

REPORT TO THE GENERAL ASSEMBLY

January 5, 1983

Presented by:

CITIZENS ADVISORY COUNCIL FOR HOUSING MATTERS
Judicial Districts of New Haven and Waterbury

Prepared by:


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To Whom It May Concern:

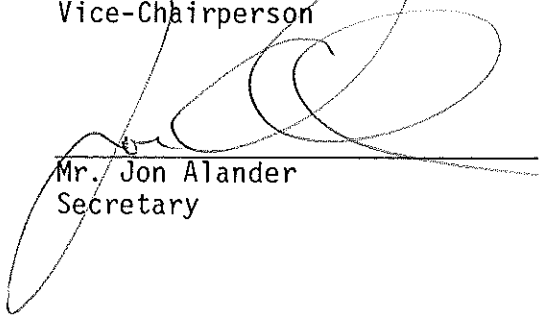
This report was accepted by the Citizens Advisory Council for Housing Matters, Judicial Districts of New Haven and Waterbury at its meeting of January 27, 1983. It is presented to the Connecticut General Assembly as required by § 47a-72 of the Connecticut General Assembly.

Ms. Patricia M. Wallace
Chairperson

____/____/____
Date



The Rev. Hudson Richard
Vice-Chairperson



Mr. Jon Alander
Secretary

CITIZENS ADVISORY COUNCIL FOR HOUSING MATTERS
JUDICIAL DISTRICTS OF NEW HAVEN AND WATERBURY

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The Rev. Hudson Richard, Vice-Chairperson
Mr. Jon Alander, Secretary

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Mr. Michael Sheehan
Mr. Harry Wexler

I. Introduction

In establishing the Citizens Advisory Council for Housing Matters, Judicial Districts of New Haven and Waterbury, the Connecticut General Assembly charged this body with the responsibility for making:

a report with respect to the operation of the special docket for housing matters and their ... recommendations for its continuance or termination within that judicial district. Such reports shall also include any recommendations they may have for legislation with respect to hearing housing matters.

(Conn. General Statutes § 47a-69)

This report has been prepared by members of the Council. It was reviewed and approved by the Council at its meeting of January 27, 1983. Copies will be made available to the Honorable William A. O'Neill, Governor, the Honorable Maurice Sponzo, Chief Administrative Judge, the Honorable James J. Murphy, President Pro Tempore of the Senate, and the Honorable Irving J. Stolberg, Speaker of the House. The following members of the General Assembly's Judiciary Committee will receive the report: the Honorable Howard T. Owens, Co-Chairperson; the Honorable Richard D. Tulisano, Co-Chairperson; the Honorable Robert G. Dorr, Vice-Chairperson; the Honorable Martin M. Looney, Vice-Chairperson; the Honorable Thomas Scott, Ranking member; and the Honorable Antonina Barker, Ranking member. A copy has also been provided to the House and Senate Clerk's Offices and to the State Library. Within the New Haven Judicial Districts, copies have been provided to the Honorable Ronald Fracasse, Administrative Judge, the Honorable Paul Foti, and the Honorable Dennis Harrigan. Within the Waterbury Judicial District, we have supplied a copy to the Honorable James F. Henebry. The cost of producing the report has been contributed by the Office of Urban Affairs of the Archdiocese of Hartford.

II. Background: Establishment of Housing Session

The Connecticut General Assembly enacted legislation in 1981 establishing the Housing Session in the Judicial District of New Haven on October 1 of that year. This followed the successful pilot testing of the concept in the Hartford-New Britain Judicial Districts. In 1982, the General Assembly decided to establish Housing Sessions in the Judicial Districts of Waterbury and Fairfield. Three Citizens Advisory Councils for Housing Matters, appointed by the Governor, were established to assist in the establishment of the Housing Sessions in Hartford-New Britain, New Haven-Waterbury, and Fairfield. While a Housing Session was not established in the Ansonia-Milford District, plaintiffs have the option of choosing to file their cases in the Housing Sessions in the Judicial Districts of New Haven or Waterbury.

In addition to having responsibility for this report, the Council is called upon to:

...view the housing docket proceedings and review the manner in which the housing docket is functioning, consult with the judge assigned to housing matters and the chief court administrator and assist them in such manner as such

judge or chief court administrator may deem appropriate, assist in making the public aware of the existence of the housing docket, receive comments from the general public about the handling of housing matters, and make recommendations...
§ 47a-72, CGS

In addition, each Council:

may recommend to the governor and to the chief court administrator the names of persons it believes to be suitable for appointment or assignment to hear housing matters in the judicial district for which it is established.
§ 47a-72 C.G.S.

Each Council is to be representative of the interests of tenants and landlords, and is to be composed of persons from the judicial district for which the Council was established. The Judicial District of New Haven includes the 14 towns of Bethany, Branford, Cheshire, East Haven, Guilford, Hamden, Madison, Meriden, New Haven, North Branford, North Haven, Wallingford, West Haven, and Woodbridge. The Judicial District of Waterbury includes the 9 towns of Bethlehem, Middlebury, Naugatuck, Prospect, Southbury, Waterbury, Watertown, Wolcott, and Woodbury. At present the Citizens Advisory Council for Housing Matters for the Judicial Districts of New Haven and Waterbury has 16 members with one vacancy, all but one of whom are from the New Haven Judicial District. This is due to the fact that Waterbury was added to the New Haven Council's responsibility a year after the Council had been appointed.

III. Operation of Special Docket for Housing Matters

A. Public Awareness of the Housing Session

Both the first judge of the New Haven Housing Session and court staff took an active role in educating the public about the existence of the Housing Session and about how to use it. Media interest and cooperation has been very good (See Appendix B for a selection of articles).

The Council took on responsibility for two public education projects. The first of these was a reception at the Housing Session to welcome the Judge and court staff. An extensive outreach effort was made in the 14 town region to make contact with tenant and landlord organizations, social service agencies, elected and appointed government officials, and staff of appropriate government agencies. Five hundred and fifty invitations were sent to the reception with information enclosed on the Housing Session; approximately 200 persons participated in the reception. The Council raised over \$500 to cover the cost of this project. United Church on-the-Green, First Church of Christ, New Haven, and Trinity Episcopal Church in New Haven were particularly generous in offering their support. Members of New Haven Area Church Women United assisted as servers at the event.

The second public education project of the Council has not yet been completed. A brochure has been written and is being translated into Spanish. Arrangements have been made with Southern New England Telephone Company to typeset the brochure and to print a limited number of copies. Additional fundraising is in process in order to generate additional resources so that an adequate number of copies could be printed in both English and Spanish.

There has been less public education carried out in Waterbury. The local paper reported on the opening of the court and the hiring of staff in October, and later a television station further publicized the existence of the Housing Session as part of a series on housing problems in Waterbury.

