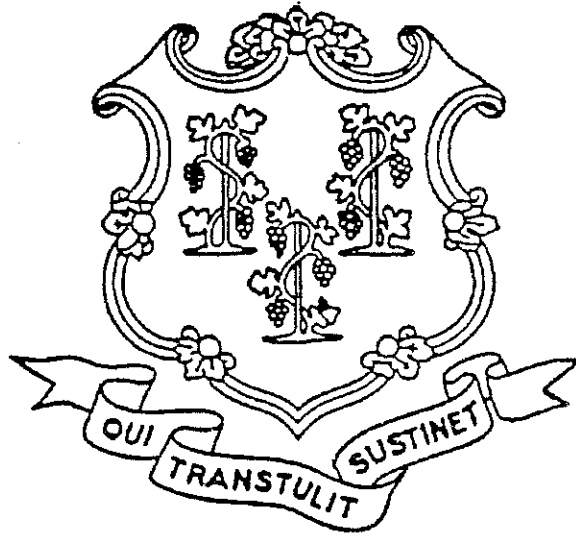


1989 REPORT TO THE GENERAL ASSEMBLY



CITIZENS ADVISORY COUNCIL
FOR
HOUSING MATTERS

JANUARY 4, 1989

REPORT TO THE GENERAL ASSEMBLY

pursuant to
Section 47a-73 of the General Statutes

January 4, 1989

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SUMMARY OF RECOMMENDATIONS

Recommendations to the Judicial Department

1. The Judicial Department should improve housing court services in the non-housing court districts by:
 - a. Assuring that calendar schedules in the non-housing court districts are coordinated so as to make it possible for a housing specialist to be available on court calendar days. p. 9
 - b. Making judges aware that contested summary process cases should be referred to housing specialists for review before trial. p. 9
 - c. Assuring improved service to pro se litigants in the geographical area clerk's offices by having G.A. clerks: p. 10
 - i. Provide the same kind of assistance to pro se litigants that is provided in housing court districts;
 - ii. See that newly hired employees are familiar with their housing duties;
 - iii. Routinely notify the Deputy Director for Housing Matters when new employees are hired so that they can be trained formally; and
 - iv. Be encouraged to maintain regular contact with the Deputy Director for Housing Matters on housing-related problems.
2. The Judicial Department should create an Eastern Connecticut Housing Court for J.D. New London, Tolland, and Windham by 1992 and should examine how best to bring a housing court to J.D. Danbury, Litchfield, Ansonia-Milford, and Middletown and to the Meriden courthouse in J.D. New Haven. p. 10
3. 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, including arranging for the distribution of newly-issued housing court decisions to state libraries. p. 9
4. The Judicial Department should review the judge's Bench Book to assure that it contains a section on housing law which adequately and accurately reflects the body of law which has developed in the housing courts. p. 9

5. The Judicial Department should promote telephone access to the housing courts by: p. 13
 - a. Making certain that the blue pages of each telephone book within a district contain a listing for the clerk's office which handles housing cases in that district and that, in the housing court districts, such listings are found or cross-referenced under "Housing Court" in the blue pages;
 - b. Establishing toll-free call-in lines to the housing court for Stamford/Greenwich, Enfield, and Bristol.

6. The Judicial Department should: p. 14
 - a. Assure that at least one permanent employee of each housing court clerk's office is fluent in Spanish; and
 - b. Include in all advertisements for the positions of housing clerk and housing specialist a statement that the ability to speak Spanish is desirable.

7. The Judicial Department should make Spanish-language translations of forms and explanatory materials available at all court locations hearing housing matters. p. 14

8. The Judicial Department should make arrangements so that housing court jury cases, particularly on the criminal docket in Hartford, can be promptly tried. p. 16

9. The Judicial Department should assist the Advisory Council in data collection by implementing a regular system of mailing docket sheets for the criminal docket to the Council. p. 16

10. The Judicial Department should request waiver of the freeze on the hiring of housing court clerical staff so as to fill authorized positions in Hartford, Bridgeport, and Norwalk. It should also increase housing court clerical staff by converting a part-time position in Hartford to full-time and should convert temporary positions to permanent ones for assistant clerks in Hartford, New Haven, and Bridgeport and for clerical assistants in Hartford, New Haven, and Norwalk. p. 17
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11. The Judicial Department should arrange for the hiring of sufficient housing specialists in Hartford-New Britain so as to bring staffing to an equivalent of three positions. p. 18

12. The Judicial Department should assign a second housing court judge to the Hartford-New Britain Housing Court. p. 18

13. The Judicial Department should revise the experience standards for housing specialists so as to permit the p. 18

widest range of applicants to apply.

14. The Judicial Department should improve the space used for hearing housing matters by:
 - a. Arranging for more space for the housing courts in Norwalk, Waterbury, and New Britain, including enlarged space for the Norwalk court without waiting for its long-term relocation to Stamford; p. 19
 - b. Considering consider moving the Waterbury court to the J.D. building in Waterbury; p. 20
 - c. Making accoustical improvements in the New Haven courtroom, including the provision of microphones; and p. 20
 - d. Arranging for private space for housing specialists in Rockville, Winsted, Meriden, and Danielson. p. 20
15. The Judicial Department should arrange for parking spaces for housing specialists in court locations where there is no parking near the courthouse. p. 20
16. 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. p. 21
17. The Judicial Department should see that the Advisory Council is notified in advance of proposed changes in the housing court system and given an opportunity to comment prior to final decisions being made. In particular, the Department should arrange for early participation by the Council in such matters as:
 - a. Creation of new housing courts, including one for eastern Connecticut; p. 10
 - b. Revision of existing housing court forms and development of new housing court forms; p. 22
 - c. Relocation and remodeling of housing court locations and; p. 19
p. 20
 - d. Revision of job specifications for housing court positions. p. 18

Recommendations to the Criminal Justice Commission and the
Chief State's Attorney

1. 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, and Ansonia-Milford. p. 8

