



**THE CITIZEN S ADVISORY
COUNCIL FOR HOUSING MATTERS**

REPORT TO THE GENERAL ASSEMBLY

pursuant to
Section 47a-73 of the General Statutes

December 22, 1986

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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 THE 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, the housing court judges, the Criminal Justice Commission, and the Chief State's Attorney on matters related to the housing courts. It is specifically authorized to make recommendations on the assignment of housing session judges.

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 1982 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 judges and prosecutors assigned to the court 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 THE REPORT

This report is an updating of the Council's 1985 report to the General Assembly and of the 1983 reports of the Hartford-New Britain and New Haven-Waterbury Advisory Councils. In the summer of 1985, in response to the Council's 1985 report, the Chief Court Administrator designated Judge John P. Maloney, a former housing court judge, to review those Council recommendations which applied to the Judicial Department. A special advisory committee was also appointed to help him in his review. His report (the Maloney Report), dated February 5, 1986, endorsed most of the Advisory Council's suggestions. Unfortunately, to the best of the Council's knowledge, the recommendations of the Maloney Report have not as yet been implemented. As a result, many of the Council's 1985 recommendations are repeated in its 1987 report.

In preparing its 1987 report, the Council has reviewed its 1985 recommendations, as well as changes in the operation of the housing courts since 1985. It also held two public hearings -- one in Norwalk and one in Hartford -- to gather suggestions for its report.

Because this report recommends improvements in the housing court system, it necessarily focuses on those parts of the court's operations where improvements can be made. To avoid misunderstanding, it is necessary to put the Council's report 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.

Historically, the major weakness of the housing court system has been in the code enforcement area, i.e., the criminal docket, and especially in the Hartford-New Britain court. Since 1984, however, there have been significant improvements. While all past problems have not been resolved, much of the community concern about the lack of effectiveness of prosecution through the housing court, which was very evident in 1983 and 1984, seems to have subsided.

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 almost 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 3,500 and 6,000 eviction cases per year. In contrast, the non-housing court judicial districts receive between 250 and 650 such cases per year. The Danbury and Litchfield judicial districts have less than 800 eviction cases per year between them and could not be a self-standing district under any circumstances. It might, however, be possible to attach Danbury to the Bridgeport-Norwalk court and Litchfield to the New Haven-Waterbury court, although this could put excessive pressure on limited resources there. In contrast, the judicial districts of New London, Tolland, and

Windham together have about 2,000 cases per year, which, the Council believes, could support a single housing court. If a single judge were assigned, however, it would require a "circuit-riding" system in which the judge had no true home base or chambers, making it a potentially undesirable judicial assignment.

In 1985, the Advisory Council recommended that a full housing court for those districts was impractical but that intermediate steps could be taken to bring increased housing court services to the non-housing court districts. The Council continues to support those recommendations. In particular, the Council recommends:

1. Housing specialists: The Maloney Report stated: "It would ultimately be desirable to provide the services of housing specialists to districts that are not within a housing division. This should be done by dispatching specialists from existing housing divisions out to the field on a part-time basis." Judge Maloney called for further study on "how many, if any, additional specialists would be needed for this purpose." The Council believes that statewide provision of housing specialists would require the hiring of an additional three specialists. One should be assigned to each of the three existing housing courts. The one assigned to Hartford-New Britain would be responsible for the Tolland, Windham, and Middlesex judicial districts. The one assigned to New Haven-Waterbury would be responsible for J.D. New London, J.D. Ansonia-Milford, and the Meriden courthouse within J.D. New Haven. The one assigned to Bridgeport-Norwalk would be responsible for the Danbury and Litchfield judicial districts. This approach has the advantage of assuring the availability of housing specialist services in all judicial districts while simultaneously assuring adequate supervision of these "roving" specialists and adequate contact with other specialists. It also provides a pool of housing specialists in each court to cover for each other when one is sick or when caseload needs are particularly heavy in one location.

2. Housing court forms: Housing court forms continue to be unavailable in the non-housing court districts. The Maloney Report recommended: "Forms which have been developed and approved for use in the housing courts by the Judicial Department should be available for use as appropriate in non-housing court G.A. courts." Availability of the forms is critical for litigants to be able to appear pro se in those courts. There is no good reason for the G.A. courts to be without forms which are already available and in use in other parts of the system. The Council strongly urges availability of housing court forms in all clerk's offices where housing cases are heard.

3. Housing court clerks: Housing court clerks are required by C.G.S. §51-52(e) to "provide assistance to pro se litigants." The same duty should be imposed upon the clerk for any court which handles housing matters. This does not require

any change in the qualifications for G.A. clerks; and, in particular, it does not require that they be lawyers. Assistance to pro se litigants is not the giving of legal advice but rather the provision of adequate counter help that permits litigants to understand the papers that they have received and the forms available for their use.

4. Housing court prosecutors: Since the passage of P.A. 84-445 in 1984, the Chief State's Attorney has been required to assign housing prosecutors to all judicial districts. No implementation of this act occurred in 1984 or 1985, but in 1986 the General Assembly approved funding for a housing prosecutor for eastern Connecticut. That prosecutor will be based in New London and will serve the judicial districts of New London, Tolland, and Windham. The position should be filled by the end of 1986. The Council is pleased that this expansion of services is occurring.

This leaves only J.D. Danbury, J.D. Litchfield, J.D. Middlesex, J.D. Ansonia-Milford, and the Meriden courthouse of J.D. New Haven outside the housing prosecution system. It should be possible for these districts to be handled by one of the four full-time housing prosecutors. In particular, the Council recommends that J.D. Danbury be handled by the Bridgeport-Norwalk prosecutor; J.D. Litchfield, J.D. Ansonia-Milford, and Meriden by the New Haven-Waterbury prosecutor; and J.D. Middlesex by the Hartford-New Britain prosecutor.

5. Research resources: Housing court decisions and housing research materials should be available to all judges who handle housing cases. The decisions are presently reproduced and circulated by the Commission on Official Legal Publications, and are available in all housing court clerks offices. Other clerks' offices handling housing cases should be added to the circulation list. In addition, the Judicial Department should see that adequate library publications which judges can use in writing housing opinions are available for both housing court and non-housing districts in an appropriate law library.