While the efforts undertaken to date have clearly been effective in getting information about the Housing Session into some key networks, on-going work is necessary in order to reach both landlords and tenants. This may be particularly important in order to make the Housing Session known to persons who speak little or no English. Possibilities which could be explored by court staff and the Council include:

- 1) placing a notice in the monthly newsletters which come with utility bills;
- 2) placing posters on Connecticut Company buses on selected routes;
- 3) appearing on local radio talk shows;
- 4) holding a special briefing session for Hispanic social service, municipal, public school and church staff to describe the services of the housing court and how to use them;
- 5) developing and placing ads in Hispanic newspapers, and on radio and television programs which serve the Hispanic community.

B. Use of Housing Session: Profile of Cases

The Clerk's Office divides Housing Session cases into four categories. During the first 15 months in the Judicial District of New Haven, summary process cases constituted 73% of the total caseload. Small claims cases constituted 22% of the caseload, civil cases, 5%, and criminal cases, 1% (note: adds to 101% due to rounding). In the Judicial District of Waterbury during its first three months, summary process cases constituted 70% of the caseload, small claims, 27% and civil cases, 3%. There were no criminal prosecutions.

TABLE 1

CASES FILED, DISPOSED, PENDING IN THE JUDICIAL DISTRICT OF NEW HAVEN, OCTOBER 1, 1981 THROUGH DECEMBER 31, 1982^A

TYPE OF CASE	FILED	DISPOSED	PENDING	
Summary Process	3306	3076	230	7%
Small Claims	991	667	324	33%
Civil	223	91	132	59%
Criminal ^B	41	33	8	20%
Total	4561	3867	694	15%

^A Source: William Sadek, Clerk

^B See Appendix C for fuller description of the activities of the Prosecutor.

TABLE 2

CASES FILED, DISPOSED, PENDING IN THE JUDICIAL DISTRICT OF WATERBURY, OCTOBER 1, 1982 THROUGH DECEMBER 31, 1982^A

TYPE OF CASE	FILED	DISPOSED	PENDING	
Summary Process	196	124	72	37%
Small Claims	77	21	56	73%
Civil	9	0	9	100%
Criminal	0	0	0	0
Total	282	145	137	49%

^A Source: William Sadek, Clerk.

C. Services To Pro Se Litigants

One of the major purposes originally underlying the establishment of the Housing Session in Connecticut was to provide a judicial forum accessible to pro se litigants, (See The Final Report of the Commission to Study the Creation of a Housing Court or Housing Division of the Court of Common Pleas, April 1, 1977). The act establishing the housing court mandated that the clerk for housing matters provide assistance to pro se litigants. Conn. Gen. Stat. §51-51V. The Housing Session for the Judicial District of New Haven has fulfilled this purpose and followed its mandate with great success.

The Housing Session provides assistance to both plaintiffs and defendants in all types of civil matters. Most of the court's pro se assistance, however, has been in eviction actions. For example, simplified summary process forms are available to both landlords and tenants. These forms include complaints, motions for use and occupancy, motions for default, answers, and motions to open judgment. The Clerk's Office gives advice to pro se parties on filling out the forms and it screens forms for obvious mistakes. Finally, understandable brochures are available which describe the procedure and steps involved in a summary process action.

The Clerk's Office also provides many other types of pro se assistance. This assistance includes providing information on court procedure and legal rights, and making appropriate referrals to the Lawyer Referral Service and to Legal Assistance. The Clerk's Office is preparing forms for tenants who have been illegally

locked out of an apartment and stipulated judgment forms for pro se parties wishing to enter into court agreements.

The Housing Specialists also provide important assistance to pro se litigants. This assistance includes mediating disputes, conducting investigations and negotiating agreements. Until now, the court has not kept a formal statistical record of the full spectrum of the Specialists' work. They report that their own records show that in approximately 85% of the Summary Process cases their successful mediation role resulted in a written stipulation, settling the cases. In Summary Process cases which they have mediated in which the tenant claims code violations, the Specialists indicate that they have been able about 30% of the time to get the landlord to make repairs. The Specialists also made over 100 on-site inspections resulting in written reports to the court. They handled numerous questions telephoned in or brought in by people walking in to the office. They have visited every code enforcement office in the district in order to establish effective working relationships and benefitted from technical training by New Haven code enforcement officials over a period of 3 months.

The fact that the two specialists come to Waterbury on alternate weeks creates some problems because sometimes the one that views the premises at the tenant's request is not in court when the case comes up for trial. In that case, the one in court must rely on the notes of the other.

The current specialists seem well qualified in terms of their knowledge of housing law, procedures, and programs, as well as their ability to work well with landlords, tenants, and attorneys. It is important that the qualification requirements for future specialists continue to emphasize skills in mediation as much if not more than code enforcement background (See Appendix D).

Finally, and most importantly, Judge Foti conducted the court in a manner which made the court accessible to pro se litigants. In court, pro se parties were treated with the utmost courtesy and patience. Courtroom procedure was both clarified and simplified. Moreover, Judge Foti went out of his way to ensure that all parties were given the opportunity to present their side of the story. As a result, the vast majority of pro se litigants to whom we have talked feel that they have been fully and fairly given their "day in court."

The benefits of a housing court accessible to pro se litigants are immeasurable. Housing disputes are among the most volatile and anger-provoking of civil cases. The ease and low cost of pro se representation in the housing court encourages both landlords and tenants to solve their disputes through the judicial system, rather than in the streets. In addition, by proceeding through the court, the pro se parties gain greater knowledge of their rights and of how the system works. Experience in the New Haven Housing Court has shown that pro se litigants also gain a greater respect for the judicial system. It is no longer a foreign proceeding, spoken in an unintelligible language. Rather, it becomes a place where parties with disputes can bring them for a settlement or a solution.

D. Selection of the Housing Session Judge

The Citizen's Advisory Council is empowered by statute to recommend to the Governor and to the Chief Court Administrator the names of persons it believes suitable for appointment or assignment to hear housing matters in the judicial district of New Haven. Conn. Gen. Stat. §47a-72(b). The Citizen's Advisory Council for the New Haven Housing Session was initially appointed by the Governor after the Housing Session in New Haven was already in operation and after Judge Foti had already been assigned to the court. However, the Citizen's Advisory Council was actively involved in the selection of the judge to replace Judge Foti at the end of his term in December, 1982. A brief history of the Council's involvement follows.

The Council formally adopted criteria to be used in determining its recommendations. The criteria represented the special skills and traits which the Council felt were most critical to an effective housing court judge. Those criteria were:

- (1) A high level of legal skill and a willingness to treat housing law as a serious body of law;
- (2) Fairness, the absence of landlord or tenant bias and a willingness to listen to both sides without jumping to conclusions;
- (3) Patience, courtesy and understanding of how to deal sympathetically and successfully with pro se litigants;
- (4) A commitment to the maintenance of decent, safe and sanitary housing as required by the statute establishing the housing court;
- (5) An active and energetic constitution in order to address the many and complex problems which will come before the court;
- (6) An understanding of the purposes and importance of the Housing Session and its role in housing code enforcement and housing maintenance.