2. The Chief State's Attorney should assure that all four housing prosecutors are assigned full-time to housing. p. 8
3. Housing prosecutors should increase outreach to housing code enforcement agencies and police departments, particularly in eastern Connecticut. p. 8
p. 16
4. The Chief State's Attorney should complete and implement a set of strong prosecution guidelines. p. 15
5. To the extent that there is doubt about prosecution authority to obtain substantial fines or incarceration where appropriate in housing code prosecutions, the Chief State's Attorney should take the lead in seeking clarification of relevant statutes. p. 15
6. Housing prosecutors should work with the Commission on Human Rights and Opportunities, the Attorney General, and local fair rent commissions to build channels for criminal enforcement in those areas. p. 15
7. Housing prosecutors should, in appropriate cases, take affidavits directly from complainants. p. 15
8. The Chief State's Attorney should assure that housing prosecutors have the same degree of access to prosecution investigators when needed as do other prosecutors. p. 15
9. The Chief State's Attorney and the Criminal Justice Commission should permit the Citizens Advisory Council to play an increased role in the hiring, assignment, and designation of housing prosecutors. p. 16
10. Housing prosecutors should meet regularly with the Citizens Advisory Council for exchanges of ideas on policy matters. p. 16
11. Advertisements for housing prosecutors should include a statement that the ability to speak Spanish is desirable. p. 14

Recommendations to the Office of Policy and Management and to the Governor

1. The hiring freeze should be waived so as to fill vacant clerical positions in Hartford, Bridgeport, and Norwalk. p. 17
p. 21
2. Adequate funding should be provided for hiring necessary staff and converting temporary positions to permanent ones. p. 17
p. 18
3. Adequate funding should be provided for proper facilities for the housing courts. p. 19
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Legislative recommendations

1. An Eastern Connecticut Housing Court should be created for the judicial districts of New London, Tolland, and Windham by 1992. p. 10
2. Clerk's offices in the non-housing court districts should be required to provide assistance to pro se litigants. p. 10
3. Access to the New Haven-Waterbury Housing Court for parties in J.D. Ansonia-Milford should be simplified. p. 12

REPORT IN DETAIL

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. As amended in 1987 by P.A. 87-249, it consists of 36 members, nine of whom come from each of the three housing court districts and nine of whom come from the non-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. Since 1987, its administrative expenses have been paid by the State Department of Housing.

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 not only 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. 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 1987 report to the General Assembly. There have been a number of important administrative improvements in the housing court system since 1987. For example, the housing specialist system now serves all districts in the state, both housing court and non-housing court. Housing court forms are also available statewide. There has been a corresponding reorganization of administrative authority, with a single person designated as a chief statewide housing specialist and with the Chief Clerk for Housing Matters converted to a Deputy Director for Housing Matters, a position with a broader range of authority over housing court administration. In addition, a full-time housing prosecutor now handles cases throughout eastern Connecticut, and work is well underway on a prosecutor's manual which will toughen prosecution standards. Many of these changes reflect recommendations made in 1985 and 1987 by the Citizens Advisory Council.

There is, however, much still to be done. For example, western Connecticut and parts of central Connecticut are still not served by housing prosecutors. There is need for additional

staffing in many of the housing courts and for improved facilities in some of them. Greatly increased caseload, combined with a hiring freeze, is putting a severe strain on the clerks' offices in some court locations, and particularly in Hartford. Litigants must still pay a toll to call the court from Stamford, Enfield, and Bristol. Because its function is to make the housing court system better, this report necessarily focuses on those parts of the court's operations where improvements can be made. To keep our suggestions in context, however, the Council also wishes to make clear its continuing strong support for the housing court system and its belief that the existence of the system is a major benefit to the handling of housing cases in Connecticut.

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 eviction cases in the state (Appendix A-3). Since 1987, an increasing number of housing court services have become available in the non-housing court districts. The Advisory Council recommends that (a) housing prosecution services should be extended to those districts where they do not presently exist; (b) a full-scale housing court should be created for eastern Connecticut by 1992; and (c) there should be further study of whether a full-scale housing court should cover the remaining parts of the state (i.e., Danbury, Litchfield, Ansonia-Milford, Meriden, and Middletown).

1. Housing court prosecution: 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. In late 1986, a prosecutor, based in New London, was assigned to handle housing prosecutions in the judicial districts of New London, Tolland, and Windham. In 1988, the Hartford prosecutor assumed responsibility for prosecutions in J.D. Middlesex (Middletown) and the New Haven prosecutor began to handle prosecutions in Meriden.

Four years after passage of P.A. 84-445, however, J.D. Danbury, J.D. Litchfield, and J.D. Ansonia-Milford are still outside the housing prosecution system. The caseload of housing prosecutors remains manageable enough that 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 and J.D. Litchfield and J.D. Ansonia-Milford by the New Haven-Waterbury prosecutor.

The Council also has two particular concerns about the implementation of housing prosecution in eastern Connecticut. First, there has been uncertainty over the past two years about

whether the housing prosecutor is or is not being assigned five days per week to housing. There have been times when the prosecutor had other assignments at least two days per week. The eastern Connecticut prosecution assignment should be full-time, five days per week.

Second, the Council does not believe that there has been adequate outreach in eastern Connecticut to local agencies. An informal survey by the Council found many code enforcement officials who were unaware of the availability of the prosecutor. The Council recommends that the prosecutor increase outreach efforts to expand local knowledge of his functions and to build local systems for case referrals.

2. Housing specialists: P.A. 87-351 required the provision of "roving" housing specialists in the non-housing court districts. The Council is pleased that this act has been implemented effectively, and the services provided have been widely praised. It appears, however, that there have been serious scheduling problems in the Danielson court location which have resulted in eviction cases being scheduled for hearing on days on which the presence of the housing specialist is required in a different court. Poor scheduling can effectively deny litigants the very important mediation services provided by the housing specialist. Efforts have already been made to coordinate summary process calendar days so as to avoid conflicts. The Council recommends that the clerk's offices in the various court locations in non-housing court districts see that housing cases are calendared in accordance with those schedules so as to permit the housing specialist to be available to litigants.

There are also a few judges in the non-housing court districts who do not refer cases to a housing specialist for pre-trial mediation. C.G.S. §47a-69(c)(1) provides that housing specialists "shall be responsible for the initial screening and evaluation of all contested housing matters." The Council recommends that the Judicial Department make judges who handle housing cases in the non-housing court districts aware that contested summary process cases should be referred to a housing specialist prior to trial.