6. 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 J.D. 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 (but not in other parts of the district) can make a housing case returnable directly to the New Haven location of the New Haven-Waterbury Housing Court. The law thus gives the plaintiff access to the housing court (although in a cumbersome form) but does not give access to the defendant. Only half a dozen cases per year are transferred under this procedure.

The Council recommends the procedure for housing court access by plaintiffs be simplified and that defendants be given an equal right of access. This would mean that, if either party wants a housing case from J.D. Ansonia-Milford to be heard in the New Haven-Waterbury Housing Court, it would be heard there. Otherwise, it would remain in J.D. Ansonia-Milford. It is expected that the large majority of housing cases would stay in J.D. Ansonia-Milford but a small number -- probably the most hotly contested ones -- would be handled directly through a housing court district with a full housing court staff.

To accomplish this, two statutory changes need to be made. First, a housing plaintiff in J.D. Ansonia-Milford should be permitted to make a case returnable to the housing session in New Haven or Waterbury, without the inconvenience of having to file it first in J.D. Ansonia-Milford and then move to transfer. This is comparable to the existing procedure for cases arising in Milford. Second, the defendant should be permitted to have a case transferred to New Haven or Waterbury as a matter of right.

7. Eastern Connecticut: If the above recommendations are implemented, eastern Connecticut will have access to all basic housing court services -- a housing specialist, a housing prosecutor, a clerk with a duty to assist pro se litigants, and pro se forms. The major missing ingredient will be the full-time housing court judge. As indicated above, eastern Connecticut does have a sufficient housing caseload to support a full-time housing judge. The primary problem is the undesirable nature of a circuit-riding assignment. The Council recommends that the creation of a housing court for eastern Connecticut be delayed temporarily while the housing court services described in this report are put in place. In the interim, however, it recommends that serious study be given to the creation of an eastern Connecticut housing court, which would include the judicial districts of New London, Tolland, Windham, and possibly Middlesex.

F. PUBLIC ACCESS TO HOUSING COURTS

1. Telephone book listings: Each Connecticut telephone book contains a blue pages listing for governmental 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, plus 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). Nine additional listings are needed as follows:

<u>Clerk's office</u>	<u>Telephone book</u>
Hartford	Enfield-Windsor Locks Manchester-Rockville
New Britain	Bristol
New Haven	Meriden-Southington-Wallingford Clinton-Guilford-Madison Cheshire Milford
Norwalk	Ansonia-Derby-Shelton Greenwich

The total cost to the state would be a one-time charge of \$112.00, plus an additional monthly charge of \$10.35.

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).

In 1985, the Council recommended that "all parts of the housing court district ought to be able to reach the court toll-free," with priority given to establishing toll-free access from Stamford/Greenwich, Enfield, and Bristol. This can be accomplished either by installing a local line in the appropriate clerk's office or through remote-control forwarding. The Maloney Report endorsed this recommendation, stating: "The Judicial Department is urged to adopt the recommendations of the Advisory Council with regard to improved, toll-free access to the housing courts." The Council continues to urge adoption of this recommendation.

3. Access for Spanish-speaking litigants: The largest non-English-speaking population group using the housing courts is Spanish-speaking. Yet some locations of the housing court have no capacity to communicate with litigants directly in Spanish. In only one of the six housing court offices is there a clerk's office employee who speaks Spanish, and that is a temporary clerical employee recently hired in Norwalk. The only other Spanish-speaking staff members in the entire system are four of the seven housing specialists -- three in Hartford and one in New Haven. Bridgeport has no Spanish-speaking staff in any capacity. The Council recommends that each housing court clerk's office should have at least one employee on permanent staff who is fluent in Spanish.

In addition, the court should make efforts to attract other professional staff who speak Spanish. While fluency in Spanish should not be mandatory for a clerk, housing specialist, or

prosecutor, it is a desirable job-related skill and should be viewed as enhancing a resume. In order to attract applicants who can speak Spanish, job notices for those positions should 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.

The clerk's offices should also make available, for informational purposes only, Spanish-language translations of housing court forms and explanatory materials. Some translations have already been prepared by the Advisory Council, and the Council stands ready to draft translations of all such materials. The Council recognizes that court forms and pleadings, when filed in a court case, must be in English.

G. HOUSING PROSECUTION POLICIES

1. Housing code enforcement: The Council in 1985 urged the Chief State's Attorney to adopt the Council's recommended guidelines for housing code prosecution designed to maximize the effectiveness of prosecution in leveraging repairs, reducing delays, discouraging repeat offenders, and developing credible sanctions which will in the long run induce voluntary compliance with code enforcement agency orders without the need for criminal prosecution. A series of meetings at the Chief State's Attorney's Office in 1985 proved inconclusive. In practice, some of the Council's guidelines are now followed, although many are not. The Council is pleased, for example, that the Hartford prosecutor is no longer routinely using a warning letter after referral of a case.

The Council remains concerned, however, about many prosecution practices. For example, it does not agree with the practice of disposing of cases without opening a docket file, which creates a situation in which there is no court record of the proceeding. This makes it difficult to track repeat offenders. Similarly, while the Council recognizes that every defendant has a right to apply for accelerated rehabilitation, the Council believes that such applications should be carefully reviewed and should be opposed by the prosecutor when the violations are serious or when the defendant has previously made repairs only after referral to housing court, even though the case may have been disposed of without a conviction. The Council continues to urge that continuances should be brief -- ordinarily one week at one time -- and that continuances of more than two weeks should be eliminated entirely except in extraordinary circumstances.

By statute, housing prosecutors are supposed to be assigned full-time to handle housing matters. At various times in the past, some housing prosecutors have been used to handle cases in the geographical area courts that were unrelated to housing. The Council urges that housing prosecutors be used exclusively to handle housing matters.