The Council contacted the Chief Administrative Judge, Judge Foti, members of the Housing Session professional staff, and numerous lawyers in the Judicial Districts of New Haven and Waterbury as well as other parts of the state to gather information about the judges who live in the applicable districts. Based on that information, the Council identified 15 judges who, on a preliminary basis, appeared to be particularly well suited for the assignment. The Council initially contacted each of these judges by mail and then by telephone. Although these judges appeared well-qualified, many indicated quite strongly their disinterest in this assignment. Unfortunately, the Council therefore was unable to pursue the matter further with them. Two judges did, however, express a willingness to meet with us and to learn more about the housing court. After meeting with them both, the Council believed that both judges would be suitable for assignment to the Housing Session and therefore recommended them to the Chief Court Administrator. The present housing court judge, Judge Dennis Harrigan, was one of the judges recommended by the Council.

The Citizen's Advisory Council for New Haven/Waterbury takes very seriously its duty of recommending to the Chief Court Administrator the names of suitable judges. The continued success of the Housing Session depends primarily on the legal skills, impartiality, and understanding of the judge.

Moreover, the active involvement of the Citizen's Advisory Council in the selection of the housing court judge has proven crucial to the appointment of able judges. As evidenced by the above history, the Citizen's Advisory Council has played a vital role in informing prospective housing court judges about the operation and the role of the housing court. In fact, because the housing court is relatively new and unknown, the Citizen's Advisory Council in both New Haven and Hartford have served to encourage qualified judges.

Another important function of the Citizen's Advisory Council has been providing the judge with community support. Through the Citizen's Advisory Council, the community is provided with a role in the selection of the housing court judge. As a result, there is a sense in the community that the housing court is their court and that they therefore have a stake in its success.

E. The Role of the Housing Court Judge

The importance of the individual judge to the success of the housing court cannot be overemphasized. His or her particular traits and skills singularly determine whether the court will be a fair and efficient resolver of disputes. The judge sets the tone and atmosphere for the court. The New Haven Housing Session was fortunate to have Judge Foti, who laid a solid foundation for the court and who set a high example of fairness, impartiality and accessibility.

The Housing Session Judge also serves the important function of publicizing the existence of the housing court. Since the judge is the most visible member of the court, he or she can do much to inform the community of its services. Judge Foti, for example, did much to publicize the court simply by being available to speak to community groups and to the press.

The fact that there is one judge hearing housing cases has resulted in the creation of a consistent body of law. As a result, both landlords and tenants have a clearer understanding of their rights and responsibilities. During his term Judge Foti issued 132 written opinions. More regular publication and a wider dissemination of housing court decisions are needed.

F. Problems For Hispanic Population

Hispanics comprise a growing population in the New Haven Judicial District and Waterbury Judicial District. Many do not understand or speak much English, and many have low incomes and are unable to afford decent housing. If they need to come to the Housing Session, they may encounter substantial problems, particularly when initially making contact with the Housing Session by phone or walking in.

There is only one bi-lingual person among the staff of the New Haven and Waterbury sessions. That staff member is a Housing Specialist who because of the nature of her job is often out in the field and therefore unavailable to assist with Spanish-speaking litigants at the New Haven courthouse. There is no bi-lingual staff available on a regular basis in the Waterbury courthouse. The Housing Specialist who speaks Spanish is at the Waterbury courthouse only on alternate weeks for court sessions.

The lack of availability of bi-lingual staff and written materials thus presents a problem for Hispanic pro se litigants and makes the Housing Session less accessible to them. If no one is able to understand and help them, they may be unable to take the necessary steps to defend themselves in summary process actions.

Translators are available in both the New Haven and Waterbury courthouses for proceedings in court, provided arrangements have been made with the clerk's office in advance.

The Council believes there is a clear need to improve the information and access services for Hispanics who speak little or no English. The Council recommends:

1. That the forms and procedures used by the Housing Session be translated into Spanish;
2. That the Judicial Department undertake greater efforts to hire bi-lingual staff in both the New Haven and Waterbury courthouses.

G. Prosecution of Criminal Cases

Connecticut law provides for criminal enforcement in a wide range of housing matters, including violation of housing and building codes, heat and hot water complaints, prevention of lock-outs, and housing discrimination cases. Members of the Council have heard complaints about lack of speedy prosecution of housing code cases. Questions have been raised about whether current prosecution policy is too lenient.

The Citizens Advisory Council met with Prosecutor Joseph Clark on April 1, 1982 to review the criminal caseload figures up to that date, and to discuss his approach to prosecution of housing code cases. Mr. Clark gave a detailed report of cases filed, warrants issued, cases resolved, the number of case conferences, and the number of appearances in court. Mr. Clark explained what was also manifest in his statistics: that his goal is to get landlords to use their funds to make repairs. He emphasizes negotiation toward that goal rather than draining landlords' funds through fines. Mr. Clark noted that there were often long delays in getting warrants served in New Haven, something over which he had no control. According to him the Department of Police Services of the City of New Haven had only two people to serve warrants. He indicated that the City was unlikely to give warrants for housing code violations priority over warrants for other criminal activity. Nor was the City likely to pull personnel off other duty to serve warrants. Mr. Clark, a part-time prosecutor, also noted that he had no secretarial services and no investigative staff.

The Council, in the next two months, obtained copies of reports and policy proposals done by the Hartford Citizens Advisory Council. A Committee was established in May to review these proposals, to obtain information from Mr. Clark about where his practices were consonant with or different from those proposals and his reaction to them, and finally, to formulate recommendations to the New Haven Council on a policy stance it, in turn, could recommend to the Court. The Committee did review the policy proposals, but reported in October that the committee members were split in their views. They had not yet met with Prosecutor Clark and felt that it was essential to do so before a presentation to the Council. The Committee had not yet done so at the time this report was drafted.

In the interim the New Haven Council decided to oppose a proposal from the Hartford Council to request that the State establish a full-time, statewide Housing Prosecutor position. In our opinion it was preferable to have a person from the local community in charge of prosecution. The Council felt that one of Prosecutor Clark's strengths was his knowledge of officials, landlords, and property in the New Haven area. The Council affirmed its position on the desirability of local prosecutors in the fall in the course of calling to the attention of the Court the lack of clarity in who was to prosecute housing cases in Waterbury.

The Council has resolved to examine prosecution policies and practices as a committee of the whole during the next three months to determine if problems exist, and if so, what remedies to recommend. The Council will look at both the New Haven and Waterbury Judicial Districts. In addition, the Council will review suggestions which have been made to us, such as the following:

1. Fines could be sought from landlords found to have violated the law, even if compliance is obtained. Such fines could deter future violations and make it unprofitable for a landlord to refuse to make repairs.