3. Housing court forms: Simplified housing court forms (e.g., a fill-in-the-blank eviction complaint and eviction answer) are now available in the non-housing court districts, and further revision of these forms is underway.

4. Research resources: The bound housing court decisions are now available in all state libraries. Housing court opinions are bound, by housing court district, when sufficient decisions have been accumulated (usually about 100 decisions per volume). More recent decisions, however, are available only in the housing court clerk's offices. This means that the state libraries can easily be without the last year or two of decisions. As a practical matter, this makes them unavailable to the public in the non-housing court districts and difficult to obtain even in

the housing court districts (since the clerk's office is not a convenient location for research). The Council recommends that recent housing court decisions (i.e., those which have not yet been bound) be available in all of the state law libraries.

In addition, housing law manuals and similar research materials should be available to all judges who handle housing cases. Such materials are available to judges in the housing court districts. To the extent that they are not available for judges in the non-housing court districts, they should be made available, either through the clerk's office or through the state law libraries. The judge's Bench Book should also be reviewed by the Judicial Department so as to assure that it contains a section on housing law which adequately and accurately reflects the body of law which has developed in the housing courts over the past ten years.

5. Assistance to litigants: 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 assistance that permits litigants to understand the papers that they have received and the forms available for their use.

An important step in this direction was taken in 1988, with the expansion of authority of the Chief Clerk for Housing Matters. Geographical area clerks have now been trained in their housing duties; but it is important that there also be an effective on-going system both for training all new G.A. clerk's office employees who have telephone or counter contact with the public on housing matters and for assuring G.A. clerk's office familiarity with changes in housing law. The Council recommends that G.A. clerks (a) see that newly-hired clerk's office employees are made familiar with their duties concerning housing, (b) routinely notify the Deputy Director for Housing Matters whenever a new employee with housing responsibilities or contact with the public on housing matters is hired so that formal training can be provided, and (c) be encouraged to be in touch with the Deputy Director for Housing Matters about any housing-related problems that may arise. In addition, C.G.S. 51-52(e) should be amended to make clear the duty of G.A. clerks to provide assistance to pro se litigants (see Appendix E-2).

6. Completion of the housing court system: While many services which used to be available only in a housing court are now provided in the non-housing court districts, there is still no housing court in the judicial districts of New London, Tolland, Windham, Middlesex, Ansonia-Milford, Danbury, and Litchfield; and the Meriden courthouse within J.D. New Haven is not served by the New Haven-Waterbury Housing Court. In principle, the Advisory Council supports creating housing courts

to cover all of these districts. In practice, however, caseload and distance problems make this difficult to do.

A housing court is more than the presence of a housing specialist and a housing prosecutor. It is a full-scale specialization of the housing function. For example, the housing court clerk's office is normally both physically and administratively separate from other clerk's offices, with its own clerk and with office staff specially trained to answer questions from litigants so that it presents its own unique face to the public. In addition, a single judge is assigned full-time to each housing court and during the period of assignment handles only housing cases.

The judicial districts without housing courts have relatively small housing caseloads, making the creation of a full-time, administratively segregated court very difficult (see Appendix A-3). The typical housing court handles between 4,000 and 8,000 eviction cases per year. In contrast, the non-housing court locations receive between 300 and 800 such cases per year. To generate enough cases for a full-scale housing court, it is necessary to combine districts. Indeed, both the New Haven-Waterbury and the Bridgeport-Norwalk Housing Courts are combinations of two judicial districts; and the Hartford-New Britain Housing Court will become a two-district court in 1991 when P.A. 88-230 takes effect, making New Britain a separate judicial district. However, to build enough caseload to justify a separate housing court in the non-housing court districts would require combining three or four judicial districts, thereby creating a difficult "circuit-riding" assignment for a single judge.

After balancing these concerns, the Council recommends that it is now time to commit to the establishment by 1992 of a consolidated housing court for eastern Connecticut to include the judicial districts of New London, Tolland, and Windham (see Appendix E-1). In order to accomplish this, the Council recommends the immediate adoption of legislation creating the court but with a deferred effective date which will permit further study of the details of the consolidated court. For this purpose, a committee of members of the Judicial Department, the legislature, and the public (including the Advisory Council) should be designated to consider the method of implementation, including such issues as where the court should sit (e.g., whether all J.D. New London housing cases should be heard at a single court location) and whether J.D. Middlesex should be included in the court. Creation of this court would require the hiring of one clerk for housing matters to serve the entire housing court district and possibly some additional support staff, although it may be possible to meet most staffing needs by reassignment of existing court personnel. Arrangements should also be made to separate the clerk's offices handling housing matters from the regular clerk's offices so as to maintain them as separate "housing court" entities.

This recommendation would leave Middletown, Danbury, Litchfield, Ansonia-Milford, and Meriden without a housing court. One proposal presented to the Council would combine them as follows: Middletown would be added to the Eastern Connecticut Housing Court; Rockville would be added to the Hartford Housing Court; Meriden and Ansonia-Milford would be added to the New Haven Housing Court; and New Britain, Waterbury, Danbury, and Litchfield would be combined into a new Central Connecticut Housing Court. The proposal would result in a total of five housing court districts, all with caseloads large enough to justify a full-time judicial assignment. Nevertheless, the Council is not comfortable with the proposal and is not prepared to endorse it. In part, this is because of uncertainty about where cases from Rockville and Meriden would be heard. In part, it is because the component parts of the large Central Connecticut Housing Court have little connection to each other.

The Council therefore recommends that the method of creating a housing court for Danbury, Litchfield, Ansonia-Milford, Middletown, and Meriden be deferred for further study.

7. Special problems of the Judicial District of Ansonia-Milford: At the present time, the Judicial District of Ansonia-Milford is not part of any housing court district, but plaintiffs there have a limited right of access to the New Haven-Waterbury Housing Court. Until such time as Ansonia-Milford becomes a full part of a housing court district, that right should be equalized for defendants and 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 but does not give access to the defendant. Only a handful of cases have ever been transferred under this cumbersome procedure, which the Council believes does not provide equal treatment for all litigants.

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.