2. Other criminal jurisdiction: Although the prosecutor's job is usually viewed as one of housing code prosecution, he or she in fact has jurisdiction over all criminal sanctions concerning housing matters. A number of housing statutes include criminal penalties, such as the housing discrimination laws, C.G.S. §46a-64(c) and §46a-64a(c); the fair rent commission statutes, C.G.S. §7-148f; the no-heat statute, C.G.S. §19a-109; the utility receivership statute, C.G.S. §16-262g; and the criminal lockout statute, C.G.S. §53a-214. The Council knows of no criminal prosecutions in a housing court under Title 46a, Title 16, or §7-148f. The Council recommends that each prosecutor work with the Commission on Human Rights and Opportunities and with local fair rent commissions to build channels for criminal enforcement in appropriate cases. It also urges prosecutors in appropriate cases to take affidavits directly from complainants, as is expressly authorized by C.G.S. §51-286b, particularly in lockout, no-heat, and receivership cases.

3. Outreach: For housing prosecutors to be fully effective, they must build close working relationships with the code enforcement agencies in their jurisdiction. The prosecutors have succeeded in creating effective ties with the major towns in their districts. The Council recommends that similar outreach be developed with the relatively smaller towns in each district.

4. Advisory Council involvement: The Citizens Advisory Council played an advisory role in the original hiring of all housing court staff in 1978 (including prosecutors) and has generally continued in that role in regard to housing clerks and specialists. The Council recommends that the Chief State's Attorney and/or the Criminal Justice Commission permit the Council to play an equivalent role, in an appropriate manner, regarding the assignment and designation of housing prosecutors.

H. ASSIGNMENT OF HOUSING COURT JUDGES

One of the Council's most important functions 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. The Council is pleased that the Chief Court Administrator has been open and responsive to the Council in regard to its recommendations.

I. HOUSING COURT STAFF

1. Additional staffing needs: The Council's public hearings on the housing courts revealed several court locations where there are specific additional staffing needs, particularly

in regard to the clerk's offices. At the present time, two of the three housing courts -- Hartford and New Haven -- each have a temporary full-time assistant clerk. A temporary clerk is hired on a per diem basis, receives no medical, vacation, or other benefits, and is paid at a lower rate than a permanent assistant clerk would be paid. It is no surprise that it is difficult to retain qualified employees under such circumstances. Bridgeport lacks an assistant clerk altogether. The Council recommends that the two temporary positions be converted to permanent ones and that a permanent assistant clerk be hired for the Bridgeport office.

The Hartford and Norwalk clerk's offices have faced a similar problem in retaining clerical staff, since each has an on-going temporary office clerk position. The failure to make these positions permanent causes particular difficulty in a housing court, because, as in a small claims court, clerical employees necessarily have much telephone and counter contact with litigants and need substantial training in order to handle those contacts in an appropriate manner. The Council recommends that a 30-hour temporary office clerk position in Hartford, and a temporary full-time office clerk position in Norwalk, both be converted to permanent positions.

2. Housing specialist job specifications: The Judicial Department presently requires that housing specialists have either seven years' experience as a "housing inspector" or a bachelor's degree and three years' experience in "mediation or a housing-related field." These minimum qualifications are a significant improvement over those in effect from 1982 to 1985, when the only applicants accepted for the position were those with experience as housing or health inspectors; and the Council is pleased that the Judicial Department liberalized the minimum qualifications in 1985. The Council believes, however, that it would be preferable if the Department returned to the pre-1982 hiring approach, which permitted even more flexibility in evaluating candidates. From 1978 to 1982, no minimum specification was set for the housing specialist position, and the Department relied instead directly on C.G.S. §47a-69, which defines the housing and mediation skills required of housing specialists. The Council encourages this approach, because of the wide range of backgrounds which provide suitable experience for housing specialists.

3. Chief housing specialist: At present, there are two full-time housing specialists assigned to each housing court, plus an additional half-time specialist in Hartford-New Britain. The Council has recommended the hiring of three more specialists for the non-housing court districts. The Council believes that it is now appropriate for one of the specialists to be designated as Chief Housing Specialist, with particular responsibilities for training, supervision, and trouble-shooting. This recommendation was endorsed in the Maloney Report. It is probable that a Chief Housing Specialist could still maintain some caseload; but, if a chief is designated, another specialist should be hired to absorb

the portion of the chief specialist's caseload which must be yielded to the extra responsibilities as chief.

J. PHYSICAL FACILITIES

The housing court locations in Norwalk, New Britain, and Waterbury occupy particularly cramped quarters, and there is therefore a need to find ways to increase their space. The New Britain courtroom also lacks separate tables for plaintiff and defendant counsel. The Waterbury court lacks space for small claims commissioners, insufficient file space, and no private space for the clerk. The space problem is particularly severe in Norwalk, where litigants are often forced to wait in the hallways and where the prosecutor and the housing specialists must sometimes negotiate cases in the halls, with no privacy, because of the lack of space. It is clear that both the prosecutor and the housing specialists need access to private rooms. The Norwalk court previously had a larger courtroom and was moved into its present small quarters about a year ago. The Norwalk clerk's office has attempted to minimize overcrowding by staggering its calendar call, but this does not solve the problem resulting from a lack of private offices in which the staff can meet with litigants.

The Council recommends that the Judicial Department explore the possibility of creating sufficient space in the judicial district courthouse in Waterbury to permit the Waterbury Housing Court to move to that building. This would also place it in the same building as other judicial district level cases. As to Norwalk, the Council hopes that, in the long run, the construction of a new courthouse in Stamford will produce increased space for the housing court, either by providing more space in Norwalk or by permitting a move to Stamford. In the interim, the Council urges the Judicial Department to find ways to make more courtroom and office space available. It also urges the Department to address the space problems in New Britain.

In New Haven, there is need to provide parking for the housing specialists in immediate proximity to the court. Because specialists make viewings of buildings, access to a car is a necessary aspect of their positions.

The Council is satisfied with the present location of the Hartford housing court, which in 1982 moved from a small building whose courtroom was inaccessible to the elderly and handicapped into a much larger and more modern space. With the construction of a new criminal courthouse on Lafayette Street in Hartford, questions have been raised as to whether the housing court will be moved from its present quarters. The present location meets the basic needs of the housing court, and the Council therefore recommends that it be retained. It would be desirable, however, for the Judicial Department to provide more effective enclosure of private offices in the Hartford court, so that housing specialists and prosecutors can conduct meetings in full privacy.

