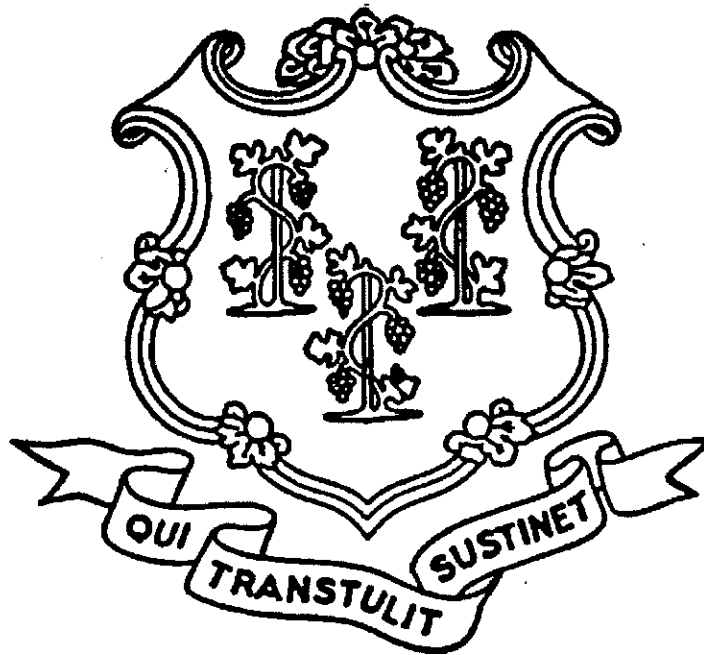


REPORT TO THE GENERAL ASSEMBLY:

PURSUANT TO SECTION 47A-73 OF THE
GENERAL STATUTES



THE CITIZENS ADVISORY COUNCIL
FOR HOUSING MATTERS

JANUARY 9, 1991

REPORT TO THE GENERAL ASSEMBLY

pursuant to
Section 47a-73 of the General Statutes

January 9, 1991

Members of the Council

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Pamela J. Kuczo, Secretary
Kenneth White, Treasurer
Robert J. Kor, Hartford-New Britain Subcommittee
Glenn Falk, New Haven-Waterbury Subcommittee
Diana Crouse, Bridgeport-Norwalk Subcommittee
Morris Czaczkes, Eastern Connecticut Subcommittee

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Anne Crouse
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Linda Francois
Joelen Gates
Sr. Susanne Gebrian

Mellanee Harris
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Barbara Perry
Peter W. Rotella

Walter W. Simmers
Joseph Stafford
Richard Tenenbaum
Kevin Tierney
Frederick Wallace
Lynn Waters
Joseph Wincze, Jr.
Joseph Zibbiddeo

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the Connecticut Department of Housing for printing this report.

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SUMMARY OF RECOMMENDATIONS

Recommendations to the Judicial Department

1. The Chief State's Attorney, in consultation with the Office of Adult Probation and the housing specialists, should devise an effective system of monitoring probation and accelerated rehabilitation and enforcing any conditions which may be included. p. 10
2. The eastern Connecticut housing prosecutor and the Judicial Department should develop a system for identifying housing cases on the criminal docket and mailing copies of docket sheets to the Council. p. 13
3. The clerk's offices should assure that all conditions of nollis and similar dispositions are recorded on the housing criminal docket sheets. p. 13
4. The Judicial Department should convert temporary positions to permanent ones for assistant clerks in Hartford and Bridgeport and for clerical assistants in Hartford, New Haven, and Norwalk. p. 13-14
5. 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. 14
6. The Judicial Department should liberalize the experience standards for housing specialists so as to permit the widest range of suitable applicants to apply. p. 14
7. The Judicial Department should arrange for a housing docket to be scheduled weekly at the courthouse in J.D. Windham. p. 14-15
8. The Judicial Department should exempt the housing courts from any requirement that clerk's counters be separated from the public by a glass partition over the counter. p. 15
9. The Judicial Department should move the Waterbury Housing Court to the J.D. building on Grand Street. p. 15
10. The Judicial Department should arrange for private space with a telephone for housing specialists in Rockville, Winsted, and Danielson. p. 15
11. The Judicial Department should see that adequate library and research materials are available and p. 15-16

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.

12. The Judicial Department should create a new pro se rent complaint form and should revise the summary process summons, answer, lockout, payment into court, default, and similar forms. p. 16-17
13. The Judicial Department should establish toll-free call-in lines to the housing court for Stamford/Greenwich and Bristol, with particular priority given to Stamford/Greenwich. p. 17
14. The Judicial Department should make certain that the blue pages of each telephone book within the non-housing court districts contain a listing for the clerk's office which handles housing cases in that district. p. 17-18
15. The Judicial Department should assure improved service to pro se litigants in the geographical area clerk's offices by having G.A. clerks: p. 18
 - a. Provide the same kind of assistance to pro se litigants that is provided in housing court districts;
 - b. See that newly hired employees are familiar with their housing duties;
 - c. Routinely notify the Deputy Director for Housing Matters when new employees are hired so that they can be trained formally; and
 - d. Be encouraged to maintain regular contact with the Deputy Director for Housing Matters on housing-related problems.
16. The Judicial Department should assure that at least one permanent employee of each housing court clerk's office is fluent in Spanish and should include in all advertisements for the positions of housing clerk and housing specialist a statement that the ability to speak Spanish is desirable. p. 18-19
17. The Judicial Department should make Spanish-language translations of forms and explanatory materials available at all court locations hearing housing matters. p. 19

18. The Judicial Department should create an Eastern Connecticut Housing Court for J.D. New London, Tolland, and Windham, should add J.D. Danbury to the Bridgeport-Norwalk Housing Court, should add Meriden and J.D. Ansonia-Milford to the New Haven-Waterbury Housing Court, and should examine how best to bring a housing court to J.D. Litchfield and Middletown. p. 19-20
19. 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: p. 20-21
- a. Creation of new housing courts, including one for eastern Connecticut;
 - b. Relocation and remodeling of housing court locations;
 - c. Revision of job specifications for housing court positions;
 - d. Revision of existing housing court forms and development of new housing court forms;

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

1. The housing prosecutors should more effectively follow the Prosecutor's Manual, including but not limited to reducing the use of nolles, pressing for higher fines or other sanctions when the landlord delays making repairs, and requiring more rapid and better monitored repair work during probation or accelerated rehabilitation without reducing the length of the probation period itself. p. 8-9
2. The Chief State's Attorney, in consultation with the Office of Adult Probation and the housing specialists, should devise an effective system of monitoring probation and accelerated rehabilitation and enforcing any conditions which may be included. p. 10
3. The Chief State's Attorney should modify the Prosecutor's Manual to encourage prosecutors, inter alia, to prosecute for multiple-day violations, shorten the duration of continuances and monitor repair work more closely, reduce use of nolles, seek larger fines, and use rent rebates as one form of creative sanction. p. 10-11

4. Housing prosecutors should work with CHRO, the Attorney General, local fair rent commissions, and state and local police forces to build better channels for criminal enforcement. p. 11
5. The Chief State's Attorney should expand on-going training programs for state and local police. p. 11
6. One investigator should be added to the statewide housing code enforcement unit to work solely with the housing prosecutors. p. 11-12
7. 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. 12
8. Housing prosecution in J.D. Danbury should be by the Bridgeport-Norwalk housing prosecutor and in J.D. Litchfield and J.D. Ansonia-Milford by the New Haven-Waterbury housing prosecutor. p. 12
9. The Chief State's Attorney should assure that the housing prosecutor for eastern Connecticut is assigned full-time to housing. p. 12
10. Housing prosecutors should increase outreach to housing code enforcement agencies and police departments, particularly in eastern the non-housing court districts. p. 12-13
11. The eastern Connecticut housing prosecutor and the Judicial Department should develop a system for identifying housing cases on the criminal docket and mailing copies of docket sheets to the Council. p. 13
12. Prosecutors should routinely state on the record all conditions for a nolle or other similar disposition of a case, including the amount and recipient of any charitable contribution and the hours of any community service. p. 13
13. Advertisements for housing prosecutors should include a statement that the ability to speak Spanish is desirable. p. 19
14. 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. 21

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

1. Adequate funding should be provided for the following improvements to the housing court system:
 - a. Hiring an investigator to work for the housing prosecutors. p. 11-12
 - b. Converting temporary positions to permanent ones for assistant clerks in Hartford and Bridgeport and for clerical assistants in Hartford, New Haven, and Norwalk. p. 13-14
 - c. Hiring sufficient housing specialists in Hartford-New Britain so as to bring staffing to an equivalent of three positions. p. 14
 - d. Moving the Waterbury Housing Court to the J.D. building on Grand Street. p. 15
 - e. Providing adequate private space with a telephone for housing specialists in Rockville, Winsted, and Danielson. p. 15
 - f. Establishing toll-free call-in lines to the housing court for Stamford/Greenwich and Bristol, with particular priority given to Stamford/Greenwich. p. 17
 - g. Making sure that listings in the blue pages of each telephone book within the non-housing court districts contain a listing for the clerk's office which handles housing cases in that district. p. 17-18
 - h. Creating an Eastern Connecticut Housing Court for J.D. New London, Tolland, and Windham. p. 19-20

Legislative recommendations

1. Clerk's offices in the non-housing court districts should be required to provide assistance to pro se litigants. p. 18
2. An Eastern Connecticut Housing Court should be created for the judicial districts of New London, Tolland, and Windham. p. 19-20
3. The Homeowner Protection Act (C.G.S. §49-31d et seq.) should be revised to provide greater homeowner protections, including an increase in the relief/ p. 22

restructuring period to 36 months.

