



THE CITIZEN S ADVISORY COUNCIL FOR HOUSING MATTERS

REPORT TO THE GENERAL ASSEMBLY

pursuant to
Section 47a-73 of the General Statutes

January 9, 1985

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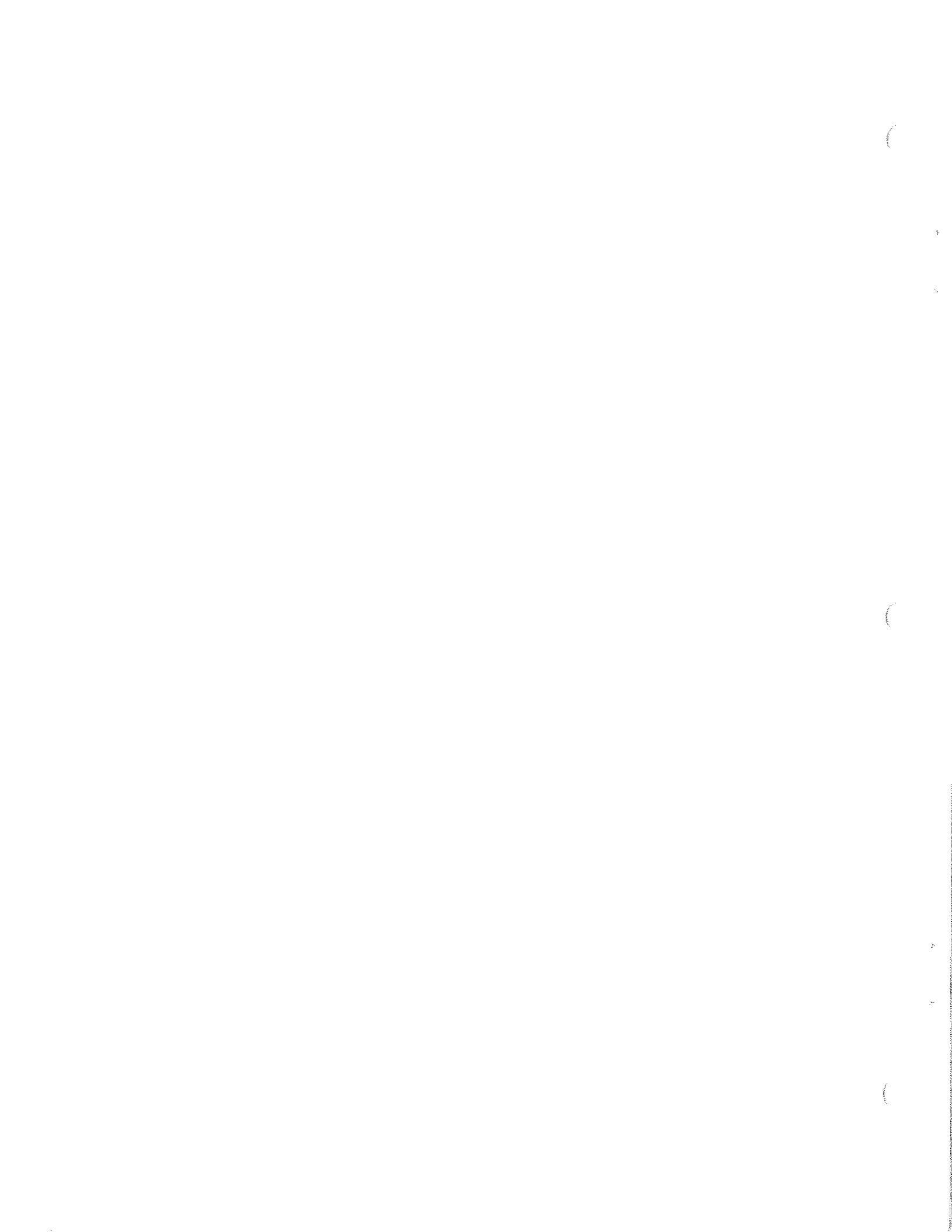
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A. AUTHORITY FOR REPORT

C.G.S. 47a-73 requires the Citizens Advisory Council for Housing Matters to "make a report with respect to the operation of the special docket for housing matters" and its recommendations to the General Assembly at the opening of the regular legislative session in the odd-numbered years. That statute further states that the Council "may also include recommendations for legislation with respect to housing matters." This report has been prepared pursuant to C.G.S. 47a-73.

B. HISTORY OF CITIZENS ADVISORY COUNCIL

The Citizens Advisory Council for Housing Matters was created in 1983 by P.A. 83-497. It consists of 27 members, nine of whom come from each of the three housing court districts. Its membership, which is appointed by the Governor, consists of a variety of people concerned with housing. Under C.G.S. 47a-72, it has broad authority to monitor and evaluate the operation of the housing courts and to make recommendations to the Chief Court Administrator and the housing court judges on such matters as it may choose. It is specifically authorized to make recommendations on the assignment of housing session judges. The Council is subject to the Connecticut Sunset Law and is scheduled for sunset review by June 30, 1988.

The statewide Citizens Advisory Council was a consolidation of three separate advisory councils which the legislature had previously created for the three housing court districts. The original advisory council was established in 1978 by P.A. 78-365, when the Hartford-New Britain Housing Court was established. A second advisory council was formed for the New Haven Housing Court by P.A. 81-419. It was expanded to cover the Waterbury area when the Judicial District of Waterbury was added to the New Haven Housing Court in 1981 by P.A. 82-461. At the same time, a third council was created for the Bridgeport-Norwalk Housing Court, which covers both the Judicial District of Fairfield and the Judicial District of Stamford-Norwalk. The Citizens Advisory Council for Housing Matters is the successor to those three councils.

C. FUNCTION OF HOUSING COURTS

The Connecticut housing court system, which was modeled on the Boston and Springfield housing courts, consists of two major elements. 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 division 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 18 months so as to promote predictability in decision-making. In addition, the court is provided with special staff, including housing specialists to investigate and negotiate cases, specially-assigned prosecutors to handle code violations and other criminally-related housing matters, and clerks whose duties include giving assistance to pro se litigants. Both the judge and the staff are ordinarily to be assigned to the housing session on a full-time basis. Thus, the court not only brings all housing cases together but also promotes the fair and impartial resolution of landlord-tenant disputes in a manner which allows landlords and tenants without lawyers to be heard.

The housing court also fulfills a second function, because it has a substantive purpose that goes beyond merely processing cases. In addition to the fair resolution of individual cases, it is a goal of the court to implement a system which actually contributes to an improvement in the quality of housing in the state. Thus, the Housing Court Act provides that both the judge and the prosecutor should share the underlying principles of the court, i.e., "a commitment to the maintenance of decent, safe and sanitary housing," C.G.S. 51-165(c) and 51-278(b). It also provides for citizen input through the Citizens Advisory Council, reflecting the special relationship between the housing court system and the community. This substantive role for the housing court makes it a unique portion of the Superior Court.

D. OVERVIEW OF REPORT

In many ways, this report is an updating and expansion of the reports to the General Assembly prepared in 1983 by the Hartford-New Britain and the New Haven-Waterbury Housing Court Citizens Advisory Councils. Those reports identified both the major benefits resulting from creation of the housing courts and the spots where the system needed improvement. The Council encourages those interested in the housing court to review those earlier reports, most of which remain timely today.

Because this report proposes improvements in the housing court system, it necessarily focuses on the less satisfactory aspects of the court's operations. To avoid misunderstanding, it is necessary to put the Council's recommendations into context. The Council very strongly believes that the creation of housing courts has represented a major and substantial improvement in the way in which the Connecticut court system handles housing cases. To a large extent, the housing court system is meeting the goals that led to passage of the original Housing Court Act in 1978. The courts have been exceptionally successful in providing a forum in which landlord-tenant disputes can be resolved in a humane and civilized manner. To some extent, they have even had an impact on the non-housing court districts by creating a body of housing law and a model for dealing with housing problems.

The major weakness of the system continues to be in the code enforcement area, i.e., the criminal docket. In the Hartford-New Britain Housing Court in particular, the handling of the criminal docket by the housing court prosecutor assigned there from 1982 to 1984 has received much criticism from both city officials and community groups. The criticism, most of which is justified, has seriously damaged the credibility and reputation of the court in the community. The General Assembly has, however, already responded to these problems by the passage of P.A. 84-445, which reorganizes responsibility for housing prosecution; and the Chief State's Attorney is in the process of implementing that act. If the court's poor reputation in the criminal law enforcement area can be corrected, it will be possible to label the court a success in all major areas which it has entered.

E. EXPANSION OF THE HOUSING COURT SYSTEM

The housing court system presently contains three housing courts with six locations. They serve five of the state's 12 judicial districts (Appendix A-1). Although more than half of the judicial districts have no housing court, the housing court districts handle more than 80% of the housing cases in the state (Appendix A-3). The Advisory Council believes that it would be desirable to expand the system into a statewide system.

This, however, is not easy to do. One element of the housing court is that it involves a specialization of functions on a full-time basis. Thus, the housing court clerk's office is normally physically separate from other clerk's offices and the office staff is specially trained to answer questions from litigants. The prosecutors are able to devote all of their time to housing matters, so that housing code enforcement does not have to compete for their time against assaults, robberies, or other crimes. Each housing court judge handles only housing cases during the period of assignment to the housing court.

The judicial districts without housing courts have relatively small housing caseloads, making the creation of a full-time, administratively segregated court virtually impossible. The typical housing court handles between 3,300 and 5,500 eviction cases per year. In contrast, the non-housing court judicial districts receive between 200 and 600 such cases per year. Assignment to a single judge (e.g., for eastern Connecticut) would require a "circuit-riding" system of numerous locations.

In searching for a solution, the Council has concluded that it is not practical to create a true statewide housing court system at this time. On the other hand, the Council believes that it is possible to bring key elements of the housing court to the non-housing court districts. In order to do this, the Council recommends:

1. Housing court prosecutors: The passage of P.A. 84-445 has now given statewide applicability to housing code prosecution. The act, which took effect on October 1, 1984, was designed to give three full-time housing prosecutors statewide jurisdiction. Each prosecutor will have responsibility for one of the three housing court districts. In addition, each prosecutor will prosecute housing cases in one-third of the remaining portions of the state. All three prosecutors will be directly responsible to the Chief State's Attorney in Wallingford. The Council has been working with the Chief State's Attorney's office to implement P.A. 84-445 and expects that there will be full implementation by mid-1985.

2. Housing specialists: The housing specialists provide both mediation and inspection services, which are an essential part of the housing court. The availability of housing specialists would be a major benefit to housing litigants in the non-housing court districts, even in the absence of a "full" housing court. The Council believes that three additional specialists should be hired to cover the non-housing court districts.

There are presently two housing specialists assigned to each housing court district; but the Hartford-New Britain district, which has long been understaffed, will soon have a third specialist working on a 3/5 time basis. If that third specialist position were expanded to full-time, there would then be approximately one housing specialist for each 1,700 summary process cases in the housing courts (Appendix A-3). For the remainder of the state, however, a lower ratio will be necessary because of the much greater travel distances involved. The Council suggests that the state be divided as follows for assignment purposes:

- Specialist #1 -- J.D. Tolland, J.D. Windham, and J.D. Middletown
- Specialist #2 -- J.D. New London
- Specialist #3 -- J.D. Danbury and J.D. Litchfield

Specialists should be responsible to a chief housing specialist, who would have supervisory powers and be in charge of training. See Appendix F-1.

3. Housing court clerks: Housing matters are handled at the judicial district level in the housing courts but at the geographical area level in the non-housing court districts. Those locations lack the forms used in the housing court districts, and their staffs lack the training in assisting pro se litigants which makes the housing courts accessible to their communities. The relatively small number of cases in those districts makes it impractical, at least at this time, to create physically separate clerk's offices with separate staffs. The smallest housing court location with a separate staff is

Waterbury, which receives about 900 evictions per year. Of the non-housing court locations, only New London, with nearly 700 cases, comes even close to this level. Nevertheless, it is possible to encourage those clerk's offices to play the role that the housing court clerk's offices play elsewhere in the state.

This requires several changes. First, C.G.S. 51-51v should be amended to designate all G.A. clerks who handle housing matters as "clerks for housing matters." A similar designation was made by June Special Session P.A. 83-25 as applied to the clerk in Meriden. The use of this designation should permit the chief clerk for housing matters, a position created by P.A. 84-262, to exercise supervisory authority over the non-housing court district G.A. clerks to the extent that they are handling housing matters. It would also impose on those clerks the duties of housing court clerks, including the duty under C.G.S. 51-52(e) to "provide assistance to pro se litigants."

Second, the chief clerk for housing matters should see that the housing court forms are available at all court locations to which housing matters are returnable, including those in the non-housing court districts.

4. Housing court judges: One aspect of the housing court system has been the assignment of judges on a full-time basis to hear housing cases for an extended period of time. The Housing Court Act expresses a strong preference that a judge sit in the court for at least 18 months. This aspect of the system has been a striking success, promoting uniformity and predictability in decision-making and allowing the practicing housing bar for each housing court district to learn housing procedure in a consistent way.

The Council has been unable to devise a method for full-time assignment of a housing judge in the non-housing court districts. To generate a large enough caseload to support a single judge would require creating large districts with a judge riding circuit. Although this is theoretically possible, the Council expects that the assignment would appear to be so undesirable to judges that it would be difficult to recruit an enthusiastic judge and difficult to keep a judge on the assignment for at least 18 months. In addition, it would leave the judge with little time to do research and write opinions.

The present system assigns housing to judges sitting in the geographical area courts in six-month terms; and for them the housing assignment is part-time. In conjunction with the Council's recommendations as to clerks and specialists, it would be possible to retain this system and call the end product a "housing court"; but the Council feels very strongly that this should not be done. The absence of a full-time, long-term judge

would cut the heart out of the housing court system. Although such a court might hear housing matters, it would not be a "housing court" and should not be called one. As a result, the Council does not at this time recommend complete expansion of the housing court system to the non-housing court districts.

The Judicial Department, however, should see that resource materials commonly used in the housing courts are also maintained in the G.A. courts which handle housing matters, so that they will be available to judges there. In particular, each such clerk's office should have a complete set of housing court decisions, as well as other research tools which are available to housing court judges.

5. Judicial District of Ansonia-Milford: At the present time, the Judicial District of Ansonia-Milford is not part of any housing court district, but its litigants have a very limited right of access to the New Haven-Waterbury Housing Court. That right should be expanded. Under C.G.S. 51-348(b), the plaintiff (but not the defendant) in a housing action in the Judicial District of Ansonia-Milford can have the case transferred to the New Haven-Waterbury Housing Court, although it appears that he must first enter it in Ansonia-Milford. Under C.G.S. 51-345(b), a plaintiff in Milford can make a housing case returnable directly to the New Haven-Waterbury Housing Court. The law thus gives the plaintiff access to the housing court but not the defendant.

The policy for Ansonia-Milford ought instead to be that a case will be heard in the New Haven-Waterbury Housing Court if either party wants it heard there. In other words, there should be a right of access to the housing court on request, rather than a policy of discriminatory access in favor of the plaintiff. To accomplish this, the law should be changed to allow a plaintiff to initiate a housing case directly in the New Haven-Waterbury Housing Court (as already exists for plaintiffs in the town of Milford), without first requiring that the action be made returnable to the Judicial District of Ansonia-Milford. This eliminates an unnecessary and administratively cumbersome step. In addition, a party defending a housing action which has been made returnable to J.D. Ansonia-Milford should be able to transfer the case to the New Haven-Waterbury Housing Court as a matter of right. This will allow litigants in Ansonia-Milford who want access to the housing court to have it without requiring the judge to travel to Ansonia to hear the case. See Appendix F-2.

