears in the file. It appears no inquiry was made about the lack of an HCI response, and the file sat dormant for nine months. On June 24, 1980, a reinspection was again requested, and four days later the HCI reported that the repairs had been made. It is unknown whether they were made in June, 1979 or somewhat later. The file was closed on July 1, 1980.

This same landlord had been the owner of a nearby building against which two cases had previously been opened (#29, #30). He had apparently sold that building without correcting violations.

Case #56
Neighborhood: Frog Hollow

On August 14, 1978 the HCI ordered that a vacant building be properly boarded and the yard kept free of rubbish. The case was turned over to the housing court after a May 16 inspection revealed violations. The file was opened May 24. On June 7 the defendant told the prosecutor that previous efforts to board the building had been vandalized but promised that the building would be properly re-secured by June 30. He also stated that the city had at least once boarded the building and billed him for it. On June 26 the HCI reported that the building had been boarded up but that the rubbish had not been cleaned up. The prosecutor then gave the defendant until July 16 to complete the clean-up. On July 19 the landlord reported that he had had a rubbish service clean the area. The prosecutor noted for the file:

> I drove by the premises myself and they do appear to be tidier than before. I think it would be wise to close out this file.

It appears that the HCI was never asked to make another inspection to determine whether the "tidier" condition satisfied the housing code.

Case #61
Neighborhood: Frog Hollow

The HCI order was issued April 2, 1979, alleging three violations of rubbish in the yard, lack of sufficient trash cans, and broken windows and doors.

The housing court file was opened June 19. No reinspection was requested until September 4, and a September 17 report found no compliance. A summons was issued September 27 by certified mail but returned undelivered. It was reissued on December 26 but returned by the police, who could find only the defendant's mother, who claimed that he had moved out of state but was unable to provide an address. On December 27 the defendant's mother told the prosecutor that she believed the building had been foreclosed. The prosecutor's note stated, "I'll check it out," but nothing in the file indicates the status of the foreclosure or otherwise identifies the case. On January 4, 1980, the housing specialist talked to two tenants and found that neither knew where the landlord was, neither paid rent, and both had to make their own repairs. There was no indication in the file as to whether or not anyone had corrected the violations. The file then sat dormant for six months until a reinspection was requested on June 24, 1980. It included a note from the prosecutor reading:

> The tenants indicated that they don't know who the owner is. They haven't paid rent to anyone and they do their own maintenance. If they've cleaned and fixed the premises, I'll close out the file.

The repairs in question are legally the responsibility of the landlord, not the tenants, and the order was issued against the landlord. No report was returned, however, and no request for one was again submitted to the HCI. As of October 20, 1980, the case was still open and pending. A year and a half had passed since the original order and the court had not yet found out whether or not there was compliance with the order.

Case #62
Neighborhood: Frog Hollow

On November 30, 1978, the BHCE ordered repairs to be made. After a May 15, 1979 inspection revealed continuing violations, the case was turned over to the housing court, which opened a file on June 19. Three violations were cited, including rubbish clean-up, missing windows, and damaged foundation walls. On June 19 the landlord told the prosecutor that all violations were corrected, but he agreed to recheck and correct anything undone by July 20. A reinspection on July 25, however, found only partial compliance and on August 2 a summons was issued. Nothing else appears in the file to indicate whether the repairs were or were not made, but the case was scheduled for five hearing dates between August and October before the charges were finally nolled on October 9.

Case #64
Neighborhood: West End

The HCI order was issued April 9, 1979 for two violations concerning

rubbish and debris in the yard. The housing court file was opened June 20. On June 25 the landlord promised the prosecutor a full clean-up by July 9. The reinspection, however, found that this had not been done. On August 14 a summons was issued. On September 11 a joint HCI-housing specialist inspection found much debris, including three junk cars. An HCI inspection on September 20 found incomplete compliance, as did a housing specialist inspection of September 24. On that day the landlord promised 100% compliance by October 9. A housing specialist inspection on October 9, however, approximated only 70% compliance, but noted that a severe storm and flooding on October 3 had set back the clean-up. On October 29 the specialist confirmed 100% compliance and on that day the defendant pleaded guilty and paid a $20 fine. A total of four court dates were scheduled on the case.

Case #65 (includes #17)
Neighborhood: Asylum Hill

The BHCE order was January 3, 1979. The HCI referred ten violations, including leaders and gutters in disrepair, insufficient and uncovered waste containers, and a dangerously deteriorated garage (Case #17). That case was opened as a housing court file on March 5. The Sigourney Square Civic Association had apparently been pressing the BHCE to do something about the building. It appears that there was partial compliance, because on June 15 the HCI signed a new affidavit, listing three of the original ten violations. This was opened as a new file on June 20, although all violations were already covered by the March 5 file. On June 25 the defendant's lawyer told the prosecutor that the defendant was on vacation until July 20 and was having financial difficulty in maintaining the building. He promised to have someone "try" to clean up the premises, but the prosecutor noted that "we can't do much until [the landlord] returns from vacation." On August 2 a summons was issued, but on August 7 the BHCE notified the prosecutor that the building had been sold. The file was closed without court action on August 14.

Case #66
Neighborhood: Asylum Hill

On May 9, 1979, BHCE ordered the correction of three violations dealing with rubbish and insufficient waste containers. The court file was opened June 20. On June 25 the landlord promised to correct the violations by July 9. A reinspection found "some cleaning" but reported that "yards are still littered and there is insufficient rubbish and garbage storage facilities. The unsatisfactory conditions have not been eliminated." A summons was issued August 14 to appear in court on September 6 but the defendant did not appear. He was given an eighteen-day continuance. Court dates were scheduled for September 24, October 9, October 29 and November 13.

A November 19 inspection by the housing specialist found that "most debris has been cleared away" but stated specifically that it was "unknown" whether this was sufficient to comply with the code. There is no evidence in the file that a HCI inspection was obtained, but the case was nevertheless nolled by the prosecutor on November 20. The correction of these three violations had required a total of six court dates.

Case #81 (includes #49 and #117)
Neighborhood: West End

There have been three cases against this landlord over this building. On February 20, 1979, the BHCE ordered that the front public hallways be repaired. After referral to the housing court in May, compliance was (#49) obtained by July and the file was closed on July 31. Meanwhile, on May 10 an order was issued to fix the leaders, downspouts, and roof overhang. That complaint came to the court on July 19 as Case #81. A September 13 reinspection found that the work had not been completed. Apparently some work had been done on the overhang but it had not been painted. On September 25 the HCI prepared a separate affidavit on the failure to paint, which became a separate housing court file (#117).