4. Executions of ejectment in foreclosure actions should not be usable against residential renters. p. 22
5. Towns should receive 100% state reimbursement plus administrative costs for the costs of providing emergency housing. p. 22-23

BACKGROUND

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 by P.A. 87-249, it has 36 members, nine from each of the three housing court districts and nine 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. One is administrative. All housing cases, 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. 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.

REPORT IN DETAIL

This report is an updating of the Council's 1989 report to the General Assembly. There have been a number of administrative improvements in the housing court system since 1989. For example, a pro se lockout form has been produced, and complaint, answer, default, and execution forms have been improved. Booklets on tenants' rights and responsibilities and on housing court procedures have been written, and the summary process instructions are being revised into a booklet format. Housing court listings in the blue pages section of telephone books have

been expanded. Air conditioning has been installed in the New Haven Housing Court, and a new public counter has been built for the Bridgeport Housing Court. The Norwalk court is moving to better space. The Judicial Department deserves credit for these improvements.

There is, however, much still to be done. For example, western Connecticut and parts of central Connecticut are still not served by housing prosecutors. Sanctions for housing code violations remain disturbingly low and there seem to be few disincentives to delaying the making of repairs. 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.

A. HOUSING PROSECUTION POLICIES

1. Housing code enforcement: The Council is pleased that the Chief State's Attorney has adopted a Prosecutor's Manual (see Appendix B-1). This should provide a greater degree of uniformity in prosecution practices among districts. In addition, reports from the housing prosecutors indicate that, in nearly all cases referred for prosecution, compliance with code enforcement agency orders is eventually obtained. This result is an essential aspect of any housing code enforcement policy.

It is not clear, however, that adoption of the Manual has resolved all of the Council's longstanding concerns about housing code prosecution. According to the Prosecutor's Manual, the goal of housing code prosecution is not merely compliance but "full and prompt compliance." It is important that prosecution be used to leverage repairs, reduce delays, discourage repeat offenders, and develop credible sanctions; and the Council has long urged that prosecution be managed so that these goals will be met. In the effort to obtain compliance, it is important to see that delay is penalized, so that defendants are not rewarded for stalling repairs to the last possible moment or for refusing to comply with code enforcement orders at the administrative level. The use of penalties which become more severe when a case is extended is one method of accomplishing this goal.

In order to examine the extent to which sanctions are imposed on defendants in criminal cases in the housing courts, the Council conducted a study of the disposition of housing prosecutions during the past year (see Appendix B-2). It reviewed the docket sheets in all six housing court districts for

cases entered in the year ending July 31, 1990. The examination revealed that the number of prosecutions initiated had increased in all districts and more than doubled in two, with an overall increase of over 50%. This is a positive development, because it suggests increased referrals by local code enforcement agencies. But the study also found in most housing court districts an extraordinarily large number of nolles and a very small number of cases in which sanctions were imposed. In almost 87% of prosecutions, the case was either nolle, dismissed, or withdrawn with no record of any sanction. The Council has recommended that nolles not be given unless all repairs are corrected promptly, yet many nolles were given in cases which extended for months. Indeed, nolles were common even in cases in which the defendant failed to appear for one or more court hearings and for whom an arrest warrant had to be issued to obtain his presence in court.

The pattern of sanctions imposed was also minimal. Even counting a nolle accompanied by a charitable contribution as a sanction, sanctions were imposed in only 13% of cases, and only 2% of cases resulted in payments of more than \$250. There also appeared at best to be only a small correlation between the extent of delay and the degree of the sanction, so that a landlord suffered little or no adverse consequence from delaying repairs. This is directly contrary to the new Manual, which states:

Fines should be structured so that a defendant is not rewarded for delay. Repairs do not justify a disposition without a fine, unless the defendant has acted promptly.

The Council urges that prosecution practices be modified so that prosecutors press for stronger sanctions in all cases, but particularly in cases in which repairs are not quickly performed.

It also appeared from the Council's study that provisions of the Manual concerning probation and conditional discharge are not being followed. The Manual states:

A probation period should contain a relatively short time period for the work to be completed. Additionally, intermediate, partial repair requirements should be given to assure that work is in progress. These requirements should allow intervals of no more than two weeks without reinspection....If accelerated rehabilitation is allowed, then its review, duration, and reporting standards should be similar to probation.

In fact, accelerated rehabilitation and probation usually involved continuances of four to six months, with no apparent on-going monitoring. The Council recommends that prosecutors more closely follow the policies reflected in the Manual.

Probation and accelerated rehabilitation are supervised by the Office of Adult Probation within the Judicial Department, which provides probationary services for all criminal defendants. Probation officers have no familiarity with building repair (which is the usual condition for a housing court probationary period) and are neither able to monitor nor suitable for monitoring this kind of work. This contributes to ineffective supervision of the conditions of probation. Although it may be necessary under existing statutes for the Office of Probation to exercise formal supervisory responsibility, the practical day-to-day responsibility for monitoring needs to be placed elsewhere if it is to be effective -- either with the prosecutor or with the housing code enforcement agency. The Council recommends that (a) day-to-day monitoring of probation and accelerated rehabilitation be done by an entity other than the Office of Probation and (b) the Office of Probation, the housing prosecutors, and the housing specialists devise a system which will assure effective monitoring and enforcement of probation and AR.

2. Prosecutor's Manual: The Council is pleased that, in drafting the Prosecutor's Manual, the Chief State's Attorney adopted many of the of the Council's recommendations. The Council continues to urge, however, that all the proposals in its Recommended Housing Court Prosecution Guidelines (printed in full as Appendix B to the 1989 report) should be incorporated into the Manual. The most important ones which are not presently in the Manual are:

(a) Multiple-day violations: 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.

(b) Continuances: Continuances should be short and, unless the defendant is refusing to repair, should be keyed to a work schedule with reinspections. They should almost never exceed two weeks, even if the work cannot be completed within that time. A reinspection and compliance report should be presented to the court at each hearing date to assure that, if not completed, work is at least in progress.

(c) Nolles: Nolles should not ordinarily be available if repair work is not completed by the second court date, except in extraordinary circumstances or where a work schedule is established by that date and is thereafter fully followed. The prosecutor should otherwise seek a guilty plea and other penalties, as appropriate, in addition to insisting upon compliance with code orders. Nolles and dismissals should not be the primary means of disposing of

cases. It should be made clear to defendants that it is cheaper to make repairs quickly in response to a prosecution than it is to delay.

(d) Fines: The size of fines should be increased. A \$25 or \$50 fine is meaningless as a sanction. If cases disposed of within a week or two are nolle, cases that take longer to produce repairs should result in fines of \$200 and up, with fines increasing as the delay in making repairs and the severity of the offenses increases.

(e) Creative sanctions: The use of non-conventional sanctions should not be limited to combining a charitable contribution with a nolle. In appropriate cases, for example, the prosecutor should seek restitution to the occupants, who are the victims of the crime, in the form of partial rent rebates.

3. Other criminal jurisdiction: The Prosecutor's Manual recognizes that housing prosecutors have jurisdiction over cases other than housing code prosecution and encourages prosecutors to build ties to other agencies which could refer criminal cases, e.g., the Commission on Human Rights and Opportunities (housing discrimination), fair rent commissions (violation of commission orders). To the Council's knowledge, however, no complaints are being referred from these agencies. The Council urges prosecutors to expand their outreach to CHRO, the Attorney General, and local fair rent commissions to build channels for criminal enforcement in appropriate cases. The prosecutors should also make known to appropriate enforcement agencies, including police departments, that housing prosecution jurisdiction extends to all criminal prosecutions arising out of landlord-tenant disputes, including some that might not otherwise be viewed as landlord-tenant cases (e.g., a breach of the peace arising from an argument between a landlord and a tenant). It appeared from the Council's study of docket sheets that only in New Haven are such cases finding their way into the housing court.

There is also need to expand on-going training programs both for municipal police departments and for the state police. The state police have local criminal jurisdiction in many small towns in eastern and western Connecticut without their own police forces, but some state troopers and police departments in some towns seem to be unaware of criminal statutes that relate to housing.

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 an investigator be added to the statewide housing prosecution unit to be assigned solely to work with the housing prosecutors as needed. If this is not done, 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.

4. Non-housing court districts: 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. In 1989, Milford and Orange were added to the New Haven-Waterbury Housing Court, thereby bringing them within the authority of the New Haven housing prosecutor.

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. Contacts between the Advisory Council and the J.D. State's Attorneys indicate resistance to change, particularly in J.D. Danbury and J.D. Ansonia-Milford. To some extent, their rationale is that housing caseload is small and outside resources are therefore unnecessary. One of the jobs of a fulltime housing prosecutor, however, is to build the kind of relationships with local housing code officials and fire marshals that will result in an increased referral of housing cases. It has also been suggested to the Council that the use of local prosecutors permits better coordination with other local criminal prosecutions, e.g., arson prosecutions. By the adoption of P.A. 84-445, however, the General Assembly has already decided that housing prosecution should be handled through a statewide housing prosecution unit.

While the Council has concerns about some aspects of housing prosecution, it continues to believe that all J.D.'s should be brought within the housing prosecution system. In particular, it 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, the eastern Connecticut housing prosecutor does not appear to work full-time on housing. That assignment should be full-time, five days per week. Second, the Council believes that there has still not been adequate outreach in eastern Connecticut to local agencies. The Council recommends that the prosecutor increase outreach efforts to expand local knowledge of his

functions and to build local systems for case referrals.