6. Meriden: The Council is very much troubled by the manner in which Meriden, which is part of the J.D. New Haven-Waterbury and is technically part of the New Haven-Waterbury Housing Court, has been segmented off of that court. In 1983,

the General Assembly, under pressure from the local Meriden bar, adopted June Special Session P.A. 83-25, which established a full judicial district clerk's office in Meriden and, at the same time, made it a location for returning and hearing housing cases. Prior to that act, Meriden housing cases were filed and heard at the New Haven location of the New Haven-Waterbury Housing Court.

The filing and hearing of cases in Meriden is a convenience to many Meriden-area litigants; but the Meriden clerk's office is not a true housing court office. The New Haven-Waterbury judge has not been traveling to Meriden to hear cases, so that the Meriden cases are heard by judges assigned to G.A. 7, rather than by the housing court judge. The housing specialists are not screening Meriden cases, even though required to do so by C.G.S. 47a-69(c). Housing code prosecution has been handled by the assistant state's attorneys assigned to G.A. 7, although that will be changed as P.A. 84-445 is implemented. There is no separate clerk's office for housing matters, as in the other housing court locations; but, instead, housing matters are merely an extra task for the judicial district clerk. Thus, although the statutes have made it possible to return and hear housing cases in Meriden, they have in fact removed Meriden from the housing court. To the extent that it is practical to correct this situation, it should be corrected.

Under C.G.S. 51-345, housing matters arising anywhere within J.D. New Haven may be returned either to the New Haven location of the New Haven-Waterbury Housing Court or to Meriden. Thus, a housing plaintiff in Meriden already has the ability to choose to go to the New Haven office, which gives him access to the full panoply of housing court services. A review of court filings during the six months from May through October, 1984, reveals that 49 out of 172 Meriden summary process cases (28.5%) were filed in New Haven rather than in Meriden. In theory, at least, a housing defendant in Meriden can obtain the same right by motion to transfer. The statute should make explicit that a Meriden housing defendant may have a housing case transferred to New Haven as a matter of right, at least until such time as full housing court services are available in Meriden. This would restore the pre-1984 right of all litigants in J.D. New Haven to housing court services. See Appendix F-2.

In addition, attempts should be made to upgrade the housing services provided at the Meriden location. In particular, the services of the New Haven-Waterbury housing specialists should be routinely available in Meriden. In addition, the New Haven housing court judge should explore the possibility of hearing cases in Meriden half a day a week.

F. TELEPHONE ACCESS TO HOUSING COURTS

It is important that access to the housing court for litigants in the housing court be as easy as possible. One way to promote access is to see that the court is properly listed in the telephone book and that it can be reached from all parts of the district by local telephone call. That is not the case at the present time.

1. Telephone book listings: Each Connecticut telephone book contains a blue pages listing for government agencies. An inspection of those listings reveals that the housing court is listed only in those telephone books where the court is actually located. For example, the telephone number of the Hartford clerk's office is listed in the Hartford telephone book, but it is not listed in the book for Enfield or Manchester, both of which are part of the housing court district. Thus, there is no housing court telephone listing in the telephone books of most outlying towns.

The cost of correcting this situation is relatively small. An extra listing costs \$1.15 per month, or \$13.80 per year per listing. In addition, there is a one-time charge of \$28.00 for each telephone number listed (without regard to the number of books in which the listing is placed). The ten additional listings which are needed would cost the state only \$11.50 more per month, plus a one-time charge of \$112.00.

Listing of Housing Courts in Connecticut Telephone Books

<u>Phone book</u>	<u>Court listed</u>	<u>Additional listing needed</u>	<u>One-time charge</u>	<u>Monthly charge</u>
<u>Hartford-New Britain Housing Court</u>				
Hartford	Hartford			
New Britain	New Britain			
Bristol	None	New Britain	\$ 28.00	\$ 1.15
Enfield-Windsor Locks	None	Hartford]	28.00	1.15
Manchester-Rockville	None	Hartford]		1.15
<u>New Haven-Waterbury Housing Court</u>				
New Haven	New Haven			
Waterbury	Waterbury			
Meriden-Southington-Wallingford	Meriden	New Haven]		1.15
Clinton-Guilford-Madison	None	New Haven]		1.15
Cheshire	None	New Haven]	28.00	1.15
Milford	None	New Haven]		1.15
Ansonia-Derby-Shelton	None	New Haven]		1.15

Bridgeport-Norwalk Housing Court

Bridgeport-Stratford	Bridgeport			
Norwalk	Norwalk			
Stamford	None	Norwalk]	28.00	1.15
Greenwich	None	Norwalk]		1.15
			<u>\$112.00</u>	<u>\$11.15/mo.</u>

2. Toll-free call-in lines: From most portions of housing court districts, it is possible to reach at least one housing court clerk's office by telephone without having to pay for a toll call. There are, however, four major areas (and a few smaller ones) for which that is not true. These are Stamford/Greenwich, Bristol, Enfield, and Ansonia/Derby. In addition, it is a toll call from the Meriden area to the New Haven clerk's office (although there is a limited-service clerk's office in Meriden).

All parts of the housing court district ought to be able to reach the court toll-free. There are at least two ways to make this possible. One is by "remote control forwarding." This system is available for Stamford/Greenwich, Bristol, and Meriden. For each town, an appropriate local telephone number would be assigned to the court (e.g., a Stamford number in the Norwalk clerk's office), but no phone is actually installed. The cost is \$16.00 per month, plus a one-time installation charge of \$61.00. In addition, the state would be billed for calls received on this number as direct-dialed long-distance calls.

No such system is available for Enfield or Ansonia/Derby. In order to have toll-free access, it would be necessary to install a Windsor Locks line (which would cover Enfield) in the Hartford clerk's office and an Ansonia or Derby line in the New Haven clerk's office. This would cost approximately \$100.00 per month for each line, plus an installation charge of approximately \$400.00. However, because calls received would be local, there would be no long-distance charges. In addition, the line could be used to call these locations from the clerk's office as local calls. The same option is also available from Stamford/Greenwich, Bristol, and Meriden. It would be cost-effective in those towns if the monthly long-distance phone calls received totaled more than about \$85.00 per month.

The Council recommends that toll-free access to a housing court clerk's office be established from all of these five locations, using whichever method would be most economical. It gives highest priority to toll-free access from Stamford/Greenwich, Enfield, and Bristol and strongly recommends that access from these towns be put in place promptly.

G. HOUSING PROSECUTION POLICIES

1. Prosecution guidelines: The Advisory Council, and the predecessor district councils before it, have long believed that there should be guidelines for the prosecution of housing cases, and especially for prosecutions of housing code violations. The Council's view developed from the early years of the housing court, when studies revealed that a large percentage of cases were nolledd, often without the completion of repairs; fines were rarely levied and then only in nominal amounts; cases often included extensive unjustified delays; and the pattern of prosecution was having a serious demoralizing effect on the municipal housing code enforcement agencies, especially in Hartford, which had the duty of enforcing housing codes.

The adoption of P.A. 84-445 and the centralization of housing prosecution responsibility in the Chief State's Attorney's Office has, during the past six months, produced a set of discussions which the Council hopes will lead to the adoption by the Chief State's Attorney of guidelines for use by prosecutors. The Council's proposed guidelines appear as Appendix B. Their most important elements are:

a. Active community education and outreach by the prosecutors;

b. Broad prosecutorial jurisdiction, including lockouts, housing discrimination, and violations of fair rent commission orders, as well as housing code enforcement;

c. Accelerated prosecution procedures, including substitution of an immediate summons for the 14-day warning letter now used by the prosecutor;

d. A closer monitoring of repairs while cases are pending and the elimination of continuances for periods of more than two weeks at a time;

e. More serious use of fines; firmer treatment of owners who fail to comply with agency orders or who have unsatisfactory code compliance records; and reactivation of nolledd cases if a defendant is cited for additional violations;

f. A more cooperative attitude toward municipal code enforcement officials.

The Council is pleased that some steps have already been taken by the Chief State's Attorney to implement proposals contained in the Council's proposed guidelines.

2. Administration of P.A. 84-445: P.A. 84-445 lays the groundwork for the appointment of three full-time prosecutors to prosecute housing cases in all parts of the state, including in the non-housing court districts. The Council recommends that one such prosecutor be assigned to each housing court district and

that the rest of the state be divided into thirds, with one-third assigned to each prosecutor. There are a number of ways in which the state could be divided; but the Council thinks the best arrangement would be:

- a. Hartford-New Britain prosecutor
 - J.D. Tolland
 - J.D. Windham

- b. New Haven-Waterbury prosecutor
 - J.D. Ansonia-Milford
 - J.D. Middlesex
 - J.D. New London

- c. Bridgeport-Norwalk prosecutor
 - J.D. Danbury
 - J.D. Litchfield

H. ASSIGNMENT OF HOUSING COURT JUDGES

One of the most important functions of the Advisory Council is to make recommendations to the Chief Court Administrator on the assignment of housing court judges. In response to this statutory duty, the Council has developed procedures for identifying and recruiting judges most suitable for the housing court assignment, which requires special sensitivities both to housing problems and to pro se litigants. Without exception, the Chief Court Administrator has drawn from the recommendations of the Council (and its predecessor district councils). The Council has been most pleased by the support it has received in the past from Chief Court Administrator Maurice J. Sponzo, who recently retired, and it looks forward to a similar working relationship with Judge Aaron Ment, who was recently appointed as Chief Court Administrator.

I. HOUSING COURT STAFF

The quality of the housing court's staff to a large extent determines the quality of the court itself. The clerks must be patient, friendly, and accessible to litigants. The housing specialists must be skilled in both negotiation, inspection, and human relations. The Council believes that, in most cases, the housing court staff has fulfilled the role of making the court open and effective. The Council's job criteria, which were used for the initial hiring of the Hartford-New Britain staff in 1978, appear as Appendix C-2.

1. Housing specialists: In 1982, without the knowledge or advice of the Advisory Council or its predecessors, the Judicial Department radically revised the job specifications for housing specialist. In particular, it required that a housing specialist applicant have either seven years' experience as a "housing inspector" or a B.A. and three years' employment "in a health and

safety inspection field." The Council believes that, in the long run, this inspection requirement, as well as the long durational requirement, will seriously undercut the court's ability to hire housing specialists with the skills needed for the job and therefore urges that they be withdrawn. Persons with a wide variety of employment backgrounds can perform the tasks assigned to housing specialists by C.G.S. 47a-69(b); and it is a mistake for the Judicial Department unnecessarily to narrow the field of potential applicants.

Inspection is only one of a number of skills which housing specialists should have, and it is probably not the most important one. For example, the interpersonal skills associated with mediation are most likely of more value to the housing specialist position than are technical skills. Moreover, the fields of housing, health, and safety inspection, from which the Judicial Department would draw all of its housing specialists under its 1982 job specification, tend to contain few women, few minorities, and few Spanish-speaking people.

2. Housing court clerks: Housing court clerks should be hired with the special duties of those clerks in mind. The clerk's office must be exceptionally accessible to pro se litigants, and the clerk must be particularly willing to give the "assistance" which C.G.S. 51-52(e) requires. Litigants often have little understanding of the law and may have little tolerance for government bureaucrats. The clerk and the staff hired by the clerk must often draw upon great reserves of patience and understanding. Not every competent administrator has the patience and understanding to fulfill this task. In Hartford and New Haven, housing clerks have been hired with this public contact in mind. In Bridgeport, in contrast, it is not clear that the clerk's office is adequately responsive to the public. The Council strongly urges that the hiring of all housing court clerks use the Council's evaluative criteria. In addition, the Council's traditional advisory involvement in hiring should be retained. There will soon be an opening for housing court clerk in Norwalk, where these policies can be followed. See Appendix C-1.

It is also important that litigants be aware that the clerk is available to explain things to them. Each clerk's office should conspicuously post a sign informing litigants that, if they need assistance, they should ask to speak with the clerk.

3. Housing court prosecutors: P.A. 84-445 requires the appointment of three full-time housing court prosecutors to replace the part-time persons who have, in the past, been assigned to the courts. In addition, it centralizes supervisory responsibility in the Chief State's Attorney, rather than in the administrative judges for each district. It is in the process of being implemented.

The Council understands the importance of not being hasty in making assignments but does urge that implementation in the other

housing courts proceed as quickly as practicable. It also believes that the best way to obtain full-time prosecutors is not by transfer of existing prosecutors (except where one is particularly appropriate for the assignment) but by specific hiring for the housing prosecutor position. Since P.A. 84-445 appropriated no new money for implementation, this can best be accomplished by using vacancies which arise to hire for these positions. This would make it possible to hire specially for the positions with existing funds. In addition, the Council recommends that a fourth position to head the housing unit be funded. Such a position was recommended by the Chief State's Attorney in 1984 but was deleted from P.A. 84-445 by the General Assembly.

4. Citizens Advisory Council participation in staff hiring: The Citizens Advisory Council has, since the creation of the Hartford-New Britain Council in 1978, played an active and constructive advisory role in the hiring process. We believe that the Council's involvement has helped push the Judicial Department towards the selection of staff best able to meet the special needs of the housing courts. A statement of the Council's role appears as Appendix C-1. The Council recommends that this involvement be continued.

J. ACCESSIBILITY TO SPANISH-SPEAKING LITIGANTS

The largest non-English-speaking population group using the housing courts are people who speak Spanish. Yet the housing courts have done relatively little to meet their needs.

1. Bilingual staff: Three of the six housing court offices have no staff member who speaks Spanish. Only two courts -- Norwalk and Hartford -- have any clerical staff even partially fluent in Spanish, and the Hartford employee is part-time only (although the New Haven clerk's office at one time did have one fully bilingual person). The only other Spanish-speaking staff in the system are three of the six housing specialists -- two in Hartford and one in New Haven. The theoretical availability of a professional interpreter somewhere in the building (who may or may not in fact be available) is an inadequate substitute for the ready availability of a person speaking Spanish. Each housing court clerk's office should have at least one person on permanent staff who is fluent in Spanish.

In addition, the court should make efforts to attract other professional staff who speak Spanish. Because of the direct nature of contact between the staff and litigants, Spanish-speaking ability is a skill which all staff members need, including the clerk (who must give assistance to pro se litigants, the housing specialists (who mediate cases involving pro se litigants), and the prosecutors (who deal directly with defendants in negotiating settlements). While fluency in Spanish should not to be mandatory for a clerk, housing specialist, or prosecutor, it is desirable and ought to be viewed as enhancing a resume. In order to attract applicants who can speak Spanish, it is important to include a statement to that effect in the job

announcements for such positions. The Council therefore recommends that all housing court job position advertisements and announcements, including those for clerk, housing specialist, and prosecutor, include a statement that "the ability to speak Spanish is desirable." Such a statement was in fact included in the advertising for the original Hartford-New Britain Housing Court positions in 1978.

2. Notice of availability of Spanish-speaking staff: Each clerk's office should conspicuously post a sign, in Spanish and English, informing anyone approaching the clerk's counter that assistance in Spanish is available upon request. Such a sign should be posted, even if the only way for the clerk to provide assistance in Spanish is to ask for an interpreter from the criminal court.