K. PROCESSING OF CASES

The housing courts have all developed effective methods of case processing which permit cases to be handled expeditiously yet with fairness to all parties. Median disposition time in the housing courts for summary process cases (from return day to entry of judgment), as of July 1, 1986, was just 32 days, down five days (14%) from the same date in 1985. The medians ranged from a low of 23 days in Hartford to a high of 54 days in Norwalk.

Since the Advisory Council's last report, the caseload of the housing courts has increased by 10.8% overall, including an 11.5% increase in the number of summary process cases. Nevertheless, in spite of these increases, some court locations have succeeded in speeding up their disposition of cases. The Hartford court, for example, which has the largest summary process docket in the state (63% more cases than New Haven and twice as many as Bridgeport), has reduced the number of pending summary process cases from 533 cases in November, 1984, to only 291 cases in November, 1986, even though it receives more cases today than it did in 1984. In fact, the number of pending cases there is lower than at any other time in the court's eight-year history.

L. FORMS

The Council continues to urge the Judicial Department to increase the number of pro se forms available in the housing court and to revise those that are not sufficiently clear. Those of most concern at the present time are:

1. Answer form: The answer form does serve the purpose of notifying the court that the defendant seeks to contest the case, but it does not clearly identify all of the most common defenses nor does it clearly relate them to the two primary types of evictions (non-payment of rent and lapse of time). See Appendix C-1.

2. Lockout form: The Judicial Department has been reviewing a lockout form for several years, but no form has ever been completed. At the present time, no pro se lockout form is available at the court. The Council's proposed draft is in Appendix C-2.

3. Use and occupancy form: Under P.A. 86-267, the Judicial Department was required to promulgate a plain-language form for ordering defendants to make use and occupancy payments into court during eviction proceedings. Although the form produced at first glance may appear to be in plain language, it in fact is difficult to understand and does not implement the substance of the statute. The Council's recommended revision appears as

Appendix C-3.

4. Payment into court form: The Council recommends that the form for tenant code enforcement actions brought under C.G.S. §47a-14h be modified to include a checklist of the types of violations needing correction. See Appendix C-4.

5. Default and other forms: The default judgment forms need substantial revision so as to give clear warning to defendants of the importance of responding to them. See Appendix C-5.

M. BROCHURES

One of the early activities of the original Hartford-New Britain Citizens Advisory Council in 1979 was the drafting of a brochure on the housing court suitable for distribution to pro se litigants. The Bridgeport-Norwalk Citizens Advisory Council produced a similar bilingual brochure for that court in 1983. In 1986, the Citizens Advisory Council revised the Bridgeport-Norwalk brochure for use throughout the state. In its final form, the brochure provides simple information in English and Spanish about the operation of the court. A copy of the Hartford-New Britain version of the brochure appears as Appendix D.

N. STATUS OF THE CITIZENS ADVISORY COUNCIL

1. Council funding: The Council has never received state funds, although in 1978 and 1979 it had an informal arrangement with the Department of Housing to meet some of its duplicating and postage expenses. Although Council expenses are small (under \$1,000 per year), they nevertheless are real. The primary expenses are postage, duplication, open houses for new housing court judges, brochures, and report printing. For lack of any alternative, the Council has had to rely on either the services of its members or upon assistance from private foundations. As a state advisory board, the Council's nominal expenses ought to be funded by the State of Connecticut. The Council recommends that, for administrative purposes only, \$1,000 be included in the budget of the Department of Housing to cover Advisory Council costs.

2. Attendance requirements: Most state advisory boards have rules providing that board members who rarely attend meetings are deemed to have resigned. Since Citizens Advisory Council members are appointed for four-year terms, it is important that there be a mechanism in place to remove and replace members who have effectively dropped off of the Council. The Council recommends that C.G.S. §47a-71a be amended to provide for the removal of members who miss three consecutive meetings or more than half of the meetings in any year.

SUMMARY OF RECOMMENDATIONS

1. Legislative recommendations

- a. Additional elements of the housing court system should be introduced into non-housing court districts by:
 - i. Hiring three additional housing specialists to cover the non-housing court districts;
 - ii. Requiring use of housing court forms in geographical area courts which handle housing cases;
 - iii. Requiring clerk's offices in the non-housing court districts to provide assistance to pro se litigants;
 - iv. Guaranteeing access to the New Haven-Waterbury Housing Court to housing defendants in J.D. Ansonia-Milford and simplifying access for plaintiffs.
2. Nominal funding for the Citizens Advisory Council should be provided through the Department of Housing.
3. C.G.S. §47a-71a should be amended to remove Advisory Council members who do not regularly attend meetings.

2. Recommendations to the Judicial Department

- a. Additional portions of the housing court system should be introduced into non-housing court districts by:
 - i. Hiring three additional housing specialists to cover the non-housing court districts;
 - ii. Arranging for the availability and use of housing court forms in geographical area courts which handle housing cases;
 - iii. Training clerk's office employees in the non-housing court districts so that they can provide assistance to pro se litigants;
 - iv. Distributing housing court decisions to all geographical area clerk's offices which handle housing cases;
 - v. Examining the practicality of creating a separate housing court district for eastern Connecticut (J.D. New London, Tolland, Windham, and possibly Middlesex);
- b. The Judicial Department should see that adequate library and research materials are available and accessible to judges handling housing matters in both the housing court and non-housing court districts.

- c. 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.
 - d. The Judicial Department should assure that at least one permanent employee of each housing court clerk's office is fluent in Spanish.
 - e. The Judicial Department should include in all advertisements for the positions of housing clerk and housing specialist a statement that the ability to speak Spanish is desirable.
 - f. The Judicial Department should convert temporary positions to permanent ones for assistant clerks in Hartford and New Haven and for clerical assistants in Hartford and Norwalk. It should hire an assistant clerk for Bridgeport.
 - g. The Judicial Department should liberalize the minimum job qualifications for housing specialists.
 - h. The Judicial Department should designate a chief statewide housing specialist.
 - i. The Judicial Department should arrange for more space for the housing courts in Norwalk, Waterbury, and New Britain, should provide adequate courtroom tables in New Britain, and should consider moving the Waterbury court to the J.D. building in Waterbury. It should devise ways to fully enclose private offices at the Hartford court but should retain the present Hartford location.
 - j. The Judicial Department should arrange for parking spaces for housing specialists at the New Haven court.
 - k. The Judicial Department should revise the answer, use and occupancy, payment into court, default, and similar forms, and should complete development of a lockout form.
3. Recommendations to the Criminal Justice Commission and the Chief State's Attorney
- a. The Chief State's Attorney should complete implementation P.A. 84-445 by assigning full-time housing prosecutors to

handle housing prosecutions in J.D. Danbury, Litchfield, Middlesex, and Ansonia-Milford.