5. Data gathering: The Council has sought to establish a routine system of collecting prosecution docket sheets so that it can review the manner in which criminal cases are disposed and update its statistical analyses. The Council is grateful to the Deputy Director for Housing Matters, the housing court clerks, and the clerks in Norwich and New London for their cooperation with the Council. The Council has, however, been unable to obtain sufficient information for eastern Connecticut. The Council recommends that the eastern Connecticut prosecutor, in conjunction with the G.A. clerks, develop a system for identifying housing cases on the criminal dockets and mailing docket sheets to the Council.

In addition, the process of gathering data for the Council's 1991 study revealed the importance of making a record on the docket sheet of any charitable contributions or other requirements which are the basis on which a nolle, dismissal, withdrawal, accelerated rehabilitation, or other disposition is being entered. Failure to place these factors on the public record in a form which can be identified risks creating misunderstandings about the extent to which penalties are imposed for housing code violations and makes it difficult for the Advisory Council adequately to analyze housing code prosecutions. Section 725 of the Connecticut Practice Book requires that a nolle be accompanied by "a brief statement by the prosecuting authority in open court of the reasons therefor." In the context of housing cases, the Council recommends that the prosecutor state on the record all conditions for a nolle or other similar disposition, including the amount and recipient of any charitable contribution or the number of hours of community service, regardless of whether they have already been met or will be met after entry of the nolle. In addition, the clerk should assure that such conditions are noted both on the docket sheet and in the file.

B. HOUSING COURT STAFF

1. Staffing needs:

a. Clerical staff: The housing courts continue to rely on "temporary" secretaries to fill some positions which are essentially permanent and full-time. This makes adequate training and retention of staff difficult. Training is particularly important in the housing courts, because clerical have direct contact with pro se litigants at the counter. The Council recommends that temporary clerical positions in Hartford, New Haven, and Norwalk should be made permanent. The Council also recognizes that budgetary pressure may make existing temporary positions easy targets for layoffs. The housing courts

carry a very heavy caseload, and staff reductions of any sort would be devastating. The housing courts at present are understaffed, not overstaffed. The Council therefore strongly opposes the loss of any staff positions in the housing courts, whether temporary or permanent.

b. Housing specialists: The Hartford-New Britain Housing Court presently has only 1.7 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 almost three years ago. 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 Council is pleased that the position of temporary assistant clerk in New Haven has recently been converted to a permanent position. The other two temporary assistant clerk positions (one in Hartford and one in Bridgeport) should also be made permanent. It is difficult to hold qualified employees if they do not have full salary and benefits.

2. Housing specialist job specifications: Prior to 1982, the Judicial Department accepted applications for housing specialist from any person satisfying the requirements of C.G.S. §47a-69, which defines the housing and mediation skills required for the position. In 1982, however, the Department limited eligibility to applicants who were housing or health inspectors, a change which undesirably restricted the field of applicants and tended to exclude women and minorities as well. In 1985, the Department changed the minimum experience requirement to either (a) seven years' experience as a "housing inspector" or (b) a bachelor's degree and three years' experience in "mediation or a housing-related field." While this is an improvement over the 1982 requirement, it still unreasonably excludes some applicants whose credentials make them appropriate candidates for the position.

The Council recommends restoration of the pre-1982 hiring standards. 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.

3. Housing docket assignments in eastern Connecticut: The housing docket at present is heard in the Judicial District of Windham (Danielson) only once each two weeks on the day on which

a judge is available to hear housing cases. There is need, however, for the docket to be held there more often. The Council recommends that a housing docket be scheduled in J.D. Windham weekly.

C. 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. Security issues: In some court locations, the Judicial Department has been installing security glass windows over the counter in the clerks' offices. The Council urges the Department not to install such glass in the housing court clerks' offices. Such barriers interfere with communication between clerks' office staff on the one side and litigants and lawyers on the other. Because of the heavy use of the housing court by pro se litigants, it is especially important that clerks' offices be easily accessible to the public. The Council is appreciative that the Judicial Department now appears to have accepted this policy is no longer planning to install glass windows in housing court districts.

2. Waterbury court location: 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.

3. 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, and Danielson. Specialists engage in sensitive pre-trial case negotiations, and the litigants are entitled to privacy for these discussions. Arrangements should be made for appropriate space with telephone.

4. Research resources: The "bound" housing court decisions are available in all state libraries, but more recent decisions are available only in the housing court clerks' 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.

D. 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 of the Council's 1989 report. The forms of most concern to the Council at the present time are:

a. Rent complaint form: Under §47a-23c, elderly and disabled renters living in towns without fair rent commissions are permitted to dispute a harsh and unconscionable rent increase by bringing an action in the housing court. To do so without a pro se form is nearly impossible. A pro se form is needed to make such actions easier to bring. See Appendix C-1.

b. Summary process summons: The summary process summons should be revised to make it easier for defendants to understand. As with other pro se forms, it should be written with an eye to how it will appear to the person who receives the form, i.e., the defendant. Thus, for example, the summons needs to warn the defendant in large type and simple language that he is being sued and that he must take immediate action to avoid default.

c. Answer form: The answer form serves 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-2.

d. Lockout form: The Council recommends that the court's lockout form be modified to include a claim for damages. The form presently permits only a claim to be restored to possession.

e. 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-3.

f. Default and other forms: The default judgment forms need revision so as to give clear warning to defendants of the importance of acting upon them. For example, each should contain a highlighted section entitled "Notice to Defendant" with instructions on how to respond to the form so as to prevent default.

E. PUBLIC ACCESS TO HOUSING COURTS

1. 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, two major areas -- Stamford/Greenwich and Bristol -- for which that is not true: In addition, it is a toll call from the Derby and the Meriden areas 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.

2. Telephone book listings: Telephone books often cover only a relatively small area, and the court which handles housing may well not be located in a town covered by the telephone book. In the housing court districts, the blue government pages of

every telephone book now list a telephone for the housing court which serves that towns covered by the book. In the non-housing court districts, however, a number for the housing location is listed only if it is physically located in the area served by that telephone book. 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. The telephone book for Ansonia and Derby does not list the New Haven or Waterbury housing courts, although C.G.S. §51-348(b) permits cases to be heard there. The Judicial Department should arrange for blue page listings for all such courts.

3. 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, including the geographical courts in eastern and northwestern Connecticut. 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; and efforts have been made to develop 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).

4. 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 none of the six housing court offices is there a clerk's office employee who speaks Spanish. The only Spanish-speaking staff members in the entire system are two of the nine housing specialists, none of whom serve the Bridgeport-Norwalk district.

The Council recommends that each housing court clerk's office have at least one employee on permanent staff who is fluent in Spanish, and that priority should be given in job recruitment to finding applicants with this skill.

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.

F. 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 continues to be pleased that the Chief Court Administrator has been open to the Council in regard to its recommendations.

G. EXPANSION OF THE HOUSING COURT SYSTEM

The housing court system presently contains three housing courts with six locations, serving 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). 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.

The first step should be to create an Eastern Connecticut Housing Court, consisting of J.D. New London, Tolland, and Windham. (see Appendix E-1). The court should sit at one location in each of the three J.D.'s so as to limit the amount of "circuit-riding" required for both the judge and the staff. 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. In addition, because of the large size of an eastern Connecticut district, the Judicial Department should assure that there is an adequate mechanism by which default judgments can be entered by the court so as to avoid delay.

Adoption of this recommendation would leave Middletown, Danbury, Litchfield, Ansonia-Milford, and Meriden without a housing court. Danbury, as part of Fairfield County, has a natural connection to the Bridgeport-Norwalk Housing Court and should be added to its jurisdiction. J.D. Ansonia-Milford and Meriden should both be incorporated into the New Haven-Waterbury Housing Court. Meriden is part of J.D. New Haven, and cases from Milford and Orange are already heard in the New Haven Housing Court under P.A. 89-141. The Council thinks it unwise for a housing court judge to have to hear cases at more than three sites, however, and therefore recommends that no more than one "seat" be added to the court. On a preliminary basis, the Council suggests that Meriden cases be heard in Meriden by the New Haven Housing Court judge and that Ansonia-Milford cases be heard in New Haven or Waterbury.

Finally, there should be further study of how Litchfield and Middletown can best be incorporated into housing court districts.

H. ADVISORY COUNCIL PARTICIPATION

The Advisory Council can most effectively fulfill its duty to advise if it is included at an early stage of the decision-making process. The creation of the position of Deputy Director for Housing Matters has facilitated Council participation by providing a focus for obtaining information and submitting comments. In addition, the Deputy Director, the Statewide Chief Housing Specialist, and a representative of the Chief State's Attorney have all been regularly attending Advisory Council meetings and making themselves available there and at other times for interchange with Council members. We particularly want to

thank William Sadek, Frances Calafiore, and Domenick Galluzzo for their openness and their availability.

It is clear, however, that improvements in communication are still needed so that Advisory Council participation can be meaningful. Some areas of concern include:

1. Facilities: 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.
2. Job specifications: 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.
3. Forms: 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. 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.
4. Assignment and hiring of housing prosecutors: The Citizens Advisory Council played an advisory role in the original hiring of all housing court staff (including prosecutors) in 1978 and has generally continued in that role in regard to housing clerks and housing specialists. The Council recommends that the Chief State's Attorney and/or the Criminal Justice Commission permit the Council to play an equivalent advisory 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.