3. Spanish-language materials: None of the housing court locations provide explanatory materials in Spanish. Existing English-language forms and explanations should be translated into Spanish and made available to litigants. The Bridgeport Subcommittee of the Council has translated some of these materials already; and the Council stands ready to assist in the task of translation. See Appendix D.

K. FORMS

In the past, the Hartford-New Britain Council has recommended the creation of additional pro se forms for the courts. We continue to believe that it is important that this task be accomplished. In particular, we urge that the following forms be adopted:

1. Answer form: The court has long used a pro se answer form; but the form does not correctly relate tenant defenses to landlord causes of action. The result has been that tenants often check off defenses that do not apply to their particular case. There is need to revise the form so as to make it legally more accurate and to minimize the marking of inappropriate defenses. A draft of such a form appears as Appendix E-1.

2. Lockout form: The court has no pro se form for lockouts and illegal entries, although one is in the process of being drafted. The Council considers it important that the draft developed be written in such a way as to maximize its benefit for pro se tenants. In particular, the draft should allow the tenant both to seek an order ending the lockout and to make a claim for damages. It should include allegations so as to plead a cause of action under C.G.S. 47a-18a (illegal entry by the landlord) and C.G.S. 42-110a (unfair trade practices), as well as under C.G.S. 47a-43 (illegal entry and detainer). The Council's draft appears as Appendix E-3.

3. Payment into court form: As part of the implementation of P.A. 83-510, the court, with advice from the Council, developed a pro se form for filing the complaint. The Council believes that the development of a pro se form was an important contribution by the court to making P.A. 83-510 successful. Nevertheless, there is at least one improvement which can be made in the form. In particular, the form ought to include a checklist of common types of code violations so as to help pro se tenants identify the major problems which they seek to correct. The Council's draft appears as Appendix E-3.

4. Transfer forms: Housing plaintiffs in Ansonia-Milford are entitled to request that their cases be transferred to the New Haven or Waterbury housing court locations. Housing defendants in Meriden are entitled to request transfer to the New Haven office of the New Haven-Waterbury Housing Court. A pro se form should be developed for the making of such a motion. The form should also apply to transfers by housing defendants in Ansonia-Milford, if the Council's recommendation on that subject is accepted.

5. Other forms: In 1983, the Hartford-New Britain Citizens Advisory Council's Report to the General Assembly proposed an extensive package of new forms and form revisions. The purpose of those forms was to promote the use of plain and simple language, to give information as to where to obtain help, and to present information in a manner designed to encourage responses and reduce defaults. In order to do this, it attempted to draft forms from the perspective of the person receiving the document (i.e., the tenant in the case of an eviction complaint and the landlord in the case of an entry and detainer complaint or a summary process motion to reopen). None of those proposals have been implemented. The Council reaffirms the entire 1983 package. The introductory portion of those recommendations and the list of forms is included in this report as Appendix E-4. To see a draft of the forms themselves (the Council recommended 27 different forms), readers are referred to Appendix D of the 1983 report.

L. BROCHURES

In 1983, the Bridgeport-Norwalk Housing Court Advisory Council prepared a bilingual informational brochure about the Bridgeport-Norwalk Housing Court for distribution to the general public. The English version of the brochure appears as Appendix D-4. A Spanish-language edition was also produced. A similar brochure had been written in four languages (English, Spanish, Italian, and Polish) by the Hartford-New Britain Council in 1978; but supplies were long ago exhausted. The Council is now in the process of revising and reprinting the Bridgeport-Norwalk brochure and of adapting it for use in the other housing courts. The Council recommends that reprinted brochures be available to the public in the housing court clerk's offices.

M. PAYMENT INTO COURT

In 1983, the General Assembly adopted P.A. 83-510, an 18-month experimental procedure for use in the Hartford-New Haven Housing Court. Known as the Payment into Court Act, P.A. 83-510 created a simplified method by which a tenant whose landlord refuses to make necessary repairs can petition the court to order that the repairs be made. In order to use the procedure, the tenant must make his rent payments to the court, thereby giving up control over the money.

The Advisory Council has evaluated the first eleven months of the experiment and has concluded that the procedures established by P.A. 83-510 provide an exceptionally useful and desirable tool for housing code enforcement. It recommends that the act be made permanent and that it be expanded to all districts in the state, whether housing court or not, which handle housing matters.

1. Procedure established by the act: A tenant may use the Payment into Court Act when the landlord has breached his duties under C.G.S. 47a-7, which governs repair and maintenance obligations. A complaint must have been made to the appropriate code enforcement agency at least five days before starting the action. To initiate the action, the tenant fills in a pre-printed form, which can be obtained from the housing court clerk's office, and pays a filing fee of \$25. The tenant must also pay the rent each month to the clerk as it falls due. The complaint is served by the clerk by certified mail in the same way that small claims complaints are served. A preliminary hearing must be held within 14 days of the initiation of the action. The local code enforcement agency is notified of the proceedings. The court has broad equitable powers to order the landlord to make repairs or to appoint someone else to make them for him, to hold the rent money in escrow or to release it to the landlord or a receiver, and to award damages for past non-compliance with the code. The landlord is permitted to counterclaim against the tenant for failure to comply with the tenant's responsibilities under C.G.S. 47a-11 and may at any time move to terminate the proceeding. The tenant is protected against eviction in retaliation for bringing the action and against eviction for non-payment of rent as long as he makes timely payments of rent into court. When the court finds that all violations have been corrected, it must enter a final order in the action and distribute any rent payments still held by the court.

2. Frequency of usage: As had been expected, knowledge of the availability of this experimental procedure has spread slowly and it has been used only sparingly. As of November 30, 1984, 12 cases (one of which involved eight different units in a mobile home park) had been disposed of. Two other cases were pending.

Significantly, in all of the first eight cases the complaining tenants were represented by lawyers; but, in four of the next six the tenants filed pro se. This suggests that, with the groundwork for usage of the act laid, knowledge of the procedure is finally beginning to reach the community.

An examination of the files on the 12 completed cases reveals that the act does seem to be accomplishing its purposes. Two of the cases were dismissed by the judge for technical reasons. All other cases produced prompt dispositions which resulted in repairs. The median disposition time, from filing to judgment, was less than two months (56 days), and none exceeded three months (76 days). This is particularly significant in light of the fact that half of the petitions reported initial complaints to government agencies at least 56 days before filing, which had apparently failed to produce the necessary repairs. In no case did a tenant fail to make a required payment into court. In two cases, the court released a portion of the money to the landlord during the course of the action, including one in which a reserve fund was created to assure that future repairs would be made. In the others, disbursement occurred at the end of the action. In six of the ten successful cases, all moneys (except for the \$25 entry fee) were released to the landlord (in two of the six, the tenant actually paid directly to the landlord during the case). In the four other cases, the court's final judgment returned part of the money to the landlord and part to the tenant.

3. Recommendations: The Council's primary recommendation is that the act be made permanent and extended to the remainder of the state. In addition, experience under the act has generated some minor problems which require correction. These changes, which appear in the Council draft bill (Appendix F-4), include:

a. The statute should state specifically that the entry fee is recoverable as a taxable cost of the action. That is in fact the policy followed by the court but is not clear from the statute.

b. Multiple complaints filed by tenants in the same building at the same time should be treated as a single action with a single filing fee. Although such actions are grouped together for hearing purposes, the clerk's office has interpreted the act as not permitting a group action against the same landlord in the same building.

c. The act should specify that the municipal agency to which the complaint was made prior to the bringing of an action should submit an inspection report to the court. Under the act, the agency gets notice of the hearing and, in practice, the tenant subpoenas an agency inspector to testify at the first

hearing; but the act fails to make clear that an agency inspection is expected. Language requiring such a report was recommended by the Connecticut Association of Housing Code Enforcement Officers in 1983 but was not then included in the act.

d. The tenant should not have to file his complaint specifically with the town's code enforcement agency if he files a complaint with another municipal agency which arranges for an inspection by the code agency. One of the cases which was dismissed resulted from a tenant complaint to a local fair rent commission, which requested the local code agency to inspect the premises, resulting in a code agency inspection report. Since the code agency had already inspected, the tenant brought an action without making a direct request to the agency. This procedure should be permissible, since it is pointless to file a complaint with an agency when the complaint has already been filed.

e. In mobile home parks, a complaint to the Department of Consumer Protection should satisfy the tenant's duty to make an agency complaint before bringing the action. The Department of Consumer Protection regulates all mobile home parks in the state.

f. The service of a notice to quit by the landlord should not preclude filing of an action. A contrary rule produces a race to see if the landlord can get out a notice before the tenant can get to the court. The court has interpreted the statute so as to deny jurisdiction if a landlord has served a notice to quit.

N. OTHER HOUSING COURT PROCEDURES

1. Small claims jurisdiction over out-of-state defendants: Under Section 548(a) of the Connecticut Practice Book, an action against a defendant who does not live in Connecticut cannot be brought in the Small Claims Division. This restriction on access to small claims court was created by the judges of the Superior Court and can be changed by them, since it is not part of the Small Claims Act.

This prohibition on small claims suit against out-of-state defendants has proved to be most serious as a problem in lower Fairfield County, where a number of landlords live across the state line in New York. A tenant whose security deposit is not returned in full is therefore forced to sue on the housing court's regular civil docket, rather than in its small claims division. This greatly raises the cost and complexity of the action, since the plaintiff must pay an entry fee of \$55 and sheriff's fees of about \$35 and will probably be unable to proceed without a lawyer as well. In contrast, the entry fee in small claims court is only \$15, which includes service of process by the clerk, and no attorney is necessary.

Practice Book 548(a) applies to all small claims actions and not merely those in the housing courts. The Council believes that the restriction against out-of-state defendants is unnecessary and should either be repealed by the judges of the Superior Court or overturned by the General Assembly. At the very least, the rules or the Small Claims Act should be amended so that the restriction will not apply to housing cases. See Appendix F-5.

2. Small claims jurisdictional maximum: The maximum claim which can be brought in the small claims division of the Superior Court is \$1,000. Most of the cases handled by the small claims sessions of the housing courts are tenant claims for return of security deposit and landlord claims for back rent and damage to property. Under the Security Deposit Act, a tenant may be entitled to double damages for the landlord's failure to comply with that law. As rent levels have risen, the \$1,000 jurisdictional maximum has increasingly forced plaintiffs onto the housing court's regular civil docket.

The Council therefore recommends that the small claims jurisdictional maximum for housing matters be increased to \$1,500. The General Assembly has already given unique treatment in small claims court to housing cases by establishing a reduced filing fee of \$15 (it is \$20 for other small claims cases). This reflects the fact that the housing court small claims session is a true "people's" court, in that most of its cases are between individuals (in contrast, most small claims cases elsewhere in the Superior Court are brought by corporations). The unique nature of the housing small claims docket justifies a higher jurisdictional limit for housing matters, without regard to whether that limit is raised for other cases. See Appendix F-6.

3. Service of process: Service of process in Connecticut is made by a sheriff. The sheriff can either hand the papers to the defendant ("personal service") or leave them at the defendant's home ("abode service"). There is reason to believe that, in a significant number of cases, abode service is never received by the defendant, leading to default judgments and subsequent motions to reopen. This is a particular problem in eviction cases. The Council recommends that, especially in summary process cases, whenever abode service is made, the plaintiff be required to simultaneously mail a copy of the papers to the defendant by regular first-class mail. This ought to increase the likelihood that notice will actually be received. See Appendix F-7.

SUMMARY OF RECOMMENDATIONS

1. Legislative recommendations

- a. Some portions of the housing court system should be introduced in non-housing court districts by:
 - i. The hiring of three additional housing specialists to cover the non-housing court districts;
 - ii. The designation of geographical area clerks handling housing matters as "housing clerks";
 - iii. The guarantee of access to the New Haven-Waterbury Housing Court for housing defendants in J.D. New Haven at Meriden and in J.D. Ansonia-Milford.
- b. The Payment into Court Act (P.A. 83-510) should be made permanent and extended throughout the state.
- c. Housing actions against out-of-state defendants should be made maintainable in the small claims session of the housing courts.
- d. The small claims jurisdictional maximum for housing matters should be increased to \$1,500.
- e. When service of process is made by abode service, the plaintiff should be required to simultaneously mail a copy of the process to the defendant by regular mail.

2. Other recommendations

- a. The Chief State's Attorney should implement P.A. 84-445 as promptly as is practicable by:
 - i. Assigning full-time housing prosecutors to the New Haven-Waterbury and Bridgeport-Norwalk Housing Courts;
 - ii. Expanding their jurisdiction to the non-housing court districts by dividing the remainder of the state into thirds.
- b. As housing prosecutor positions open up, they should be filled by advertising specifically for that position, so that persons particularly interested in housing code enforcement can be found.
- c. The Chief State's Attorney should implement a set of strong prosecution guidelines.
- d. The Judicial Department should establish clear lines of authority for housing court clerks, so that they will be accountable to the Chief Clerk for Housing Matters.

- e. Housing court forms, cases, and research materials should be available in all clerk's offices handling housing matters.
- f. Housing court services should be restored to litigants whose housing cases are filed in Meriden:
 - i. The New Haven-Waterbury housing specialists should handle housing cases filed in Meriden.
 - ii. Consideration should be given to having the New Haven-Waterbury housing court judge hear cases in Meriden half a day a week. If this is not done, the judge should arrange with the clerk's office in Meriden that any motion to transfer a housing case to New Haven be granted as a matter of course.
- g. The Judicial Department should promote telephone access to the housing courts by:
 - i. Making certain that the blue pages of each telephone book within a housing court district contain a listing for the housing court;
 - ii. Establishing toll-free call-in lines to the housing court for Stamford/Greenwich, Enfield, Bristol, Meriden, and Ansonia/Derby, with particular priority to Stamford/Greenwich, Enfield, and Bristol.
- h. The job specification for housing specialist should be revised to eliminate inspection experience as a prerequisite for hiring.
- i. A fourth housing court prosecutor should be hired as head the Chief State's Attorney's housing prosecution unit.
- j. Better court access for Spanish-speaking litigants should be established by:
 - i. Making certain that vacancies in housing court office positions are filled so that each housing court office has at least one Spanish-speaking staff member.
 - ii. Including in all advertisements for housing court positions, including clerks, housing specialists, prosecutors, and secretaries, a statement that the ability to speak Spanish is desirable.
 - iii. Posting a conspicuous notice, in Spanish and English, that assistance in Spanish is available on request.
 - iv. Providing translations of explanatory materials and court forms in Spanish;

- k. There should be a conspicuous sign posted in each housing court clerk's office informing litigants who need assistance to ask to speak to the clerk.
- l. Additional pro se forms should be developed, including a lockout form and a motion to transfer. Revisions should be made in the answer form and the payment into court form.
- m. Section 548(a) of the Practice Book, which prohibits the bringing of a small claims action against an out-of-state defendant, should be repealed, at least as applied to housing matters.