2. Restitution remedies could be instituted for the victims of housing offenses such as rent abatements.
3. Delays and continuances could be given on a strictly limited basis.
4. Victims could be consulted and involved to a greater degree in housing enforcement activities.
5. The present policy of calling a landlord in for a conference with the prosecutor prior to application for a warrant could be discontinued where there is probable cause to believe that violations have taken place and are continuing.

The results of the Council's study and any recommendations will be submitted to the Chief Administrative Judge and other appropriate officials. The Council does recommend that adequate resources be provided to the prosecutors, both in terms of secretarial services and investigative personnel.

IV. Conclusion

The Citizens Advisory Council for Housing matters, Judicial Districts of New Haven and Waterbury believes that the Housing Session is a valuable part of the Judicial Department and an effective vehicle for state government to use in preserving the housing supply. Housing matters are handled with appropriate seriousness, and tenant and landlord concerns are heard quickly and fairly. The ability of the judge and court staff to assist citizens to get housing problems solved with a minimum of expense and red tape is of vital importance. As pressures continue to mount on the supply of housing, the Housing Session is of paramount importance in keeping marginal units viable, in keeping struggling landlords from disinvesting and in keeping roofs over the heads of families of limited means. Housing Specialists play a crucial role in keeping the case flow into the court room at a manageable level by seeking resolutions among the parties with the problems. The Council itself has proven its value as an outside advisor to the court.

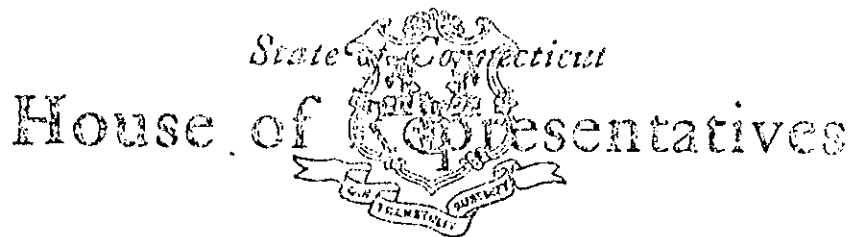
Questions remain about current prosecution policy which this Council intends to explore in full. We are in agreement however that the Housing Session is an innovation which works. We are pleased to recommend its continuation.

SUMMARY OF RECOMMENDATIONS

1. The Council believes that the positive outreach efforts already undertaken to make the services of the Housing Session known and accessible should continue and should be expanded.
2. Forms and procedural guidelines used by the Housing Session should be translated into Spanish.
3. The Judicial Department should undertake greater efforts to hire bi-lingual staff in both the New Haven and Waterbury courthouses.
4. The Citizen's Advisory Council should be made a permanent part of the Housing Session and should be given a small budget of \$750 to cover mailing and printing costs and other expenses.
5. Housing Session decisions should be published regularly and disseminated widely.
6. Prosecutors should be given adequate secretarial services and investigative staff.
7. The original set of qualifications for Housing Specialists was more job related and should be restored.
8. The Housing Session has proved its worth and should be continued.

File No. 716

Substitute House Bill No. 5187



House of Representatives, May 1, 1981. The Committee on Appropriations reported through Representative Wright of the 77th District, Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT ESTABLISHING A HOUSING COURT IN THE JUDICIAL DISTRICT OF NEW HAVEN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 47a-69
2 of the general statutes is repealed and the
3 following is substituted in lieu thereof:

4 (a) The judges of the superior court or an
5 authorized committee thereof may appoint such
6 housing specialists as they deem necessary for the
7 purpose of assisting the court in the prompt and
8 efficient hearing of housing matters within the
9 limit of their appropriation therefor. Such judges
10 or such committee shall appoint not less than two
11 such specialists for EACH OF the judicial
12 [district] DISTRICTS of Hartford-New Britain AND
13 NEW HAVEN and may designate one of them in [said]
14 EACH judicial district as chief housing
15 specialist.

16 Sec. 2. Subsection (a) of section 47a-70 of
17 the general statutes is repealed and the following
18 is substituted in lieu thereof:

19 (a) All proceedings involving a housing
20 matter in the judicial district of Hartford-New
21 Britain OR NEW HAVEN shall first be placed on the
22 housing docket FOR THAT DISTRICT, provided that

71 housing matters IN ITS JUDICIAL DISTRICT. Members
72 of the [council] COUNCILS shall receive no
73 compensation and notwithstanding the provisions of
74 section 4-1 shall not receive their actual and
75 necessary expenses incurred in the performance of
76 their official duties.

77 (b) [The] EACH council may recommend to the
78 governor and to the chief court administrator the
79 names of persons it believes to be suitable for
80 appointment or assignment to hear housing matters
81 in the judicial district [of Hartford-New Britain]
82 FOR WHICH IT IS ESTABLISHED.

83 Sec. 5. Section 47a-73 of the general
84 statutes is repealed and the following is
85 substituted in lieu thereof:

86 The judge hearing housing matters and the
87 citizens advisory council FOR EACH JUDICIAL
88 DISTRICT WITH A HOUSING DOCKET shall each make a
89 report with respect to the operation of the
90 special docket for housing matters and their
91 respective recommendations for its continuance or
92 termination within [the] THAT judicial district
93 [of Hartford-New Britain]. Such reports may also
94 include [any recommendations which they may have
95 with regard to the hearing of housing matters in
96 any other judicial district and] any
97 recommendations they may have for legislation with
98 respect to hearing housing matters. They shall
99 make such reports to the general assembly at the
100 opening of its regular session in January, [1981]
101 1983.

102 Sec. 6. Section 51-51v of the general
103 statutes is repealed and the following is
104 substituted in lieu thereof:

105 The judges of the superior court, at their
106 annual meeting in June, 1978, and annually
107 thereafter, shall appoint (a) a chief clerk at
108 Hartford and at New Britain in the judicial
109 district of Hartford-New Britain and a chief clerk
110 for each other judicial district; (b) a deputy
111 chief clerk for the judicial district of
112 Fairfield; for the judicial district of New Haven
113 at New Haven; for the judicial district of New
114 London, for the judicial district of Waterbury,
115 for the judicial district of Hartford-New Britain
116 at Hartford; (c) a clerk for each geographical
117 area; (d) in their discretion, up to a maximum of
118 two deputy clerks for each geographical area,

167 the business of the court in which he was
168 appointed and may at any time be discharged by the
169 order of the senior judge holding court in the
170 district for which he was appointed. Whenever in
171 the general statutes, the word "clerk" is used
172 meaning the clerk of the superior court, it shall,
173 except with respect to compensation, be construed
174 to include any chief clerk, deputy chief clerk,
175 deputy clerk and assistant clerk of said court
176 unless the context otherwise requires. The chief
177 court administrator may assign, reassign or modify
178 the assignment of such clerical personnel as he
179 deems necessary for the efficient operation of the
180 courts.