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. Second, the defendant should be permitted to have a case transferred from Ansonia-Milford to New Haven or Waterbury as a matter of right (see Appendix E-3).

F. PUBLIC ACCESS TO HOUSING COURTS

1. Telephone book listings: Each Connecticut telephone book contains a blue pages listing for governmental agencies. In housing court districts covered by more than one telephone book, however, the telephone number of the housing court is listed only in the book where the court is physically located and not in the books for the outlying parts of the district. 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. In particular, housing court listings should be added in the following telephone books:

<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 same problem also exists in some of the non-housing court districts. For example, the Willimantic telephone book, which includes Mansfield, lists the G.A. clerk's offices in G.A. 11 (of which Willimantic is a part) but does not list the offices for G.A. 19, where Mansfield housing cases are heard.

In addition, finding the court in the blue pages can be quite difficult, because the court is listed under "J" for "Judicial Department" rather than under "H" for "Housing Court." Indeed, in the Hartford telephone book, in order to find the housing court telephone number, one must not only look under "Judicial Department" but must go down to the 61st telephone number under "Judicial Department" before coming to the housing court listing. The Council recommends that either (a) the housing court listing be placed under "H" for "Housing Court," with a cross-reference under "Judicial Department"; or (b) if the listing remains under "Judicial Department," a cross-reference be placed under "H" for "Housing Court."

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, three major areas (and a few smaller ones) for which that is not true: Stamford/Greenwich, Bristol, and Enfield. In addition, it is a toll call from both Ansonia-Milford and from the Meriden area to the New Haven clerk's office.

It should be possible for all parts of a housing court district to reach the court by telephone toll-free. There are several ways to accomplish this, but the least expensive appears to be through "toll-free access," a system in which a person can reach the nearest housing court by dialing a local number. The 1986 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." Priority in implementing this proposal should be given to the Stamford-Greenwich area, since more than half the caseload of the Norwalk court comes from the Stamford area.

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 part-time employee in New Haven. The only other Spanish-speaking staff members in the entire system are four of the ten housing specialists, none of whom serve the Bridgeport-Norwalk district. In fact, Bridgeport has no Spanish-speaking staff in any capacity. The Council recommends that each housing court clerk's office 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 is very pleased that the housing court prosecutors are in the process of adopting, in consultation with the Council, a set of guidelines for housing code prosecution designed to maximize the effectiveness of prosecution in leveraging repairs, reducing delays, discouraging repeat offenders, and developing credible sanctions. The Council urges the Chief State's Attorney to complete and implement this prosecution manual.

The Council hopes that implementation of the manual will resolve some of the concerns about prosecution which the Council has expressed in its 1985 and 1987 reports. Some of these practices still exist in some districts. For example, the Council does not agree with the disposition of cases without opening a docket file, because this leaves no court record of the proceeding and 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.

Since 1985, when State v. DiMasi, SNBR-213, was decided, there has been some uncertainty as to the maximum sanction which can be imposed for housing code violations. It is important that the prosecutor's arsenal include a full range of sanctions, including the ability to seek substantial fines or incarceration in appropriate cases. To the extent that there is doubt about the prosecutors' authority in this area, the Advisory Council supports efforts by the Chief State's Attorney to see that the law is made clear.

2. Other criminal jurisdiction: Although the prosecutors' job is usually viewed as one of housing code prosecution, it in fact covers all criminal matters concerning housing. The Council is pleased, for example, that prosecutors have established jurisdiction over criminal negligence prosecutions related to housing (e.g., deaths caused by the failure to install smoke detectors). 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; and it appears that the new prosecutor's manual will recognize them. The Council knows of no criminal prosecutions in a housing court under Title 46a, Title 16, or §7-148f. The Council is pleased, however, that in recent months contact for the first time has been made between housing

prosecutors and the Commission on Human Rights and Opportunities (CHRO), the Attorney General's Office, and some fair rent commissions. The Council recommends that each prosecutor work with the CHRO, the Attorney General, and 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.

In addition, the Council recognizes that, particularly in major prosecutions (e.g., negligent homicide) and in complaints taken directly from a victim, the prosecutor may need the assistance of an investigator. The State's Attorney's offices all employ investigators, but none are attached directly to the housing courts. The Council recommends that each state's attorney provide housing court prosecutors with access to their investigatory staff to the same extent that access is available to other prosecutors in the judicial district.

3. Criminal jury scheduling: Because of the volume of cases in the housing courts, it is difficult for the housing court to hold jury trials, which can bring the rest of the court's activities to a halt. Juries are rarely requested in housing code prosecutions, but on occasion requests are made. These cases are ordinarily moved to a regular Superior Court location for jury selection and trial. There has, however, been difficulty in making such arrangements, creating the risk of long delays before trial. Such delay can have serious consequences for building maintenance, since it blocks the code enforcement process. In addition, it invites defendants to use jury trial requests solely for dilatory purposes. The Advisory Council strongly urges the Judicial Department to assure adequate coordination between the housing court and the regular court to assure that criminal jury trials in housing cases are held promptly. Since housing cases are by statute considered judicial district rather than geographical area matters, to the extent practical the juries used should be judicial district-level juries.

4. 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. This is particularly important in eastern Connecticut.

5. 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 hiring, assignment, and designation of housing prosecutors. In addition, in order to promote an on-going dialogue between the Advisory Council and the housing prosecutors, the Council encourages them to meet regularly with the Council.

In addition, the Council has sought to reestablish a routine system of collecting prosecution docket sheets so that it can review the manner in which criminal cases are disposed of and update its statistical analyses. Such a system was in use in Hartford in the early 1980's but was allowed to lapse; and there has been some resistance from the Clerk's Office to instituting it again. In the absence of a routine mechanism for data collection, the Council is effectively stymied from carrying out its duty to review this portion of the housing court docket. The Council strongly recommends that all clerk's offices cooperate in a uniform system for mailing docket sheets to the Council on a weekly basis.