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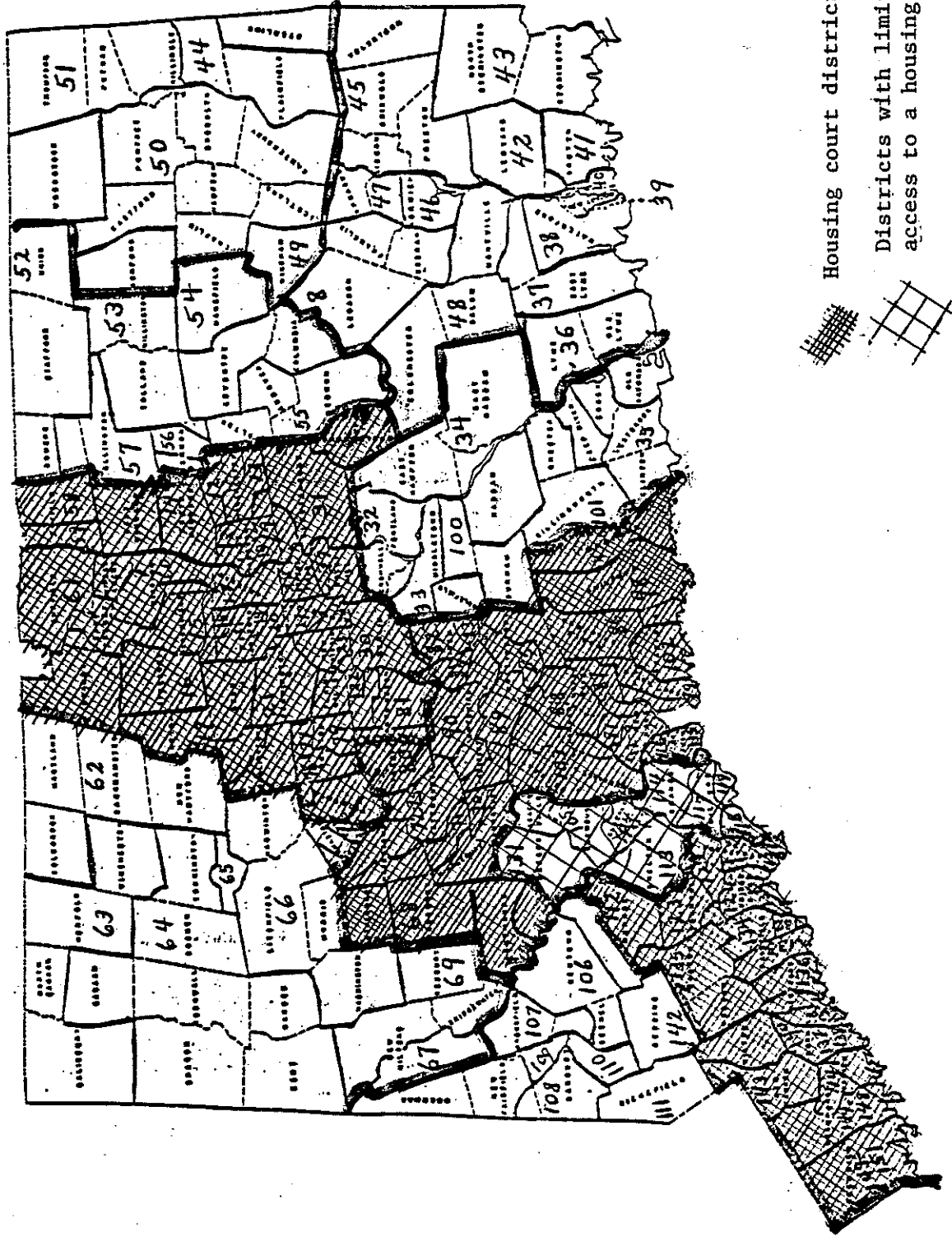
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APPENDIX A-1

HOUSING COURT DISTRICTS



APPENDIX A-2

HOUSING COURT ACT

as amended through December 31, 1984

Sec. 47a-68. Definitions.

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

- (a) Summary process;
- (b) Appeals from the decisions of a fair rent commission under sections 7-148e and 7-148f;
- (c) Actions and administrative appeals involving discrimination in the sale or rental of residential property;
- (d) All actions regarding forcible entry and detainer;
- (e) Actions under the provisions of title 47a or under public act 83-510;
- (f) All actions involving one or more violations of any state or municipal health, housing, building, electrical, plumbing, fire or sanitation code or any other statute, ordinance or regulation concerned with the health, safety or welfare of any occupant of any housing;
- (g) All actions under sections 47a-56a to 47a-59, inclusive;
- (h) All actions for back rent, damages, return of security deposits and other relief arising out of the parties' relationship as landlord and tenant or owner and occupant;
- (i) All other actions of any nature concerning the health, safety or welfare of any occupant of any place used or intended for use as a place of human habitation if any such action arises from or is related to its occupancy or right of occupancy.

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

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

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

Sec. 51-348(b) and (c). Venue for housing matters. Housing docket.

(b) Such geographical areas shall serve for purposes of establishing venue for the following matters:...(6) housing matters as defined in section 47a-68, except that in the judicial districts of Hartford-New Britain, New

Haven, Fairfield, Waterbury and Stamford-Norwalk, venue shall be in the judicial district, and in the judicial district of Ansonia-Milford, venue shall be in the geographical area unless the plaintiff requests a change in venue to either the judicial district of New Haven or the judicial district of Waterbury...

(c) ...Housing matters, as defined in section 47a-68, shall be heard on a docket separate from other matters within the judicial districts of Hartford-New Britain, New Haven, Fairfield, Waterbury and Stamford-Norwalk, provided in the judicial district of Waterbury such matters shall be heard by the judge assigned to hear housing matters in the judicial district of New Haven, and in the judicial district of Stamford-Norwalk such matters shall be heard by the judge assigned to hear housing matters in the judicial district of Fairfield. The records, files and other documents pertaining to housing matters shall be maintained separate from the records, files and other documents of the court...

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

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

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

The judges of the superior court, at their annual meeting in June, shall appoint... (5) two clerks each to serve as a clerk for housing matters in the judicial district of Hartford-New Britain, one at Hartford and one at New Britain, one clerk to serve as a clerk for housing matters in each of the judicial districts of Fairfield, New Haven, Waterbury and Stamford-Norwalk and, in addition, one clerk to serve as the chief clerk for housing matters.

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

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

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

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

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

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

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

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

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

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

P.A. 83-497, Section 2. Citizens advisory council for housing matters.

There is hereby created a citizens advisory council for housing matters consisting of twenty-seven persons. The members of the council shall be appointed by the governor for terms ending June 30, 1987, and thereafter the members of the council shall be appointed by the governor for terms of four years. The council shall consist of representatives of tenants, landlords, and others concerned with housing and shall reflect a balance of the interests of tenants and landlords. The members of the advisory council shall elect their own chairman. Nine members shall be residents of the judicial district of Hartford-New Britain; nine members shall be residents of the judicial districts of New Haven, Waterbury or Ansonia-Milford; and nine members shall be residents of the judicial districts of Fairfield or Stamford-Norwalk.

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

(a) The council shall from time to time view the housing docket proceedings and review the manner in which the housing docket is functioning, consult with the judges assigned to housing matters and the chief court administrator and assist them in such manner as is appropriate, assist in making the public aware of the existence of the housing docket, receive comments from the general public about the handling of housing matters, and make such recommendations as it may choose. The council shall meet as a full body at least two times a year and on such additional occasions as it may require. The council may divide itself into subcommittees as it deems appropriate. The council may submit its recommendations concerning housing matters to the chief court administrator, to any judge hearing housing matters and to the general assembly. Members of the council shall receive no compensation and, notwithstanding the provisions of section 4-1, shall not receive their actual and necessary expenses incurred in the performance of their official duties.

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

Sec. 2c-2(i). Termination of citizens advisory council for housing matters on July 1, 1988.

The following governmental entities and programs are terminated, effective July 1, 1988, unless reestablished in accordance with the provisions of section 2c-10:...(2) Citizens advisory council for housing matters, established under section 2 of public act 83-497.

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

The judges hearing housing matters and the citizens advisory council shall each make a report with respect to the operation of the special docket for housing matters and their respective recommendations to the general assembly at the opening of its regular sessions in the odd-numbered years. Such reports may also include recommendations for legislation with respect to housing matters.

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

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

APPENDIX A-3

HOUSING CASELOADS

<u>Housing courts</u>	<u>Summary process</u>	<u>All cases</u>
Hartford-New Britain Housing Court		
Hartford	4,510	5,643
New Britain	1,025	1,408
	<u>5,535</u>	<u>7,051</u>
New Haven-Waterbury Housing Court		
New Haven	2,513	3,744
Waterbury	921	1,368
Meriden	198	310
	<u>3,632</u>	<u>5,422</u>
Bridgeport-Norwalk Housing Court		
Bridgeport	2,201	2,621
Norwalk	1,220	1,585
	<u>3,421</u>	<u>4,206</u>
	12,588	16,679
	80.6%	
[Summary process = 75.5% of all cases]		
<u>Non-housing court districts</u>		
Western Connecticut		
Danbury	326	
Litchfield	180	
	<u>506</u>	
Ansonia-Milford	378	
Eastern Connecticut		
Danielson	371	
Rockville	276	
Norwich	443	
New London	675	
Middletown	382	
	<u>2,147</u>	
	3,031	19.4%
<u>Connecticut totals</u>	15,619	100.0%

Note: The data for housing court districts, except for Meriden, is the actual caseload for the period July 1, 1983, through June 30, 1984. For Meriden, it is the caseload for January 1, 1984, through June 30, 1984 (6 months), multiplied by 2 to produce a full-year estimate. For the non-housing court districts, it is the actual G.A. civil caseload, multiplied by 97.1%, which is the estimated percentage of G.A. civil cases that are summary process.



THE CITIZEN S ADVISORY COUNCIL FOR HOUSING MATTERS

APPENDIX B

A STATE ADVISORY BOARD CREATED PURSUANT TO §47a-71 OF THE
GENERAL STATUTES

RECOMMENDED HOUSING COURT PROSECUTION GUIDELINES

Overall Purpose

Approved by Executive Committee, 9-6-84

Approved by Advisory Council, 10-11-84

It is the goal of these housing court prosecution guidelines to promote the full and prompt compliance with all statutes which affect residential housing, including local housing codes and statutes concerning housing discrimination, lockouts, and fair rent commissions.

Categories of Cases

The prosecutors should receive and prosecute complaints including but not limited to:

1. Housing, building, electrical, plumbing, fire, and similar municipal code violations, if they affect residential housing.
2. No-heat and no-hot water complaints [C.G.S. §19a-109].
3. Lockouts [C.G.S. §53a-214].
4. Housing discrimination cases, including discrimination against families with children [C.G.S. §46a-64 and §46a-64a].
5. Violation of fair rent commission orders [C.G.S. §7-148f].

Initiation of cases

1. The use of a 14-day warning letter should be discontinued.
2. Housing code enforcement cases, except for emergencies, should be initiated by a summons to appear within 14 days of the issuance of the summons. A docket number should be assigned to the case when the summons is issued.
3. No-heat cases, no-hot water cases, lockouts, and all other emergency cases should be initiated by warrant.
4. The affidavit upon which a prosecution is based should ordinarily come from a housing code official or, in the case of violation of a fair rent commission order, from a fair

rent official. In appropriate cases, including lockouts and housing discrimination cases, the prosecutor should initiate prosecution upon the affidavit of the victim.

5. Since all housing code referrals for prosecution are based upon continuing violations of the housing code, affidavits should be drafted so as to support a prosecution for violations occurring on more than one day, thereby giving the prosecutor the option of seeking a higher fine in appropriate circumstances.
6. The pendency of a civil or administrative case (e.g., an eviction or a fair rent commission case) should not delay prosecution on a criminal charge.
7. Cases against entities other than individuals (e.g., partnerships or corporations) should be processed in the same manner as other prosecutions.

Continuances

1. Unless there are exceptional circumstances, a defendant should have to appear in court to request a continuance.
2. Continuances should be short. They should not exceed one week, except for unusual circumstances, and should almost never exceed two weeks.
3. If it will reasonably take more than one or two weeks to complete repair work, continuances should still not exceed the time period in ¶2, so that the court and prosecutor will be aware of the progress of repairs and will be alerted early to a lack of work in progress.
4. Whenever a case involving housing code prosecution appears on a court calendar, a report should be made to the court on the record as to the extent to which alleged housing code violations have been corrected. Such report should be made without regard to whether the case is to be continued or to receive final disposition.
5. Cases in which compliance is not obtained by the first court appearance should proceed quickly to trial. Sentencing should be deferred, however, until repair work is completed.

Nolles, Dismissals, and Accelerated Rehabilitation

1. Nolles and dismissals should be rare.
2. Nolles should be given only if it would be unjust to prosecute. A nolle should not be considered if the owner has a past

record of failure to comply voluntarily with code enforcement agency orders, regardless of whether or not the owner has previously been prosecuted or convicted.

3. Nolles should not be considered unless all work is completed by the arraignment date. Even then, a nolle should not be automatic but should require special circumstances.
4. If the work is done by the city because of the emergency nature of the circumstances, the case should be treated as one in which the landlord did not make the repair.
5. Sale or abandonment of a building, without having made repairs, should not be the ground for a nolle or dismissal.
6. No case should be nolle without written confirmation from the code enforcement agency that all violations have been corrected.
7. If a case is nolle but the defendant is cited for another violation within thirteen months (including a violation occurring in a different building), the nolle case should be restored to the court's docket.
8. Use of accelerated rehabilitation should not be encouraged and should be opposed if the owner has a past record of failure to comply voluntarily with code enforcement agency orders, regardless of whether or not the owner has previously been prosecuted, or if the violations for which the owner has been cited are serious.

Sanctions

1. Sanctions should be used as a way of assuring that repairs will be made.
2. No file should be closed until full code compliance has been obtained. In an extraordinary case in which full compliance is impossible (e.g., because the defendant no longer owns the building and no longer has any method of influencing repairs), sanctions may be imposed, after which the file may be closed although compliance has not been obtained.
3. Fines should be graduated, depending on the severity of the offense, whether the defendant is a repeat offender, and the extent of delay prior to repair.

4. No fine should be for less than \$50. Fines for defendants who do not repair until the case has been in court for a month or more should be in the \$200 to \$400 range. Fines for defendants who delay for more than two months should be in the \$400 to \$750 range. Fines should be larger if the violations are serious or if the landlord has had extra time to comply before the case was referred for prosecution but still failed to comply.
5. A fine should ordinarily not be imposed until the repair work has been completed. If, in unusual cases, this is not practical, some form of conditional sentencing should be used (e.g., a large fine, of which a portion will be remitted if repairs are completed before a particular date in accordance with a work schedule under probation).
6. Fines should be structured so that a defendant is not rewarded for delay. The mere fact that repairs have been made should not justify disposition without a fine.
7. Probation periods should contain relatively short time periods for completion of work, with intermediate partial repair requirements to assure that work is in progress. These intermediate requirements should allow intervals of no more than two weeks without reinspection. Except where winter makes completion of repairs impossible, a probation work plan should require full compliance in no more than two months, although the probation itself may be for a longer period of time. It should be a condition of each probation that the owner will not again commit a violation subject to housing court jurisdiction. If the prosecutor believes that there is a danger that the owner will retaliate against the victim during probation (e.g., by starting an eviction), a prohibition against retaliation should be made a condition of probation. If accelerated rehabilitation is allowed, its review, duration, and reporting standards should be similar to probation.
8. Jail sentences should be used only in extraordinary cases.
9. Repeat offenders should receive higher fines than first offenders. The prosecutors should automatically check the court's records on each criminal referral to identify prior offenders. In addition, the prosecutors should consult with code enforcement officials to identify offenders with a past record of resistance to voluntary compliance with agency orders.
10. The court should experiment with agreements to rebate rent to tenants as part of a plea bargain in which a voluntary rebate is coupled with a reduced fine.

