



THE CITIZEN S ADVISORY COUNCIL FOR HOUSING MATTERS

FOR THE HOUSING SESSION OF THE HARTFORD - NEW BRITAIN JUDICIAL DISTRICT OF THE SUPERIOR COURT

REPORT TO THE GENERAL ASSEMBLY

pursuant to
Section 47a-73 of the General Statutes

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A. AUTHORITY FOR REPORT

This report has been prepared in accordance with §47a-73 of the General Statutes, which requires the Citizens Advisory Council to report its recommendations to the General Assembly at the beginning of the 1983 session of the legislature.

B. HISTORY

The Hartford Housing Court is the direct descendant of the housing courts created in Boston in 1972 and Springfield in 1973. In 1976 the Connecticut General Assembly adopted Special Act 76-65, which established a Housing Court Study Commission. The Commission observed the housing courts in Springfield, Boston, and New York City; and, based on its study, recommended the creation of a similar court in central Hartford County. The General Assembly failed to act on its recommendations in 1977; but in 1978 it established an eighteen-month pilot project housing court in the Judicial District of Hartford-New Britain. The court began operations on January 1, 1979, under Judge Arthur L. Spada. In 1980 the General Assembly made the Hartford-New Britain court permanent (P.A. 80-448); and in 1981 a new housing session was created for the Judicial District of New Haven (P.A. 81-419). In 1982 the New Haven district was expanded to include the Judicial District of Waterbury; and a third court was begun for the Judicial Districts of Fairfield (Bridgeport) and Stamford-Norwalk (P.A. 82-461). Both of these new sessions were made permanent from the beginning. In 1982 the Judicial Department elevated housing from a "session" to a "division" within the Superior Court.

There are thus three functioning housing court districts in Connecticut. Although they cover only five of the state's thirteen judicial districts, those five districts receive more than 80% of the landlord-tenant cases filed in the state. As a result, the housing court system in Connecticut has, to a large extent, become statewide.

In part, the idea of a housing court involves an administrative segregation of cases. In other words, all cases involving housing matters, whether civil or criminal, whether large or small, are placed in a single portion of the Superior Court. This permits evictions, security deposit cases, and housing code enforcement to be heard in the same place and by the same judge. The housing court, however, is more than just a separate housing docket. For example, there is a statutory preference that the housing court judge remain on the court for at least one and one-half years so as to promote predictability in decision-making. Under

the Act, the person assigned as judge should share the underlying principles of the court, i.e., a commitment to decent housing. There is a citizens advisory council, which may advise on the operation of the court generally and on the assignment of the judge in particular. This reflects the special relationship between the housing court and the community which it serves. The court is provided with special staff, including housing specialists to investigate and negotiate cases; a prosecutor to handle code violations, housing discrimination, and lockouts; and a clerk whose duties include giving assistance to pro se litigants.

Moreover, the housing court has a substantive purpose that goes beyond merely processing cases. In addition to promoting the fair and impartial resolution of landlord-tenant disputes, it is a goal of the court to implement a system which actually contributes to an improvement in the quality of housing in the Hartford and New Britain areas. This latter purpose makes the housing court a unique portion of the Superior Court.

C. OVERVIEW

The existence of a housing court has not been a panacea for the housing problems of the Hartford region. Nevertheless, it is the strong consensus of the Citizens Advisory Council that the housing court, when viewed as a whole, has been a very solid success. In particular:

- ** By taking landlord-tenant disputes seriously, the housing court has created an extensive body of landlord-tenant law that has become a model throughout the state.
- ** The housing court has provided a fair, even-handed, and civilized forum for the resolution of landlord-tenant disputes. The judges and the staff-- secretaries as well as housing specialists-- have developed a reputation for patience and sympathy in their dealing with litigants. The housing court is highly regarded in the community.
- ** The housing court has opened the court system to pro se litigants. Understandable eviction forms for both landlords and tenants have made it possible to function without a lawyer. The clerk's office routinely provides sufficient assistance to litigants without lawyers to

permit them to handle their own cases. An unusually high percentage of litigants in the housing court bring or defend cases pro se.

The court's most serious weakness has been in its criminal docket. It has never developed an effective system of housing code enforcement, which has reduced the ability of the court to preserve existing housing. It has also failed to make effective use of its criminal jurisdiction in dealing with no-heat cases, lockouts, and housing discrimination.