Meanwhile, a summons was issued by mail in Case #81 on October 16 and reissued November 1 after it was returned unclaimed. A November 13 HCI inspection found that the overhang had been painted, and Case #117 was therefore closed. On the same day, the defendant's lawyer promised that the other repairs would be completed in a few weeks, and the case was continued one month. In early December the defendant did obtain a contractor to install new gutters and put aluminum siding over the trim, but the contractor claimed to be unable to complete the work before March 15, 1980, because of other commitments. On December 17 the prosecutor nolled one count and the defendant pleaded guilty to one count. He was given a three-day jail sentence (no fine), suspended on condition the repairs be completed by April 30, 1980. There is nothing in the file to indicate whether any check was made on April 30 to determine if there was compliance, and it appears that no such check occurred.

Case #94
Neighborhood: Upper Albany

The BHCE's official notice on this building was issued on May 7, 1979, listing sixty-six violations. The housing court file was opened on August 1. A September 12 reinspection found no compliance, and on September 21 a summons was issued. On October 5 the defendant's lawyer reported that the building was being sold to a non-profit corporation for rehabilitation. On November 1 the HCI confirmed that the building was vacant and boarded up and the defendant presented proof that the property had been transferred. The file was closed on November 5, when the case was dismissed.

Case #96
Neighborhood: Northeast

The HCI order was issued on January 31, 1979. The order covered the porches, roach infestation, the front hallway, and the third floor apartment. The building was owner occupied. After ten additional inspections failed to obtain compliance, the case was turned over for prosecution on August 21. The housing court file was opened on August 31.

The prosecutor initially gave the defendant an additional five weeks to comply. A reinspection October 18, however, found continued non-compliance. A summons was issued on November 20. On January 8, 1980 an inspection by the housing specialist found all violations still present, although the third floor apartment was vacant. Some of the exterior violations, such as the lack of railings and ballusters and missing boards on the porches, were considered dangerous. The landlord promised to fix the third floor apartment before renting it out.

The case appears to have sat dormant for the next six months. On June 24 the prosecutor requested a reinspection. On June 30 the HCI reported that there was still non-compliance. As a result, a hearing was scheduled for August 19, the first court hearing since January 7. The defendant failed to appear. The case was continued to August 26, when the defendant was again absent. This time the case was continued to October 14, when the defendant yet again failed to appear. On that date, a five-week continuance until November 18 was given, with still no arrest warrant having been issued.

Thus, by October 20, 1980, when file examination closed, the case was still pending almost two years after the original order and almost one year after the first summons. Three failures to appear had been permitted without penalty, and there was no evidence that the violations were being corrected. In addition, no effort had been made to determine whether, contrary to the January promise, the third floor apartment would remain vacant until repaired.

Case #98 (includes #144)
Neighborhood: Frog Hollow

This case began with an August 29, 1979 inspection of the building, which found eight housing code violations, including a lack of hot water. The order was issued on September 11 and stated that the hot water service "must be restored immediately." A note in the file from the HCI says that the owner came to the housing code office on September 18 and stated that the second floor tenant was three months behind in the rent and "therefore he has no money to pay the gas bills and to correct other violations." This is not a defense to a code violation. The housing court file on the hot water shut off was opened on September 20 (Case #98) and the same day the

housing specialist noted for the file:

> Today I contacted CNG and they indicated that they did not shut off the gas. Therefore it was done by the owner.

A summons was typed the same day but not served. In spite of the preliminary evidence of a wilful violation of 19-65, there is nothing else in the file, which was closed on October 15. It is not known whether gas service was restored.

On November 26 the HCI referred the remaining charges for prosecution and on December 14 a new file was opened (Case #144). Only one of the violations had been corrected when a reinspection was made on January 11, 1980. A summons was issued on January 29 but not served. Four months passed before another summons was issued on May 6. It too was not served. A third summons was issued on May 30. On June 4 it was returned by the policeman marked, "Does not reside there any more, no forwarding address." The HCI was notified on June 9, and on June 12 he reported that the property had been sold, that money had been placed in escrow for repairs, and that the case should be held to mid-July to see if the new owner complied. Without waiting for any additional information, the prosecutor closed the case on June 17, apparently because the defendant no longer owned the building.

Case #99
Neighborhood: Upper Albany

Orders on the building were issued by the BHCE on January 16, March 21, and April 10, 1979. After eighteen inspections by the HCI had failed to obtain full compliance, an affidavit listing seventeen violations was prepared on September 13, 1979, and the housing court file was opened October 1. The violations revealed extensive disrepair in three apartments in the building. In spite of this long history of resistance, the landlord was given another four weeks to comply by the prosecutor.

On November 6, in response to a reinspection request, the HCI reported no compliance but noted that a foreclosure was pending. A note to the file from the prosecutor states that "we'll hold this case in limbo for a while until I can check out the foreclosure." The file contains no information indicating that such a check was made. In spite of the extensive nature of the violations, the file sat in limbo for seven months; and it appears that no such check was made, since on June 24, 1980, the prosecutor wrote the HCI that "if there is now a new owner by way of the foreclosure, or if the repairs are completed, I will close out my file." On June 30, the HCI reported the name of the new owner as a result of a foreclosure and noted that the violations had not yet been corrected. The file was closed on July 8, 1980.

Case #101
Neighborhood: Frog Hollow

The official order for this case was issued by the BHCE on July 30, 1979, although there was apparently an inspection which found some of the same violations at least as early as February 13, 1979. The housing court file was opened October 1. On November 2 the HCI reported that most violations were corrected and that additional work was in progress. On December 5 he found that all violations had been corrected. The case was closed on December 11.

On May 1, 1980, the prosecutor received a copy of a letter from Neighborhood Legal Services to the HCI claiming that most of the violations still existed. A new HCI inspection was made May 8 and on June 24 a new file was opened at the court. The latter case was pending on October 20 (Case #247).

Case #104 (includes #19, #25, #116, and #152)
Neighborhood: Asylum Hill (2 buildings)

These five cases all involve the same landlord. They involve two adjacent buildings with sixty-four units. The earliest inspection listed in the complaint affidavits took place on October 17, 1978, and an order was issued the next day. Violations in additional apartments were cited throughout 1979. Five housing court files were opened between March 12 and December 4, 1979, together listing sixty-two violations in this complex. It is likely that more might have been listed, but it appears that the HCI issued orders on apartments only in response to individual complaints and did not do a general inspection of the building.