11. An arrest warrant should be issued against any person not appearing in court when due. Excuses should be accepted only if compelling. Continuances against persons arrested for failure to appear in response to a summons should be brief, and such a case should ordinarily be continued only to the earliest available court date, which need not necessarily be a day regularly assigned to criminal cases. Violations of §53a-173, if willful, should be prosecuted.

Relationship to Code Enforcement Agencies

1. The prosecutor should seek full compliance with all housing code enforcement orders and should not close a file until compliance has been obtained. Partial or substantial compliance should not be treated as full compliance.
2. The code enforcement agency should be notified by the prosecutor of each time a case which it referred is on the court docket; and a representative of the agency should be encouraged to be present in court on each such hearing date so as to respond to questions about the case.
3. The prosecutor should act as an advocate for the code enforcement agency and the housing policy it seeks to implement.
4. The housing code enforcement agency should be notified promptly of the disposition of each case which it referred.

Relationship with the Community

1. The prosecutor should meet with all agencies in the prosecution district likely to refer cases for prosecution and should encourage the use of such referrals. These include, as a minimum, housing code enforcement agencies; police departments which handle no-heat, no-hot water, and lockout cases; the Commission on Human Rights and Opportunities; other agencies which handle housing discrimination complaints; and fair rent commissions.
2. Individual victims who initiate prosecutions by filing affidavits should be notified each time that their case is on the court docket.
3. The prosecutor should be available to speak at community meetings dealing with housing court prosecution issues.

4. Criminal cases should be scheduled for a fixed time to be heard in court. Negotiations concerning those cases should, to the maximum extent practicable, take place before that time, so that members of the public may know at what time to attend court to observe the criminal docket.
5. The Citizens Advisory Council to the housing court should be consulted in the establishment of prosecution guidelines.

Prosecution Guidelines

1. The prosecutor should maintain a written copy of the prosecution guidelines in the Housing Session clerks' offices.
2. The guidelines should be altered only after prior notice and an opportunity for comment is provided to the Citizens Advisory Council, housing code enforcement officials within the district, and other interested persons.
3. The guidelines should be reviewed annually.



THE CITIZEN'S ADVISORY
COUNCIL FOR HOUSING MATTERS

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

Respond to: 111 Oak Street
Hartford, Connecticut 06106
(203) 525-6604

August 19, 1981

SUMMARY OF CITIZEN'S ADVISORY COUNCIL PARTICIPATION IN THE HIRING
OF HOUSING COURT STAFF

In addition to making recommendations on the assignment of the Hartford housing session judge, the Citizen's Advisory Council to the Hartford Housing Court has participated in the hiring and/or assignment of all housing court staff positions specially identified in the Housing Court Act. In particular, these positions are:

- (1) All housing specialists (C.G.S. §47a-69);
- (2) All assistant clerks for housing matters (C.G.S. §51-51v);
- (3) The deputy assistant state's attorney for housing matters (C.G.S. §51-278).

Although the statute refers to only one assistant clerk for housing matters, the Judicial Department appointed a separate clerk for the Hartford and New Britain offices, and the Advisory Council participated in the hiring of both.

The Advisory Council's role in this process is advisory only. It has always been recognized, by both the Advisory Council and the Judicial Department, that the Advisory Council is entitled to make recommendations but that hiring authority is vested solely in the Judicial Department and that Council recommendations do not bind the Department.

All listed positions (six employees) were originally filled in the fall of 1978 before the court opened and before a judge was assigned. The Housing Court Act had anticipated that the housing court judge would be assigned before staff were hired and that he would therefore supervise staff hiring. Because of his late assignment in 1978, this responsibility was assumed by the Administrative Judge for the Judicial District of Hartford-New Britain. Only one additional employee in the listed job categories has been hired since 1978 (a housing specialist hired to fill a vacancy in 1979), for which supervision of the hiring process was handled by the housing court judge. As with the original six positions, the Advisory Council participated in the 1979 hiring as well.

There were some minor differences between the 1978 and 1979 procedures but their overall pattern was the same. The procedure described below is primarily the 1978 procedure, under which most hiring has taken place:

- (1) The Advisory Council submitted to the Judicial Department a proposed draft of a ~~job~~ announcement and proposed hiring criteria, all of which were adopted by the Department. The Advisory Council's draft was in fact used for the advertisement which ran in the Connecticut Law Journal. The job announcements and hiring criteria are attached.

- (2) The Advisory Council prepared a list of community organizations, to which it mailed a copy of the job announcement. It also sought to obtain public service announcements of the positions in community newspapers. The Judicial Department advertised the lawyer positions in the Connecticut Law Journal and all positions in the area's major general circulation newspapers. It is believed that it did not advertise in community newspapers.
- (3) The Judicial Department and a committee of the Advisory Council separately screened all resumes received for each position. To protect the confidentiality of the resumes, they were examined only on Judicial Department premises and were physically retained in the building by the Judicial Department. The Advisory Council committee submitted written recommendations, based on the resumes, as to which candidates should be interviewed. All Advisory Council committee meetings concerning these and other hiring recommendations were conducted in executive session.
- (4) After reviewing its own and the Advisory Council's recommendations, the Judicial Department determined which candidates to interview. Members of the Advisory Council participated fully in all interviews, along with representatives of the Judicial Department. In most cases, three members of the Advisory Council committee sat in on the interviews. In 1978 the Judicial Department's representative was a staff attorney from the Office of the Chief Court Administrator, acting as representative for Administrative Judge Parskey. In 1979, after a judge had been assigned, Judicial Department representation was handled directly by Housing Court Judge Spada.
- (5) The Advisory Council committee submitted written recommendations to the Judicial Department on which of the interviewed candidates should be hired.
- (6) The Judicial Department, after reviewing its own and the Advisory Council's recommendations, hired the persons it saw fit to hire.

Prepared by Raphael L. Podolsky
Chairperson
Citizen's Advisory Council

APPENDIX C-2

JOB CRITERIA

HOUSING SPECIALISTS

1. Knowledge and/or experience in the following areas:
 - a. Maintenance and rehabilitation of dwelling units.
 - b. State and local housing, building and fire codes and inspection and enforcement procedures.
 - c. Criminal and civil aspects of the Landlord and Tenant Act, Uniform Relocation Assistance Act, Tenement and Lodging House Act, Unfair Trade Practices Act and statutory provisions relating to the provision of heat and utility service, housing discrimination, lead-based paint, retaliatory rent increases and eviction actions, certificates of occupancy, forcible entry and detainer and utility terminations and rent receiverships.
 - d. Fair Rent Commissions within the district, their powers and procedures and related civil and criminal provisions.
 - e. State and federal housing programs including federally funded low income housing, state moderate income housing, state and federally funded housing for the elderly and handicapped, Section 236 and 221(d)(3) multifamily housing, Section 8, Section 23 and the statutory and regulatory provision of these programs relating to security deposits, rent increases, housing quality standards, utility allowances, eviction and grievance procedures.
 - f. Funding or other assistance available to owners, tenants and landlords for housing rehabilitation and repair, relocation and housing and utility assistance for low-income persons and state, local or federal benefit and assistance program recipients.
2. Ability to make housing inspections and investigations throughout the district.
3. Ability to act as an arbitrator of landlord and tenant disputes.
4. Ability to be fair and patient with large numbers of pro se litigants.
5. Ability to communicate with and be sensitive to persons of diverse ethnic religious, economic backgrounds. Ability to speak Spanish is desirable.
6. Freedom from social, business and political ties which might create a conflict of interest or an appearance thereof.
7. Ability to communicate orally and in writing.
8. Familiarity with the district and its housing market and housing problems.
9. Commitment to the maintenance of decent, safe and sanitary housing.

JOB CRITERIA

HOUSING SESSION ASSISTANT CLERK

1. Knowledge and/or experience in the following areas:
 - a. State and local housing, building and fire codes and enforcement procedures.
 - b. Criminal and civil aspect of the Landlord and Tenant Act, Uniform Relocation Assistance Act, Tenement and Lodging House Act, Unfair Trade Practice Act and statutory provisions relating to the provision of heat and utility service, housing discrimination, lead-based paint, retaliatory rent increases and eviction actions, certificates of occupancy, forcible entry and detainer and utility terminations and rent receiverships.
 - c. Fair Rent Commissions within the district, their powers and procedures and related civil and criminal provisions.
2. Ability to be fair and patient with large numbers of pro se litigants.
3. Ability to communicate with and be sensitive to persons of diverse ethnic, religious, economic backgrounds. Ability to speak Spanish is desirable.
4. Commitment to the maintenance of decent, safe and sanitary housing.
5. Ability to develop simplified procedures, and forms for pro se civil litigants and criminal complaints.
6. Ability to develop informational literature on the housing session and housing-related civil and criminal law.
7. Ability to assist pro se litigants in preparation of pleadings, compliance with Practice Book rules and statutory requirements.

JOB CRITERIA

DEPUTY ASSISTANT STATES ATTORNEY

1. Knowledge and/or experience in criminal prosecutions generally.
2. Knowledge and/or experience in housing-related criminal prosecutions under the Landlord and Tenant Act, Tenement and Lodging House Act, and statutes relating to the provision of heat and utility service, and Fair Rent Commission order violations.
3. Commitment to the maintenance of decent, safe and sanitary housing.
4. Familiarity with the district, its housing market and housing problems.
5. Ability to communicate with and be sensitive to persons of diverse ethnic, religious and economic backgrounds. Ability to speak Spanish is desirable.
6. Freedom from social business and political ties which might create a conflict of interest or an appearance thereof.

APPENDIX D-1

INFORMACION DE LA CORTE DE
RECLAMOS MENORES

1. Imprente su Nombre y Dirección; (Ud. es llamado el "Demandante")
(PLAINTIFF).

(Nombre)

(Dirección)

2. Imprente los Nombres y Direcciones de quienes Ud. está demandando;
(Ellos son llamados "Demandados") (DEFENDANTS).

(Nombre)

(Dirección)

3. Describa brevemente cuando, dónde y como la deuda ocurrió; (Esté seguro
de dar la dirección de la propiedad) (PREMISES).

(Explique breve y claramente)

(Dirección de la Propiedad)

4. ¿Cual es la cantidad que Ud. está reclamando? \$ _____

5. ¿Envió Ud. por correo cartas de demanda no menos de tres (3) días ni
mas de treinta (30) días antes de hacer éste reclamo? Sí ___ No ___

6. ¿Puede Ud. jurar que el demandado no está en el servicio militar?
Donde están empleados o si son mayores de edad y si viven en
dirección dada arriba?

APPENDIX D-2

PROCEDIMIENTOS QUE DEBEN SEGUIRSE PARA REPRESENTARSE A SI MISMO
EN CASO DE DESALOJO (PROCESO SUMARIO)

1. El primer paso para representarse a sí mismo es registrar el formato conocido como APARIENCIA (Appearance) en la Secretaría de la Corte de Viviendas, NO MAS TARDAR DOS (2) DIAS DESPUES DE LA FECHA DE DEVUELTA EN LA CITACION DE LA CORTE. Al registrar su apariencia, Ud. habrá dado el primer paso para contestar o enfrentarse al caso de desalojo, planteado contra Ud. por el dueño. El dueño es conocido dentro del caso como el DEMANDANTE (Plaintiff) y Ud. como el DEMANDADO (Defendant).

2. Después que el Secretario Oficial de la Corte le ayude a completar el formato o sea la APARIENCIA (Appearance) Ud. debe entonces registrar una CONTESTACION (Answer) a la demanda que el dueño del apartamento a planteado contra Ud.; el Secretario Oficial de la Corte le entregará el formato respectivo para la contestación, dándole una explicación sobre el mismo. La forma se llama FORMA DE CONTESTACION (Answer Form) y le dará la oportunidad para que Ud. responda si está o no de acuerdo con los reclamos hechos por el dueño de la casa (Landlord). Esta forma también le dará la oportunidad de exponer otras razones que Ud. tenga para detener su desalojo. Estas son llamadas DEFENSAS ESPECIALES.

Además de registrar la CONTESTACION original con la Corte, es necesario que envíe inmediatamente por correo certificado, copias de tal contestación al dueño o al abogado del dueño; si es que tiene uno. Si Ud. no le envía una copia de la CONTESTACION, Ud. perderá el caso automáticamente. Si hay DEFENSAS ESPECIALES, el dueño debe de presentar una RESPUESTA antes de que se programe una audiencia.

3. Después de registrar su CONTESTACION o CONTESTACION Y DEFENSAS ESPECIALES y una RESPUESTA, habrá un juicio (trial) en la Corte programado para su caso. El juicio se llevará ante el Juez de la Corte de Viviendas dentro del periodo de una semana a diez días. Usted será citado/a por correo, avisándosele la fecha y hora en que se realizará el juicio.

4. Ud. deberá presentarse personalmente en la fecha y hora indicada en la nota de aviso para el juicio en la Corte. Si Ud. no se presenta, puede perder el caso por negligencia. En la fecha que le indicaron, llegue a la Corte de Viviendas un poco más temprano de la hora indicada, lleve algún testigo, papeles o recibos que Ud. pueda tener para presentarlos como pruebas. Esto es muy importante porque Ud. podrá perder el caso por falta de pruebas. NO SE PONGA NERVIOSO/A; EL JUEZ Y EL CONSEJO ADMINISTRATIVO DE LA CORTE ESTAN AQUÍ PARA AYUDARLE.

5. El Salón C de la Corte está situado en el Tercer Piso de éste edificio. Su caso será llamado por el Secretario de la Corte para verificar si Ud. está presente. Asegúrese que el Secretario Oficial de la Corte sepa y vea que Ud. está allí. Después que su caso sea llamado, se le dará la oportunidad de hablar con el Especialista de Viviendas quien está disponible para discutir su caso entre Ud. y el dueño. Si Ud. y el dueño están dispuestos a intentar a llegar a un acuerdo para arreglar el caso, el Especialista de Viviendas asistirá a los dos para llegar a un acuerdo justo que sea satisfactorio tanto para el dueño como para Ud. Ud. no está obligado a aceptar un acuerdo. Si no se puede llegar a un mutuo acuerdo, el caso será retornado al Juez, quien le escuchará y tomará una decisión de acuerdo con todas las evidencias presentadas. Hable lentamente pero en forma clara. No interrumpa cuando el Juez, el dueño de casa o el abogado del dueño estén hablando. Ambas partes, Ud. y el dueño, tendrán la oportunidad de presentar completamente su caso.
6. Si el Juez escucha su caso, varios días después del juicio (trial) Ud. recibirá por correo una copia de la decisión escrita por el Juez o una NOTA DE AVISO DE SENTENCIA (Notice of Judgement). Si el Juez decide el caso a su favor, Ud. podrá quedarse en su apartamento después del juicio. Si Ud. pierde el caso después que haya tenido un juicio completo o por no presentarse al mismo, Ud. tendrá cinco (5) días de plazo para mudarse después de la sentencia, dentro del cual no se contarán los Domingos o los días festivos legales en casos de pagos de renta atrasada o molestias. De todas maneras, Ud. tiene el derecho de aplicar por un tiempo de permanencia adicional, máximo hasta tres (3) meses en casos de PAGO DE RENTA ATRASADA, siguiendo los procedimientos que se detallan en seguida, en el número siete (7).
7. Cuando el caso es solamente por renta atrasada, Ud. puede aplicar en la Corte de Viviendas para una extensión de tres (3) meses adicionales de permanencia en el apartamento, si Ud. no puede encontrar otro lugar en donde vivir. Para lograr recibir mas tiempo, Ud. debe hacer las dos siguientes cosas dentro de los cinco (5) días después de la fecha de sentencia del juicio, sin contar los Domingos o días festivos legales que transcurran durante éste periodo de tiempo.
 - A. Deposite personalmente en la Corte de Viviendas la cantidad total adeudada al dueño. Esto solamente se puede hacer pagando con un cheque bancario de seguridad (certificado), giro postal (money order) o dinero en efectivo.
 - B. Cuando Ud. pague la cantidad completa de la renta atrasada, al mismo tiempo, Ud. debe de completar y presentar una aplicación de ESTADO DE EJECUCION, (STATE OF EXECUTION) la cual será entregada a Ud. por el Secretario Oficial de la Corte.