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: In the past two years, the housing courts have undergone an extraordinary increase in caseload, which has put heavy demands on housing court staff (see Appendix A-3). In fiscal year 1987-88, there were 24% more eviction cases filed in the housing courts than had been filed in 1985-86. The caseload of the Hartford-New Britain Housing Court rose by an incredible 34.9%, bringing its annual eviction caseload to more than 8,000 cases. In 1985-86, it was less than 6,000. This increase has come at a time when the courts were already short-handed. In the face of these burdens, it is important that the housing courts be adequately staffed. The Council strongly recommends that the following staffing needs be met:

a. Clerical staff: The housing court clerk's offices are under a hiring freeze which appears now to be having an adverse impact on the provision of services. It is most severe in Hartford because of the unprecedented rise in caseload, but it affects other court locations as well. Not only is it resulting in a reduction of services to pro se litigants (e.g., the typing

of small claims forms in Hartford), but it is resulting in an administrative slowdown in the most basic service provided by the housing courts, the processing of summary process cases. For example, the number of summary process cases undisposed of in Hartford has risen from 291 in November, 1986, to 514 in July, 1988, and the waiting time for a court date in a contested case has increased. These are reflections both of the higher caseload and of the difficulties created by staff shortages. Hartford, Bridgeport, and Norwalk each have one authorized position which has not been filled because of the hiring freeze.

The Council strongly recommends that the freeze on clerical staff hiring in the housing court clerk's offices be waived so that all authorized positions can be filled. To meet the caseload rise in Hartford, an existing part-time clerical position there should also be upgraded to full-time. In addition, temporary clerical positions in Hartford, New Haven, and Norwalk should all be made permanent to promote staff retention.

b. Housing specialists: The Hartford-New Britain Housing Court presently has only 1.6 housing specialists, even though it has the largest caseload of any housing court in the state. This is less than the two specialists per housing court district which are mandated by C.G.S. §47a-69 and barely half of the three specialists which constitute full-staffing in J.D. Hartford-New Britain. No replacement has yet been hired for Frances Calafiore, who became Statewide Chief Housing Specialist in January, 1988. A replacement in Hartford-New Britain for Ms. Calafiore should be hired and staffing there should be restored to the three-specialist level.

c. Assistant clerks: The three temporary assistant clerk positions (one in each of the housing court districts) should be made permanent. It is difficult to hold qualified employees if they do not have full salary and benefits.

d. Judge: The continued growth of the Hartford caseload has raised questions as to whether it can reasonably be handled by one judge. The Hartford-New Britain Housing Court has 55% more cases than New Haven-Waterbury and nearly double the number of cases in Bridgeport-Norwalk. The Council recommends that a second full-time judge be assigned to Hartford-New Britain, using the same consultative process with the Advisory Council that is presently used.

2. Housing specialist job specifications: The Advisory Council has long been concerned that the experience requirement imposed on applications for housing specialist unreasonably excludes some applicants whose credentials make them appropriate candidates for the position. The Judicial Department presently requires that, in order to be considered for a housing specialist position, an applicant 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." This

formulation is a significant improvement over the requirement in effect from 1982 to 1985, when only housing and health inspectors were allowed to apply; and the Council is pleased that in 1985 the Judicial Department broadened the types of background considered.

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. This does not mean that the position is unskilled (quite to the contrary, the statute describes a position requiring a very high level of professional ability in mediation, legal understanding, and housing knowledge) but rather that there are a wide range of backgrounds which provide suitable experience for housing specialists.

In addition, the Judicial Department should consult with the Advisory Council and seek its input whenever job descriptions are being reviewed. In particular, the Council recommends that it should be involved in any housing specialist job description review being conducted as part of the state's objective job evaluation study.

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 Advisory Council recommends that the Judicial Department act to meet these space needs and that the Advisory Council be involved in the planning of any housing court relocations.

1. Norwalk-Stamford: The space problem is particularly severe in Norwalk, where litigants are often forced to wait in the hallways; where the prosecutor and the housing specialists must sometimes negotiate cases in the halls, with no privacy, because of the lack of space; and where the clerk's office is so small that public access is impeded. It is clear that both the prosecutor and the housing specialists need access to private rooms. Indeed, the Norwalk court had a larger courtroom before it was relocated into its present too-small quarters.

It is the Council's understanding that space is being designed for the housing court in the new courthouse in Stamford and that the court will be moved there when that building is completed. The Council endorses this move, since more than half of the cases filed in Norwalk come from the Stamford end of the district. The Council urges the Judicial Department to monitor implementation closely to assure that adequate space is provided for the housing court and staff offices. Space problems in Norwalk are so severe, however, that this long-term solution will

not substitute for immediate changes for the three to five year period before the Stamford courthouse is ready. In particular, because of the seriousness of the space problem in Norwalk, the Council strongly recommends that in the interim the Judicial Department move the Norwalk court to larger space within its present building in Norwalk.

2. Waterbury and New Britain: The Waterbury court lacks space for small claims commissioners, insufficient file space, and no private space for the clerk. 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. The Council also urges the Department to address the space problems in New Britain.

3. New Haven: In New Haven, the acoustics in the courtroom make it difficult for the parties to be heard. The Department should arrange for microphones in the courtroom and should consider other acoustical improvements, such as carpeting and curtains. If these changes are not made, then other space should be explored.

4. Hartford: The Council is satisfied with the present Trinity Street location of the Hartford housing court. It has never been clear, however, whether the Trinity Street site is intended as a temporary or a permanent home for the court. The Council strongly urges that no relocation of the Hartford court (or of any other housing court location) be considered without advance consultation with the Advisory Council.

5. Non-housing court districts: No private space with a telephone is set aside for housing specialists (even on a once-a-week basis) in the courthouses in Rockville, Winsted, Meriden, and Danielson. Specialists engage in sensitive pre-trial case negotiations, and the litigants are entitled to privacy for these discussions. Appropriate space arrangements should be made.

6. Parking spaces: Because housing specialists make viewings of buildings, access to a car is a necessary aspect of the job. They should be provided with parking in immediate proximity to the court. The Council recommends that such parking be provided in those court locations where nearby parking is not available.

7. Advisory Council role: The Advisory Council has sometimes learned of impending changes in housing court facilities either by accident or after the fact. The Council strongly urges the Judicial Department to bring the Council into discussions of space remodeling, space design, and court relocation at an early stage of the proceedings.

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. According to the most recent Judicial Department data available to the Council, 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. A separate sampling study of the court's Hartford office, conducted by one of the Council's members and based on data from the first half of 1986, found a median processing time of 18 days for all summary process cases and 31 days for contested summary process cases.