The court has also failed to develop its full potential to assume jurisdiction over housing cases outside the landlord-tenant field. It has thus to a large extent narrowed itself into a landlord-tenant court, although its statutory jurisdiction is far broader.

These weaknesses, however, should not be distorted out of their proper context. Compared with the pre-housing court mechanisms for resolving housing cases, there is no question that the housing court represents a vast improvement, particularly on the civil side, and that its establishment by the General Assembly was a very wise decision.

D. CITIZENS ADVISORY COUNCIL

The Housing Court Act created the Citizens Advisory Council as part of the effort to make the housing court responsive to the housing needs of the community. When the Housing Court Study Commission investigated other housing courts in 1976 and 1977, it found that the New York City housing court statute mandated a similar advisory council; and in Massachusetts such a council had developed without specific statutory authorization. The Council consists of seventeen members, which §47a-71 requires be representatives of "tenants, landlords, and others concerned with housing" and that it reflect a balance between tenant and landlord interests. The present Council, which has one vacancy, contains six persons in the real estate industry, one member who has worked in housing financing and development, five persons who work for community organizations which deal with the problems of minorities and the poor, two legal services attorneys, and two others. Seven of its members live in Hartford, seven live in the Hartford suburbs, one is from New Britain, and one is from Enfield. The Council is appointed by the Governor.

The Council has played a wide-ranging role in both the original set-up of the court and in its continuing operation. These diverse areas have included:

- a. Judicial Assignment: This is probably the Council's single most important on-going task. The court has so far had three judges. Before each assignment, the Council contacted judges believed to be suitable for assignment to the court, attempted to interest them in the assignment, and made recommendations to the Chief Court Administrator as to who should be assigned. The process has worked very successfully, and the Chief Court Administrator has in each instance assigned one of the judges who was on the Council's recommended list. The Council has also developed criteria by which to evaluate judges (Appendix C).
- b. Staff Selection: The Council, from the beginning, has been involved in the screening of applicants for the positions of assistant clerk for housing matters, deputy assistant state's attorney for housing matters, and housing specialist. It drafted the advertisements used for hiring staff in 1978, developed criteria for each position, and participated in the screening and interviewing of applicants. Appendix B is a statement of Council procedures.
- c. Location of the Court: The Council made recommendations both on the initial locations of the court and on the site to which the Hartford office was subsequently moved.
- d. Housing Code Prosecution: The Council has helped organize meetings between the housing court prosecutor and local housing code officials. It has also sponsored an extensive study of the processing of criminal cases in the housing court, followed by several shorter studies and evaluations. It has endorsed a number of changes in prosecution procedures and standards; met with the housing court judge, the prosecutor, and other Judicial Department officials about them; and proposed guidelines for prosecution policy. It has sought to improve the effectiveness of the court's involvement in housing code enforcement so as to better preserve the region's existing housing stock. Copies of the relevant reports are attached as Appendices E, F, G, H, and I.

- e. Community Orientation of the Court: The Council has held community-wide open houses to welcome new judges assigned to the court. It has written and arranged for publication and distribution of brochures describing the court and its functions (Appendix A). It has encouraged the housing court judges and staff to accept speaking and workshop engagements; and its members have themselves sometimes been spokespersons for the court.
- f. Evaluation of the Court: Individual members of the Council have at times observed the court in operation. At least two lawyer-members have served as small claims commissioners for the court. In addition to the housing code enforcement studies, the Council has conducted a survey of litigants and attorneys as to their views on the housing court and has held two public hearings to solicit public comments and reactions.
- g. Pro Se Forms: The Advisory Council assisted in the drafting of simple forms to be used in the housing court by litigants without lawyers and has made recommendations for modifications of existing forms and creation of new ones. Its recommendations appear as Appendix D.
- h. New Advisory Councils: The Advisory Council has helped orient the advisory councils for the state's two other housing courts so that they could better understand the way in which a housing court operates.

The members of the Advisory Council serve without pay and must meet their own expenses themselves. In addition, the Council has never received a budget appropriation. In the absence of other funds, Advisory Council expenses (such as the mailing of meeting notices and agendas) have been met by members from their own pockets or those of organizations for which they work. As the Council's mailing list has grown to its present size of 65 names, that expense has become more burdensome. From 1979 to early 1980, some staff assistance and the mailing of notices was absorbed by the State Department of Housing. In 1980 and 1981 these costs were absorbed by the Capitol Region Conference of Churches. In 1982 the Council received a \$350 grant from Connecticut General Life Insurance Co., which enabled it to sponsor an open house to welcome Judge Maloney to the court and to pay for the Council's mailings. The Council approximates its 1983 financial needs as \$750 (including the cost of producing this report) and believes that it should receive funds, either through the Judicial Department or through the Department of Housing, to cover these expenses.