On August 14, 1979, the defendant signed an agreement with the Neighborhood Development Group to finance rehabilitation for low and moderate income families if Section 8 rehabilitation funding could be obtained. No repairs were made, however, and summonses were issued on September 27 and November 20.

Meanwhile, the landlord successfully obtained continuances in his pending cases, first because he was to be out of the country, then because of his pending application for subsidized funding. Starting November 20, the first four cases were grouped for scheduling purposes and the fifth case was later added. There were continuances on November 20, January 7, and January 21, with no indications in the file of either new developments or on-going repair work.

On January 31, 1980, the HCI did a comprehensive reinspection of both buildings and issued new orders on February 1 and February 4 covering all apartments. The order stated that "the overall volume and nature of the violations constitute a potential health hazard to occupants of the building" and stated that, unless all work was completed within thirty days, the city

would seek a rent receivership. Several hundred violations were cited. On February 15 the defendant applied to the Community Rehabilitation Investment Corporation for financing assistance and on February 22 his lawyer requested a continuance to April.

On April 8 the prosecutor, after "extensive negotiations" in his office, worked out an agreement that 100% of the repairs would be completed by June 16. In a letter to the defendant, the prosecutor added:

> If 100% of the violations have been corrected, the State will only seek a nominal fine as punishment. If the corrections are not made, then you can expect large fines and/or imprisonment if you are found guilty.

By June 17 work was in fact in progress and substantial improvements had been made in the building but compliance was far below 100%. The case was continued to August 5. On August 12 the defendant signed an agreement swearing that he had already spent $70,000 on rehabilitation and that:

> In consideration for nolles in the above noted files, I hereby agree that I will not rent any further apartments whatsoever, until such time as I receive written approval from the city inspector certifying compliance with the Hartford Housing Code. I further agree that I will repair all violations and obtain written approvals for all apartments that are presently occupied.
>
> It is my understanding that if I violate any of the above conditions, the prosecutor may reopen each of these files and I will be subject to severe penalties if convicted.

All cases were nolled on August 12. There is nothing in the file that indicates whether written compliance was obtained or whether the agreement was otherwise complied with.

Case #105
Neighborhood: Asylum Hill

The HCI order was issued on April 24, 1979. On October 1, 1979 the housing court file was opened, citing sixteen violations. On October 29, the defendant called to say that the work was 50% done. An HCI reinspection on December 4 found the work still incomplete. A summons was issued December 26. On January 7 the defendant claimed that all work had been done except in his own apartment and in a vacant apartment on the third floor. He promised to finish all work by February 19 and not to rent out the third floor apartment without an inspection. On February 19, however, the defendant sought and obtained an extension of time to comply because he had a buyer for the building. The prosecutor's note states, "He will send me a letter confirming this. We can hold this file in limbo, assuming that the new owner will be making immediate repairs." No such letter is in the file. Nevertheless, the case was held without any action until a reinspection was requested on June 24, 1980. On July 1 the HCI reported that there was a new owner and that he had made repairs. The case was nolled on July 8.

Case #109: (See #266)
Neighborhood: Frog Hollow

Orders were issued August 8, 1979. The affidavit on which the housing court file was opened in October listed eight HCV's, covering one apartment and the hallways. When reinspected on October 25, no repair work had been done. A summons was issued November 26. On December 10 the defendant came to court and claimed that all repairs were completed. A nolle was promised by the prosecutor for December 17, and the defendant was told that he "will not have to appear." An inspection the next day, however, showed that four of the items were still not done.

On December 17 the prosecutor wrote to the defendant, giving him until January 2 to complete work and scheduling a hearing on January 7. On January 7 the repair deadline was extended to January 31 and the case continued to February 4. The defendant was to call the housing specialist for an inspection. An undated note indicates that the defendant never called. On February 15 a joint HCI-housing specialist inspection confirmed that repairs had finally been made. The case was nolled on February 19.

Thus, the owner had ignored the August 8 order, misinformed the prosecutor on December 10 of the extent of repair work, failed to make repairs in accordance with his promises, required five court dates to complete the case, dragged the proceedings out more than six months, but still received a nolle.

Case #111
Neighborhood: Barry Square

The original BHCE order was dated May 25, 1979. The housing court file was opened on October 1. The affidavit listed four violations concerned with weeds, rubbish, and open trenches around an unfinished building foundation. On November 1, when a reinspection took place, the condition was still the same. A summons was issued November 26. On December 10 the landlord and his lawyer promised "to do their best" to correct the violations, and the case was continued to January 7. On that date the case was nolled. There was no reinspection and the file gives no reason for the nolle, but it is likely that it was based on the owner's representation of compliance.

In October, 1980, during an interview with a code inspector, it was reported that some of the violations were never corrected and still existed as of that date. This was confirmed by a drive past the premises.

Case #114
Neighborhood: Frog Hollow

Repair orders were issued August 16, 1979. Three code violations were turned over to the housing court, which opened its file on October 1. A November 6 reinspection found that an attempt had been made to fix one of the three violations but that it was incompetently done. The other two had not been repaired. On November 26 a summons was issued. On December 5 the defendant's lawyer wrote the prosecutor that the building had been sold "as is" on November 8. On December 10 the case was nolled, and on December 17 the prosecutor informed the HCI of the name and address of the new owners, suggesting that a new order be issued.

Case #116: See Case #104.

Case #117: See Case #81.

Case #120
Neighborhood: South End

The HCI order, dated July 16, 1979, listed one count of tall weeds in a vacant lot. The condition still existed on October 3, when the housing court file was opened. The prosecutor, by letter, gave the defendant until October 22 to comply. On October 19 the defendant's daughter reported that "they are working hard at trying to get someone to do the work." The prosecutor extended his deadline to November 5. On November 8 a reinspection was made and found no compliance. Two months passed. Another reinspection on January 8, 1980, found that the defendant still had not complied. The case then sat dormant almost six months, until on June 24, 1980 the prosecutor finally requested a reinspection. On June 27 the HCI reported compliance and on July 8 the prosecutor closed the file without instituting court action.

Case #122: See Case #32.

Case #125: (includes #9, #136, #140, #143, #165, #194, #197)
Neighborhood: Frog Hollow, Parkville and Asylum Hill (3 buildings)

These eight cases involved three different buildings owned by the same landlord. All cases were pending at the same time and were disposed of together.