- b. The Chief State's Attorney should implement a set of strong prosecution guidelines.
 - c. Housing prosecutors should work with the Commission on Human Rights and Opportunities and local fair rent commissions to build channels for criminal enforcement in those areas.
 - d. Housing prosecutors should increase outreach to housing code enforcement agencies and police departments.
 - e. The Chief State's Attorney and the Criminal Justice Commission should permit the Citizens Advisory Council to play an increased role in the assignment and designation of housing prosecutors.
 - f. Advertisements for housing prosecutors should include a statement that the ability to speak Spanish is desirable.
4. Recommendations to the Office of Policy and Management and to the Governor
- a. Funding should be provided to hire three additional housing specialists to serve the non-housing court districts.
 - b. Approximately \$1,000 per year in funding for the Citizens Advisory Council for Housing Matters should be provided through the Department of Housing.

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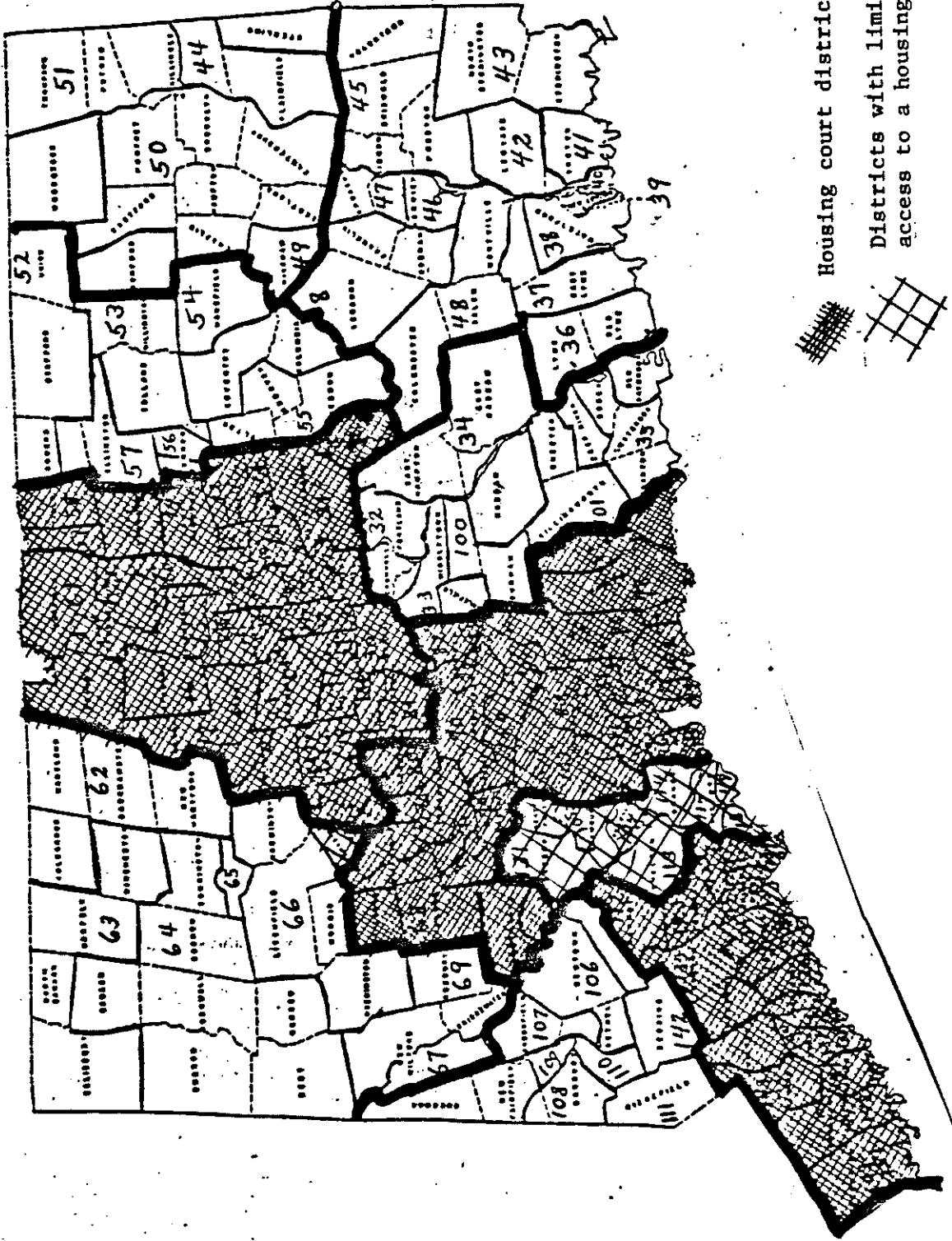
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APPENDIX A-1

HOUSING COURT DISTRICTS



APPENDIX A-2

HOUSING COURT ACT

as amended through December 31, 1986

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;
- (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:...(4) 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... (6) 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.