E. JUDICIAL SELECTION

The Housing Court Act specifically authorizes the Advisory Council to make recommendations on the assignment of a housing court judge. It provides that any judge assigned to the housing court should be assigned there full-time, should stay for eighteen months or more, and should have a commitment to the maintenance of decent, safe, and sanitary housing.

The housing court is not a suitable assignment for every judge. In 1978 the Advisory Council developed criteria for evaluating judges. These included a capacity for fairness, a willingness to handle pro se litigants with patience, sensitivity to the ethnic and social diversity of litigants, and familiarity with social issues in the community. Those criteria appear as Appendix C.

All three of the housing court's judges have met these high standards; and the Advisory Council has been very pleased with these assignments, which have shown a genuine sensitivity on the part of the Judicial Department to the needs of the court. The court's first judge, Arthur L. Spada, proved to be an exceptionally wise choice to begin the court. Not only did he organize it, but he gave it widespread publicity in the Hartford area, which included public speaking to groups in the community, participation in housing conferences, submitting to interview by local newspapers, and writing articles on the court. He also brought to the court an understanding of the emotions generated by landlord-tenant disputes, a sense of the severity of eviction, familiarity with the contradictions in our system for providing housing, and willingness to seek compromise solutions to difficult problems. In addition, Judge Spada developed an extensive body of housing law where previously there had been almost none. In his two years on the court, Judge Spada wrote more than 250 opinions, many of which were published, as well as his own digest of those opinions to make them accessible to other Superior Court judges. In large part, the success of the Hartford housing court was a result of the role Judge Spada played in its early development.

The Judicial Department has attempted to follow the statutory recommendation of eighteen-month assignments for housing session judges; and experience has demonstrated that the eighteen-month minimum is desirable. By retaining a judge in the court for more than six months, it has permitted a continuity and certainty of practice in the housing court. This has been particularly important

in the interpretation of rules of summary process procedure and standards for eviction, allowing the Bar to conform its practice to the law. Judge Spada remained with the court for its first two years, followed by Judge Robert Satter for one year. Judge John P. Maloney, the present judge, has sat for the past year and his assignment has been renewed for at least an additional six months.

The Advisory Council has been directly involved in the recruitment of the housing session judges. Each time a potential vacancy has developed in the housing court, the Council has sought to identify the judges in the district most likely to be suitable for the court; has contacted them by letter, followed by a telephone call; has arranged to meet with any judges sufficiently interested to discuss assignment further; and has then submitted to the Chief Court Administrator a detailed written statement of its recommendations. The Council believes that it has played a particularly important role in interesting judges in the housing assignment. All three assignments of housing court judges were drawn from among those recommended by the Council.

F. PROSECUTION POLICY

The Advisory Council has fought for the past four years to induce the court to implement a policy of criminal law enforcement which will accomplish the goals of the Housing Court Act. One of the purposes of that law was to help maintain the quality of the housing stock in the region. Among the mechanisms for doing this under the Act were (a) the assignment of a special prosecutor for housing matters and (b) the removal of housing code prosecutions from the geographical area courts and their placement in the housing court. The anticipated effect of these changes was to give housing code prosecution higher priority, assure more substantial sanctions for violations, permit the development of a housing policy through the prosecutor's office by using criminal prosecution to assure building repair, obtain prompt compliance with code enforcement orders, coordinate civil and criminal cases concerning the same building, and ultimately minimize the deterioration of the housing stock caused by failure to make repairs.

The fact is, unfortunately, that this policy has never been put into effect in the housing court. The only area in which the housing court has not lived up to its expectations has been in the handling of its criminal docket.

The Advisory Council has followed this development closely. In early 1981 an extensive report on code enforcement through the court, commissioned by the Capitol Region Conference of Churches, documented enormous and unnecessary delays in prosecution, the closing of many files without repair of the building, a conviction rate of less than 5%, and the virtual absence of sanctions for delay in making repairs (Appendix I). That report contained numerous recommendations for improvements (Appendix I, p. 36-40). Some of those were implemented by the court; many were not.