181 Sec. 7. Section 51-165 of the general
182 statutes is repealed and the following is
183 substituted in lieu thereof:

184 The superior court shall consist of one
185 hundred nineteen judges, including the judges of
186 the supreme court, who shall be appointed by the
187 general assembly upon nomination of the governor.
188 In addition thereto, each judge of the supreme
189 court or judge of the superior court who elects to
190 retain his office but retire from full-time active
191 service shall continue to be a member of the
192 superior court during the remainder of his term of
193 office and during the term of any reappointment
4 under section 51-50i, until he attains the age of
95 seventy years. He shall be entitled to participate
196 in the meetings of the judges of the superior
197 court and to vote as a member thereof. Any judge
198 assigned to hear housing matters should have a
199 commitment to the maintenance of decent, safe and
200 sanitary housing and shall devote full-time to
201 housing matters. If practicable, he should be
202 assigned to hear matters for not less than
203 eighteen months. Any [such] judge assigned to
204 housing matters in [the] A judicial district [of
205 Hartford-New Britain] should reside in [said] THAT
206 judicial district after he is assigned thereto.

207 Sec. 8. Subsection (b) of section 51-278 of
208 the general statutes is repealed and the following
209 is substituted in lieu thereof:

210 (b) The judges of the superior court shall
211 appoint a state's attorney for each judicial
212 district, who shall act therein as attorney in
213 behalf of the state, and as many assistant state's
214 attorneys and deputy assistant state's attorneys

263 be heard in any courthouse within a judicial
264 district, at the discretion of the chief court
265 administrator, if the use of such courthouse for
266 such matter or trial is convenient to litigants
267 and their counsel and is a practical use of
268 judicial personnel and facilities, except juvenile
269 matters may be heard as provided in section 46b-
270 122. Whenever practicable family relations matters
271 shall be heard in facilities most convenient to
272 the litigants. Housing matters, as defined in
273 section 47a-68, shall be heard on a docket
274 separate from other matters within the judicial
275 [district] DISTRICTS of Hartford-New Britain AND
276 NEW HAVEN. The records, files and other documents
277 pertaining to housing matters shall be maintained
278 separate from the records, files and other
279 documents of the court. Matters do not have to be
280 heard in the facilities to which the process is
281 returned and the pleadings filed.

282 Sec. 10. The sum of one hundred fifty
283 thousand dollars is appropriated to the judicial
284 department, for the fiscal year ending June 30,
285 1982, from the sum appropriated to the finance
286 advisory committee under section 1 of substitute
287 house bill 7132 of the current session, for 1981
288 acts without appropriations, for the purposes of
289 this act.

290 Committee Vote: Yea 29 Nay 11

MEDIATES BETWEEN**Housing Court resolves**

By **JANE SULLIVAN**
Staff Reporter

Tenants and landlords in 14 communities in the Greater New Haven area can take advantage of the exceptional services of the Superior Court Housing Session presided over by Judge Paul Foti.

Meriden, Wallingford, Cheshire, Bethany, Woodbridge, North Haven, Hamden, West Haven, East Haven,

Things are more informal here, and both parties can better understand what is going on and have a chance to present their side of the story without a lot of legal talk.

Branford, Guilford, Madison, North Branford and New Haven are included in the court's jurisdiction. Established in New Haven in October of 1981, the session was instituted in 1979.

It acts as a neutral body to administer laws governing landlord and tenant. Although the court prefers to negotiate settlements, the judge can prosecute either party if they are found guilty of violating the law.

Minor disputes often mar tenant-landlord relationships, small problems that defy solution because each party feels "in the right." Often, these incidents are not significant enough to warrant the use of a lawyer because the money involved is small.

Either party can appeal to the Housing Court. Fred Tarca and Cynthia Teixeira, staff members with the title of housing specialist, are trained in "bridging the gap" between the two parties in dispute.

Acting as a neutral party, one of the specialists may be called upon to check out an apartment which the landlord claims was damaged by the tenant; the landlord therefore refuses to return the security deposit. The tenant, on the other hand, stands firm on his statement that any wear and tear on the apartment was ordinary wear and tear, and the landlord should not expect to be recompensed for any necessary refurbishing.

After a tour of the rental unit, the specialist can see no special damage, only normal wear in the traffic pattern of the carpeting, the usual need for repainting after a four-year tenancy, and a cord broken on one of the windows. This is to be expected within a four-year period in a dwelling of that age, so the specialist recommends that the landlord return the deposit.

There are many instances when a landlord checks his property after a tenant moves out and finds gouges in the plaster, broken locks and windows, large stains on the carpet, cigarette burns on the wood floors, to name a few possibilities. A check of the premises readily establishes, without prejudice, that the renter has been extremely careless with someone else's property.

The landlord is justified in keeping the security deposit — which may not be enough to repair damages, but may be all he can hope to get from the departed tenant.

Tarca pointed out that a major

function of the court is to hear summary process (eviction) cases. "One of the advantages of having this court is that the eviction cases can be heard within a short period of time, and those involved do not have to have a lawyer. In some cases, of course, it is advisable, but Judge Foti has great patience in listening to both sides recount their stories without the aid of an attorney.

"Things are more informal here, and both parties can better understand what is going on and have a chance to present their side of the story without a lot of legal talk. The caseload moves faster here than in the other courts, and this is always a distinct advantage when the cases are concerned with housing," he emphasized.

Prior to the Housing Court, the landlord couldn't get any assistance without hiring an attorney. Now there is an equal opportunity for both parties to get advice and to learn how the system works. Anyone with multiple rental units probably knows the ropes, but there are individuals with only a few apartment units who don't know where to turn for information, and immediately hire a lawyer. If they avail themselves of the services of the court, there is a good chance this expense can be avoided.

Once a landlord has set the eviction process in motion by filing with the court, tenants cannot expect the landlord to accept rent money and nullify the proceedings which he started. Avoid the problems of eviction; seek assistance in settling disputes before the matter gets to the eviction stage. A solution fair to the landlord and the tenant can be reached.

MONDAY, JUNE 21, 1982

TENANT, LANDLORD disputes over rentals

Many tenant-landlord hassles develop over whether the landlord will make repairs to the rental unit which the tenant feels are his right to have. If the landlord fails to come through with the repairs (it might be suitable locks on the doors or lack of hot water or heat), the tenant withholds the rent check.

It should be understood that the landlord does not have the right to lock out a tenant. He cannot change the locks in the tenant's absence, thus denying him the right to re-enter the premises. Public Act 81-24 makes it a Class C misdemeanor, punishable by a fine and/or a sentence.

The tenant, however, cannot expect to live rent-free while the problem is in settlement. The tenant should not expect to spend the rent money for other things during the period of deliberation. The money should be kept in an account ready for payment once the settlement is reached.

A call to the Housing Court is the first step in trying to arrange a solution. The housing specialist often can mediate a solution between the two parties, opening the way for the repairs to be made and the rent to be paid. If both parties agree to the suggested solution, the judge can approve the procedure and litigation is avoided.

In some cases which have had to end up in legal action, the court may require the rent money be put in a special escrow account for safekeeping for the protection of the landlord.