Sec. 47a-71a. 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. 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

July 1, 1985 to June 30, 1986

<u>Housing courts</u>	<u>Summary process</u>	<u>Small claims</u>	<u>Civil 47a-14h</u>	<u>Criminal</u>	<u>Total</u>	<u>% summary process</u>	
Hartford-New Britain							
Hartford	4,694	681	393	42	108	5,918	79.3%
New Britain	1,293	285	80	2	28	1,688	76.6%
	<u>5,987</u>	<u>966</u>	<u>473</u>	<u>44</u>	<u>126</u>	<u>7,606</u>	<u>78.7%</u>
New Haven-Waterbury							
New Haven	2,880	460	404	4	127	3,875	74.3%
Waterbury	1,106	208	72	3	22	1,411	78.4%
	<u>3,986</u>	<u>668</u>	<u>476</u>	<u>7</u>	<u>149</u>	<u>5,286</u>	<u>75.4%</u>
Bridgeport-Norwalk							
Bridgeport	2,347	253	142	13	14	2,769	84.8%
Norwalk	1,333	235	244	9	16	1,837	72.6%
	<u>3,680</u>	<u>488</u>	<u>386</u>	<u>22</u>	<u>30</u>	<u>4,606</u>	<u>79.9%</u>
Total	13,653	2,122	1,335	73	315	17,498	78.0%

Non-housing court districts (n. 1)

Eastern Connecticut	
New London	625
Norwich	525
Danielson	432
Rockville	472
Middletown	486
	<u>2,540</u>

Housing court summary process cases are:

78.0% of all housing court cases.

Western Connecticut	
Danbury	430
Winsted	299
	<u>729</u>

77.0% of all summary process cases in the state.

Ansonia-Milford 422

Meriden (n. 2) 381

Total 4,072

Connecticut total 17,725

Notes: n. 1 — In the non-housing court districts, the Judicial Department does not keep separate data for summary process cases but includes them in the G.A. civil category. The numbers used here are the actual G.A. civil caseload, multiplied by 97.1%, which is the estimated percentage of G.A. civil cases that are summary process.

n. 2 — Meriden is technically part of the New Haven-Waterbury Housing Court district but in practice does not have housing court services.



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.

APPENDIX C-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
2. Agree Disagree Do Not Know
3. Agree Disagree Do Not Know
4. Agree Disagree Do Not Know
5. Agree Disagree Do Not Know
6. Agree Disagree Do Not Know
7. 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)

APPENDIX C-2

(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 contro(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 day 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

STATE OF CONNECTICUT
SUPERIOR COURT
HOUSING SESSION

Landlord/landlord's attorney	vs.	Case docket no.
Tenant/tenant's attorney		Housing session at
Landlord (plaintiff)		Clerk's office address/phone
		Tenant (defendant)

NOTICE TO THE TENANT

Your landlord has asked the court to order you to make all future use and occupancy payments ("rent" payments during an eviction) to the Court.

YOU ARE ORDERED

to deposit with the Clerk of the Court at the above address the amount of \$. This amount must be received by the Clerk no later than

. Additional payments must be made monthly as long as you are still living in the apartment. Payment must be by cash, certified check, or money order. Personal checks will not be accepted.

If you fail to make your payment on time, you will be required to file an immediate answer to the complaint.

IF YOU OBJECT TO THE AMOUNT OF THE ORDER

you must file an objection with the Clerk of the Court. Please fill in the spaces below and return this form to the Clerk. A hearing will be scheduled on your objection. If the Clerk receives your objection by , you will not have to make your first payment until after the hearing. Otherwise you must immediately comply with the court's order.

OBJECTION CLAIM

I object to payment of the amount claimed because:

- The amount claimed is not the amount of the last agreed-upon rent. That amount is \$ per month.
- The premises are not worth the amount claimed to be due. The fair rental value of the premises is \$ per month.
- Other (explain)

Date _____

Tenant (defendant) _____

_____ vs. _____

COMPLAINT

- The plaintiff is a tenant in the building at _____
Street Address, Apt. # or Floor, Town
- The defendant is the landlord of that building.
- The parties entered into an oral/written lease for the term of one month/week/year.
- 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.
- On _____ (date) the tenant made a complaint about the premises to _____ (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]:

- | | |
|--|--|
| <input type="checkbox"/> Plumbing (toilet, sink, shower, bathtub, etc.) | <input type="checkbox"/> Common areas (yard, basement, entryway, hallways, etc.) |
| <input type="checkbox"/> Heat or hot water | <input type="checkbox"/> Locks |
| <input type="checkbox"/> Cold water | <input type="checkbox"/> Smoke detectors |
| <input type="checkbox"/> Electricity or wiring | <input type="checkbox"/> Others [please list]: |
| <input type="checkbox"/> Garbage removal | _____ |
| <input type="checkbox"/> Rats or roaches | _____ |
| <input type="checkbox"/> Walls or ceilings (including water leakage) | _____ |
| <input type="checkbox"/> Windows | _____ |
| <input type="checkbox"/> Building structure (roof, porches, stairways, etc.) | _____ |

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:

- An order requiring the landlord promptly to make repairs and to perform his/her other legal duties under local, state, an federal law.
- 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.
- An order staying other proceedings concerning the same property.
- An award of money damages, which may include a retroactive abatement of rent.
- 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.)
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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 prose 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.

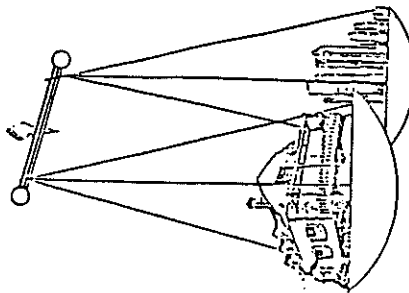
Form B-12, Affidavit supporting a criminal lockout complaint: Form B-3 can be used by a tenant to make a lockout claim on the civil side of the court. A lockout is also an explicit criminal violation under P.A. 81-24; and the housing court prosecutor is authorized to receive complaints directly from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

HOUSING COURT

HARTFORD/NEW BRITAIN



THE HOUSING COURT

Tenants and property owners living in the Judicial District of Hartford/New Britain have a special place to bring many of their housing problems for fair, prompt action. In 1978, the legislature created the "Housing Court", a separate division of the Superior Court for all housing cases with its own judge and staff. The Housing Court gives housing problems the time and attention they require.

WHAT TYPES OF PROBLEMS CAN BE HANDLED BY THE HOUSING COURT?

- ** Evictions
- ** Security deposit disputes
- ** Actions for back rent
- ** Actions for damage to property
- ** Lockouts of tenants from their apartments
- ** Actions to get necessary repairs made ("Payment into Court" actions)
- ** Criminal violations of the health or housing codes

The Housing Court can also hear other types of housing cases.

HOW DOES THE HOUSING COURT WORK?