I. OTHER HOUSING ISSUES

1. Foreclosures: A deteriorating economy in Connecticut has resulted in an enormous increase in residential foreclosures in the past few years. According to a recent article in the Hartford Courant, the rate of foreclosures on residential properties in Connecticut has doubled in the past year. Connecticut's foreclosure statutes, however, fail to provide adequate protection either for homeowners or for residential tenants in buildings that are being foreclosed.

a. Homeowners: The primary existing protection for homeowners is Connecticut's Homeowner Protection Act (C.G.S. §49-31d et seq.), which was adopted in 1983. That act gives homeowners who suffer a substantial reduction in income a chance to obtain a six-month reprieve in a foreclosure action in order to clear the arrearage on the mortgage and to restructure the debt. Unfortunately, this relief is so limited that it provides almost no practical relief to homeowners facing foreclosure. The Council recommends that the General Assembly reevaluate the effectiveness of the Homeowner Protection Act as a whole, make revisions which will increase the ability of homeowners to use it, and, in particular, increase the relief/restructuring period from six months to 36 months.

b. Renters: Under existing procedures, a tenant living in a building being foreclosed has fewer protections than a tenant being evicted in ordinary summary process proceedings. If the foreclosing party serves the tenants in the foreclosure action, it can have a sheriff remove them by execution of ejectment as soon as the law day passes, without need for any further judicial proceeding. This provides minimal notice to the renter and can cause special hardship to tenants when, as often occurs, the foreclosing party does not declare until after the law day whether it intends to demand that the tenant vacate. In addition, because foreclosures are not ordinarily heard in a housing court, there are no housing specialists available to help negotiate orderly dates for vacating which minimize tenant hardship while obtaining possession for the foreclosing party. Because the purpose of a foreclosure action is to determine rights between the owner of a building and the financing party, it is not an appropriate procedure for deciding whether and when a renter must vacate. The Council recommends that C.G.S. §49-22 be amended to limit the use of executions of ejectment to the homeowner and to commercial tenants. Ordinary summary process actions should be used to evict residential tenants. See Appendix E-3.

2. State assistance for emergency housing: Over the past

five years, homelessness has become widely recognized as a symptom of the inability of the housing market adequately to house low-income people. The number of evictions brought in the housing courts rose throughout most of the 1980's, peaking in the 1987-1988 fiscal year. Although there has been some reduction since then, the number of new summary process cases filed in 1989-1990 still exceeded the number filed in 1983-1984 by almost 20%.

Under Connecticut law, responsibility for emergency housing for persons other than those on state assistance programs rests with the towns, most of which can ill-afford to meet that responsibility. In a landmark case decided last year (and now on appeal to the Connecticut Supreme Court), the New Haven Housing Court held that a town can be required to provide emergency housing for homeless persons living in that town, Hilton v. City of New Haven, NH-496 (December 27, 1989). The Council urges that the General Assembly provide for 100% state reimbursement plus administrative costs to towns for providing emergency housing. Such a policy would have at least two benefits. First, it would confirm that housing policy is a state responsibility and should be state-funded. Second, by relieving financial pressure on the towns with the greatest homelessness, it would encourage towns better to respond to the need, rather than seeking ways to avoid complying with their statutory duties.

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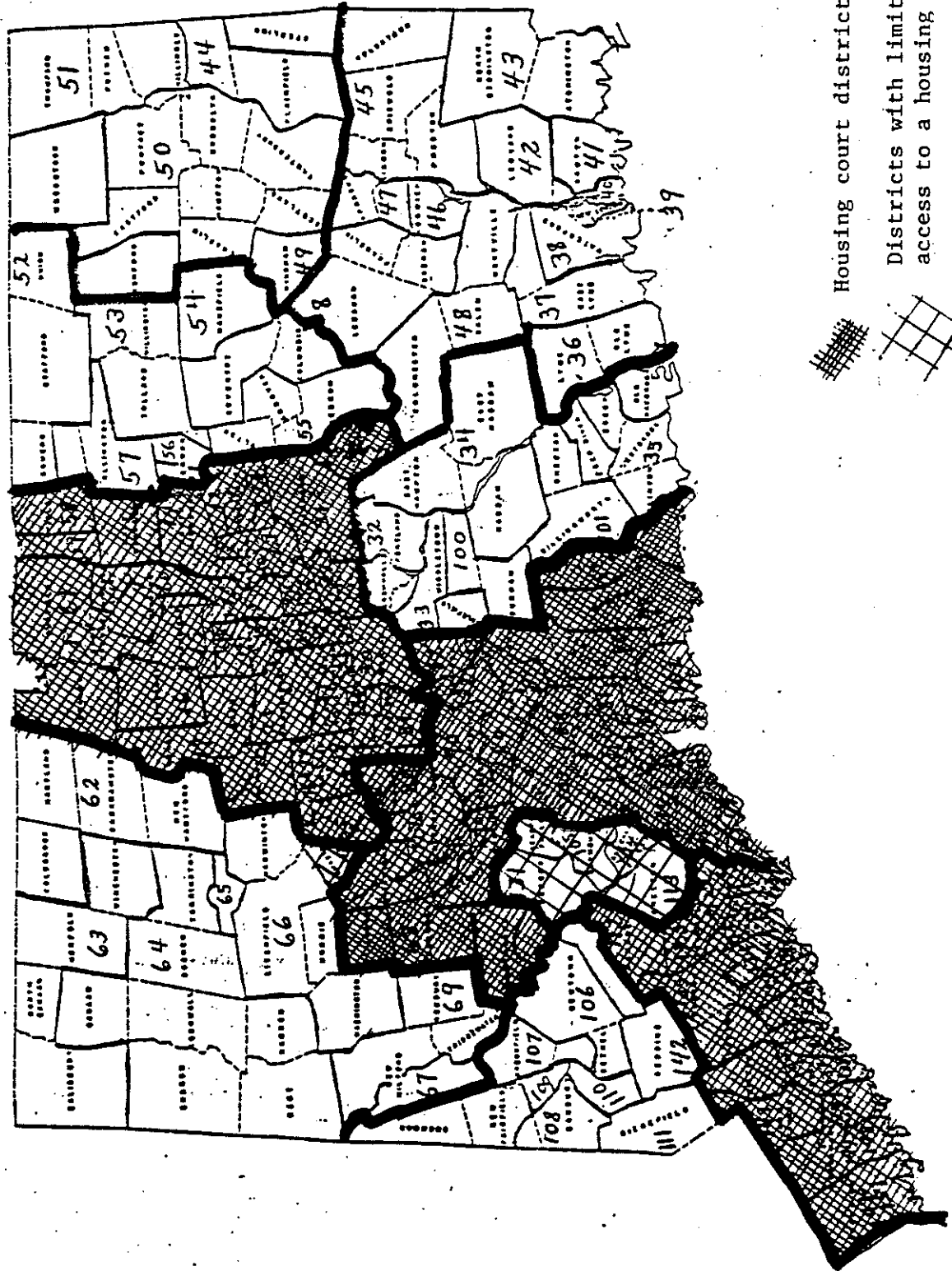
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APPENDIX A-1

HOUSING COURT DISTRICTS



APPENDIX A-2

HOUSING COURT ACT

as amended through December 31, 1990

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 (A) in the judicial districts of Hartford-New Britain, New Haven, Fairfield, Waterbury and Stamford-Norwalk, venue shall be in the judicial district, and (B) in the judicial district of Ansonia-Milford, venue shall be in the geographical area unless (i) the plaintiff requests a change in venue to either the judicial district of New Haven or the judicial district of Waterbury, or (ii) the premises are located in the town of Milford, Orange or West Haven, in which case venue shall be in the judicial district of New Haven...

(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, 1989 to June 30, 1990

<u>Housing courts</u>	<u>Summary process</u>	<u>Increase since</u>		<u>Small claims</u>	<u>Civil</u>	<u>Criminal</u>	<u>%summary</u>		
		<u>1987-88</u>	<u>1983-84</u>					<u>47a-14h</u>	<u>Total process</u>
Hartford-New Britain									
Hartford	5,425	-16.0%	+20.3%	762	365	23	170	6,745	80.4%
New Britain	1,471	-8.9%	+43.5%	355	108	1	48	1,983	74.2%
	<u>6,896</u>	<u>-14.6%</u>	<u>+24.6%</u>	<u>1,117</u>	<u>473</u>	<u>24</u>	<u>218</u>	<u>8,728</u>	<u>79.0%</u>
New Haven-Waterbury									
New Haven	3,298	-6.5%	+31.2%	311	620	16	240	4,673	70.6%
Waterbury	1,180	-10.3%	+28.1%	254	108	3	86	1,631	72.3%
	<u>4,478</u>	<u>-7.6%</u>	<u>+30.4%</u>	<u>565</u>	<u>728</u>	<u>19</u>	<u>326</u>	<u>6,304</u>	<u>71.0%</u>
Bridgeport-Norwalk									
Bridgeport	2,160	-22.1%	-1.9%	252	208	7	86	2,713	79.6%
Norwalk	1,310	+2.7%	+7.4%	252	262	0	65	1,900	68.9%
	<u>3,470</u>	<u>-14.3%</u>	<u>+1.4%</u>	<u>504</u>	<u>470</u>	<u>7</u>	<u>151</u>	<u>4,613</u>	<u>75.2%</u>
Total	14,844	-12.5%	+19.8%	2,186	1,671	50	695	19,645	75.6%

Non-housing court districts

Housing court summary process cases are:

Eastern Connecticut				
New London	706	-11.9%	+4.6%	
Norwich	423	-21.4%	-4.5%	
Danielson	507	-1.7%	+36.7%	
Rockville	380	-7.3%	+37.7%	
Middletown	437	-11.9%	+14.4%	
	<u>2,453</u>	<u>-11.2%</u>	<u>+14.3%</u>	
Western Connecticut				
Danbury	435	-2.5%	+33.4%	
Winsted	361	+6.5%	+100.6%	
	<u>796</u>	<u>+1.4%</u>	<u>+57.3%</u>	
Ansonia-Milford	319	-19.8%	-15.6%	
Meriden (n. 1)	446	-10.8%	+152.5%	
Total	<u>4,014</u>	<u>-9.7%</u>	<u>+71.2%</u>	
Connecticut total	18,858	-11.9%	+20.7%	

75.6% of all housing court cases.
78.7% of all summary process cases in the state.