A follow-up report in September, 1981, confirmed that the same patterns still existed (Appendix G). In 1982 a new prosecutor instituted major changes in prosecution policy, to a large extent discontinuing the use of sanctions to leverage repairs. A third Advisory Council report in October, 1982, found some reduction in delays but no change in the basic pattern of non-prosecution (Appendix H). In addition, evidence surfaced that cases being submitted by code enforcement agencies were simply not being prosecuted.

Because a single prosecutor handles all prosecution in the housing court, the pattern of prosecution is the equivalent of a policy. The housing court controls the extent to which local housing codes will be vigorously enforced throughout the region, since it is the only agency that can impose sanctions for non-compliance. The housing court prosecutor is, as a practical matter, the chief housing code enforcement officer for the entire region. This is because his decisions on how vigorously to prosecute, how much delay in repair to tolerate, and what degree of sanction to seek determine the ability of local code enforcement agencies to enforce the law. Unlike other branches of the Superior Court, in which varying practices by diverse prosecutors prevent the identification of a prosecution "policy," the housing court's single prosecutor makes the rules for administrative agency enforcement.

The Advisory Council finds the present status of housing code prosecution to be highly unsatisfactory. It has had a severe impact on the morale of local housing code inspectors, especially in Hartford, and has significantly undercut their ability to enforce the code effectively. Indeed, the City of Hartford is so dissatisfied with the court's criminal prosecution system that it is now seeking ways to circumvent the criminal docket altogether and obtain enforcement on the civil side of this court. This is particularly ironic when it is recognized that a central purpose of the creation of the Hartford housing court was to assure effective criminal enforcement of housing codes. In September, 1982,

the Advisory Council blended the recommendations from the 1980 report with its analysis of more recent developments and recommended a set of prosecution guidelines for use in the court (Appendix E). To the Council's dismay, no action has been taken on them and they are apparently being ignored by the prosecutor.

In the winter of 1980-1981 the Advisory Council, in conjunction with the housing court prosecutor, adopted a policy on the handling of no-heat complaints (Appendix F). It was designed to assure prompt police and prosecutorial response to such complaints, which by their nature reflect emergency situations. The policy was implemented and followed by that prosecutor but appears since then to have fallen into disuse. It should again be followed.

The court should also have a strong policy on criminal law enforcement in areas other than code enforcement. For example, the housing court has criminal jurisdiction over both lockouts and housing discrimination. This jurisdiction should be exercised in appropriate cases. Affidavits should be accepted from individual complainants and prompt investigation and prosecution should follow. It does not appear that this is being done.

G. LOCATION OF THE COURT

In the fall of 1981 the housing court moved its Hartford office from its old location in a converted house at 83 1/2 Lafayette Street to new quarters on the fourth floor of 18 Trinity Street. The old location was quite unsuitable for the court, and, even before the court moved in at the end of 1978, the Advisory Council had urged that a different location be found. In fact, the building's structural inaccessibility to the handicapped ultimately resulted in a lawsuit against the Judicial Department.

The move to 18 Trinity Street was a desirable one and was endorsed by the Council. The new facility is attractive and substantially adequate. The courtroom, the clerk's area, and the waiting room are all spacious and adequately meet the court's need for physical space. The facility is appropriate in style to a court setting (in contrast to the geographical area facility on Morgan Street, which is not) and is arranged so as to generate a feeling of respect from litigants. The main defects in the location are (a) its lack of parking (for staff, as well as for litigants and attorneys); (b) the structure of the ventilating system, which prevents the walls of staff offices from reaching the ceiling, thereby making it impossible for the prosecutor and the housing specialists to have private negotiations with litigants; and (c) the lack of a private room for meetings, conferences, and small claims commissioner

hearings. The first defect appears to be inherent to the location. The second would require a substantial expenditure to correct. The third could probably be corrected by converting storage space into a meeting room.

The New Britain location of the court has been substantially satisfactory from the beginning. It has a separate clerk's office in the judicial district building at 177 Columbus Boulevard in New Britain. The caseload has been sufficiently light that it has needed no exclusive courtroom.