Entry Fee

If you want to start an action in the Housing Court, you must pay an entry fee.

Entry fees as of July 1, 1986 are:

- ** Evictions \$55
- ** Small Claims \$15
- ** Payment Into Court \$25
- ** Other cases \$55

The fee can be waived for people who cannot afford to pay it.

Clerk's Office

The Clerk's Office will provide "pro se" assistance (help to people representing themselves) in the Housing Court. The HOUSING CLERK, who is an attorney, can answer your questions about court procedure. The Housing Court has developed forms for many cases, and the Housing Clerk can help you fill them out.

The Housing Clerk, however, cannot give you legal advice and is not a substitute for having your own attorney.

Lawyers

You do not have to have a lawyer in Housing Court, although it is often a good idea to have one.

If you want a lawyer and do not have one, you can contact the Lawyer Referral Service at 525-6052 or 1-800-842-0067. If you are too poor to afford

a lawyer, you can contact a legal aid program at:

- 525 Main St., Hartford 722-8090
- 1229 Albany Ave., Hartford 278-6650
- 69 Walnut St., New Britain 225-8678

Housing Specialists

In a contested case, before there is a trial, the landlord and tenant will usually be asked to sit down with the HOUSING SPECIALIST to try to work out a compromise or STIPULATION. If the Housing Specialist is able to work out an acceptable agreement, the stipulation is then brought before the Judge for the Judge's approval. If the Housing Specialist cannot work out an agreement, the judge will hear the case and make a decision.

WHAT IF MY APARTMENT HAS HOUSING OR HEALTH CODE VIOLATIONS?

If your housing problems are about lack of 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 are responsible for enforcing local codes. If the landlord does not obey their orders, they can have the landlord prosecuted. The Housing Court has a SPECIAL PROSECUTOR to see that housing and health codes are enforced.

Under a 1985 law, you can also bring your own action to get repairs done. The entry fee is \$25. During the action, you must pay your rent to the court. The Housing Clerk can give you more information about this procedure.

WHERE IS THE HOUSING COURT?

The Housing Court has two locations - one in Hartford and one in New Britain:

18 Trinity St., Hartford (566-8550)

177 Columbus Blvd., New Britain (827-7111)

HOUSING COURT CLERKS (as of Jul. 1986)

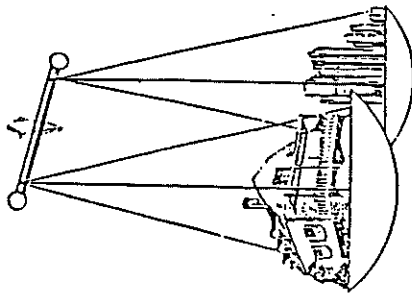
- Statewide William Sadek (789-7937)
- Hartford Victor Feigenbaum (566-8550)
- New Britain Michael Flynn (827-7111)

CITIZEN'S ADVISORY COUNCIL FOR HOUSING MATTERS

State Chairperson:
Douglas C. Mintz (838-2800)
Hartford/New Britain Chairperson:
Robert Kor (278-6850)

CORTE DE VIVIENDAS

HARTFORD/NEW BRITAIN



Preparado por el Consejo Consultivo de Ciudadanos Para Asuntos de Viviendas

LA CORTE DE VIVIENDAS

Inquilinos y dueños de propiedades que viven en el Distrito Judicial de Hartford/New Britain tienen un lugar especial para llevar muchos de sus problemas de viviendas para acción justa y rápida. Una división separada de la Corte Superior fué creada en 1978, conocida más como la "Corte de Viviendas" para todos los casos de viviendas con su propio juez y consejo administrativo. La corte de viviendas le da el tiempo y la atención a los problemas de viviendas que requieren.

¿QUE CLASE DE PROBLEMAS PUEDEN SER ATENDIDOS POR LA CORTE DE VIVIENDAS?

- ** Desahucios
- ** Disputas acerca de Depósitos de Seguridad
- ** Acciones para renta atrasada
- ** Acciones para daños a propiedades
- ** Cierre de inquilinos fuera de su apartamento
- ** Acciones para hacer reparaciones (Acciones de "Pagos de Renta a la Corte")
- ** Violaciones criminales del depto de salud y del depto de código de viviendas

La Corte de Viviendas también puede dar otra clase de problemas de viviendas.

¿COMO FUNCIONA LA CORTE DE VIVIENDAS?

Cuota de Entrada

Si usted quiere hacer un

pleito en la Corte de Viviendas, usted tiene que pagar una cuota de entrada, los cuales son (en Julio 1, 1986) las siguientes:

- ** Desahucios \$55
- ** Reclamos Pequeños \$15
- ** Pagos a la Corte \$25
- ** Otros Casos \$55

Para aquellos quienes no pueden pagar estas cuotas, la corte puede decidir no cobrarles.

Oficina del Clerigo de la Corte

La Oficina del Clerigo provee asistencia "pro se" (ayuda a gente que van a representarse sin un abogado) en la Corte de Viviendas. EL CLERIGO DE LA CORTE, quien es abogado, puede contestar sus preguntas acerca del procedimiento de la corte.

La Corte de Viviendas tiene formas para varios casos, y el clerigo de la Corte puede ayudarle a llenarlas. El Clerigo de la Corte no puede darle consejos legales personales, y él no puede reemplazar a un abogado personal.

Abogados

Usted no debe de tener un abogado en la Corte de Viviendas, aunque muchas veces es una buena idea tenerlo. Si usted quiere un abogado, y no tiene uno, puede llamar al Servicio de Referimiento de Abogado al 525-6052 o 800-842-0067. Si no puede pagar un abogado, puede comunicarse con

un servicio de ayuda legal en:

- 525 Main St., Hartford
722-8090
- 1229 Albany Ave., Hartford
278-6850
- 69 Mainut St., New Britain
225-8678

Especialistas de Viviendas

En un caso contestado, el dueño y el inquilino usualmente se sientan con la ESPECIALISTA DE VIVIENDAS antes del Juicio para tratar de solucionarlo. Cuando la Especialista de Viviendas llega a un acuerdo, lo llama una STIPULACION. Si los dos partidos llegan a una stipulación, el juez la repasa para aprobarla. Si la Especialista de Viviendas no puede llegar a un acuerdo, el juez oíra el caso y hará una decisión.