As indicated earlier in this report, however, there are preliminary indications that the failure of the clerical staff to be increased to keep up with caseload growth (indeed, the decrease in staff in some locations) is producing an adverse effect on case processing. The Council hopes to have data soon on 1988 case processing times. There has, however, been an increase of nearly 500 in the number of summary process cases pending in the housing courts at any one time -- from 1,037 on June 30, 1987, to 1,535 on June 30, 1988; and the number of pending summary process cases rose between 1987 and 1988 in all six housing court locations. The increase is a partial measure of the problem and indicates the need for action to avoid an even more serious situation.

L. FORMS

1. Pro se 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. There has, in fact, been revision of some forms since 1986; but those revisions have not necessarily produced adequate forms. For pro se forms to be effective, they must be easy for the person filing the form to fill in and easy for the person receiving the form to understand. Whenever possible, they should be structured so as to invite a response by the person receiving the form, thereby helping to minimize defaults. Existing forms have weaknesses in both areas, but they tend to be particularly confusing in the notice they give to the receiving party. For example, default and judgment forms fail adequately to convey to the unrepresented defendant what the form is, what response is expected, and how that response is to be made. The principles which the Council believes should be followed in the development of forms were spelled out in the 1979 and 1982 forms recommendations of the Hartford-New Britain Council. The introduction to the 1982 report appears as Appendix C-6. The forms of most concern to the Council at the present time are:

a. 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.

b. 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.

c. 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.

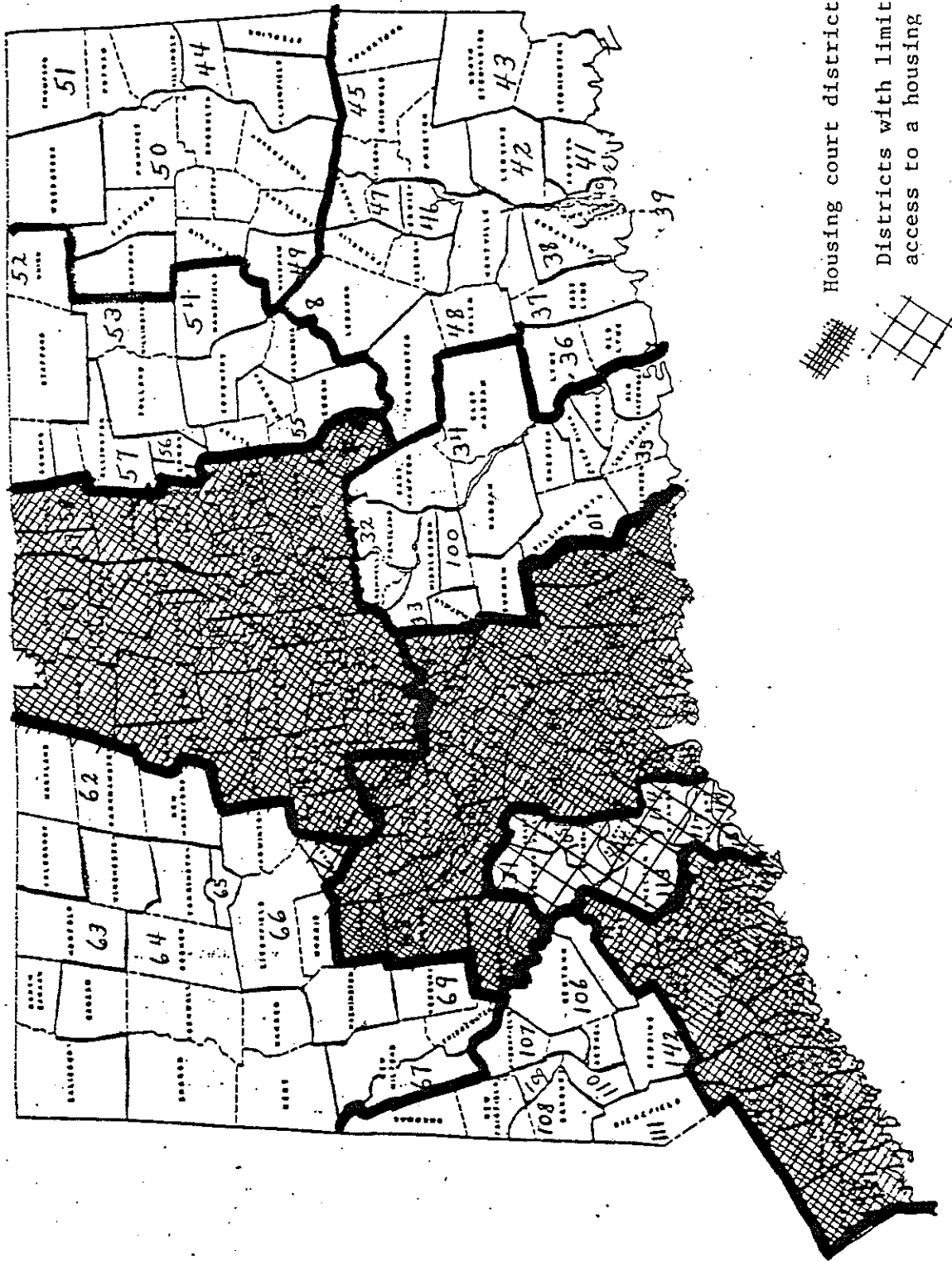
d. Payment into court form: The Council recommends that the form for tenant code enforcement actions brought under C.G.S. §47a-14h be modified to include a checklist of the types of violations needing correction. See Appendix C-4.

e. 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.

2. Advisory Council involvement: Judicial Department forms are written by a separate unit in the Department which is not part of the housing court administrative structure. The Advisory Council has long been interested in plain language court forms, and its original report on forms was written in 1979. While there has on occasion been some consultation on forms drafting with the housing court staff, the form-writing unit of the Judicial Department has not involved the Advisory Council, nor has it invited Council comment on forms which were being revised. Indeed, the Council has often been unaware of revisions until after they occurred. The Advisory Council recommends that the Judicial Department seek input from the Advisory Council in the drafting of forms and invite the Council's comments on proposed form revisions at a time when modification of the forms can still be made.