The Council has always urged that the housing court have a clerk's office separate from any other clerk's office. The separation of its records from the records of other sessions of the Superior Court is mandated by statute. The purpose is to maintain the housing court as a separate entity with its own special relationship to the community. The housing court is not merely a division of the Superior Court but is a physically identifiable location to which members of the public can come when facing housing problems. The present arrangement of the court adequately satisfies these criteria.

In addition, the Housing Court Act escalated housing matters from the geographical area level to the judicial district level in those districts which have housing courts. As a result, the Council has felt it important that the court exist either in a physically separate building or in the building in which J.D. level civil matters are heard. These concerns are also satisfied by the present court arrangement, with the Hartford court substantially in its own building and the New Britain court in the J.D. Courthouse.

H. FORMS

In 1979 and 1980 the housing court adopted a set of pro se summary process forms in simplified language and format, so that they could be used by landlords and tenants without lawyers. The landlord form allows the landlord to fill in the appropriate blanks alleging the basis for the eviction action. The tenant form permits the tenant to circle his responses to the landlord's complaint and to check the appropriate boxes for commonly alleged special defenses. The effect has been to open the court to litigants without lawyers and to help reduce the default rate by encouraging defendants to respond. The percentage of pro se litigants appears to be larger than in any other portion of the Superior Court, except for small claims court. The Council thus believes that the court has had significant successes in opening itself to pro se litigants.

The task of simplifying forms is, however, far from complete. The summary process forms can and should be revised further into

plainer language. For example, "plaintiff" and "defendant" should be eliminated from the forms and replaced with "landlord" and "tenant," just as "summary process" should become "eviction." More important, the forms need to be modified to include conspicuous warnings to defendants of the consequences of default and conspicuous notices of where and how to find help to defend.

The court's only pro se forms are for landlord-initiated eviction cases. The court still has no pro se forms for civil actions initiated by tenants. The most important of these are (a) lockout and illegal entry cases; (b) no-heat cases; and (c) actions alleging failure to comply with local housing codes. Such forms should be adopted. Appendix D, the report of the Advisory Council's Forms Committee, spells out the Council's recommendations in detail.

I. STAFFING

The unique nature of the housing court very directly affects the sorts of skills required of the housing court staff. As a result, although the assistant clerks, the prosecutor, the housing specialists, and the clerical assistants must have the skills one would normally associate with their positions, they must have extra skills as well. It is important that these needs be considered when the Judicial Department hires housing court staff or makes staff assignments.

The housing court clerks, for example, are required by statute to provide assistance to pro se litigants. This reflects the statutory goal of making it possible for parties to participate without lawyers. As a result, in addition to the ability to handle the supervision of records and personnel in the clerk's office, the clerk should have a knowledge and background in housing law and should have the patience and communications skills to deal directly with litigants and not just with lawyers. Because of direct counter contact with litigants, even secretaries in the clerk's office must have similar communications skills.

The prosecutor, too, needs special skills. He or she should have an understanding of housing policy, since, as a practical matter, the prosecutor determines the code enforcement policy for each municipality. He or she should be willing to meet not only with code officials but also with community groups. Similarly, the housing specialists need to be able to do more than look at buildings-- they should also be familiar with housing assistance programs and be able to help negotiate settlements of cases.

In all of these positions, the ability to speak Spanish is extremely valuable, since a large number of Spanish-speaking litigants in the judicial district do not speak English. Spanish-language skills should be recognized in making assignments to housing court positions; and job advertisements for all housing court positions should state that the ability to speak Spanish is desirable.

In addition, the Judicial Department should follow aggressive affirmative action procedures for housing court hiring. Job advertisements should be run in neighborhood newspapers which will reach minority communities. Community organizations should be systematically contacted and asked to post job notices. The clerk's office should prepare and maintain a list of such organizations.

The Advisory Council's involvement in the hiring of professional staff should be maintained. From its inception, the Council has played a role in the screening of applications for the housing court clerk, housing specialists, and prosecutor. A statement of Council procedures appears as Appendix B. The Council believes that it has played an important role in the hiring process by encouraging the Judicial Department to choose people with broad, rather than narrow, backgrounds for housing court positions.