¿QUE PASA SI MI APARTAMENTO TIENE VIOLACIONES DE CODIGO DE VIVIENDAS O CODIGO DE SALUD?

Si sus problemas de viviendas son cosas como falta de calefacción, alambrado defectuoso, plomería, basura, insectos, ratas, falta de reparaciones, etc., usted debe de ponerse en contacto con la Oficina de Código de Viviendas o el Departamento de Salud. Estas agencias tienen la responsabilidad de enforzar estos códigos locales. Si el dueño no sigue las órdenes estas agencias, ellos pueden llevar su caso a la Corte de Viviendas. La Corte tiene un FISCAL ESPECIAL que toma la responsibilidad de asegurar que los Códigos de Salud y Viviendas estén cumplidos. Bajo una ley de

1985, usted mismo puede tomar una acción para hacer reparación. La cuota de entrada es \$25.

Durante la acción, usted tiene que pagar su renta a la corte. El Clerigo de la Corte puede darle más información acerca de este procedimiento.

¿DONDE ESTA LA CORTE DE VIVIENDAS?

La Corte de Viviendas esta ubicada en dos lugares - en Hartford y en New Britain:
18 Trinity St., Hartford
(566-8550)
177 Columbus Blvd., New Britain
(827-7111)

CLERIGOS DE LA CORTE (desde Jul. 1986)

- Del Estado William Sadek (789-7937)
- De Hartford Victor Feigenbau (566-8550)
- De New Britain Michael Flynn (827-7111)

CONSEJO CONSULTATIVO DE CIUDADANOS PARA ASUNTOS DE VIVIENDAS

- Presidente Estatal:
Douglas C. Mintz (838-2800)
- Presidente de Hartford/New Britain:
Robert Kor (278-6850)

APPENDIX E

STATUS OF 1985 CITIZENS ADVISORY COUNCIL 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; No action
 - ii. The designation of geographical area clerks handling housing matters as "housing clerks"; No action
 - 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. No action
- b. The Payment into Court Act (P.A. 83-510) should be made permanent and extended throughout the state. Adopted (P.A. 85-378)
- c. Housing actions against out-of-state defendants should be made maintainable in the small claims session of the housing courts. Adopted (P.A. 85-256)
- d. The small claims jurisdictional maximum for housing matters should be increased to \$1,500. Adopted (P.A. 85-256)
- 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. No action

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; Implemented
 - ii. Expanding their jurisdiction to the non-housing court districts by dividing the remainder of the state into thirds. Implemented in part by P.A. 86-388

- 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. Implemented
- c. The Chief State's Attorney should implement a set of strong prosecution guidelines. Not implemented
- 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. Not implemented
- e. Housing court forms, cases, and research materials should be available in all clerk's offices handling housing matters. Not implemented
- f. Housing court services should be restored to litigants whose housing cases are filed in Meriden: Not implemented
 - i. The New Haven-Waterbury housing specialists should handle cases filed in Meriden; Not implemented
 - 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. Not implemented
- 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; Not implemented except as to Stamford
 - 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. Not implemented
- h. The job specification for housing specialist should be revised to eliminate inspection experience as a prerequisite for hiring. Implemented

- i. A fourth housing court prosecutor should be hired as head of the Chief State's Attorney's housing prosecution unit. Not implemented, but fourth prosecutor hired to handle eastern Connecticut
- 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. Not implemented
 - 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. Not implemented
 - iii. Posting a conspicuous notice, in Spanish and English, that assistance in Spanish is available on request. Not implemented
 - iv. Providing translations of explanatory materials and court forms in Spanish. Not implemented
- k. There should be a conspicuous sign posted in housing clerk's office informing litigants who need assistance to ask to speak to the clerk. Not implemented
- 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. Not implemented
- 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. Implemented

APPENDIX F-1

AN ACT CONCERNING THE PROVISION OF HOUSING COURT SERVICES IN THE 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 districts of Hartford-New Britain, New Haven and Fairfield and may designate one of them in each SUCH 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. SUCH JUDGES OR COMMITTEE SHALL ALSO APPOINT NO LESS THAN THREE ADDITIONAL HOUSING SPECIALISTS WHO SHALL ASSIST IN THE HEARING OF HOUSING MATTERS IN ALL OTHER JUDICIAL DISTRICTS.

Section 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 CLERK [clerks] for the judicial district of New Haven at Meriden, AND THE CLERKS FOR ALL GEOGRAPHICAL AREA COURTS FOR WHICH, PURSUANT TO SUBSECTION (b) OF SECTION 51-348, VENUE FOR HOUSING MATTERS IS IN THE GEOGRAPHICAL AREA, 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.

Section 3. 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

APPENDIX F-2

AN ACT CONCERNING THE CITIZENS ADVISORY COUNCIL FOR HOUSING MATTERS.

Section 47a-71a of the general statutes is repealed and the following is substituted in lieu thereof:

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. ANY MEMBER WHO FAILS TO ATTEND THREE CONSECUTIVE MEETINGS OR WHO FAILS TO ATTEND FIFTY PER CENT OF ALL MEETINGS HELD DURING ANY CALENDAR YEAR SHALL BE DEEMED TO HAVE RESIGNED FROM OFFICE.

Statement of purpose: To establish a minimum attendance requirement for the Citizens Advisory Council for Housing Matters.

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. The records, files and other documents pertaining to housing matters shall be maintained separate from the records, files and other documents of the court. FORMS DEVELOPED FOR USE IN JUDICIAL DISTRICTS HAVING SUCH SEPARATE HOUSING DOCKETS SHALL BE AVAILABLE FOR USE IN ALL GEOGRAPHICAL AREA COURTS FOR WHICH, PURSUANT TO SUBSECTION (b) OF THIS SECTION, VENUE FOR HOUSING MATTERS IS IN THE GEOGRAPHICAL AREA. Matters do not have to be heard in the facilities to which the process is returned and the pleadings filed.

Statement of purpose: To implement the recommendations of the Citizens Advisory Council on Housing Matters so as to provide some housing court services to the non-housing court districts.