APPENDIX A-1

HOUSING COURT DISTRICTS



HOUSING COURT ACT

as amended through December 31, 1988

Sec. 47a-68. Definitions.

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

- (a) Summary process;
- (b) Appeals from the decisions of a fair rent commission under sections 7-148e and 7-148f;
- (c) Actions and administrative appeals involving discrimination in the sale or rental of residential property;
- (d) All actions regarding forcible entry and detainer;
- (e) Actions under the provisions of title 47a or under the provisions of section 2 of public act 87-439;
- (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...clerks for housing matters, including a 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. Such judges or committee shall also appoint not less than three such housing specialists for all other judicial districts. The housing specialists for the judicial district of New Haven shall assist the court in the hearing of housing matters in the judicial district of Waterbury and the housing specialists for the judicial district of Fairfield shall assist the court in the hearing of housing matters in the judicial district of Stamford-Norwalk.

(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 thirty-six 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; nine members shall be residents of the judicial districts of Fairfield or Stamford-Norwalk; and nine members shall be residents of the judicial districts of Danbury, Litchfield,

Middlesex, New London, Tolland or Windham. 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.

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, 1987 to June 30, 1988

	Summary process	Increase since 1985-86	Small claims	Civil 47a-14h	Criminal Total	% summary process		
<u>Housing courts</u>								
Hartford-New Britain								
Hartford	6,460	37.6%	742	363	35	164	7,764	83.2%
New Britain	1,614	24.6%	291	98	2	22	2,027	79.6%
	<u>8,074</u>	<u>34.9%</u>	<u>1,033</u>	<u>461</u>	<u>37</u>	<u>186</u>	<u>9,791</u>	<u>82.5%</u>
New Haven-Waterbury								
New Haven	3,528	22.5%	446	505	15	104	4,598	76.7%
Waterbury	1,316	19.0%	268	100	3	39	1,726	76.2%
	<u>4,844</u>	<u>21.5%</u>	<u>714</u>	<u>605</u>	<u>18</u>	<u>143</u>	<u>6,324</u>	<u>76.6%</u>
Bridgeport-Norwalk								
Bridgeport	2,774	18.2%	268	134	6	67	3,249	85.4%
Norwalk	1,275	-4.4%	244	266	1	63	1,849	69.0%
	<u>4,049</u>	<u>10.0%</u>	<u>512</u>	<u>400</u>	<u>7</u>	<u>130</u>	<u>5,098</u>	<u>79.4%</u>
Total	16,967	24.3%	2,259	1,466	62	459	21,213	80.0%
<u>Non-housing court districts</u>								
Eastern Connecticut								
New London	801	28.2%						
Norwich	538	2.5%						
Danielson	516	19.4%						
Rockville	410	-13.1%						
Middletown	496	2.1%						
	<u>2,761</u>	<u>8.7%</u>						
Western Connecticut								
Danbury	446	3.7%						
Winsted (n. 1)	339	13.4%						
	<u>785</u>	<u>7.7%</u>						
Ansonia-Milford	398	-5.7%						
Meriden (n. 2)	500	31.2%						
Total	4,444	9.1%						
Connecticut total	21,411	20.8%						

Housing court summary process cases are:

80.0% of all housing court cases.

79.2% of all summary process cases in the state.

Notes: n. 1 — The Winsted data is projected from reports for the first three quarters of the fiscal year.

n. 2 — Meriden is technically part of the New Haven-Waterbury Housing Court district but does not have full 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.

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

SUMMARY PROCESS (EVICTION) ANSWER

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

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

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

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

IN GENERAL:

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

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

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

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

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

LOCK-OUT COMPLAINT
(entry and detainer)

AND APPLICATION FOR TEMPORARY INJUNCTION

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

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

_____ Street No. _____ Apt. No.

_____ Town _____ State

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

_____ Street No. _____ Office or Apt. No.

_____ Town _____ State

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

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

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

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

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

I REQUEST THAT THE COURT:

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

2. Waive the requirement of posting a bond.

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

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

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

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

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

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

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

(Signature)

Signed and sworn to before me on _____, in

_____.

Assistant Clerk/Notary Public

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) _____

CITIZENS ADVISORY
COUNCIL PROPOSED
REVISION

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 _____, the tenant made a complaint about the premises to _____
(date) (name of municipal agency)

This was at least five days before filing this action.

- 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, and 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.)
------------------------------------	-----------	---

Case No. _____

SUPERIOR COURT

Landlord (plaintiff)

HOUSING SESSION

vs.

AT _____
Hartford or New Britain

Tenant (defendant)

EVICTION CASE

MOTION FOR DEFAULT FOR FAILURE TO APPEAR AND JUDGMENT FOR POSSESSION

1. More than two days have passed since the return date in this eviction case, but you have still not filed an appearance form with the clerk's office of the Housing Court.

2. I therefore request that a default be entered against you for failure to appear and that judgment for possession of the premises be entered in my favor.

LANDLORD

Signature

Date

NOTICE TO TENANT

If you object to being evicted, you must contact the Housing Court immediately at 566-8550 (Hartford), or 827-7111 (New Britain).

MILITARY AFFIDAVIT

I swear or affirm that no defendant in this case is in the military or naval services of the United States. I know this because:

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 _____

CERTIFICATION

I certify that I mailed a copy of this motion to all defendants on _____ at the following address:

Date

Street _____

Apt. No. _____

Town _____

State _____

Zip Code _____

Signature of landlord _____

ORDER

This motion is ordered to be GRANTED/DENIED.

Judge/Assistant Clerk _____

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 377i of the Practice Book. Both of these sections require that the applicant swear to the truth of the statements made.