Notes: n. 1 -- Meriden is technically part of the New Haven-Waterbury Housing Court district but does not have full housing court services.

APPENDIX A-4

HOUSING COURT JUDGES

	<u>Hartford-New Britain</u>	<u>New Haven-Waterbury</u>	<u>Bridgeport-Norwalk</u>
1-1-79	Arthur Spada		
7-1-79	Arthur Spada		
1-1-80	Arthur Spada		
7-1-80	Arthur Spada		
1-1-81	Robert Satter		
7-1-81	Robert Satter	Paul Foti (10-1-81)	
1-1-82	John Maloney	Paul Foti	
7-1-82	John Maloney	Paul Foti	Margaret Driscoll (10-1-82)
1-1-83	John Maloney	Dennis Harrigan	Margaret Driscoll
7-1-83	Arnold Aronson	Dennis Harrigan	Margaret Driscoll
1-1-84	Arnold Aronson	Dennis Harrigan	Margaret Driscoll
7-1-84	Arnold Aronson	Jerrold Barnett	Margaret Driscoll
1-1-85	Samuel Goldstein	Jerrold Barnett	Margaret Driscoll
7-1-85	Samuel Goldstein	Jerrold Barnett	Thomas Gerety
1-1-86	Samuel Goldstein	William Ramsey	Thomas West
7-1-86	Samuel Goldstein	William Ramsey	Thomas West
1-1-87	J. Kaplan/S. Goldstein	William Ramsey	Thomas West
7-1-87	Edward Doyle	William Ramsey	Morton Riefberg
2-1-88	Edward Doyle	William Ramsey	Morton Riefberg
1-88	Edward Doyle	Anthony DeMayo	Morton Riefberg
3-1-89	Wendy Susco	Anthony DeMayo	Morton Riefberg
9-1-89	Wendy Susco	Anthony DeMayo	L. Scott Melville
3-1-90	Wendy Susco	Anthony DeMayo	L. Scott Melville
9-1-90	Marshall Berger	Christine Vertefeuille	L. Scott Melville

APPENDIX B-1

PROSECUTOR'S MANUAL FOR
THE STATE OF CONNECTICUT
HOUSING COURT

Revised 11/15/89

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INTRODUCTION

This manual is structured to highlight the areas of housing prosecution that require a different approach than that followed in traditional criminal prosecutions. The other areas are listed and traditional prosecution policy and procedure apply. Also, an appendix has been included. It contains sample forms, work-sheets and letters used by housing prosecutors.

I. HOUSING COURT PROSECUTION POLICY:

Overall policy: It is the goal of housing prosecution to promote full and prompt compliance with local housing codes and to assure that legislation concerning housing discrimination and lockouts is fully and effectively enforced. The primary goal is COMPLIANCE.

II. CATEGORIES OF CASES:

If an agency has been unsuccessful in seeking compliance, then the case is referred to Housing Court for criminal prosecution. The prosecutor should receive and prosecute complaints including, but not limited to:

- (a) Housing, building, electrical, plumbing, fire, zoning and similar municipal code violations, if they affect residential housing. This includes fire safety code in its entirety.
- (b) Failure to provide essential services complaint (C.G.S. § 19a-109);
- (c) Lockouts (C.G.S. § 53a-214);
- (d) Violations of the Connecticut Public Health Code;
- (e) Criminal prosecutions arising directly out of landlord-tenant disputes (e.g., breach of the peace arising from an argument over whether the car can be parked in the driveway). Housing discrimination cases, including discrimination against families with children, should be

referred to the Housing Prosecutor by the CHRO pursuant to C.G.S. § 46a-64(c) and § 46a-64a(c).

- (f) Larceny when a landlord complains that a tenant took property; or when tenant complains that landlord took property and prosecution as lockout is inappropriate.
- (g) Violations of fair rent commission orders, pursuant to C.G.S. § 7-148F.
- (h) Any other criminal violation of any statute, ordinance, code, or regulation concerning the health, safety, or welfare of any occupant of any place used or intended for use as a place of human habitation, pursuant to C.G.S. §§ 47a-68(f) and (i).

III. SOURCE OF CASES:

Cases will be referred from various agencies and, in some situations, directly from an individual. The prosecutor should meet with all agencies, in the judicial district, likely to refer cases for prosecution and encourage the use of such referrals. These would include:

- (a) Housing code enforcement agencies;
- (b) police departments which handle no-heat and lockout cases;
- (c) public health code agencies;
- (d) fire marshal;
- (e) fair rent commissions;
- (f) CHRO; and

- (g) complaints involving hazardous waste on premises should be referred to the Office of the Chief States Attorney.

IV. PROCEDURE FOR INITIATING CASES:

The local inspector from the referring agency should make out an affidavit. However, in C.G.S. § 53a-214 lockout cases the investigating officer should make out the affidavit. The affidavit must establish probable cause before the complaint can be prosecuted. Copies of supporting documentation should be included. Sample affidavits used in different areas are included in the appendix.

The prosecutor, in evaluating each case and its individual circumstances, may initiate the case by using any of the following methods s/he decides is most appropriate:

- (a) Prosecutor's summons;
- (b) Seven-day letter; or
- (c) Arrest warrant.

This last method is usually used in emergency situations such as "no heat" or criminal lockout and/or if the summons is not answered. The case file should include:

1. Copies of the warrant;
2. An affidavit from the title search or tax assessor's records confirming that defendant does in fact own the property;
3. An affidavit from the inspector regarding the violation;

4. A certified copy of the violated state statute section so that the judge can later take judicial notice of the section;
5. Before a warrant is issued, the prosecutor must make a sworn statement declaring that there is "probable cause" that the violations exist;
6. The defendant's prior arrest record if one exists;
7. A judge must find probable cause and sign; and
8. The defendant must be ARRAIGNED ON THE INFORMATION.

Where prosecution initiates by summons, the case file should include:

1. Prosecutor's note sheet;
2. Pink copy of summons;
3. Copy of face sheet;
4. Copy of warrant application;
5. Certified Return Receipt; and
6. Green card.

A prosecutor's summons and complaint is commonly used. However, some G.A.'s follow the procedure of issuing arrest warrants to initiate all cases.

The pendency of a civil or administrative case, such as an eviction or a fair rent commission case, should not bar prosecution on a criminal charge.

V. INITIAL INTERVIEW:

The inspector, or his representative, who viewed and/or "wrote-up" the violation should be present when the defendant attends the pretrial proceedings. Each case requires an individual judgment regarding the course that the prosecution will take. The following guidelines, which are subject to prosecutorial discretion, should be observed.

The following is an example of how a typical interview might proceed:

"Before I discuss anything with you,

1. Do you understand that you have a right to an attorney?
2. Do you want an attorney retained on this case?
3. Do you want or need time to retain one or would you prefer to settle this matter yourself?
4. Do you own property at _____?
5. Are you here because you received formal notice (i.e. a summons)?
6. Have you ever received a summons before? When? With regard to what property?
7. This case was referred to this office of the Connecticut State's Attorney from _____."

If a continuance is requested and granted, it should be short and range between one and two weeks. A reasonable time for completion should be considered. Compliance should be a contingency. If

a continuance does not produce compliance, then the prosecution should proceed to formal criminal proceedings against the defendant.

VI. PLEADINGS: (See Appendix)

(a) Pretrial motions;

Pretrial Motions (Chapters 26 and 27 of the Connecticut Practice Book):

Any defense, objection or request capable of determination without a trial of the general issue may be raised only by a pretrial motion made in conformity with § 808 of the Conn. P.B.

1. Conn. P.B. § 811 refers to the time for making pretrial motions or requests.
2. Conn. P.B. § 812 refers to the form and manner of making pretrial motions.

(b) Common defense motions;

1. Conn. P.B. § 814 refers to the motion to dismiss.
2. Conn. P.B. § 820 refers to motions to suppress.
3. Conn. P.B. § 830 refers to bill of particulars.
4. Conn. P.B. §§ 731-804 refers to discovery and disclosure.

(c) Common state motions;

1. Disclosure by the defendant - Defense of mental disease or defect Conn. P.B. § 757;

2. Disclosure by the defendant - Defense of alibi
Conn. P.B. § 762;
3. Disclosure by the defendant - Access to documents
and objects Conn. P.B. § 769; and
4. Obtaining nontestimonial evidence from the
defendant Conn. P.B. § 778.

VII. TRIAL: (See Trial Manual)

- (a) Direct evidence;
- (b) Demonstrative evidence;
- (c) Direct examination;
- (d) Cross-examination;
- (e) Motion for judgement of acquittal;
- (f) Rebuttal.

VIII. CHARGES TO THE JURY: (Requests to Charge)

IX. SENTENCING AND JUDGMENTS: (Optional Methods)

- (a) Nolle;

The prosecutor refuses to prosecute because, for example, the case cannot be proven due to lack of evidence or because the defendant cannot be found within the jurisdiction. Prosecutors should not nolle a case unless the defendant remediates the violation. No case should be nolle unless all violations have been

corrected and the code enforcement agency provides written confirmation.

Sale or abandonment of a building that has not been repaired, should NOT be grounds for a nolle. If the city completes the work because of the emergency nature of the circumstances, then the case should be treated as one which the landlord did NOT make the repairs.

If a case is nolle, but within thirteen months the defendant is cited for another violation, then the nolle case should be restored to the court's docket. The prosecutor may elect to open a new file rather than re-open the old file for the nolle case.