The first case filed involved a building in Frog Hollow. It began with a June 22, 1978 notice of both interior and exterior lead paint violations. Samples from twelve different locations exceeded 1% lead content, with the highest sample 22% lead. The file was opened at the housing court on February 9, 1979 (#9). After many efforts by the housing specialists to secure compliance, the specialist on June 18 reported, "Further negotiation deemed fruitless and dilatory." A summons was issued July 5. On July 31, the prosecutor noted that after a continuance to August 14, "There will be no further delays allowed." In fact, this case was continued eleven additional times before disposition.

On November 15, while this case was pending, an emergency order was issued against the defendant for failure to provide heat and hot water. The housing code file was opened on November 23 and a summons issued on November 25 but not served until December 11 (#140).*

On December 11, 1979, the BHCE issued additional orders on the Frog Hollow building. That file, which was opened at the housing court on March 11, 1980, listed ten violations, of which seven were in the second floor apartment and three in the common hallways (#194).

Meanwhile, the BHCE had issued orders on the Parkville building on April 16 and June 1, 1979. Four HCV's were turned over to the housing court, which opened a file on October 11 (#125). The violations involved the gutters, the front steps, and the rear porches. The building was reinspected November 13, but no work had been done. A summons was issued November 26 but not served until December 11.

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*When the defendant was arraigned on December 18, he tried to plead guilty but was actively discouraged from doing so by the judge. For reasons that are not clear, a transcript of the hearing appears in the file. No other file contained a transcript of any proceeding. The following exchanges occurred:

THE COURT: Do you plead guilty or not guilty?
[DEFENDANT]: I'll plead guilty on that.
THE COURT: You're sure you want to plead guilty on it?
[DEFENDANT]: Okay. I plead not guilty. **** The areas that I'm saying - I mean I did not supply heat; I just got fed up of them not paying rent.
THE COURT: Well, I appreciate that. There are defenses to that statute. The State has to -
[DEFENDANT]: All right. I plead - put down not guilty.
THE COURT: The State has to prove intentional and wilfulness, but you ought not to be so glib and quick this morning with your tongue because you're saying things that might be used against you in the event of a trial here.
[DEFENDANT]: Well, yeah, but fair is fair.
THE COURT: Well, fair is fair but you might find yourself doing ten days in jail and you won't consider that very fair.
[DEFENDANT]: That's not fair. Not guilty.

In fact, this charge was eventually nolled as part of a settlement of all cases. The settlement involved neither going to jail nor paying a fine. No landlord in the entire study sample ever actually went to jail.

The Asylum Hill case began with an August 1, 1978, BHCE order covering four apartments in the building (#197). It was referred to G.A. 14 for prosecution and eventually transferred to the housing court. Additional BHCE orders on other apartments were issued on July 11, 1979 (#136) and October 16, 1979 (#165). When referred to the housing court, the three cases together listed twenty-eight housing code violations. The first of these cases reached the housing court on November 7. The prosecutor gave the defendant until December 3 to comply. On December 3 the HCI called to request an immediate summons because the apartment "is very bad; has continuous water leakage and apartment is caving in." A summons was issued December 4 but not served until December 11. On December 4 the HCI returned to the building and found that there was no heat being supplied. A fourth case (#143) was opened immediately at the housing court and a summons immediately issued and served the same day.

On December 27, 1979, the prosecutor met with the defendant and worked out a repair schedule with the defendant for all three properties. His letter outlining the schedule was not sent until more than a month later, on February 6, when he stated, "Failure to meet any of these deadlines will trigger swift prosecution." The interior violations in the Frog Hollow building were to be corrected by February 22 and the exterior ones by May 1. The Parkville porches were to be repaired by February 22 and to be painted by May 1. Apartment 2 in the Asylum Hill building was to be fixed completely by February 22.

On February 26 the defendant failed to appear for court. A rearrest application was not issued until March 4, however, and not served until March 11. He did not plead to the charge of wilful failure to appear until April 8.

On April 22, the prosecutor wrote to the HCI to inform him that a new owner took over the Asylum Hill building by foreclosure on February 4. Though the defendant could not be forced to effect the repairs, the prosecutor noted: "However, he may still be prosecuted by my office for violations that existed while he was the owner of record." The defendant continued to own the other two buildings. "As to those buildings," he wrote, "I anticipate that he will soon plead guilty and receive a suspended sentence with conditions regarding repairs. If the repairs are not made he can expect to serve out his suspended sentence at the Hartford jail."

This tough talk, however, bore little resemblance to the actual disposition of the case. On April 22, the same day that the prosecutor was telling the HCI that the defendant "may still be prosecuted" for violations at the Asylum Hill building, all three of the Asylum Hill cases then pending were nolled with no requirement for repair. The Frog Hollow case in which a summons was issued was nolled and the later Frog Hollow case was closed without court action. In the Parkville case, the defendant pleaded guilty to two counts (the other two counts were apparently nolled), and he was sentenced to ten days in jail with execution suspended as long as he complied with both the Parkville and Frog Hollow orders by August 31, 1980. No fine was imposed. The wilful failure to appear charge was dropped. There was no provision for supervision of the sentence, and there is no evidence that any reinspection of the property was requested or made after August 31. The file was apparently considered closed as of April 22. It is unknown whether any of the repairs were made.

Case #128
Neighborhood: Asylum Hill

The original BHCE order was issued May 8, 1979. After five months, the BHCE finally turned the case over for prosecution. The affidavit listed twelve HCV's, covering two apartments, the hallways, and the front porch. The file was opened October 11. A November 29 reinspection found that only one of the twelve violations was corrected, and a summons was issued December 26. Continuances followed on January 8, January 14, and March 4. On March 14, ten months after the original order, the work was finally corrected. The case was nolled on March 18, 1980.

Case #129: See Case #41.

Case #130
Neighborhood: Barry Square

A no heat order was issued by the HCI on October 12, 1979 and an affidavit prepared on October 15 after a reinspection that "facilities for providing heat are lacking within the unit." The court file was opened October 17 and a summons issued October 18. On October 22 the defendant claimed to be "waiting for a plumber to complete the heating system" and promised that the work would be done by November 1, more than two weeks after the order. On November 5 the case was nolled. There is nothing in the file showing a reinspection by the HCI, nor is there any indication of the reason for not prosecuting.