Entonces, una audiencia judicial será programada. Ud. será Notificado por correo sobre la fecha y hora en que se llevará a cabo la audiencia (juicio). Durante la audiencia, el Juez decidirá sobre la cantidad exacta de tiempo, hasta un máximo de tres (3) meses, que Ud. podrá permanecer adicionalmente en su apartamento.

8. En casos de terminación de contrato de arrendamiento por lapso de tiempo (sin causa de desalojo) solamente, Ud. tendrá automáticamente 20 días desde el día del juicio para mudarse. Durante el periodo de 20 días, Ud. tiene el derecho de aplicar por mas tiempo para quedarse en su apartamento si usted no puede encontrar otro lugar en donde vivir. Usted debe de venir a la Corte personalmente para registrar esta aplicación de EJECUCION PARA PERMANECER. Una audiencia de Corte será fijada. Usted será notificado de la fecha y hora de la audiencia por correo. En la audiencia la cantidad exacta de tiempo, hasta un máximo de seis meses, será decidido por el Juez.
9. Si Ud. no se muda voluntariamente cuando el periodo de Ejecución para Permanecer se vence, o si usted ha violado sus condiciones, la Corte puede darle al dueño una EJECUCION PARA POSESION. Sus pertenencias pueden ser físicamente movidas a la calle por un Alguacil.
10. Si usted no comprende nada, por favor siéntase libre de de preguntar o llamar. Si usted cree que necesita un abogado y no sabe adonde conseguir uno; por favor pregunte y nosotros le diremos adonde puede conseguir uno. La Dirección y Número de Teléfono para Servicios Legales de Connecticut son: 285 Park Avenue, Bridgeport, Connecticut, 06604 (336-3851)
11. Si usted necesita un intérprete, usted debe de llamar a la Oficina del Secretario Oficial de la Corte (Clerk's Office) por lo menos dos (2) días antes de la fecha del juicio. (579-6936).

NOTICIA PARA TODOS LOS DEMANDADOS QUE
RECLAMAN VIOLACIONES DE CODIGO DE VIVIENDAS

Si usted está siendo desalojado por no pagar renta, su reclamo de Violación de Código de Viviendas o Salud es una defensa especial. Usted debe probar este reclamo durante el juicio. Para poder probar su reclamo, usted debe de pedir que su apartamento sea inspeccionado por un inspector de la Oficina de Código de Viviendas o Departamento de Salud.

RENUNCIA

La Oficina del Secretario Oficial de la Corte (Clerk's Office) de la Sesión de Viviendas está autorizado por C.G.S. Sec. 51-51v para asistir a personas que se representan por sí mismas. Nosotros le ayudaremos lo mas que podamos pero usted será el único responsable por cualquier acción que usted tome en su favor. La Oficina del Secretario Oficial de la Corte no es responsable por ningún error u omisión. Si usted cree que necesita más información o asistencia, usted debe de consultar a un abogado o leer las secciones apropiadas de las Ordenanzas Generales de Connecticut y el Libro de Práctica de Connecticut.

Número de Caso: _____ Fecha De Devuelta: _____

Demandante (Landlord) _____ Corte Superior: _____

Acusado (Tenant) _____ Sesión de Viviendas: _____

APPENDIX D-3

Fecha: _____

CONTESTA AL RESUMEN DE PROCESO DE DESALOJO

En respuesta a cada párrafo por favor haga un círculo al rededor de la palabra que le aplica a su caso.

- | | |
|----------------------------------|----------------------------------|
| 1. De Acuerdo, Desacuerdo, No sé | 5. De Acuerdo, Desacuerdo, No sé |
| 2. De Acuerdo, Desacuerdo, No sé | 6. De Acuerdo, Desacuerdo, No sé |
| 3. De Acuerdo, Desacuerdo, No sé | 7. De Acuerdo, Desacuerdo, No sé |
| 4. De Acuerdo, Desacuerdo, No sé | 8. De Acuerdo, Desacuerdo, No sé |

DEFENSAS ESPECIALES

() Si necesita espacio adicional marque aquí y continúe atrás.

POR FAVOR MARQUE LOS ESPACIOS, () PROXIMO A LOS PARRAFOS SIGUIENTES LOS CUALES CONCIERNAN A SU CASO, Y COMPLETE LOS ESPACIOS EN BLANCO.

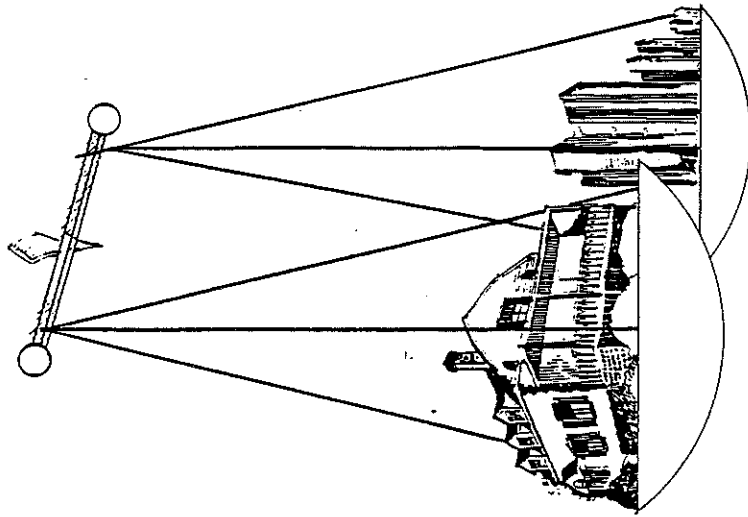
- () 1. Toda la renta ha sido pagada al dueño.
- () 2. He ofrecido la renta al dueño en _____ antes de yo recibir la noticia de desalojo. (Fecha)
- () 3. Yo estoy reteniendo la renta bajo la ley de Connecticut (CG47-4a) porque hay violación de Código de Viviendas y de Salud en mi apartamento, que viola la ley de Connecticut (CG47 -7a). LISTE LAS VIOLACIONES ATRAS DEL PAPEL.
- () 4. He notificado () al dueño, () Código de Viviendas, () Departamento de Salud o () Departamento de Edificios, de las violaciones nombradas en el número tres (3).
- () 5. Este desalojo ha sido presentado porque me puse en contacto con () El dueño del apartamento, () Departamento de Salud, () Agencias u oficiales públicos con respecto a los reclamos sobre mi apartamento (CGS 47a-20 y 47a-33)
- () 6. Presenté un reclamo a la Comisión de Rentas Justas para reclamar un aumento de renta excesivo en _____ (Fecha)
- () 7. Estoy recibiendo subsidio de renta por la Sección Ocho (8).
- () 8. Soy () Ciego, () Físicamente deshabilitado, () Tengo mas de sesenta y dos años (62) o vivo permanentemente con mi esposo/a, abuelo/a o padres quienes son mayores de 62 años de edad y vivo en un edificio o compuesto de 7 unidades o mas (CGS 47a-23c).

YO CERTIFICO QUE A TODO ALCANCE DE MIS CONOCIMIENTOS TODAS LAS RESPUESTAS QUE HE DADO SON VERDAD Y QUE UNA COPIA SERA MANDADA A TODOS LOS INDIVIDUOS ENVUELTOS Y A SUS ABOGADOS HOY.

FIRMA _____

Demanda do/a (inquilino)

HOUSING COURT Fairfield County



THE HOUSING SESSION

Tenants and property owners living in the Judicial Districts of Fairfield and Stamford-Norwalk now have a special place to bring many of their housing problems for fair, prompt action. A separate session of Superior Court has been created, commonly known as "The Housing Court," which puts all housing cases under one roof with one judge and its own staff. The Housing Court gives housing problems the time and attention they deserve.

What Type of Problems Can Be Handled by the Housing Court?

- (1) evictions
 - (2) security deposit disputes
 - (3) actions for back rent
 - (4) actions for damages to property
 - (5) lockouts of tenants from their apartments
 - (6) criminal violations of the health or housing code
- The Housing Court can hear other types of housing problems.

How Does the Housing Court Work?

Those who wish to file a complaint with the Housing Court must pay a filing fee ranging from \$10-\$60 depending on the type of complaint and/or the amount of money damages involved. Although there is no requirement that an attorney be retained so initiate a suit, it is strongly advised for those who are unfamiliar with the legal process to obtain legal counsel if at all possible. (For those who meet the income eligibility requirements, Connecticut Legal Services may also be available to represent you.)

Those who have no choice but to go to court without an attorney however, will benefit somewhat from the simplified procedures of the Housing Court. In addition, some assistance can be provided to pro se litigants by the Housing Clerk. The Clerk can prove very helpful to a confused party by answering questions concerning certain laws and/or provide information with regards to court proceedings. It is important to keep in mind, however, the Housing Clerk must stop short of providing legal advice and under no circumstances can the Clerk be expected to take the place of an attorney.

After a complaint has been filed and the case comes before the court, the Housing Specialist will sit down with plaintiff and defendant on the actual court date in an attempt to work out a solution agreeable to both parties. This is done prior to the appearance before the judge. If the Housing Specialist is able to work out an acceptable agreement, this agreement is brought before the judge for the judge's approval. If the Housing Specialist can not work out an agreement, the judge will hear the case and render a decision in the matter.

HOUSING COURT
Fairfield County

What If My Apartment Has Housing Code or Health Code Violations?

If your housing problems are about such things as heat, faulty wiring, plumbing, garbage, bugs, rats, lack of repairs, etc., you should contact your local Housing Code Enforcement Office or Health Department. These agencies have responsibilities for enforcing these violations. If they have difficulty in gaining compliance, these agencies can then take your case to the Housing Court. The Housing Court has a *Special Prosecutor* assigned to it that will handle cases involving non-compliance with the housing or health code laws.

What Cities and Towns Does the Housing Court Serve and Where Can I Go to File a Complaint?

Those residents living in **BRIDGEPORT, EASTON, FAIRFIELD, MONROE,** and **TRUMBULL** can use the court located at the 3rd Floor of 172 Golden Hill Street in Bridgeport (579-6936).

Those residents living in **DARIEN, GREENWICH, NEW CANAAN, NORWALK, STAMFORD, WESTON, WESTPORT,** and **WILTON** can use the court located at 17 Belden Avenue in Norwalk (846-4332).

DIRECTIONS TO THE HOUSING COURT IN BRIDGEPORT

Take Rt 8-25 Connector going South
Take Exit 3 (East Washington Ave.)
Proceed straight off exit and
Continue on Main Street
Follow Main Street to 3rd light
Turn right on Golden Hill Street
Continue to 172 Golden Hill Street
Housing Court located on 3rd Floor

PHONE NUMBER: 579-6936

DIRECTIONS TO HOUSING COURT

17 Belden Avenue, Norwalk, Connecticut

FROM STAMFORD:

I-95 to exit 16, U.S. 7.
U.S. 7 Norwalk exit (first exit).
Right at end of exit, through one light, Court House on right.

FROM WESTPORT:

I-95 to exit 16, bare left, U.S.7, take first exit. Right at end of exit, through one light, Court House on right.

FROM MONROE, EASTON, & POINTS NORTH:

FROM FAIRFIELD & POINTS WEST:

Take Ct Tpke 95 East
To Exit 27A
To Rt 8-25 Connector going North
Take the 1st Exit off to the right
Golden Hill Street Exit
Continue straight to 172 Golden Hill St.
Housing Court located on 3rd Floor

FROM STRATFORD & POINTS EAST:

Take Ct Tpke 95 West to Exit 27A
Follow above directions
from Fairfield & Points West

CITIZENS ADVISORY COUNCIL FOR HOUSING MATTERS FOR THE JUDICIAL DISTRICT OF FAIRFIELD COUNTY 1981-1984

Edith Serke
Stevenson, Ct. 06491
268-4798 (h)
333-9288 (o)

Rabbi Arnold I. Sher
Bridgeport, Ct. 06604
336-1858

Henry S. Stern
Trumbull, Ct. 06611
374-0335

Bernadine Tatem
So. Norwalk, Ct. 06854
853-4552 (h)
854-1800 (o)

Kevin Tierney
Greenwich, Ct. 06830
661-9440

Reginald F. Walker
Bridgeport, Ct. 06605
579-0132 Ex. 7764

Larry Weisman
Westport, Ct. 06880
259-0264

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New Canaan, Ct. 06840
966-0073

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Staff:
Margaret C. Driscoll (Judge)

Donald J. Mastrony (Clerks)
Lorraine Murphy

Ronald Kadar (Housing Specialists)
John R. Savino

Mary Card (Prosecutor)

Ramon Arocho
Bridgeport, Ct. 06608
336-1938 (h)
576-1976 (o)

Joseph Benedetto
Stratford, Ct. 06437
375-7481

Nancy Brown
Greenwich, Ct. 06830
622-8353 (o)

Frances C. Church
Stamford, Ct. 06902
357-0511 (h)
324-3167 (o)

Aura R. Diaz
Stamford, Ct. 06902
357-1199 (o)

Beverly Frankel
Norwalk, Ct. 06853
226-6911 (h)

Ethel Matthews
Bridgeport, Ct. 06605
334-4171 (h)
366-8241 Ex. 288 (o)

Douglas Chaice Mintz
Norwalk, Ct. 06854
838-2800 (o)



APPENDIX E-1

Case # _____ : Return Date: _____
_____ : SUPERIOR COURT
Plaintiff (landlord) :
v. : HOUSING SESSION
_____ : Date: _____
Defendant (tenant)

SUMMARY PROCESS (EVICTION) ANSWER

In response to EACH paragraph of the complaint, please circle whether you AGREE, DISAGREE or DO NOT KNOW.

- 1. Agree Disagree Do Not Know 5. Agree Disagree Do Not Know
2. Agree Disagree Do Not Know 6. Agree Disagree Do Not Know
3. Agree Disagree Do Not Know 7. Agree Disagree Do Not Know
4. Agree Disagree Do Not Know 8. Agree Disagree Do Not Know

SPECIAL DEFENSES [] If you need additional space, check here and write on back.

PLEASE CHECK THE BOXES NEXT TO THE PARAGRAPHS BELOW THAT APPLY TO YOU AND FILL IN THE BLANKS.

IN GENERAL:

- [] Waiver: After I received the notice to quit, or after this eviction action started, the landlord accepted one or more rent payments from me.

IF THE EVICTION IS BASED ON NON-PAYMENT OF RENT:

- [] Payment: I paid the rent and the landlord accepted it.
[] Tender: I offered to pay the rent before I was served with a notice to quit, but the landlord refused to accept it.
[] Disagreement over the amount of the rent: The landlord attempted to raise my rent, but I refused to agree to the increase.
[] Failure to make repairs: I was justified in not paying the rent under Connecticut law because there were material violations of housing, health, or fire safety codes, or because the landlord failed to maintain the premises properly (\$47a-4a and \$47a-7). LIST THE VIOLATIONS ON THE BACK.