PART B -- OTHER FORMS

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

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

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

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

Form B-4, No heat complaint: This form is based on sections 47a-13, 47a-7(a)(b), 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

STATUS OF 1987 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. Hiring three additional housing specialists to cover the non-housing court districts; Adopted (P.A. 87-351)
 - ii. Requiring use of housing court forms in geographical area courts which handle housing cases; Implemented administratively
 - iii. Requiring clerk's offices in the non-housing court districts to provide assistance to pro se litigants; Partially implemented administratively
 - iv. Guaranteeing access to the New Haven-Waterbury Housing Court to housing defendants in J.D. Ansonia-Milford and simplifying access for plaintiffs. No action
- b. Nominal funding for the Citizens Advisory Council should be provided through the Department of Housing. Adopted administratively
- c. C.G.S. §47a-71a should be amended to remove Advisory Council members who do not regularly attend meetings. Adopted (P.A. 87-249)

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; Implemented
 - ii. Arranging for the availability and use of housing court forms in geographical area courts which handle housing cases; Implemented
 - iii. Training clerk's office employees in the non-housing court districts so that they can provide assistance to pro se litigants; Partially implemented administratively
 - iv. Distributing housing court decisions to Not implemented but

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| all geographical area clerk's offices which handle housing cases; | bound decisions placed state libraries |
| v. Examining the practicality of creating a separate housing court district for eastern Connecticut (J.D. New London, Tolland, Windham, and possibly Middlesex). | Examination in progress |
| 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. | Implemented in part |
| 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; | Not implemented |
| 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 |
| d. The Judicial Department should assure that at least one permanent employee of each housing court clerk's office is fluent in Spanish. | Not implemented |
| 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. | Not implemented |
| 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. | Not implemented, except that a temporary assistant clerk has been hired for Bridgeport |
| g. The Judicial Department should liberalize the minimum job qualifications for housing specialists. | Not implemented |
| h. The Judicial Department should designate a chief statewide housing specialist. | Implemented |
| i. The Judicial Department should arrange for more space for the housing courts in | Not implemented, except that the private offices |

- 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.
- in Hartford have been enclosed.
- j. The Judicial Department should arrange for parking spaces for housing specialists at the New Haven court. Not implemented
- 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. Not implemented, although a lockout form has been drafted (but not approved)
3. Recommendations to the Criminal Justice Commission and the Chief State's Attorney
- a. The Chief State's Attorney should complete implementation of P.A. 84-445 by assigning full-time housing prosecutors to handle housing prosecutions in J.D. Danbury, Litchfield, Middlesex, and Ansonia-Milford. Not implemented, except as to J.D. Middlesex
- b. The Chief State's Attorney should implement a set of strong prosecution guidelines. Implementation in progress
- 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. Implementation in progress
- d. Housing prosecutors should increase outreach to housing code enforcement agencies and police departments. Implementation in progress
- e. Advertisements for housing prosecutors should include a statement that the ability to speak Spanish is desirable. Not implemented
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. Implemented (P.A. 87-351)
- b. Approximately \$1,000 per year in funding for the Citizens Advisory Council for Housing Matters should be provided through the Department of Housing. Implemented

APPENDIX E-1

AN ACT CONCERNING A HOUSING COURT FOR EASTERN CONNECTICUT.

Section 1. Subsection (a) of section 47a-70 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) All proceedings involving a housing matter in the judicial district of Hartford-New Britain, New Haven, Fairfield, Waterbury, [or] Stamford-Norwalk, NEW LONDON, TOLLAND OR WINDHAM 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.

Section 2. Section 51-348 of the general statutes is repealed and the following is substituted in lieu thereof:

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

(b) Such geographical areas shall serve for purposes of establishing venue for the following matters: (1) The presentment of defendants in motor vehicle matters; (2) the arraignment of defendants in criminal matters; (3) small claims matters; (4) 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, NEW LONDON, TOLLAND AND WINDHAM, 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; (5) 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, NEW LONDON, TOLLAND AND WINDHAM, 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, AND IN THE JUDICIAL DISTRICTS OF TOLLAND AND WINDHAM SUCH MATTERS SHALL BE HEARD BY THE JUDGE ASSIGNED TO HEAR HOUSING MATTERS IN THE JUDICIAL DISTRICT OF NEW LONDON. The records, files and other documents pertaining to housing matters shall be maintained separate from the records, files and other documents of the court. Matters do not have to be heard in the facilities to which the process is returned and the pleadings filed.

Section 3. Subsection (a) of section 46a-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 NEW LONDON and may designate one of them in each judicial district as chief housing specialist. Such judges or committee shall also appoint not less than ONE [three] such housing SPECIALIST [specialists] for all other judicial districts. The housing specialists for the judicial district of New Haven shall assist the court in the hearing of housing matters in the judicial district of Waterbury, [and] the housing specialists for the judicial district of Fairfield shall assist the court in the hearing of housing matters in the judicial district of Stamford-Norwalk, AND THE HOUSING SPECIALISTS FOR THE JUDICIAL DISTRICT OF NEW LONDON SHALL ASSIST THE COURT IN THE HEARING OF HOUSING MATTERS IN THE JUDICIAL DISTRICTS OF TOLLAND AND WINDHAM.

Section 4. 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 thirty-six 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, LITCHFIELD or Ansonia-Milford; nine members shall be residents of the judicial districts of Fairfield, [or] Stamford-Norwalk OR DANBURY; and nine members shall be residents of the judicial districts of [Danbury, Litchfield,] Middlesex, New London, Tolland or Windham. 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.

Section 5. This act shall take effect on October 1, 1992.

Statement of purpose: To create an eastern Connecticut housing court.

APPENDIX E-2

AN ACT CONCERNING THE DUTIES OF CLERKS.

Be it enacted by the senate and house of representatives in general assembly convened:

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

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

Statement of purpose: To require clerks in the non-housing court districts to provide assistance to pro se litigants, as they are required to do in the housing court districts.

APPENDIX E-3

AN ACT CONCERNING VENUE FOR HOUSING MATTERS IN THE JUDICIAL DISTRICT OF ANSONIA-MILFORD.

Be it enacted by the senate and house of representatives in general assembly convened:

Subsection (b) of section 51-348 of the general statutes is repealed and the following is substituted in lieu thereof:

(b) Such geographical areas shall serve for purposes of establishing venue for the following matters: (1) The presentment of defendants in motor vehicle matters; (2) the arraignment of defendants in criminal matters; (3) small claims matters; (4) 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; (5) such other matters as the judges of the superior court may determine by rule.

Statement of purpose: To allow housing matters from the judicial district of Ansonia-Milford to be heard on request in the New Haven-Waterbury housing court.