(b) Sanctions;

Sanctions should be used to assure that repairs will be made. A file should not be closed, except in extraordinary cases, until full code compliance has been obtained. Sanctions can consist of a variety of penalties.

(c) Arrests;

An arrest warrant should be issued against any person who fails to appear. Only compelling excuses should be accepted. If a person is arrested for failure to appear, then a continuance should be brief. Ordinarily, a case should be continued to the earliest available court date. This date need not be a day regularly assigned to criminal cases. Violations of

section 53a-173, if willful, should be prosecuted and an arrest warrant issued.

(d) Fines;

Fines should be graduated, depending on the severity of the offense and the extent of delay prior to repairs. The statute provides the applicable fines which ordinarily should not be imposed until the repair work is complete. If this is impractical, then a conditional sentencing should be used. Fines should be structured so that a defendant is not rewarded for delay. Repairs do not justify a disposition without a fine, unless the defendant has acted promptly. Repeat offenders should receive higher fines than first offenders. It is important for a prosecutor to check for prior offenses.

(e) Jail sentences;

In appropriate cases, a defendant should receive a jail sentence. Also, suspended jail sentences have been used for fire code and public health code violations.

f) Conditional discharge;

A probation period should contain a relatively short time period for the work to be completed. Additionally, intermediate, partial repair requirements should be given to assure that work is in progress. These requirements should allow intervals of no more than two weeks without reinspection. If winter weather interferes with repairs, then a probation work plan may

extend the time period for two additional months. The probationary period, however, may extend for a longer time period. Each probation should be conditioned upon the fact that the owner will not commit another housing violation. If the prosecutor believes that the owner will retaliate against the victim during the probation period, then a prohibition against retaliation should also be made a condition of the probation. If accelerated rehabilitation is allowed, then its review, duration, and reporting standards should be similar to probation.

(g) Other agreements;

The court has discretion to experiment with agreements. For example, accelerated rehabilitation (AR), coupled with a charitable contribution and community service, can be an effective sanction.

X. POST-TRIAL PROCEEDINGS:

(a) Post-trial motions;

1. Petition for a new trial
2. Probation revocation
3. Habeas corpus
4. Sentencing, and sentencing review
5. Reopening the case in chief
6. Mistrials
7. New Trials

8. Jeopardy and double jeopardy
9. Prosecutorial misconduct
10. Interlocutory rulings
11. Dismissal
12. Motion for acquittal at conclusion of prosecutions case.

(b) Appeals; (See Appendix)

1. Appeals by the State
2. Appeals by the Defense.



CITIZENS ADVISORY
COUNCIL FOR HOUSING MATTERS



Reply to: 104 Beacon St.
Hartford, CT. 06105
(203) 232-7748

December 16, 1990

REPORT ON PROSECUTION PATTERNS IN THE HOUSING COURTS

Prepared by Raphael Podolsky, with the assistance of Barbara Perry

SUMMARY OF FINDINGS

1. The number of criminal cases instituted in the housing courts has increased by more than 58% in the past year. In three court locations the number of prosecutions at least doubled.
2. It is not possible to determine from the data made available for this study the extent to which compliance with code enforcement orders was obtained before disposition of a case was completed. Prosecution policy, however, would generally require compliance prior to disposition.
3. There are significant differences in disposition patterns between the Bridgeport-Norwalk Housing Court and the other two housing courts. For example, though nolle (and, to a lesser extent, dismissals and withdrawals) are the primary form of case disposition in all courts, they are significantly less dominant in Bridgeport-Norwalk. Thus, 93% of the cases in New Haven-Waterbury and 89% of the cases in Hartford-New Britain were nolle, dismissed, or withdrawn. The equivalent percentage for Bridgeport-Norwalk was 65%.
4. In addition to infrequent use of sanctions, the dollar amount of penalties tended to be small. Only 8% of all cases in Hartford-New Britain and New Haven-Waterbury involved any sanction whatsoever, even counting a nolle combined with a contribution to charity as a sanction; and barely 1% of cases in those two districts involved a money payment of more than \$250. Sanctions were more common in Bridgeport-Norwalk, where they were found in 35% of all cases; but only 6% of cases could be identified as involving a money payment of more than \$250.
5. There were no cases in the sample in which a defendant was jailed, but there were a small number of cases which resulted in a suspended sentence (1.5% of all cases).

6. The median case had two continuances and took four to five weeks to complete. This represents a reasonably rapid processing of cases. A small but significant percentage of cases extended for a long period of time, most of which resulted in the imposition of no significant sanction. At the end of the survey period, 35 cases (about 5% of the sample) were still actively pending. Two-fifths of them had been pending for more than seven months.
7. In those cases in which substantial delay did occur, there appears to be only a small correlation between the length of time necessary to complete the case and the degree of sanction imposed. Nolles were the pattern, regardless of the number of weeks to disposition or the number of continuances. In New Haven-Waterbury, for example, sanctions were imposed in less than 4% of cases which took nine or more weeks to complete (i.e., the longest 25% of cases), a rate lower than 7% sanction rate for all cases. Even for cases requiring more than 16 weeks to disposition (the longest 10% of cases in New Haven-Waterbury), 90% of dispositions involved no sanction. In Bridgeport-Norwalk, however, there was evidence of mildly increased sanctions, with the sanction rate rising from 35% for all cases to 48% for cases of more than eight weeks' duration.
8. The same pattern appears to exist for defendants who failed to appear for court hearings. Even defendants who missed multiple hearings and had to be arrested to obtain their presence commonly had their cases nolle. For example, even in cases in which an arrest warrant was issued (which usually meant that the defendant had failed to appear for at least two, and sometimes more, scheduled court appearances), sanctions were imposed in only 31% of cases. In the other 69%, the charges were nolle or dismissed. When sanctions were imposed, they usually were minimal. Of the eight warrant cases involving sanctions, six resulted in fines or contributions of \$150 or less.
9. Accelerated rehabilitation (AR) does not appear to be effectively monitored but instead seems functionally to be no different from a long continuance. AR periods ranged in length from three to twelve months, but there were ordinarily no intermediate inspections or other monitoring of the defendant during the AR period to see if work was in progress. As a result, less control was exercised over repair work when an AR was issued than if the prosecutor had delayed disposition and merely consented to a series of continuances.
10. An injury to the New Haven-Waterbury prosecutor in May, 1990, resulted in some distortion of the New Haven-Waterbury figures by increasing the average duration of continuances and the length of time to dispose of cases (because of the use of fill-in coverage by other prosecutors), but it did

not affect the overall pattern of case dispositions in New Haven-Waterbury.

11. Although the median continuance in all districts was two weeks, New Haven-Waterbury made much more extensive use of one-week continuances than did the other courts. This was particularly clear before the injury to the New Haven-Waterbury prosecutor in May.

The Citizens Advisory Council wishes to thank the clerks of the housing courts for their cooperation in providing the Council with the data upon which this report is based.

	<u>Hartford</u>	<u>New Britain</u>	<u>New Haven</u>	<u>Waterbury</u>	<u>Bridgeport</u>	<u>Norwalk</u>	<u>All courts</u>
Number of cases							
1987-88	164	22	104	39	67	63	459
1989-90	166	44	258	111	83	64	726
% change	+1.2%	+100.0%	+148.1%	+284.6%	+22.4%	+1.6%	+58.2%

Source of cases by town

HD	138	83.1%	NB	31	79.5%	NH	132	51.2%	WB	95	85.6%	??	NO	32	50.8%
EH	13	7.8%	BR	2	5.1%	MR	95	36.8%	NG	8	7.2%		ST	29	46.0%
WH	5	3.0%	SO	2	5.1%	HM	10	3.9%	WL	7	6.3%		WE	1	1.6%
MN	4	2.4%	BE	2	5.1%	EH	5	1.9%	WT	1	0.9%		GR	1	1.6%
WI	1	0.6%	WE	1	2.6%	BR	5	1.9%							
AV	2	1.2%	NE	1	2.6%	GL	5	1.9%							
GR	2	1.2%				WL	4	1.6%							
EN	1	0.6%				CH	2	0.8%							
	166	99.9%	39	100.0%	258	100.0%	111	100.0%					63	100.0%	
??	0		5		0		0						1		
	166		44		258		111						64		

Type of cases

Code

Housing	139	86.3%	27	69.2%	110	41.7%	21	18.9%	25	28.1%	31	41.3%	353	47.8%
Fire	2	1.2%	4	10.3%	85	32.2%	83	74.8%	4	4.5%	22	29.3%	200	27.1%
Health	0	0.0%	0	0.0%	38	14.4%	1	0.9%	51	57.3%	13	17.3%	103	13.9%
Zoning	6	3.7%	0	0.0%	3	1.1%	4	3.6%	1	1.1%	0	0.0%	14	1.9%
Building	1	0.6%	4	10.3%	2	0.8%	0	0.0%	0	0.0%	0	0.0%	7	0.9%
§19-109a	8	5.0%	2	5.1%	0	0.0%	1	0.9%	3	3.4%	3	4.0%	17	2.3%
Abandoned car	0	0.0%	0	0.0%	0	0.0%	1	0.9%	0	0.0%	1	1.3%	2	0.3%
	156	96.9%	37	94.9%	238	90.2%	111	100.0%	84	94.4%	70	93.3%	696	94.2%
<u>Lockout</u>														
§53a-214	1	0.6%	2	5.1%	9	3.4%	0	0.0%	0	0.0%	4	5.3%	16	2.2%
<u>Failure to appear</u>														
§53a-173	1	0.6%	0	0.0%	3	1.1%	0	0.0%	5	5.6%	0	0.0%	9	1.2%
<u>Bad check</u>														
§53a-128	0	0.0%	0	0.0%	2	0.8%	0	0.0%	0	0.0%	0	0.0%	2	0.3%
<u>Physical confrontations</u>														
§53a-61, 62, 103, 107, 115, 117, 167a, 181	3	1.9%	0	0.0%	12	4.5%	0	0.0%	0	0.0%	1	1.3%	16	2.2%
Total	161	100.0%	39	100.0%	264	100.0%	111	100.0%	89	100.0%	75	99.9%	739	100.1%
Unknown	6		5		0		0		1		1		13	
Double count	-1		0		-6		0		-7		-12		-26	
Total	166		44		258		111		83		64		726	