Case #133
Neighborhood: Northeast

This case concerning a six-family building began in the housing court with a no heat order, which was issued on October 16. The file was opened October 18 and a summons issued the same day for a hearing on October 22. The defendant failed to appear in court. When the defendant did not comply with the city's emergency order, the city filled the oil tank and made emergency repairs to the burner. On November 3 the city paid an oil company to replace the oil burner. On November 6 the city filed an application for the appointment of a receiver of rents, alleging that the defendant "has shown no indication or interest by past actions in providing the tenants of said building with heat during the coming winter months." A receiver was appointed on November 13. The receiver began by providing heat and cleaning the basement to eliminate rat breeding grounds. An agreement was worked out by which the owner, who lived in the building and was also a contractor, would do the other repair work needed in the building, which was extensive.

On December 17 the criminal case was tried by the court and the defendant was acquitted, apparently because the court was not satisfied beyond a reasonable doubt that the failure to provide heat was wilful. Meanwhile, repair work continued under the receivership. It was completed by August, 1980, when the receiver was discharged and a lien of about $16,000 placed on the property for the cost of the rehabilitation.

Case #136: See Case #125.

Case #137 (includes #138 and #157)
Neighborhood: Frog Hollow (2 buildings)

Two cases had previously been filed against this owner for other buildings. Case #47 was nolled December 10 because the building had been sold, although the repairs were not made. Case #107 was nolled the same day because the building had been sold before the orders were issued.

On November 20 the BHCE issued no heat orders against both buildings. The files were opened November 23 and a summons issued November 26 for a December 3 court hearing. At a December 10 court hearing, the judge suggested that the defendant rebate $20 to all tenants for the lack of heat and the defendant agreed. In fact, the defendant did not comply fully with the agreement. He gave credits to eighteen tenants in one building in amounts ranging from $12 to $20 for a total of $322, but almost all of this amount was in the form of write-offs against unpaid (and probably uncollectible) arrearages, rather than in actual out-of-pocket payments. Only $27 in credits represented actual reductions in future rent. There was no evidence in the file that any rebates were given in the other building. Although compliance with the agreement was less than complete, these two cases were nolled on January 7.

While these cases were still pending, the HCI issued another no heat order, this one on December 26, applying to the first building only. It stated that "heat and hot water supplied intermittently. Also tenants behind in rent are shut off constantly." In effect, it indicates that the original November 20 violation was a continuing one, had not been resolved, and was wilful. A housing court file was opened January 23. Meanwhile, the HCI observed additional no heat violations on January 16, January 23, January 24, and January 25. On February 4 the city filed an application for appointment of a receiver of rents and on February 5 the prosecutor noted that he would hold the case pending the receivership. A rent receiver was appointed on February 7 for both buildings. On March 26 there was a fire in one building. The tenants were relocated to vacant apartments in the other one and the burned building was boarded and left vacant. Meanwhile, the receiver began repair work at the occupied building. By June, 1980, about $24,000 had been spent on the repair of nine of the fourteen apartments in the building (there are also four stores). As of October 20, the receivership was still pending. On July 1, 1980, the criminal file was closed without court action. No explanation appears in the file.

Case #138: See Case #137.

Case #140: See Case #125.

Case #141
Neighborhood: Barry Square

The original order was issued July 20, 1979. Four HCV's, including rat and roach infestation, exterior rubbish, and deteriorated porches, were turned over to the housing court, which opened a file on November 23. On that date a letter was sent giving three weeks for repairs. The letter was returned as undeliverable and a December 27 reinspection found no corrections made. A new voluntary letter was not sent until February 5, 1980. On February 22 the defendant's lawyer claimed that the first floor tenants would damage any repairs and that they were being evicted. The prosecutor noted: "Will hold case for a while (until early April) so that the eviction case can be decided." There was no indication that the tenants had been contacted or the landlord's claim otherwise evaluated. Under the decisions applied by the housing court judge, nothing in the summary process proceeding would give guidance to the prosecutor as to whether the landlord was criminally liable.

On July 3 the defendants sold the building. A letter of that date from the lawyer for the new owners asked for time to comply. The file has been dormant ever since, and no reinspection has been requested. The case was pending as of October 20.

Case #142
Neighborhood: Frog Hollow

The BHCE orders were issued August 20, 1979. The file was opened November 23, listing five violations, including roach infestation and deteriorated foundation walls, shingles, drainspouts, and porches. A December 27 reinspection found no compliance but no summons was issued until January 29, 1980. On February 14, five days before the court date, the defendant called to say that he would miss court because he would be on vacation but that all the violations were corrected. Apparently based on this phone call, the case was allowed to linger. Nothing happened in court on February 19 and no continuance date was set. No reinspection was requested until May, nearly three months later. That inspection, on May 19, found that only one of the four violations was fixed. On May 24 the prosecutor finally set the case down for a June 17 hearing. On June 16 the defendant called again to say that he could not make the court session. He also claimed that the first floor tenant would not allow entry to repairmen, although two of the three remaining violations were exterior. There appears to have been no

effort made to verify this allegation with either the HCI or the tenant, but the case was continued to July 22. On July 29 the defendant agreed to complete porch and downspout repairs by September 5. On September 9 the defendant again did not show for court and the case was continued to September 16. On September 10, however, the HCI reported that the work had still not been completed, although it was in progress.

The defendant was absent again on September 16, and the case was continued to September 30. On September 30 a representative of the defendant apparently called the housing court judge to say that the work was done. This was confirmed by the HCI, and the case was nolled on September 30. Seven court dates had been required for this disposition.

Case #143: See Case #125.

Case #144: See Case #98.

Case #145: See Case #29.

Case #146
Neighborhood: Barry Square

The original HCI order was issued March 26, 1979. After continued failure to repair, the case was turned over to the housing court on December 4, with nine HCV's listed. They covered one apartment plus the porches and common areas. The defendant was a bank. On December 11 the defendant notified the prosecutor that the building had been sold on November 20 on an "as is" basis. The prosecutor wrote in his notes:

> I explained that I thought the bank was acting irresponsibly in not correcting the violation over a six-month period and then "sticking" a new owner with the repairs. I informed him that I was not closing this file and that if future findings warrant it, I would still prosecute the bank.

In a letter to the BHCE informing it of the transfer, dated December 17, the prosecutor apparently limited this threat to circumstances in which the bank was "less than candid" with the buyer regarding the existence of code violations.