IF THE EVICTION IS BASED ON LAPSE OF TIME (failure to renew the lease):

- [] Retaliation: This eviction is being brought in retaliation because (\$47a-20 and \$47a-33):
[] In good faith, I asked my landlord to make repairs;
[] In good faith, I complained to () the housing or health code enforcement agency, () the fair rent commission, or () some other government agency.
[] A government agency issued an order against my landlord; or
[] I organized or joined a tenants union.
[] Elderly or disabled: I live in a building or complex that has at least 7 dwelling units, and I am () blind, () physically disabled, () over 62 years old, or () under 62 years old but live permanently with my spouse, parent, or grandparent who is over 62 years old (\$47a-23c).

I CERTIFY THAT THIS ANSWER IS TRUE TO THE BEST OF MY KNOWLEDGE AND THAT A COPY WILL BE MAILED TO ALL PARTIES OR THEIR ATTORNEY TODAY.

SIGNED _____ Defendant (Tenant)

vs.

COMPLAINT

1. The plaintiff is a tenant in the building at _____
Street Address, Apt. # or Floor, Town
2. The defendant is the landlord of that building.
3. The parties entered into an oral/written lease for the term of one month/week/year.
4. The rent for the apartment is \$_____ per month/week, and it is due on the _____ day of each month/week.
 Rent of \$_____ for the current month/week has been paid to my landlord.
5. On _____, the tenant made a complaint about the premises to _____
(date) (name of municipal agency)

This was at least five days before filing this action.

6. The landlord has failed to perform his legal duty to maintain the premises under § 47a-7 (Landlord's Responsibilities) of the General Statutes. The violations include, but are not limited to, problems with the following [check every box which is true]:

- Plumbing (toilet, sink, shower, bathtub, etc.)
- Heat or hot water
- Cold water
- Electricity or wiring
- Garbage removal
- Rats or roaches
- Walls or ceilings (including water leakage)
- Windows
- Building structure (roof, porches, stairways, etc.)

- Common areas (yard, basement, entryway, hallways, etc.)
- Locks
- Smoke detectors
- Others [please list]:

- Copy of report from code enforcement agency attached and made a part hereof.

- Continuation of Complaint attached and made a part hereof.

THE TENANT REQUESTS:

1. An order requiring the landlord promptly to make repairs and to perform his/her other legal duties under local, state, and federal law.
2. An order appointing a receiver to collect rents and to use the money to correct conditions in the property which violate local, state, or federal law.
3. An order staying other proceedings concerning the same property.
4. An award of money damages, which may include a retroactive abatement of rent.
5. Such other relief in law or equity as the court may deem proper.

The undersigned, being duly sworn, deposes and says that the above claims are true.

SIGNED (Plaintiff)	TYPE IN NAME OF PERSON SIGNING AT LEFT	TITLE OF PERSON SIGNING
SUBSCRIBED AND SWORN TO BEFORE ME ON (Date)		SIGNED (Asst. Clerk, Notary, Comm. of Sup. Ct.)

MILITARY SERVICE AFFIDAVIT

The undersigned deposes and says that no defendant in this action is in the military or naval service of the United States and that to the personal knowledge of the undersigned (state facts showing defendant is not in such service and state source of knowledge of those facts):

Signature

SUBSCRIBED AND SWORN TO BEFORE ME:	ON (Date)	SIGNED (Asst. Clerk, Notary, Comm. of Sup. Ct.)
------------------------------------	-----------	---

APPENDIX E-3

(tenant's name) : SUPERIOR COURT/HOUSING SESSION
vs. : AT HARTFORD

(landlord's name) : _____
(date)

LOCK-OUT COMPLAINT
(entry and detainer)

AND APPLICATION FOR TEMPORARY INJUNCTION

To the judge of the Housing Session of the Superior Court for the Judicial District of Hartford-New Britain:

1. Since _____ I have lived in the dwelling unit at the following address:

Street No. Apt. No.

Town State

2. My landlord is named _____ and lives or had a place of business at:

Street No. Office or Apt. No.

Town State

3. On _____ my landlord entered that dwelling unit and locked me out without a court order, without my consent, and against my will.

4. Since that date, my landlord has unlawfully kept me from occupying that dwelling unit.

5. My landlord has damaged, removed or taken possession and control of my personal property, including (but not limited to) the following items:

6. All of these actions are causing and will continue to cause me irreparable injury.

7. By his actions, my landlord has violated Conn. Gen. Stat. Sections, 47a-43(a), 47a-18 and 42-110 a et seq.

I REQUEST THAT THE COURT:

1. Immediately issue an ex parte temporary injunction enjoining (an order stopping) my landlord and his agents from depriving me of the dwelling unit and the personal property described in the complaint.

2. Waive the requirement of posting a bond.

3. Summon my landlord to appear before this court within eight days of the filing of this complaint.

4. After hearing, issue an order enjoining (stopping) landlord and his agents from depriving me of the dwelling unit and the personal property in the complaint.

5. Order my landlord to pay me double the cost of the damages I have suffered. (Conn. Gen. Stat. Section 47a-46).

6. Order my landlord to pay my costs and attorney's fees. (Conn. Gen. Stat. Sections 47a-18, 42-110g (d)).

7. Order my landlord to pay punitive damages. (Conn. Gen. Stat. Section 42-110g(a)).

8. Provide any other legal or equitable relief that the Court thinks proper.

I swear or affirm that the above statements are true, to the best of my knowledge and belief.

(Signature)

Signed and sworn to before me on _____, in

_____, _____.

Assistant Clerk/Notary Public

REPORT OF THE FORMS COMMITTEE OF THE CITIZEN'S ADVISORY COUNCIL FOR HOUSING MATTERS

December 28, 1979

as amended, December 9, 1982

INTRODUCTION

The Forms Committee has attempted to identify types of forms which would be desirable to use in the Housing Court and to draft them in language that is both simple and legally sufficient. This has not always been easy. Of the 23 forms recommended in this report, only one of them (Form A-1) requires a change in the Superior Court rules. All others are within the power of the Housing Court to develop and use without the need for outside approval.

This report is divided into two parts, based upon the subject of the forms proposed. Part A consists of forms for use in eviction cases (summary process). These represent by far the largest part of the court's caseload, making suitable forms especially important. Part B attempts to develop forms to cover typical tenant complaints, for which no forms presently exist. It is designed to make civil enforcement of basic tenant rights as easy as possible.

BASIC THEMES

There are a number of patterns which run through the forms recommended in this report. Before the forms are reviewed individually, it will be helpful to explain changes which are common to many forms:

(1) Personal pronouns: Whenever practical, forms use personal pronouns ("I" and "you"). This is generally recognized as one of the key aspects of plain language drafting and will be required in Connecticut consumer contracts after June 30, 1980, by section 2(b)(3) of P.A. 79-532.

(2) Where to turn for help: No matter how simply a court paper is written, there will still be many people who do not understand it. It is therefore essential that papers generally tell the recipient what to do. That is the basis for Form A-1, which tells the person receiving the form how to find legal help. It is also the reason for the notice on many of the forms, telling the recipient to call the clerk's office if he has questions. We recognize that the clerk's office may be less than enthusiastic about receiving such telephone calls. Nevertheless, the philosophy behind the Housing Court, which encourages pro se litigation, requires the clerk's office to be active in providing information to litigants. It is essential that such litigants be encouraged to contact that office if they are unsure of what legal papers require of them.

(3) Avoidance of defaults: It ought to be the policy of the Housing Court to minimize the likelihood of default judgments. In a real sense, it is never too late to ask the court to be heard, even after a default judgment has been entered. Some of the forms include notices warning defaulting parties

that they must quickly contact the court if they wish to avoid or minimize the consequences of a default.

(4) Thinking like a recipient: Forms are commonly viewed as messages to the court. They are, however, also a way in which the parties communicate with each other. We have tried, as much as we could, to think about each form from the point of view of the person receiving the form. For example, we have therefore included a notice to the tenant on the summary process default forms, since the true purpose of mailing those forms to the defendant is to give a chance to respond and perhaps avoid default. Similarly, we have included an explanation, in the form of a warning, on the injunction forms, so that the recipient will know the consequences of ignoring an injunction.

(5) Certifications: Pleadings generally must be certified as having been sent to the opposing party. See sections 121-123 of the Practice Book. Although the Practice Book does not require that the parties be named, we think it best that pro se forms have the party state the name and address to which the pleading was sent. This maximizes the chance that the pro se litigant indeed understands that he must mail a copy of the pleading. In addition, it creates a record in case there is doubt as to whether or not the copy of the pleading was received by the opposing party.

We have also attempted in the form certification to explain that the copy goes to the opposing party's lawyer, unless the opposing party has no lawyer, in which case it goes to the party. Some pro se litigants, failing to understand this, will send the copy to the opposing party, even though the party is represented by counsel.

(6) Orders: Unfortunately, section 196 of the Practice Book requires that each motion and application have annexed to it "a proper order." This is often a source of confusion to pro se litigants, since it often appears to a person receiving a motion in the mail that the order has already been granted, since the motion contains an order. For this reason, the order form includes "DENIED" as well as "GRANTED," in an effort to dispel the notion that it has already been granted.

We have also changed the relative positions of the order and the certification. By putting the certification first, it allows the litigant filing the pleading to fill in each form, from the top down through the certification. The final portion, the order, is then left for the court.

(7) Identification of actions and parties: We have generally used the word "eviction" rather than the phrase "summary process"; and we have usually referred to the parties as "landlord" and "tenant" instead of "plaintiff" and "defendant." No matter which way forms are drafted, there will be some room for confusion. On balance, however, we think that the use of the simpler and more commonly understood words will be a benefit to litigants.

PART A -- EVICTION FORMS

Form A-1; Notice of suit: This form, which would become the first page of every summary process writ in the Housing Court, is based on a so-called "street summons" used in the Detroit Housing Court. It is derived most directly from H.B. 6919 of the 1977 session of the Connecticut General Assembly, which was favorably reported to the floor by the Judiciary Committee but recommitted because of opposition from the Judicial Department.

It is unlike the civil summons, Form JD-CV-1 Rev. 12-77, because its focus is on warning the defendant that something important is happening and on providing basic information on how to get help.

The use of this form would require a change in the Superior Court rules. This can be accomplished by adding to section 49 of the Practice Book the following new language:

In addition to the other requirements of this section, every summary process action returnable to the housing session of the superior court for the judicial district of Hartford-New Britain shall include Form A-1. The form, which shall be a sheet of paper separate from all other pages of the writ, summons, and complaint, shall be stapled or otherwise firmly attached to the top of the writ, summons, and complaint so as to constitute its first page. It shall be served upon the defendant in the same manner as the writ, summons, and complaint.

Form A-2, Eviction complaint: We have attempted to make this form as simple as possible. The only form prepared was for evictions based upon non-payment of rent, which are the most common evictions. It would be possible to develop a similar form for evictions based upon other grounds, especially, upon lapse of time; but it was felt that the large number of possible variations did not justify the creation of a form.

Form A-3, Motion for default for failure to appear: The standard motion has been revised to tell the tenant receiving the motion what he has failed to do that is causing the default. A warning that he must act immediately is also included. The certification is to the defendant only (not to his lawyer), since, by definition, a defendant who has not appeared will have no counsel of record.

Form A-4; Motion for default for failure to plead: Because this motion is really a warning to the tenant, a notice to the tenant is included.

Form A-5, Motion for order of payments into court: On this form, as with other forms, the certification precedes the order. The landlord would fill in the first page only.

Form A-6, Notice of payments into court: This form, unlike the first five forms, would be issued by the court, not by the opposing party. It is really an expanded version of the "order" section of Form A-5.

We have not been consistent in the way in which the clerk's office is identified in each of the forms. This form comes from the Hartford clerk's office only. If used in this manner, a separate form would be necessary for New Britain cases. An alternative, and equally acceptable, approach would be to follow the model of Form A-4 and give the numbers of both clerk's offices on all forms, thereby permitting the printing of a single form.

Form A-7, Notice of failure to make payments into court: Section 53 of P.A. 79-571 (formerly section 47a-26) requires the entry of a default judgment if the tenant fails to make a court-ordered payment and also fails to close the pleadings within four days. To make the deadlines clear to the tenant, this form requires the clerk to insert the date by which the tenant's answer must be received.

Form A-8, Tenant's answer and special defenses: This form includes, as checkable items, the six major tenant defenses in eviction cases. The retaliation defense is based on the four subcategories of C.G.S. 47a-20. The housing code defense is based on C.G.S. 47a-7(a)(1) and section 10 of P.A. 79-571 (formerly section 47a-4(c)). The answer is written so that the question of whether the violations are severe enough to justify a non-payment of rent is left to the court to determine at trial.

Form A-9, Notice of judgment (non-payment): The notice of judgment form presently in use is confusing and virtually unreadable. Part of the confusion comes from trying to combine non-payment judgments with others on the same form. We have separated these into two different notice forms, each keyed to the appropriate law. The form also includes a space for the clerk to identify the date on which the statutory stay of execution ends.

Form A-10, Notice of judgment (other): This is the companion to Form A-9. The time limits applicable to this form are found in C.G.S. 47a-36. The time limits for Form A-9 appear in section 47a-35.

Form A-11, Application for stay of eviction: The form is based on the requirements of C.G.S. 47a-36. Section 47a-37 requires the court to inform each defendant of the right to apply for a stay of execution. No certification is included on this form, because the statute requires the clerk, not the applicant, to mail a copy to the opposing party.

Form A-12, Motion to reopen judgment: This form is based upon C.G.S. 52-212 and section 377 of the Practice Book. Both of these sections require that the applicant swear to the truth of the statements made.

PART B -- OTHER FORMS

Form B-1, Application for waiver of fees: This form is based on section 50 of the Practice Book, which allows indigents to apply for a waiver of fees and other costs.

Form B-2, Financial affidavit: We rejected the use of Practice Book Form 501.1, which is commonly used in dissolution of marriage actions, as too complicated for a pro se litigant to complete on his own. In particular, it is our experience that income and assets, not expenses, are the elements most crucial to a judge in determining whether the application should be granted. Almost no one has the kind of records from which he could honestly complete the expenses section of Form 501.1. As a result, that portion of the form is greatly simplified.

Form B-3, Lock-Out complaint: Lock-outs, heat shut-offs, and housing code violations appear to be the most common actions which tenants may affirmatively want to bring to the Housing Court. This form, and Forms B-4 and B-5 which follow, provide basic pro se complaints. The authority for the lock-out complaint comes from the entry and detainer statute (C.G.S. 47a-43), the statutory limits on the landlord's right of entry (C.G.S. 47a-16), the prohibition against self-help evictions (C.G.S. 47a-4(a)(5)), and the prohibition against the distraint of property for unpaid rent (C.G.S. 47a-4(a)(6)). There is also case law supporting these rights, which precedes the adoption of the Landlord-Tenant Act in 1976. In addition, the allegation of irreparable injury satisfies the requirement of C.G.S. 52-473 for obtaining an ex parte temporary injunction.

The request for an ex parte temporary injunction is based on C.G.S. 52-473 and the waiver of bond on 52-472. The order for a hearing within eight days is authorized by C.G.S. 47a-43. C.G.S. 47a-46 permits the award of double damages. Section 25 of P.A. 79-571 (formerly C.G.S. 47a-18(b)) establishes minimum damages of one month's rent and permits the award of attorney's fees.