	Hartford	New Britain	New Haven	Waterbury	Bridgeport	Norwalk	All courts
<u>Disposition of cases</u>							
Nolle	128 81.5%	32 84.2%	215 88.8%	81 85.3%	40 54.1%	30 54.5%	526 75.5%
Dismissal	14 8.9%	0 0.0%	13 5.4%	6 6.3%	5 6.8%	1 1.8%	39 5.9%
Withdrawal	0 0.0%	0 0.0%	0 0.0%	0 0.0%	6 8.1%	2 3.6%	8 1.2%
Subtotal	142 90.4%	32 84.2%	228 94.2%	87 91.6%	51 68.9%	33 60.0%	573 86.7%
Sanction	15 9.6%	6 15.8%	14 5.8%	8 8.4%	23 31.1%	22 40.0%	88 13.3%
Total	157 100.0%	38 100.0%	242 100.0%	95 100.0%	74 100.0%	55 100.0%	661 100.0%
Transfer	3	2	3	0	0	0	8
Pending (FTA)	3	0	5	2	5	0	15
Other pending	0	0	8	14	3	8	35
No service	0	2	0	0	0	0	2
Unknown	3	2	0	0	1	1	7
Total	166	44	258	111	83	64	726

Note: A contribution to charity made as a condition of a nolle, dismissal, or withdrawal was counted as a sanction, rather than as a nolle, dismissal, or withdrawal.

Note: If a fine was imposed on any count, the case was counted as a sanction, even if all other counts were nolle.

Note: "FTA" stands for "failure to appear." "Pending (FTA)" are cases in which a warrant is outstanding for the arrest of a defendant who has failed to appear.

Nature of sanctions

Fine (G)	9 39.1%	4 50.0%	2 14.3%	1 9.1%	17 65.4%	9 39.1%	42 40.0%
Charity (nol/AR)	3 13.0%	2 25.0%	9 64.3%	2 18.2%	4 15.4%	10 43.5%	30 28.6%
Probation (G)	3 13.0%	0 0.0%	0 0.0%	3 27.3%	2 7.7%	0 0.0%	8 7.6%
AR (dismiss)	4 17.4%	2 25.0%	3 21.4%	2 18.2%	0 0.0%	2 8.7%	13 12.4%
Suspended sent	3 13.0%	0 0.0%	0 0.0%	3 27.3%	3 11.5%	1 4.3%	10 9.7%
Community serv	1 4.3%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 4.3%	2 1.9%
Total	23 99.8%	8 100.0%	14 100.0%	11 100.1%	26 100.0%	23 99.9%	105 100.0%
Double count	-8	-2	0	-3	-3	-1	-17
Total	15	6	14	8	23	22	88

Amount of fine/contribution

\$100 or less	4 33.3%	1 16.7%	2 25.0%	1 33.3%	13 61.9%	8 42.1%	29 42.0%
\$101 to \$250	3 25.0%	5 83.3%	2 25.0%	1 33.3%	0 0.0%	2 10.5%	13 18.8%
\$251 to \$500	2 16.7%	0 0.0%	3 37.5%	1 33.3%	4 19.0%	2 10.5%	12 17.4%
\$501 to \$1000	1 8.3%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 1.4%
More than \$1000	0 0.0%	0 0.0%	1 12.5%	0 0.0%	2 9.5%	0 0.0%	3 4.3%
Amount unknown	2 16.7%	0 0.0%	0 0.0%	0 0.0%	2 9.5%	7 36.8%	11 15.9%
Total	12 100.0%	6 100.0%	8 100.0%	3 100.0%	21 99.9%	19 99.9%	69 99.8%
Double count	0	0	+3	0	0	0	+3
Total	12	6	11	3	21	19	72

Note: "Double count" refers to cases in which a single fine or contribution applied to more than one case.

Duration of probation/AR

3 mos. or less	2 28.6%	0 0.0%	2 66.7%	0 0.0%	0 0.0%	0 0.0%	4 19.1%
4-6 months	2 28.6%	2 100.0%	1 33.3%	5 100.0%	2 100.0%	0 0.0%	12 57.1%
7-12 months	3 42.9%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	2 100.0%	5 23.8%
Total	7 100.1%	2 100.0%	3 100.0%	5 100.0%	2 100.0%	2 100.0%	21 100.0%

	Hartford	New Britain	New Haven	Waterbury	Bridgeport	Norwalk	All courts
<u>Disposition time for cases</u>							
weeks	19 11.9%	7 17.9%	41 16.2%	15 13.8%	25 32.9%	4 6.3%	111 15.9%
1-2 weeks	25 15.6%	1 2.6%	64 25.3%	13 11.9%	17 22.4%	10 15.9%	130 18.6%
3-4 weeks	36 22.5%	3 7.7%	33 13.0%	18 16.5%	10 13.2%	9 14.3%	109 15.6%
5-6 weeks	16 10.0%	4 10.3%	27 10.7%	8 7.3%	9 11.8%	5 7.9%	69 9.9%
7-8 weeks	15 9.4%	4 10.3%	24 9.5%	11 10.1%	4 5.3%	5 7.9%	63 9.0%
9-10 weeks	6 3.8%	6 15.4%	19 7.5%	15 13.8%	1 1.3%	3 4.8%	50 7.1%
11-15 weeks	15 9.4%	5 12.8%	7 2.8%	5 4.6%	2 2.6%	7 11.1%	41 5.9%
16-20 weeks	15 9.4%	1 2.6%	17 6.7%	10 9.2%	0 0.0%	3 4.8%	46 6.6%
21-25 weeks	3 1.9%	2 5.1%	11 4.3%	8 7.3%	2 2.6%	5 7.9%	31 4.4%
26-30 weeks	6 3.8%	4 10.3%	4 1.6%	3 2.8%	2 2.6%	0 0.0%	19 2.7%
31-40 weeks	3 1.9%	2 5.1%	5 2.0%	3 2.8%	3 3.9%	8 12.7%	24 3.4%
41-50 weeks	1 0.6%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	4 6.3%	5 0.7%
51-60 weeks	0 0.0%	0 0.0%	1 0.4%	0 0.0%	0 0.0%	0 0.0%	1 0.1%
61-70 weeks	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 1.3%	0 0.0%	1 0.1%
Total	160 100.2%	39 100.1%	253 100.0%	109 100.1%	76 99.9%	63 99.9%	700 100.0%
Pending (FTA)	3	0	5	2	5	0	15
No service	0	2	0	0	0	0	2
Unknown	3	3	0	0	2	1	9
Total	166	44	258	111	83	64	726
Median	4.5 weeks	9 weeks	4 weeks	4 weeks	2 weeks	8 weeks	4.5 weeks
Average	8.0 weeks (1272)	11.0 weeks (430)	6.7 weeks (1690)	8.9 weeks (969)	5.8 weeks (441)	13.7 weeks (866)	7.8 weeks (5668)

Note: Pending cases, other than Pending (FTA), are included in the table based upon the number of weeks they had been pending as of December 10, 1990.

Total docket markings

Continuances	573 78.2%	153 79.3%	922 78.9%	385 80.2%	155 67.7%	314 85.1%	2502 78.9%
Dispositions	160 21.8%	40 20.7%	246 21.1%	95 19.8%	74 32.3%	55 14.9%	670 21.1%
Total	733 100.0%	193 100.0%	1168 100.0%	480 100.0%	229 100.0%	369 100.0%	3172 100.0%

Duration of continuances

1 week	187 32.6%	40 26.1%	433 47.0%	130 33.8%	38 24.5%	78 24.8%	906 36.2%
2 weeks	219 38.2%	52 34.0%	257 27.9%	89 23.1%	68 43.9%	113 36.0%	798 31.9%
3 weeks	97 16.9%	24 15.7%	97 10.5%	114 29.6%	22 14.2%	43 13.7%	397 15.9%
4 weeks	43 7.5%	18 11.8%	91 9.9%	13 3.4%	16 10.3%	37 11.8%	218 8.7%
5 weeks	16 2.8%	13 8.5%	41 4.4%	32 8.3%	4 2.6%	11 3.5%	117 4.7%
6 weeks	7 1.2%	2 1.3%	2 0.2%	1 0.3%	5 3.2%	18 5.7%	35 1.4%
7 weeks	1 0.2%	1 0.7%	0 0.0%	4 1.0%	0 0.0%	6 1.9%	12 0.5%
8 weeks	2 0.3%	3 2.0%	0 0.0%	0 0.0%	0 0.0%	2 0.6%	7 0.3%
9 weeks	0 0.0%	0 0.0%	0 0.0%	2 0.5%	2 1.3%	0 0.0%	4 0.2%
10+ weeks	1 0.2%	0 0.0%	1 0.1%	0 0.0%	0 0.0%	6 1.9%	8 0.3%
Total	573 99.9%	153 100.1%	922 100.0%	385 100.0%	155 100.0%	314 99.9%	2502 100.1%
Median	2 weeks	2 weeks	2 weeks	2 weeks	2 weeks	2 weeks	2 weeks
Average	2.2 weeks (1244)	2.6 weeks (396)	2.0 weeks (1842)	2.4 weeks (910)	2.3 weeks (351)	2.8 weeks (877)	2.2 weeks (5620)