In spite of this tough language, however, the prosecutor apparently waited six months to request a reinspection, and there is nothing in the file

to indicate any effort to determine the buyer's knowledge of the code violations. In addition, it is not clear how this would be relevant to the liability of the bank for having ignored code enforcement orders for six months. On June 24, 1980 the prosecutor requested reinspection, but no response appears in the files. As of October 20, 1980, the prosecutor had not repeated the reinspection request, and the case was still pending.

Case #150
Neighborhood: Asylum Hill

The case began October 19, 1979 with a BHCE order. The affidavit which was turned over to the housing court alleged three violations concerning rubbish, debris, and tall weeds. It was opened December 4 in the housing court. A January 2 reinspection found no compliance. On January 29 a summons was issued but it was returned unserved. On February 4 the prosecutor was sent a letter by Asylum Hill Inc. complaining that the building, which is vacant, "has been a blight on the Asylum Hill neighborhood for a number of years. On several occasions we brought to the attention of the owner...numerous complaints of unsecured rear doors and windows, and unsightly debris in the yard."

Nevertheless, no new summons was issued. On March 25 the prosecutor's notes indicate that he talked to the defendant, although no service of the summons was attempted. The defendant claimed that the area had been cleaned and that present accumulations were new. He did, however, promise to clean up again. On April 15 the HCI reported that some cleaning had been done but that it was "a poor job," "not acceptable to this bureau," and did not constitute compliance with the code. Much litter apparently remained. Finally, on May 6, the summons was reissued and was served on May 8. On May 19, an HCI inspection found compliance. The case was nolled on May 27.

Case #151
Neighborhood: Asylum Hill

The original BHCE order was issued August 15, 1979. The case was opened at the housing court on December 4, claiming eighteen HCV's in two apartments and the common areas. Although the defendant had not complied in three and one-half months, the prosecutor gave him four weeks more to comply. When the building was reinspected on January 9, the HCI reported that it was worse than before. A summons was not issued, however, until January 29. On February 19 the defendant pleaded guilty to one count (front steps in disrepair) and the other seventeen counts were nolled. No fine was imposed, but the defendant was sentenced to three days in jail, suspended on condition that all eighteen violations be corrected by June 1, 1980, a period of more than three months. The case file was closed and no follow-up inspection was made.

On July 24, almost two months after the repairs were to have been completed, the clerk's office received a call from a tenant in the building complaining that the repairs had not yet been made. The next day, the HCI

inspected the premises and sent to the prosecutor a long list of continuing violations, including most of the original eighteen violations. At this time, they had existed uncorrected for a minimum of eleven months. Still no action was taken. On August 5 the defendant appeared "unexpectedly" at the prosecutor's office and claimed both that the tenants had done the interior work, that the tenants had redamaged it, and that he had not done it again because the tenants had not paid him rent. The claim of tenant redamage appears implausible in light of the similarity of the violations in the December 4 and July 25 orders. He said he was going to evict the tenants. The prosecutor gave him to August 19 to complete the work and scheduled a hearing for that date.

On July 30 a new set of orders was issued, citing additional violations, including absence of hot water in the second and third floor apartments. An August 18 reinspection reported that some violations had been corrected but many had not.

On August 19, in spite of the failure to comply with the conditions of the February 19 suspension of sentence, no sentence was imposed. Instead the probational period was extended eight months and the landlord was given the following additional conditions: (1) "diligently continue to completion all evictions"; (2) refrain from re-renting any apartment without written certification of housing code compliance from the HCI; (3) "immediately commence repairs as soon as an apartment becomes vacant"; (4) make all electrical and plumbing repairs by September 30. The order appears to permit the defendant to delay many repairs until the tenants leave and appears to make his probation contingent on his evicting the tenants. It thus deprives the complaining tenants of the benefits of the repairs. There is nothing in the file to suggest that any investigation was made as to whether the tenants had damaged the property. The order also contains no absolute deadline date for repairs.

The file was then re-closed. No provision for follow-up inspection was made and none appears to have taken place. On September 18 a close-out letter erroneously stated that all violations had been corrected.

Case #152: See Case #104.

Case #155: See Case #29.

Case #157: See Case #137.

Case #158 (includes #159 and #183)
Neighborhood: Barry Square

Orders were issued in this case on August 10, 1979. When the housing court file was opened on January 23, 1980, twenty-eight HCV's in eleven apartments were listed (Cases #158 and #159). Meanwhile, another order issued January 8 identified five violations in a twelfth apartment. That file was opened February 21 (Case #183). The landlord was given four weeks to comply, but no reinspection request was made for an additional two weeks after the deadline. On February 19 the prosecutor, after a request by the defendant, gave her until March 4 to complete repairs. A March 21 reinspection found no compliance. On April 8 the prosecutor noted that he was holding serving a summons "pending receipt of a copy of the transcript from Fair Rent [Commission]." This was thought relevant because the defendant was claiming no direct interest in the property but may have made contrary statements to the Fair Rent Commission. No such transcript appears in the file, however. Three months passed before another inspection was requested on June 24. No response from the HCI is in the file. No further request for inspection was made during the following four months, and it is unknown whether or not repairs were made. The case was still pending on October 20.

Case #163
Neighborhood: South Green

On August 29, 1979 the owner was ordered to repair the overhang of his building. The housing court file was opened January 23, 1980. A February 25 reinspection found no compliance and a summons was issued on March 5. It appears that the owner intended to sell the building to be converted to offices and therefore did not wish to comply with the order. He had an application pending with the Zoning Board of Appeals to permit the office conversion. As a result, the prosecutor continued the case several times, including one time for which the defendant failed to appear. On June 18 the ZBA approved a special exception. On July 1 the case was nolled on the owner's representation that a closing would take place by late July and the overhang would be repaired by the new owners as part of the general rehabilitation.

No follow-up inspection was made and there was no confirmation that the sale actually took place. On September 18 a close-out letter to the HCI incorrectly stated that the file had been closed because the repairs had been made.

Case #164 (includes #207 and #2)
Neighborhood: Barry Square

The BHCE originally issued an order on this six-family building on October 26, 1978, because the rear porches were in disrepair. The order specified that the support columns were out of plumb, the floorings rotted,

and the railings loose. The case was opened February 8, 1979 in the housing court (Case #2). On February 9 the housing specialist gave the landlord until February 13 to begin emergency repairs. On February 14 the specialist found that no work had started. In addition, the property had been without heat part of the preceding night. He concluded that "in my opinion (the defendant) does not intend to cooperate" and he recommended the immediate issuance of a warrant. No warrant was issued, and on March 12 the HCI reported that the "imminent collapse [of the porch] is a distinct possibility." On March 26 an inspection found numerous interior HCV's and an order listing fifty of them was issued March 30. On April 12 the housing specialist reported partial compliance on the porches.