1. Prosecutor

The Housing Court Act provides for the assignment of a deputy assistant state's attorney to the housing court to prosecute criminal housing matters. This was one of the important innovations in that act. The present prosecutor is the third to be assigned to the housing court. The original position was advertised as a housing court position; and the first prosecutor remained with the court for almost three years. The Advisory Council participated fully in the process of screening and evaluating candidates. He was replaced suddenly in October, 1981; and his replacement was himself transferred without warning three months later. No effort was made by the Judicial Department in either case to select a prosecutor who had either knowledge of or interest in housing policy or housing code enforcement, nor did the Department attempt in any way to consult with the Advisory Council. In addition, the position was filled by reassignment of existing staff, rather than by advertisement for the position.

The prosecutor should not view cases in isolation from each other, since through his position he necessarily sets the housing code enforcement policy for the region. In addition, like the judge and the housing specialist, he has community outreach duties. The prosecutor position should

be filled with these needs in mind. Experience has indicated that the existing staff of deputy assistant and assistant state's attorneys has little interest in or commitment to code prosecution. The housing court position should therefore be filled, as it was originally, by advertising for an attorney who wants to prosecute housing cases. Candidates should be evaluated not only in terms of legal skills and criminal experience but also in terms of knowledge of housing law and commitment to decent, safe, and sanitary housing. A similar standard already applies to the assignment of judges under the Housing Court Act. The involvement of the Advisory Council in an advisory role in the search process should be restored.

The prosecutor position should also be restored to full-time. When the court began in 1979, the prosecutor was assigned five days a week to the court. He was subsequently reduced to two days a week, with the remaining time assigned to G.A. 14. The effect has been to make the prosecutor largely inaccessible on his non-housing court days (e.g., for no-heat emergencies) and to discourage him from the kind of community outreach and community contact that is critical to the position. Full-time status can be obtained either by making the Hartford position full-time or by creating a housing prosecution unit in the Chief State's Attorney's office, perhaps by hiring two full-time prosecutors to cover the three existing housing courts. If this is done, it is important that each be assigned to particular court locations, since continuity in prosecution policy is extremely important to the housing code enforcement agencies affected.

The prosecutor also needs access to adequate investigatory staff. Because the housing court has an insufficient number of housing specialists, the prosecutor has been denied the staff which the act anticipated he would have. He can and does use the code enforcement officers of each town to do on-site inspections; but, by and large, they lack the skills needed to help landlords find funding for repairs and suitable inexpensive contractors, to negotiate repair timetables, to interview tenants (who are the victims of most housing code violations), and to provide similar expertise. These are the very sorts of jobs in which the housing specialists are particularly skilled. If two additional housing specialists are hired for the housing court, one should be assigned specifically to criminal docket work.

2. Clerk's Office

The clerk's office has done an excellent job in staffing the court and providing assistance as needed to litigants and lawyers. One unique aspect of the housing court clerk's office is that all staff, including secretarial staff, have a

high level of contact with pro se litigants, both in person and by telephone. As a result, it is more important in the housing court than in other courts (except for small claims court) that all staff have the capacity to be patient and understanding with pro se litigants. The court has been largely successful in meeting these standards.

The court has, however, spent its first four years without sufficient permanent clerical staff to handle its work load. There has been only one permanently-assigned clerical assistant (secretary) in the Hartford office. Since the temporary position which supplemented it pays a maximum of \$4.05 per hour with no benefits, it is not surprising that it has proven impossible to keep quality temporary employees under such a pay scale. The Council is very pleased that the Judicial Department has, within the past month, authorized the hiring of a second permanent clerical assistant. It is important that this new position be maintained.

In addition, there is no one on the clerk's office staff who speaks Spanish. This is a problem in both Hartford and New Britain but is especially severe in the Hartford office, which serves a large Spanish-speaking population. When possible, the housing specialists, both of whom speak Spanish, have been pressed into service as translators, but they are not necessarily available. At least one member of the clerk's staff in Hartford should be bi-lingual in Spanish and English. This can be accomplished either by requiring Spanish fluency for one of the clerical positions or, within the existing job classifications, by hiring at least one person who speaks Spanish.

3. Housing Specialists

The housing specialists are a critical aspect of the functioning of the court. The Housing Court Act anticipated that they would function primarily as the "eyes and ears" of the judge, making property inspections in civil and criminal cases in which housing code violations were an issue. The specialists have performed this function in civil cases; but in criminal cases insufficient staff forced that work to be left to the code enforcement officials who had requested the prosecution. In addition, the specialists have assumed the very important role of mediators in contested civil cases, including summary process. Their skills have provided a less formal method of resolving cases and have resulted in numerous settlements.