Form B-4, No heat complaint: This form is based on sections 47a-13, 47a-7(a)(6), and 19-65. The 65° heat minimum appears in C.G.S. 19-65. Paragraph 3 of the complaint has been drafted as a checkable alternative to cover both the situation in which heat is included in the rent and the situation in which the landlord provides only the heating facility (e.g., a working furnace).

The request for injunctive relief is authorized by C.G.S. 52-471 and the issuance of an ex parte temporary injunction without bond by 52-473 and 52-472. C.G.S. 47a-13(b) authorizes attorney's fees.

Form B-5, Housing code violations: This form is based on C.G.S. 47a-7(a). The authority for injunctive relief is the same as cited for Form B-4. The power to order that rentals be paid into court and the power to appoint a receiver are within the equitable powers of the Superior Court.

Form B-6, Statement of amount in demand: This form is the same as Form 101.1 of the Practice Book. Its inclusion in a complaint seeking money damages is required by C.G.S. 52-91 and by Practice Book section 131. We would have preferred to simplify the language in this form, but it is possible that the precise words used must be included. This is because the explanation of Practice Book Form 101.1 says that "the foregoing statement must be included..." It is not clear whether this means the exact statement or whether a simplified paraphrasing would be sufficient.

Form B-7, Order to appear: This is a simplified show cause order, which would be used in conjunction with Forms B-3, B-4, and B-5. It contains a warning to the landlord, so that he will understand the importance of responding to the order.

Form B-8, Temporary injunction (lock-out): This form is the temporary injunction which goes with the lock-out complaint. It contains a warning to the landlord of the consequences of ignoring the injunction, which is an order of the court.

Form B-9, Temporary injunction (no heat): This is the comparable temporary injunction form for a no heat complaint. No permanent injunction form has been drafted because it is expected that such an injunction would be prepared by the court in an individualized, non-form manner.

Form B-10, Temporary injunction (housing code violations): This is the comparable temporary injunction form for a housing code violation complaint.

Form B-11, Motion to reopen judgment and stay execution: This form is equivalent to Form A-12 but is drafted for use in non-eviction cases. Depending on the case, it could be used by either a landlord or a tenant.

Submitted by:

Raphael L. Podolsky
for the Forms Committee

FORMS ADDED, DECEMBER 9, 1982

Form A-13, Motion to add party defendant: This form addresses the problem which arises when an eviction is brought against a person who has moved out and the apartment is being occupied by a successor tenant. It allows the actual occupant to seek to be made a party to the case.

Form B-3a, Complaint for illegal entry: This form is based primarily on section 47a-16, which prohibits the landlord from entering a tenant's apartment without permission except under certain limited circumstances. The checkable alternatives of paragraph 3 of the complaint are drawn from section 47a-16.

Form B-12, Affidavit supporting a criminal lockout complaint: Form B-3 can be used by a tenant to make a lockout claim on the civil side of the court. A lockout is also an explicit criminal violation under P.A. 81-24; and the housing court prosecutor is authorized to receive complaints directly from the victim of the crime. This form provides a simple affidavit which can be used by the prosecutor.

Form B-13, Affidavit supporting a criminal no hot water/no heat complaint: This is the criminal version of form B-4. Violations of section 19-65 of the general statutes are criminal and can be handled directly by the prosecutor. This form provides a suitable affidavit.

APPENDIX F-1

AN ACT CONCERNING HOUSING SPECIALISTS IN NON-HOUSING COURT DISTRICTS

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

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

(a) The judges of the superior court or an authorized committee thereof may appoint such housing specialists as they deem necessary for the purpose of assisting the court in the prompt and efficient hearing of housing matters within the limit of their appropriation therefor. Such judges or such committee shall appoint not less than two such specialists for each of the judicial district of Hartford-New Britain, New Haven and Fairfield and may designate one of them in each SUCH judicial district as chief housing specialist. SUCH JUDGES OR COMMITTEE SHALL ALSO APPOINT NOT LESS THAN THREE ADDITIONAL HOUSING SPECIALISTS FOR ALL OTHER JUDICIAL DISTRICTS. The housing specialists for the judicial district of New Haven shall assist the court in the hearing of housing matters in the judicial district of Waterbury and the housing specialists for the judicial district of Fairfield shall assist the court in the hearing of housing matters in the judicial district of Stamford-Norwalk.

Section 2. The sum of _____ dollars is appropriated to the Judicial Department for the fiscal year ending June 30, 1986, for the purposes of this act.

Statement of purpose: To provide for housing specialists in those parts of the state which have no housing court.

APPENDIX F-2

AN ACT CONCERNING VENUE FOR HOUSING MATTERS

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

Section 51-348 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The geographical areas of the court of common pleas established pursuant to section 51-156a, revised to 1975, shall be the geographical areas of the superior court on July 1, 1978. The chief court administrator, after consultation with the judges of the superior court, may alter the boundary of any geographical area to provide for a new geographical area provided that each geographical area so altered or so authorized shall remain solely within the boundary of a single judicial district.

(b) Such geographical areas shall serve for purposes of establishing venue for the following matters: (1) The presentment of defendants in motor vehicle matters; (2) the arraignment of defendants in criminal matters; (3) small claims matters; (4) paternity matters; (5) support matters; (6) housing matters as defined in section 47a-68, except that in the judicial districts of Hartford-New Britain, New Haven, Fairfield, Waterbury and Stamford-Norwalk, venue shall be in the judicial district, and in the judicial district of Ansonia-Milford, venue shall be in the geographical area unless the plaintiff MAKES THE ACTION RETURNABLE [requests a change in venue] to either the judicial district of New Haven or the judicial district of Waterbury OR THE DEFENDANT REQUESTS A CHANGE IN VENUE TO EITHER OF SUCH JUDICIAL DISTRICTS; (7) such other matters as the judges of the superior court may determine by rule.

(c) For the prompt and proper administration of judicial business, any matter and any trial can be heard in any courthouse within a judicial district, at the discretion of the chief court administrator, if the use of such courthouse for such matter or trial is convenient to litigants and their counsel and is a practical use of judicial personnel and facilities, except juvenile matters may be heard as provided in section 46b-122. Whenever practicable family relations matters shall be heard in facilities most convenient to the litigants. Housing matters, as defined in section 47a-68, shall be heard on a docket separate from other matters within the judicial districts of Hartford-New Britain, New Haven, Fairfield, Waterbury and Stamford-Norwalk, provided in the judicial district of Waterbury such matters shall be heard by the judge assigned to hear housing matters in the judicial district of New Haven, and in the judicial district of Stamford-Norwalk such matters shall be heard by the judge assigned to hear housing matters in the judicial district of Fairfield. IF A HOUSING MATTER IS MADE RETURNABLE TO THE JUDICIAL DISTRICT OF NEW HAVEN AT MERIDEN, IT SHALL BE TRANSFERRED TO THE HOUSING DOCKET FOR THE JUDICIAL DISTRICT OF NEW HAVEN AT NEW HAVEN UPON MOTION OF THE DEFENDANT. The records, files and other documents pertaining to housing matters shall be maintained separate from the records, files and other documents of the court. Matters do not have to be heard in the facilities to which the process is returned and the pleadings filed.

Statement of purpose: To give defendants in housing cases returned to court in Ansonia or Meriden the right to transfer the case so as to obtain the full services of the New Haven-Waterbury Housing Court. Plaintiffs in these courts already have that right.

APPENDIX F-3

AN ACT CONCERNING CLERKS FOR HOUSING MATTERS.

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

Section 1. Subsection (a) of section 51-51v of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The judges of the superior court, at their annual meeting in June, shall appoint: (1) A chief clerk at Hartford and at New Britain in the judicial district of Hartford-New Britain, a chief clerk at New Haven and at Meriden in the judicial district of New Haven and a chief clerk for each other judicial district; (2) a deputy chief clerk for each of the following judicial districts: Fairfield, Hartford-New Britain at Hartford, New Haven at New Haven, New London, Stamford-Norwalk and Waterbury; (3) a clerk for each geographical area; (4) in their discretion, up to a maximum of two deputy clerks for each geographical area, except for the geographical area which includes Hartford which shall have a maximum of three deputy clerks; and (5) two clerks each to serve as a clerk for housing matters in the judicial district of Hartford-New Britain, one at Hartford and one at New Britain, one clerk to serve as a clerk for housing matters in each of the judicial districts of Fairfield, New Haven, Waterbury and Stamford-Norwalk and, in addition, one clerk to serve as the chief clerk for housing matters. THE CLERK FOR THE JUDICIAL DISTRICT OF NEW HAVEN AT MERIDEN AND THE CLERKS FOR THOSE GEOGRAPHICAL AREAS HAVING VENUE OVER HOUSING MATTERS PURSUANT TO SUBSECTION (b) OF SECTION 51-348 OF THE GENERAL STATUTES SHALL BE DESIGNATED AS CLERKS FOR HOUSING MATTERS TO THE EXTENT THAT THEY ARE RESPONSIBLE FOR SUCH MATTERS. The judges of the superior court shall appoint assistant clerks serving judicial districts and geographical areas.

Sec. 2. Subsection (e) of section 51-52 of the general statutes is repealed and the following is substituted in lieu thereof:

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

Statement of purpose: To extend housing court procedures to all court locations which handle housing matters.

APPENDIX F-4

AN ACT CONCERNING HOUSING CODE ENFORCEMENT BY INDIVIDUAL TENANTS.

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

Section 1. Section 1 of public act 83-510 is repealed and the following is substituted in lieu thereof:

Any tenant [residing at property located in the judicial district of Hartford-New Britain,] who claims that his landlord has failed to perform his legal duties, as required by section 47a-7 of the general statutes, may [, between January 1, 1984, and June 30, 1985, inclusive,] institute an action in the superior court HAVING JURISDICTION OVER HOUSING MATTERS IN THE [for such] judicial district IN WHICH HE RESIDES to obtain the relief authorized by this act.

Section 2. Section 2 of public act 83-510 is repealed and the following is substituted in lieu thereof:

(a) The action shall be instituted by filing a complaint, under oath, with the clerk of the court. The complaint shall allege (1) the name of the tenant; (2) the name of the landlord; (3) the address of the premises; (4) the nature of the alleged violation of section 47a-7 of the general statutes; and (5) the dates when rent is due under the rental agreement and the amount due on such dates. The complaint shall also allege that at least five days prior to the date on which the complaint is filed, the tenant made a complaint concerning the premises to the municipal agency, in the municipality where the premises are located, responsible for enforcement of the housing code or, if no housing code exists, of the public health code, OR TO A MUNICIPAL AGENCY WHICH HAS REFERRED THE TENANT'S COMPLAINT TO SUCH AGENCY. IN THE CASE OF A MOBILE MANUFACTURED HOME LOCATED IN A MOBILE MANUFACTURED HOME PARK, SUCH COMPLAINT MAY BE MADE TO THE COMMISSIONER OF CONSUMER PROTECTION. The entry fee shall be twenty-five dollars, which may be waived in accordance with section 52-259b. SUCH ENTRY FEE SHALL BE A TAXABLE COST OF THE ACTION. IF, ON THE SAME DAY, MORE THAN ONE TENANT FROM THE SAME BUILDING OR COMPLEX INSTITUTE AN ACTION UNDER THIS ACT, THEY SHALL BE TREATED AS A SINGLE ACTION AND ONLY ONE ENTRY FEE SHALL BE PAID. No recognizance or bond shall be required. THE SERVICE OF A NOTICE TO QUIT SHALL NOT PRECLUDE THE INSTITUTION OF AN ACTION UNDER THIS ACT.

(b) Upon receipt of the complaint, the clerk shall promptly set the matter down for hearing to be held not more than fourteen days after the filing of the complaint, and shall cause a copy of the complaint and the notice of hearing to be sent separately by certified mail, return receipt requested, to (1) each landlord named in the complaint and (2) the director of the municipal OR STATE agency TO WHICH THE TENANT HAS ALLEGED, PURSUANT TO SUBSECTION (a) OF THIS SECTION, THAT COMPLAINT HAS BEEN MADE [in the municipality where the premises are located responsible for enforcement of the housing code or, if no housing code exists, of the public health code]. AT SUCH HEARING, THE AGENCY NOTIFIED PURSUANT TO SUBDIVISION (2) OF THIS SUBSECTION SHALL SUBMIT AN INSPECTION REPORT TO THE COURT.

(c) If proof of service is not returned to the clerk, the complaint shall be served by the plaintiff in accordance with section 52-57 of the general statutes.

Section 3. This act shall take effect June 30, 1984.

STATEMENT OF PURPOSE: To make P.A. 83-510 into permanent legislation with statewide applicability.

APPENDIX F-5

AN ACT CONCERNING SMALL CLAIMS ACTIONS AGAINST OUT-OF-STATE DEFENDANTS.

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

Subsection (d) of section 51-15 is repealed and the following is substituted in lieu thereof:

(d) The procedure for the hearing and determination of small claims as the same may be prescribed, from time to time, by the judges of the superior court shall be used in all small claims sessions of the court. The small claims procedure shall be applicable to all actions, INCLUDING ACTIONS AGAINST OUT-OF-STATE DEFENDANTS, except actions of libel and slander, claiming money damages not in excess of one thousand dollars, and to no other actions. If a motion is granted to transfer a small claims matter to the regular docket in the court, the moving party shall pay the fee prescribed by section 52-259. The attorney general or an assistant attorney general, or the commissioner of administrative services or his authorized representative, while acting in his official capacity shall not be required to pay any small claims court fee. There shall be no charge for copies of service on defendants in small claims matters.

STATEMENT OF PURPOSE: To make certain that small claims procedures are available in suits against out-of-state defendants.

APPENDIX F-6

AN ACT CONCERNING SMALL CLAIMS ACTIONS IN THE HOUSING COURT.

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

Subsection (d) of section 51-15 of the general statutes is repealed and the following is substituted in lieu thereof:

(d) The procedure for the hearing and determination of small claims as the same may be prescribed, from time to time, by the judges of the superior court shall be used in all small claims sessions of the court. The small claims procedure shall be applicable to all actions, except actions of libel and slander, claiming money damages not in excess of ONE THOUSAND FIVE HUNDRED DOLLARS IF INVOLVING A HOUSING MATTER, AS DEFINED IN SECTION 47a-68, OR one thousand dollars IF INVOLVING ANY OTHER MATTER, and to no other actions. If a motion is granted to transfer a small claims matter to the regular docket in the court, the moving party shall pay the fee prescribed by section 52-259. The attorney general or an assistant attorney general, or the commissioner of administrative services or his authorized representative, while acting in his official capacity shall not be required to pay any small claims court fee. There shall be no charge for copies of service on defendants in small claims matters.

STATEMENT OF PURPOSE: To allow housing matters claiming up to \$1,500 to be heard as small claims.

APPENDIX F-7

AN ACT CONCERNING SERVICE OF PROCESS.

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

The service of a writ of summons shall be made by the officer reading it and the complaint accompanying it in the hearing of the defendant or by leaving an attested copy thereof with him. IF THE DEFENDANT IS NOT AT THE PREMISES MENTIONED IN THE WRIT, THE OFFICER SHALL LEAVE AN ATTESTED COPY THEREOF [or] at THE DEFENDANT'S [his] usual place of abode AND SHALL MAIL TO THE DEFENDANT A COPY THEREOF BY REGULAR MAIL THROUGH THE UNITED STATES POSTAL SERVICE, POSTAGE PREPAID. When service is made by leaving an attested copy at the defendant's usual place of abode, the officer making service shall note in his return the address at which such attested copy was left.

STATEMENT OF PURPOSE: To require that a copy of legal process be sent to the defendant by regular mail whenever abode service is used.