The key to this type of situation is moving quickly to obtain assistance in solving the dispute. The longer it

goes, the more bitter the situation becomes — and, potentially, the more difficult to solve.

Tenants also should be aware that a landlord can get a judgment against them for unpaid rent or damages, and this can be satisfied by attaching wages through a wage execution.

One way to avoid some of the arguments that arise over damages to a unit is to examine the apartment carefully before signing a lease. Take a tour of the unit with the owner or his agent, and check for major problems. Instances of broken sash or doors, ripped carpeting, broken stairs, holes in the plaster, missing light fixtures, etc., can be noted on the lease and signed by both parties.

Don't depend on a verbal promise to have them fixed. The landlord may have good intentions, but the property may be sold before he gets the work done, or he may fail to keep his promise. Any number of factors can prevent the work being done. Then the tenant is stuck with an argument over whether he is responsible for paying for their repair.

The Housing Court specialists remind tenants that one picture is worth a thousand words when it comes time to settle a dispute over the condition of an apartment. Just be certain there is some way to establish the date when the picture was taken.

Normally, most landlords ask for two months' rent when a tenant moves in; one month is for security. Occasionally, two months' security is required. Tenants are entitled to interest on their security deposit, payable once a year (on the anniversary of the lease or tenancy), or it

can be deducted from the following month's rent check. This is at the option of the landlord.

Currently, interest is paid at the rate of 4 percent per year, but it will increase to 5¼ percent as of Oct. 1, per Public Act 82-246. The interest is forfeited for the whole year, by law, if the tenant is more than 10 days late in payment of rent for any month within the year.

'One of the advantages of having this court is that eviction cases can be heard within a short period of time.'

Tenants can file in the Small Claims Court for monies owed under this law, or can contact the State Banking Commission which is charged with administration of this regulation. The commission may be addressed at the State Office Building, Hartford 06115.

Tenants should keep copies of all leases and canceled checks. If the rent is paid in cash, a receipt should be obtained. The month it covers should be clearly stated. Check all receipts carefully, and keep them in a safe place. Copies of all correspondence also should be kept.

A phone call to the court staff can be very rewarding. The facility is open five days a week, 9 a.m. to 5 p.m., at 121 Elm St., New Haven; phone 789-7937.

NEW HAVEN REGISTER, SUNDAY, FEBRUARY 21, 1982

Housing Court uses tact to settle cases

By SHEILA C. RUBIN
Staff Reporter

In a criminal justice system where everything is geared toward prosecuting the lawbreaker, the staff at New Haven's Housing Court has taken a somewhat different tact in dealing with building code violators.

Mediation, negotiation and stipulated agreements, rather than prosecution, are the means to the end — bringing the properties into compliance with housing codes, thereby improving living conditions for urban residents.

Based on the staff's performance to date, it must be doing something right. In the five months the court has been in operation, eight criminal prosecutions have been initiated. Four were disposed of without imposing penalties on the property owner through voluntary elimination of the code violations alleged, and four cases are still pending.

Of those four, two cases have been scheduled for trial in early March. Those cases represent the first to proceed to the trial stage.

The housing court's part-time prosecutor, Assistant State's Attorney Joseph Clark, has received complaints involving some 31 properties and nearly two dozen property owners. In December and January, he held some 54 conferences in an effort to eliminate code violations. Nine potential prosecutions were disposed of through those conferences.

But criminal prosecutions comprise only a small portion of the court's work; the bulk of which involves evictions and resolving tenant-landlord disputes. Since Oct. 1, approximately 1,400 housing matters were brought to the court's attention, 1,000 of which involved eviction proceedings. Roughly two-thirds of those eviction cases have been settled.

Of some 300 small claims housing cases, in which the maximum amount in dispute is \$1,000, half have been settled.

The speedy resolution of these disputes and accessibility are among the court's biggest assets. They are attributable to a manageable caseload and the diligence and patience of Judge Paul Foti.

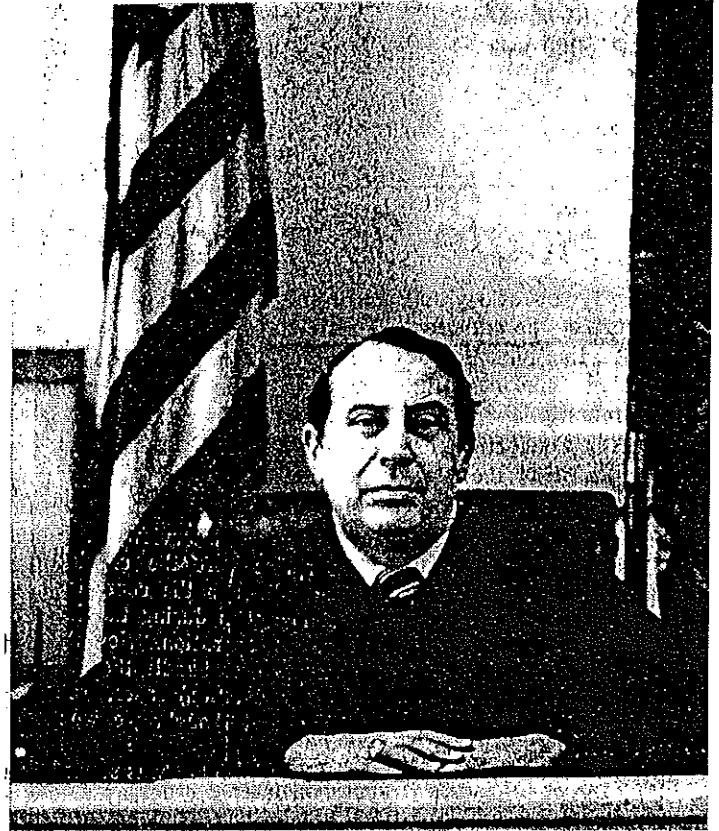
During a recent interview, he expressed surprise that the caseload isn't larger, although the court is a lot busier now than during the first three months of operation. "Now that we have a place to handle the summary process (eviction) cases, we're not as busy as I thought we would be," he said.

October to December was spent in organizing the court and "getting our feet wet," he noted. "We've been really rolling in January and February, but we're still not as busy as Hartford," where the state's first court specializing in housing matters was established.

He would like to see the caseload increase, but if that doesn't happen, a joint housing session could be conducted with another judicial district, such as Ansonia-Milford.

Foti explained the housing court is an informal place, where each party has an opportunity to vent his spleen. Much of the legalese and trappings of other types of proceedings are abandoned in favor of plain English and plain actions.

Before the housing court was established, summary process cases were "low on the priority list," according to Foti. "Those involved may have felt rushed. Here, they're not



staff photo by [unreadable]

Judge Paul Foti says the Housing Court is a lot busier now during the first three months of operations.

rushed. They can speak their mind and be heard, even without a lawyer.