On July 23 the prosecutor sent the HCI a reinspection request. The HCI's response indicated that all violations cited in "the affidavit" were corrected. It is evident that this referred only to the violations in the February 7 affidavit and not in the March 30 order, for which no affidavit had been filed with the court. In spite of the fact that some fifty other violations were then outstanding, the file was closed on August 2 without court action (#2).

On December 18 the HCI referred the violations listed on the March 30 order for prosecution, although no housing court file was opened until January 23, 1980. These violations had been in existence at that time for at least ten months. The prosecutor nevertheless gave the defendant four weeks to comply. They were not corrected by the date of a March 5 reinspection. A summons was issued March 5 but returned unserved. On March 7 and March 13 inspections of the property found that the furnace was failing to provide sufficient heat. A separate file was opened on that complaint on March 25 (#207) and the defendant given until April 8 to correct it. On April 8 summonses were served in both pending cases.

On April 22, the first court date, the defendant's attorney reported that a foreclosure was pending. The prosecutor confirmed and sought an early law date but made no effort to have the foreclosure court require elimination of the violations. The defendant's lawyer expected title to pass in about a month. On May 22 the HCI reissued orders against the defendant and, after a June 16 inspection, turned them over to the housing court. No separate prosecution was begun under this affidavit. One June 17, however, the foreclosure had still not gone to judgment. The judge apparently expressed concern that the defendant continued to collect rents without making repairs. The prosecutor noted for the file that "it was suggested that he make some repairs (with receipts) to show good faith when the case is finally disposed."

On September 9 the defendant pleaded guilty to one count, and the remaining forty-six counts were nolled. He paid a $100 fine. It is not clear from the file whether the property was or was not transferred, but it does appear that the repairs were not made by the defendant. There was no evidence of any request for a reinspection after February 25 and no actual reinspection after June 16.

Case #165: See Case #125.

Case #168 (includes #169)
Neighborhood: Clay Hill

Orders were issued on these buildings on December 6 and December 7, 1979. On January 24, 1980 the buildings were without oil. The housing court files were opened on January 29, 1980. A total of sixty-two violations were cited in the two buildings. On February 8 the defendant's lawyer wrote the prosecutor that a business tenant had, by contract, agreed to be responsible for management of the property. On the same date, the city of Hartford filed an application for appointment of a receiver of rents, and a receiver was appinted on February 21. The two buildings contained ten apartments of which seven were occupied at the beginning of the receivership. Extensive repairs were made in the spring and summer. As of October 20, 1980, the receivership was still pending. The criminal complaint has been held in abeyance since February and is also still pending.

Case #178
Neighborhood: South End

The original order was dated August 22, 1979. The housing court file was opened February 21, 1980, about six months later. The affidavit listed twelve HCV's in three of the apartments. On February 29 the defendant's lawyer wrote the prosecutor that two tenants were being evicted and requested no action until the tenants were evicted. He promised to repair the third apartment. On April 7 the prosecutor spoke with the attorney and learned that the evictions were complete. Repairs were promised by April 29. On that date, the defendant stated that work was in progress and the prosecutor extended to May 13. On May 13 the prosecutor requested a reinspection, which on June 6 confirmed completion of the repairs. On June 17 the file was closed without court action.

Case #180
Neighborhood: Parkville

The original order was issued December 7, 1979. The housing court file was opened February 21, 1980. The prosecutor gave the landlord to March 25. A May 5 reinspection found many uncorrected violations. A summons was issued May 30, returned as incorrectly addressed, and reissued on June 24. On July 8 the landlord agreed to complete repairs by August 5. On August 18 the HCI confirmed compliance. The case was nolled on August 26 on its fourth court date.

Case #182
Neighborhood: Northeast

Orders were issued on August 28, 1979. The housing court file, which was opened on February 21, 1980, listed fourteen violations, including both interior HCV's and deterioration of the front porches. When reinspected on March 31, there was no compliance. A summons was issued on April 8. On April 22 the defendant promised to complete all interior work within three weeks. The case was continued to May 13. On that date the defendant failed to show, and the case was continued two weeks. On June 12 an HCI inspection found that the interior violations had not been corrected. Hearings were scheduled for July 1 and July 22. The defendant failed to appear on either September 9 or September 16 for hearings, and a warrant was finally issued on September 16. The case was still pending on October 20 and it appears from the absence of an arrest report in the file that no arrest had yet been made.

Case #186
Neighborhood: South Green

The order was issued November 16, 1979, and the housing court file opened March 4, 1980. Four HCV's were cited concerning the disrepair of the rear porch and the gutters and leaders. There was no compliance on April 10, when reinspection occurred. A summons was issued April 29, although the file fails to show any service on the defendant. Nevertheless, the case was apparently treated as if service were made. On May 27 the defendant reported that the gutters and leaders were repaired but that he needed time to raise money for the porches. He was given until August 31. No reinspection was made to confirm the gutter repairs, and none was made after August 31 to see if the porches were done. As of October 20, the case was pending and the file had been completely dormant since early June.

Case #190 (includes #199)
Neighborhood: Asylum Hill

These two cases involved two sets of orders issued against the same owner for the same building. On November 13, 1979 the landlord was ordered to repair the front porch, the siding, and the front hallway ceiling and walls. On February 7, 1980 the rear porches and rear hallways were added. A total of ten HCV's were turned over to the housing court, which opened files on March 4 and March 25. An April 10 reinspection found no compliance. On April 29 the defendant told the prosecutor that he would finish by May 15. On May 29, however, the work was still not done, and on June 3 a summons was issued. Another inspection on July 28 found that the work was still not done. On September 2 the HCI reported: "Some sections of siding replaced at rear but no work done on porches or front siding. Unacceptable." In spite of this report, however, the prosecutor nolled the cases on September 9. There was no record of any additional inspection. A total of five court dates were required for disposition.

Case #191: See Case #41.

Case #193
Neighborhood: South End

The HCI orders were issued January 16, 1980. The case was opened in the housing court on March 4, citing six counts of unrepaired ceilings in three apartments that had been water damaged. An April 7 inspection found no compliance. On April 11 the owner wrote the prosecutor, criticizing the tenants:

> One of the tenants in the building...has been a constant problem. He was able to convince two tenants to file a complaint with the Fair Rent Commission, an action which resulted in a rent reduction.