The work of the housing specialists is highly regarded by all court observers; and inclusion of housing specialists

on the court's staff has contributed greatly to the success of the court's civil docket.

C.G.S §47a-69(a) requires that the court have at least two specialists. Anticipating the Hartford court's exceptionally heavy caseload, the Judicial Department authorized the hiring of three specialists when the court began in 1979. Unfortunately, one of them resigned shortly after appointment and was never replaced. The failure to fill this vacancy has put a major strain on the system. First, it has led to a serious work overload on the two remaining specialists. The Hartford court has a far larger caseload than the other housing courts and it is not possible for two specialists to do all the work. Second, it has prevented the use of the housing specialists on the criminal docket. This deprives the criminal docket of its intended expertise in housing rehabilitation and loan programs, leaves the prosecutor with no access to mediation staff, and contributes to the isolation of the criminal docket from the civil docket (the same apartment may well be involved in both an eviction action against the tenant and a criminal housing code prosecution against the landlord).

Two additional housing specialists should be hired for the Hartford court, thereby bringing the total number to four. If this is not done, at the very least the vacant housing specialist position should be filled. There has been consideration within the Judicial Department of the creation of a position of chief housing specialist to supervise all housing specialist work in the state. If such a position is created, and if one of the Hartford housing specialists is hired for the position, it is important that a housing specialist for Hartford be hired to replace her.

The housing specialists for the Hartford housing court were hired under flexible job specifications which compared their individual resumes and skills with the duties for the position established by §47a-69(b). This approach produced a wide but desirable diversity of backgrounds. Of the four specialists hired under these standards (two for Hartford and two for New Haven), three have bachelor's degrees but one does not; three are fluent in Spanish (although only one is Hispanic); three are women; all have a background that includes some form of mediation and/or counseling experience; and only one has a background that is substantially in housing construction. The result has been to attract applicants from many backgrounds and to promote the hiring of women and minorities.

In spite of the undisputed success of this approach to hiring, sometime in 1982, without the knowledge of the Advisory Council and without seeking its advice, the Judicial Department rewrote the qualifications for housing specialists to preclude the hiring of any person who did not have either a bachelor's degree and three years' experience in a health or safety inspection field or seven years' experience as a housing inspector. This overemphasis on inspection gives undue weight to inspection experience at the expense of housing knowledge, social work background, and conciliation skills, which are probably more important to successful performance in the position. In addition, it tends to exclude women, minorities, and Spanish-speaking persons from consideration, since they have little representation in the inspection fields from which applicants must now be drawn. The Advisory Council continues to oppose the imposition of these inappropriate minimum requirements.

J. COMMUNITY OUTREACH

The housing court can be effective only to the extent that people are encouraged to bring their housing problems to it. One function of the court is to publicize itself. The Advisory Council has played a role in this process by writing and publishing brochures about the court (in English, Spanish, Italian, and Polish), by organizing two open houses at the court to which community representatives were invited, and by encouraging community groups to request speakers from the court.

Most of the court's outreach, however, has been done by the court staff itself. In the early years of the court, the judge was especially active in accepting speaking engagements and in other ways generating widespread publicity about the court. The housing prosecutor organized meetings with the region's housing code enforcement officials, and the housing specialists often participated in workshops.

As the court has become better established, its community outreach work has declined. The Council believes that there is a continuing need for contact between the court and the community and that both court staff and Advisory Council members themselves should be available for this purpose. This is most important in regard to subjects in which the public seems particularly interested. In the past two years, community concern has focused largely on problems of housing code enforcement. To respond to those concerns, it is particularly important that the prosecutor, who is the only member of the court staff involved in the criminal docket, be available to participate in community meetings.

K. RECOMMENDATIONS

1. Legislative Proposals

The Advisory Council's experience with the housing court has led it to the conclusion that the adoption of a number of pieces of legislation would strengthen the role of the court and better enable it to deal with housing problems. In addition, the Council considers it important that the institutionalization of citizen input through the Council be made permanent. We urge adoption of the following legislation:

a. Legislation Directly Affecting the Housing Court:

1. Citizens Advisory Council: The Citizens Advisory Council should be made permanent, subject to periodic review under the state Sunset Act. Our experience during the past four years has demonstrated overwhelmingly that the role of the Council is not limited to the start-up of a new court. Recruitment and recommendation on judicial assignments, for example, is a recurring matter, arising whenever the sitting judge chooses to seek other assignment. Evaluation of the court, accompanied by citizen input, is also on-going. Such issues as the location of the court, the policies which underlie housing code prosecution, the job qualifications for housing specialist, the need for bi-lingual staff, and numerous other matters have arisen long after the 1979 initiation of the court. The Council will expire on June 30, 1983, unless extended. The practical effect of its termination would be a severing of the special links between the housing court and the community. The Council should not be allowed to die.
2. Advisory Council Funding: It is unreasonable to expect a public agency, such as the Advisory Council, to be funded by charity. The General Assembly should include \$750 in the budget of either the Judicial Department or of the Department of Housing for use by the Citizens Advisory Council.
3. Housing Court Prosecutor: The Housing Court Act requires that the person assigned for prosecution be a "deputy assistant state's attorney." This restriction unduly limits who is available for assignment.

It should be changed to permit the assignment of an "assistant state's attorney."

4. Full-time Prosecutor: When the court began in 1979, it had a full-time prosecutor. The position was subsequently reduced to two days per week. The full-time status of the prosecutor should be restored. The division of the prosecutor's time between housing and other matters tends to deemphasize the importance of his housing duties. Full-time prosecution can be accomplished either by restoring the full-time position in the Hartford-New Britain court or by establishing a state-wide prosecution unit, with two full-time prosecutors to cover the three existing housing courts.
- b. Legislation Affecting the Power and the Flexibility of the Housing Court:
1. Payment Into Court: The General Assembly should create a simplified cause of action, with no filing fee or a nominal filing fee no larger than the small claims filing fee, by which a tenant can pay his rent into the housing court as a means of obtaining compliance with the housing code while being protected from eviction for non-payment of rent. Under existing law, a tenant who withholds rent will, except in the most severe of circumstances, be evictable for non-payment of rent. A usable system which allows the tenant to turn the rent over to the housing court removes the money from the tenant's control, assures the landlord that it is in fact being preserved, permits the court to control repairs, and where necessary or desirable gives the court access to the rent money itself for the making of repairs.
 2. Housing Court Fines: The General Assembly should place all monies paid into the housing court in criminal fines from cases on its criminal docket into the Housing Receivership Revolving Fund. This would permit fines to be recycled into the repair of buildings.
 3. Receivership Revolving Fund: The size of the Housing Receivership Revolving Fund, which is now limited to \$300,000, should be increased by additional state bonding. The Fund provides state money for limited

repairs to buildings which are in receivership. The Fund should remain flexible and within the sole control of the courts. In addition, it should continue to be so structured that it can be tapped quickly in emergencies.

4. Tenant's Receivership Statute: The tenant's receivership statute (C.G.S. §47a-14a et seq.) should be simplified and consolidated with the municipal receivership statute (C.G.S. §47a-56 et seq.) so as to make it a more effective remedy. In particular, the requirement of a preliminary referral to a referee should be eliminated; it should be made clear that the action can be instituted by an order to show cause; and it should be possible for a single tenant to use the statute, at least as to his own apartment.

2. Other Recommendations

1. The Advisory Council's proposed housing court prosecution guidelines should be adopted by the housing court prosecutor and implemented.
2. The housing court's policy on no-heat prosecution should be re-implemented.
3. The housing court prosecutor should accept and prosecute no-heat, lockout, and housing discrimination cases and should take complaints directly from individuals.
4. The housing court should add additional pro se forms and should revise its existing forms, as recommended in the Council's Forms Report.
5. The position of housing court prosecutor should be filled on a permanent basis only by advertising for the position. No person should be assigned as prosecutor unless he or she has a commitment to the importance of housing code prosecution. The creation of a statewide housing code prosecution unit consisting of at least two full-time prosecutors should be considered within existing funds and without the need for a change in the statute.

6. The job requirements for housing specialists should not treat experience in an inspection field (as distinct from other types of relevant experience) as an absolute prerequisite for consideration of a resume.
7. The housing court should use effective affirmative action techniques in all staff hiring and should treat the ability to speak Spanish as a desirable skill in all applicants for positions.
8. A clerical assistant should be hired in the Hartford office to perform clerical work for the prosecutor and the housing specialists.
9. Two additional housing specialists should be hired, one of whom should be assigned to criminal docket work.
10. A conference room for small claims hearings and for meetings should be established in the Hartford location of the court.