"We don't discourage *pro se* (persons who represent themselves) litigants here," Foti said.

He also feels the other judges are happy they don't have to deal with eviction cases any more. They're free to handle other matters.

Those who have seen Foti in action commend him for his patience. Lawyers and litigants on both sides of an issue acknowledge his fairness.

Foti in turn heaps praise on the two housing specialists, Cynthia Teixeira and Fred Tarca, who help resolve some 75 percent of the landlord-tenant disputes before they reach the hearing stage.

One advantage of realignment with the assistant housing specialist is that in the dispute must agree risk having a decision by them by the judge, and it involves terms both sides with.

Many of the disputes "Catch 22" category, a Tarca. The tenant refuses until certain repairs are the landlord says he can make the repairs without money.

By reaching an agreement many instances, the landlord the money he's owed an avoids eviction. "Both sides Tarca said.

The housing specialists mediate the small claims which as little as \$20 dispute. One landlord went to court over missing

In some cases, the specialist's role becomes counselor, such as the convinced a man who evicted because of an problem to seek treatment

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NEW HAVEN REGISTER, SUNDAY, FEBRUARY 21, 1982

Housing Court uses tact to handle cases

HEILA C. RUBIN

Staff Reporter
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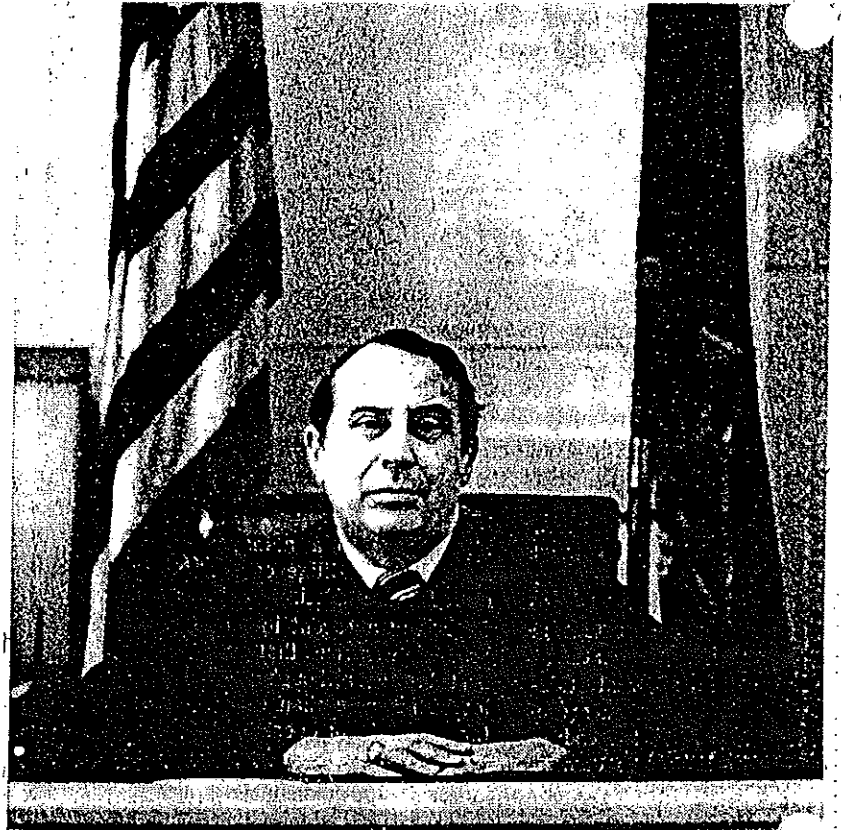
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The housing specialists also help
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New housing court has personal touch

By GEORGE CUBANSKI
Staff Reporter

Some people bring lawyers when they come to Housing Court, but impartial observers figure they'd be better off representing themselves. "Lawyers just get in the way,"

contended court Clerk Suzanne Colasanto, an attorney herself.

The judge, Paul Foti, said the court is supposed to be a "people's court," and those who bring lawyers are not at any advantage over those who appear pro se — that is, for themselves. In most other courts in the state, judges will strongly advise parties to a legal action to get a lawyer.

In Housing Court, which opened in New Haven Oct. 1, the issues are usually simple enough for the layman to grasp quickly. And the court has a staff that tries to help people understand their cases, as well as settle cases before they get to the judge.

Typical cases are evictions, claims for security deposits, and criminal actions against housing code violators.

The court might be called Human Relations Court instead of Housing Court, as cases often involve the intimate details of people's living arrangements.

For instance, in a case that was settled this week, it developed that a woman's marriage and her relations with her roommates were the causes of a spat with the landlord that led the landlord to sue her.

(Please turn to page 2)

New housing court has personal touch

(Continued from page 1)

According to testimony, the woman signed a lease for a North Branford house after she and her husband broke up. She took in two roommates, but a few months later her marital problems were resolved and she decided to move back in with her husband.

The lease was still in effect, but either she nor her roommates would pay her share of the rent after she moved. And the roommates wouldn't cooperate with her attempt to find another tenant for the house. So the landlord was only getting two-thirds the rent the lease called for.

Judge Foti told her the landlord isn't responsible for the roommates' nastiness, and awarded the landlord all the back rent, plus \$10 for court costs. The security deposit was subtracted from the award.

In another case, the personal hygiene of a family's dog became a central question.

Two landlords, a husband and wife who apparently were friends of the tenants, said the dog's habit of urinating and poo-pooing on a hardwood floor had forced them, the landlords, to do expensive work on the floor. They added that the family cleaned the house in other ways, but they were refusing to pay for the

a \$175 security deposit after the tenants moved.

The family admitted the dog had bad habits, but said their rug was protecting the floor. The argument over the dog started to get loud and repetitive, so Foti ended discussion, saying he would decide the case, later.

The judge, who frequently gives advice to litigants, told this group that whatever he decides, they should live with his decision, or the dispute will fester and ruin their friendship. "It's almost Christmas. Don't walk away bitter," he said.

He promised a written decision within a short time.

Foti lets people present their arguments informally, so that cases on trial seem more like conversations than legal proceedings. "We want to give the person the day in court," the judge said.

The court is on the third floor of the Superior Court building at Church and Elm streets. It handles cases from the 15 towns in the New Haven judicial district — all the towns from Meriden south and between Madison and West Haven.

The state Legislature set it up to free other courts of housing cases, and also to get housing cases dis-

Court council named

HARTFORD — Gov. William A. O'Neill Tuesday appointed 17 persons to the citizens advisory council overseeing the New Haven Housing Court.

The operation of the new court, which officially went into effect Oct. 1, was held up because of the lack of the appointments.

It has been funded with a \$150,000 appropriation and will handle a broad range of disputes between landlords and tenants. The only other housing court in the state is located in Hartford.

Those named to the court include: Bessie Jenkins, Rose Fuggi, Minnie Lyshkow, Patricia Marie Wallace, Robert Pearson, Harry J. Wexler, the Rev. John Hay, Sheldon Hosen, Carlos Rodriguez, Ana Rodriguez, William Fischer and the Rev. Hudson Richard, all of New Haven.