He claimed that the water damage had occurred prior to his purchase of the building, that one of the tenants had refused access for repairs, that another tenant had been uncooperative, that the cause of the water damage had been fixed, and that the building was losing money. In addition, the tenant who had organized the Fair Rent Complaints was being evicted. Apparently as a result of this letter, the prosecutor waited more than two months to request a reinspection. On July 1 the HCI reported compliance, and on July 8 the file was closed.

Case #194: See Case #125.

Case #198
Neighborhood: Barry Square

The HCI order was issued February 27 after a fire damaged some parts of the building. The file was opened at the court on March 25. On April 25 a reinspection found that no work had been done and on April 29 a summons was issued. At some point, the date being uncertain, the defendant gave the prosecutor a copy of a contract proposal for major renovations, dated April 8 and costing $24,000. The prosecutor later learned that a building permit had been taken out on April 30 and that by June 3, when the first court hearing occurred, work had begun. The prosecutor gave the landlord to July 29 to finish. On July 31, however, an HCI reinspection found the work still incomplete. On August 12 and again on August 26, the defendant failed to appear in court. Each time the case was continued without penalty. On September 9, at the next court hearing, the work was apparently still incomplete, because on that date the landlord signed the following agreement, which was written on a 7" x 5" piece of paper that was loose in the file:

I...hereby agree that I will not rent out any units in my building...

until I receive approval from the Hartford Housing Inspector certifying that the building complies with the Housing Code. I realize that if I violate this agreement, I may suffer the consequences of criminal prosecution for housing code violations.

On the same day, the case was nolled. No provision was made by the prosecutor for a reinspection, no date for compliance was set, no notice of the settlement was given to the HCI, and no reinspection in fact appears in the file. It is therefore unknown whether the defendant did or did not comply with the conditions.

Case #202
Neighborhood: Barry Square

Orders were issued on November 13, 1979. The housing court file was opened March 25, 1980. The affidavit listed three HCV's, concerning one apartment plus roach infestation throughout the building. An April 25 reinspection found no compliance. A summons was issued April 29. On June 9 the HCI found partial compliance. On June 24 the prosecutor wrote the defendant, telling him that work must be completed by July 8 or "you may have to pay a fine." On July 1, however, the defendant signed a promise that did not require repair of the apartment cited until the tenant had moved. It read:

> I...agree not to re-rent the third floor, right, apartment...until the ceilings are repaired in the hallway and front room. The present tenant...is moving during July and I will repair after she moves. I will not re-rent until the housing inspector gives me approval of the repairs.

The prosecutor nolled the case on July 8, though it is evident that the repairs had not yet been made. There is no evidence in the file that the HCI was notified to verify compliance, that the tenant had been involved in working out this arrangement, or that any reinspection was ever made. It is not known whether the apartment was re-rented and whether repairs were first made.

Case #208 (includes #195 and #196)
Neighborhood: Barry Square, Parkville, Frog Hollow (3 buildings)

These very skimpy files make it very difficult to determine the reason for the disposition of these cases. The Parkville and Frog Hollow cases were begun with orders filed in May, 1977. When the affidavits were prepared in July, 1977, fourteen HCV's were listed. They were given to the G.A. 14 prosecutor's office, which prepared a warrant but did not have it served. The degree of activity on the case in G.A. 14 is unknown.

On March 6, 1980, the defendant was arrested in G.A. 14 on these two cases, and on March 7 the cases were transferred to the housing court (Cases #195 and #196). There is nothing in the file to indicate whether new information had confirmed the continuing existence of violations whether any reinspection had been made, or why the file had stayed at G.A. 14 for fourteen months after creation of the housing court without being transferred sooner.

On March 7, an order was issued against the Barry Square property for failure to provide heat. That file was opened on March 25 (Case #208). On April 10 the HCI reported that the City of Hartford had repaired the furnace when the landlord failed to do so. He also indicated his belief that the property had been foreclosed. The foreclosure action was not identified and the file contains no verification of the accuracy of these statements; but the file was closed on April 15. The other two cases were nolled on April 8, without any record of an inspection of the property.

Case #209
Neighborhood: Northeast

The orders were issued January 11, 1980 and the housing court file opened March 25. Eighteen HCV's were cited in the HCI affidavit. On May 5, 1980, the building was reinspected and no compliance was found. The HCI reported that "LL not cooperating at all, has apparently turned off the water now in the third floor, left, apartment. (No water for a couple of weeks)." He also reported that neighborhood groups had complained to the BHCE about its failure to get the building repaired. On May 6 a summons was issued. On May 27 the landlord appeared, blamed the tenants for the violations and, according to the prosecutor, "was assisted in preparing eviction papers." He added, "Case continued to June 24th to allow the eviction to progress and to allow some time for repairs." On June 24 the landlord failed to appear for a scheduled court hearing. The case was continued one week. On August 8 someone from CRT called on behalf of a tenant and reported that the defendant had removed an entire window casement for repairs a month before and had not replaced it, leaving the window open to the elements and dangerous to occupants. No reinspection was requested by the court. The prosecutor did note that he "attempted to contact [the defendant] at his home to have him plywood the place up, but there was no answer." There is nothing in the file indicating that any other contacts with the landlord on this point were attempted.

On August 26 the defendant again missed a court hearing, and the case was continued two weeks. On September 9 he missed a third hearing, and a warrant was finally issued for his arrest for wilful failure to appear. There is nothing in the file indicating that the warrant was served, and on October 20 the case was still pending.

Case #210
Neighborhood: Northeast

The official BHCE notice was issued January 28, 1980, and the housing court file opened on March 25, 1980. The HCI affidavit listed eight violations. There was no compliance by a May 2, 1980, reinspection and a summons was issued May 6. On June 3 the defendant's lawyer alleged that the tenant had denied entry for repairs. The prosecutor reported:

> I suggested that the df. demand access and if necessary use the master key. Also, if the tenant is uncooperative then maybe an eviction is necessary.

This solution does not follow the procedure established by either 47a-15 or 47a-18 for obtaining entry. There was no effort to contact the tenant to evaluate the truthfulness of the claim and no use of a housing specialist for this purpose. On June 20 the landlord informed the HCI that the work was done, and on June 30 the HCI confirmed. On July 1 the prosecutor recommended a nolle but the judge dismissed the case.