Also, Christian Engelhardt of North Haven, Michael Sheehan of Hamden, John Alander of Meriden, Margaret Huskes of Wallingford and Hugh McKittrick Jones of Guilford.

NEW HAVEN REGISTER, WEDNESDAY, OCTOBER 14, 1981

HOUSING: An Act Concerning Housing Courts (P.A. 82-461)

This act creates housing courts in the judicial districts of Fairfield, Waterbury, and Stamford-Norwalk. There are now six housing courts where tenants can go if they have problems with rent increases, evictions, or

THE ELDER
Nov. 1982

ng elders are

others tenant-landlord disagreements. The housing courts are listed in the blue pages of the phone book under Connecticut, Judicial Department.

STATE OF CONNECTICUT
DEPUTY ASSISTANT STATE'S ATTORNEY
 SUPERIOR COURT HOUSING SESSION



121 Elm Street, New Haven, Connecticut 06510

Telephone (203) 789-7937

Subject: Report of prosecutor Housing Court, Judicial District
 of New Haven, October 1, 1981 to October 1, 1982

To: Hon. Paul Foti, Judge
 Housing Court, Judicial District of New Haven
 121 Elm Street, New Haven, Connecticut 06510

Austin J. McGuigan, Esq.
 Chief State's Attorney
 P. O. Box 5000
 Wallingford, Connecticut 06492

Arnold Markle, Esq.
 State's Attorney, Judicial District of New Haven
 235 Church Street
 New Haven, Connecticut 06510

Patricia Wallace, Chairperson
 Citizens Advisory Council for Housing Matters,
 Judicial District of New Haven
 Office of Urban Affairs Archdiocese of Hartford
 81 Saltonstall Avenue, New Haven, Connecticut 06513

Formal complaints received: 116
 October 1, November 13, December 7, January 6, February 7,
 March 12, April 4, May 14, June 4, July 6, August 19
 September 23

Arrest without complaint, i.e. warrant issued prior to 10-1-81
 but served after 10-1-81
 Warrants issued 36
 Warrants served 17
 Warrants recalled 13
 Warrants vacated 1
 Warrants outstanding
 unserved as of 10-1-82 5

Matters disposed of: 104

October 4, November 4, December 10, January 3, February 2,
 March 8, April 9, May 13, June 16, July 8, August 7,
 September 20. Of these 8 are for matters pending on 10-1-81

Conferences held with attorneys and alleged violators: 583

STATE OF CONNECTICUT
DEPUTY ASSISTANT STATE'S ATTORNEY
SUPERIOR COURT HOUSING SESSION



121 Elm Street, New Haven, Connecticut 06510

Telephone (203) 789-7937

Court appearances: 90

Jury pre-trials held: 4

Disposed of by judgment in court: 24

Nolle 13

Dismissed 8

Fined 2 each fined a total of \$200.00 on 2 counts
at \$100.00 each

Conditional Discharge 1

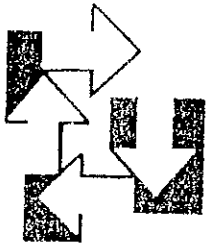
Matters pending as of 10-1-82: 37 of which 5 are from arrests
and 1 is on accelerated rehabilitation.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Joseph B. Clark".

Joseph B. Clark

Deputy Asst. State's Attorney



OFFICE OF URBAN AFFAIRS
OF THE ARCHDIOCESE OF HARTFORD

September 17, 1982

The Honorable Maurice J. Sponzo
Chief Court Administrator
P.O. Drawer N, Station A
Hartford, Ct. 06106

Dear Judge Sponzo:

I was happy to have a chance to talk with you last week and appreciated your making the time. I'm writing on behalf of the Citizens Advisory Council, which met last evening, about two matters.

On the subject of the new qualifications for the Housing Specialist position, I have been asked to convey the unanimous view of the Council that the changes are undesirable. I conveyed as faithfully as possible the substance of our telephone conversation: your description of the process which produced this job description and statement of minimum criteria; your belief that it makes sense to test this version out; your personal commitment to changing it should the results be unsatisfactory from an affirmative action standpoint. The Council's concerns are based on our knowledge that neither of our current Specialists would have met these criteria, and our belief that they are performing very well in these positions. The screening, evaluation, and mediation role the Specialists play is crucial to the effectiveness of the court. The new job description gives less emphasis to these functions and to knowledge and skills related to them. It gives more emphasis to knowledge of and experience in housing inspection. Our hunch is that few blacks, Hispanics or women have these credentials. It may be that our assumption is incorrect. Even if that is so we see the problem I've indicated: the new job description and criteria seem to us less accurate in terms of what the Specialists actually do and the mix of knowledge and skills they need. While we understand that your own best judgement differs from ours on this, we wanted to formally tender our advice for the record.

So that our views on such matters could reach you at a more useful point in the process in the future, we would appreciate routine notification in advance of action by the Judicial Department related to policy or practice which will have an impact on the Housing Session in these two judicial districts. I'd be happy to contact specific people in the Department directly to request such notice if you would suggest appropriate names. Please note my address and phone for your own information.

81 Saltonstall Ave., New Haven, Ct. 06513

P.O. BOX 1926/81 OLIVE ST./NEW HAVEN, CONN. 06508-1926 PHONE (203) 777-7270 AND 777-7279

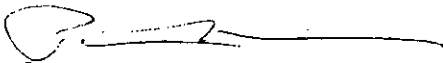
OFFICE OF URBAN AFFAIRS

I have not yet spoken to Judge Foti, though I have a call in to him and expect to hear from him early next week. It is my understanding from Mr. William Sadek that it is Judge Foti's desire to be reassigned in January. The Council greatly respects the work Judge Foti has done and will be sorry to see his service end. Given our responsibility to advise on the appointment of the judge of the Housing Session in this Judicial District (soon to extend to the Judicial District of Waterbury) the Council has established a committee to begin work. For your information, let me mention that the members include the following Council members: Mr. Jon Alander; Mrs. Minnie Lyskow; the Reverend John Hay; and the Reverend Hudson Richard. Mr. Alander will chair the committee. In order to carry out our advisement function in a systematic way, the committee was directed by the Council to define the criteria to be used in formulating recommendations and then to meet as necessary with those judges who reside within the two judicial districts. Would you give to us a list of the judges who would be available for assignment by you to this Housing Session with an indication about where they are currently sitting? That can be sent to me at this address or to Mr. Alander at: 399 Temple Street, New Haven, Ct. 06510.

I would welcome an opportunity to meet with you. I believe that it might be productive for us to do so in the near future and for Mr. Alander to participate in light of the work he and his committee will be doing.

Thank you for your time and attention. I look forward to hearing from you.

Yours truly,



Patricia Wallace
Social Issues Advocate

PW/em