	<u>Hartford</u>		<u>New Britain</u>		<u>New Haven</u>		<u>Waterbury</u>		<u>Bridgeport</u>		<u>Norwalk</u>		<u>All courts</u>	
<u>Number of continuances per case</u>														
0	17	10.6%	7	20.6%	40	15.9%	16	14.7%	25	32.9%	4	6.3%	109	15.6%
1	30	18.8%	3	8.8%	60	23.8%	18	16.5%	20	26.3%	11	17.5%	142	20.5%
2	36	22.5%	4	11.8%	37	14.7%	17	15.6%	12	15.8%	14	22.2%	120	17.3%
3	21	13.1%	4	11.8%	46	18.3%	15	13.8%	7	9.2%	6	9.5%	99	14.3%
4	10	6.3%	10	29.4%	12	4.8%	4	3.7%	4	5.3%	5	7.9%	45	6.5%
5	13	8.1%	0	0.0%	5	2.0%	16	14.7%	1	1.3%	4	6.3%	39	5.6%
6	5	3.1%	2	5.9%	12	4.8%	6	5.5%	0	0.0%	2	3.2%	27	3.9%
7	6	3.8%	0	0.0%	6	2.4%	6	5.5%	0	0.0%	2	3.2%	20	2.9%
8	7	4.4%	0	0.0%	5	2.0%	5	4.6%	3	3.9%	0	0.0%	20	2.9%
9	3	1.9%	0	0.0%	5	2.0%	3	2.8%	2	2.6%	0	0.0%	13	1.9%
10	5	3.1%	0	0.0%	3	1.2%	1	0.9%	0	0.0%	4	6.3%	13	1.9%
11	0	0.0%	1	2.9%	3	1.2%	2	1.8%	1	1.3%	3	4.8%	10	1.4%
12	2	1.2%	2	5.9%	4	1.6%	0	0.0%	1	1.3%	0	0.0%	9	1.3%
13	3	1.9%	1	2.9%	5	2.0%	0	0.0%	0	0.0%	2	3.2%	11	1.6%
14	0	0.0%	0	0.0%	1	0.4%	0	0.0%	0	0.0%	0	0.0%	1	0.1%
15	1	0.6%	0	0.0%	1	0.4%	0	0.0%	0	0.0%	4	6.3%	6	0.9%
16-20	1	0.6%	0	0.0%	6	2.4%	0	0.0%	0	0.0%	2	3.2%	9	1.3%
21-30	0	0.0%	0	0.0%	1	0.4%	0	0.0%	0	0.0%	0	0.0%	1	0.1%
Total	160	100.0%	34	100.0%	252	100.3%	109	100.1%	76	99.9%	63	99.9%	694	100.1%
Pending (FTA)	3		0		5		2		5		0		15	
No service	0		2		0		0		0		0		2	
Unknown	3		8		1		0		2		1		15	
Total	166		44		258		111		83		64		726	
Median	2		3		2		3		1		3		2	
Average	3.6		3.6		3.5		3.4		1.2		5.0		3.4	
	(571)		(123)		(874)		(370)		(89)		(314)		(2341)	

Note: Pending cases, other than Pending (FTA), are included in the table based upon the number of continuances as of December 10, 1990.

Problem cases

Disposition time for cases pending on December 10, 1990

16-20 weeks	1	12.5%	6	42.9%	0	0.0%	0	0.0%	7	21.2%
21-25 weeks	2	25.0%	7	50.0%	2	66.7%	1	12.5%	12	36.4%
26-30 weeks	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
31-40 weeks	5	62.5%	1	7.1%	1	33.3%	6	75.0%	13	39.4%
41-50 weeks	0	0.0%	0	0.0%	0	0.0%	1	12.5%	1	3.0%
Total	8	100.0%	14	100.0%	3	100.0%	8	100.0%	33	100.0%
Median			30 weeks		21 weeks		21 weeks		34 weeks	
									22 weeks	

Number of continuances in cases pending on December 10, 1990

5-8	0	0.0%	9	64.3%	0	0.0%	0	0.0%	9	27.3%
9-10	3	37.5%	4	28.6%	3	100.0%	1	12.5%	11	33.3%
11-12	0	0.0%	1	7.1%	0	0.0%	3	37.5%	4	12.1%
13-14	1	12.5%	0	0.0%	0	0.0%	2	25.0%	3	9.1%
15-17	4	50.0%	0	0.0%	0	0.0%	2	25.0%	6	18.2%
Total	8	100.0%	14	100.0%	3	100.0%	8	100.0%	33	100.0%
Median			14.5		6.5		9		12	
									10	

	Hartford		New Britain		New Haven		Waterbury		Bridgeport		Norwalk		All courts	
Cases requiring more than 8 weeks to disposition														
Nolle	37	78.7%	15	78.9%	45	81.8%	27	90.0%	4	44.4%	12	54.5%	140	76.9%
Dismissal	2	4.3%	0	0.0%	8	14.5%	2	6.7%	0	0.0%	0	0.0%	12	6.6%
Withdrawal	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Subtotal	39	83.0%	15	78.9%	53	96.4%	29	96.7%	4	44.4%	12	54.5%	152	83.5%
Sanction	8	17.0%	4	21.1%	2	3.6%	1	3.3%	5	55.6%	10	45.5%	30	16.5%
Total	47	100.0%	19	100.0%	55	100.0%	30	100.0%	9	100.0%	22	100.0%	192	100.0%
Transfer	2		1		0		0		0		0		3	
Pending (FTA)	3		0		5		2		5		0		15	
Other pending	0		0		8		14		3		8		33	
Total	52		20		68		46		17		30		234	

Sanctions \$40 \$50 \$180 \$180 \$90 AR AR \$50 \$100 \$100 \$100
 \$50 \$50 \$250 \$250 \$100 \$200 AR AR
 \$150 ? ? [3 mo ES/ ? ? ? ? ?
 [120 dys ES/ 6 mo probtn]
 1 yr probtn] [\$500/60 dys ES]

Cases requiring more than 16 weeks to disposition														
Nolle	18	66.7%	3	42.9%	26	92.9%	6	75.0%	1	16.7%	7	63.6%	61	70.1%
Dismissal	2	7.4%	0	0.0%	0	0.0%	1	12.5%	0	0.0%	0	0.0%	3	3.4%
Withdrawal	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Subtotal	20	74.1%	3	42.9%	26	92.9%	7	87.5%	1	16.7%	7	63.6%	64	73.6%
Sanction	7	25.9%	4	57.1%	2	7.1%	1	12.5%	5	83.3%	4	36.4%	23	26.4%
Total	27	100.0%	7	100.0%	28	100.0%	8	100.0%	6	100.0%	11	100.0%	87	100.0%
Transfer	0		1		0		0		0		0		1	
Pending (FTA)	3		0		5		2		5		0		15	
Other pending	0		0		8		12		3		8		31	
Total	30		8		41		22		14		19		134	

Sanctions \$40 \$50 \$180 \$180 \$90 AR AR \$50 \$100 ? ? ? ?
 \$50 \$50 \$250 \$250 \$100
 \$150 ? ? [3 mo ES/ ? ? ? ? ?
 6 mo probtn]
 [\$500/60 dys ES]

Cases requiring more than 26 weeks to disposition														
Nolle	4	57.1%	3	100.0%	6	100.0%	4	100.0%	1	20.0%	1	20.0%	19	63.3%
Dismissal	1	14.3%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	3.3%
Withdrawal	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Subtotal	5	71.4%	3	100.0%	6	100.0%	4	100.0%	1	20.0%	1	20.0%	20	66.7%
Sanction	2	28.6%	0	0.0%	0	0.0%	0	0.0%	4	80.0%	4	80.0%	10	33.3%
Total	7	100.0%	3	100.0%	6	100.0%	4	100.0%	5	100.0%	5	100.0%	30	100.0%
Transfer	0		1		0		0		0		0		1	
Pending (FTA)	3		0		5		1		5		0		7	
Other pending	0		0		5		1		1		7		14	
Total	10		4		16		6		11		12		52	

Sanctions \$40 \$150 None None None \$50 \$100 ? ? ? ?
 [3 mo ES/ ? ? ? ? ?
 6 mo probtn]
 [\$500/60 dys ES]

	<u>Hartford</u>		<u>New Britain</u>		<u>New Haven</u>		<u>Waterbury</u>		<u>Bridgeport</u>		<u>Norwalk</u>		<u>All courts</u>	
Cases in which an FTA bail commissioner's letter or warrant was issued														
Nolle	45	78.9%	2	50.0%	49	96.1%	14	87.5%	8	40.0%	5	62.5%	123	78.9%
Dismissal	6	10.5%	0	0.0%	0	0.0%	2	12.5%	0	0.0%	0	0.0%	8	5.1%
Withdrawal	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	10.0%	1	12.5%	3	1.9%
Subtotal	51	89.5%	2	50.0%	49	96.1%	16	100.0%	10	50.0%	6	75.0%	134	85.9%
Sanction	6	10.5%	2	50.0%	2	3.9%	0	0.0%	10	50.0%	2	25.0%	22	14.1%
Total	57	100.0%	4	100.0%	51	100.0%	16	100.0%	20	100.0%	8	100.0%	156	100.0%
Transfer	1		1		0		0		0		0		2	
Pending (FTA)	3		0		5		2		5		0		15	
Other pending	0		0		7		4		0		8		19	
Total	61		5		63		22		25		8		192	
Sanctions	\$40 \$50 \$50 \$100 ? ?		\$250 \$250		\$90 \$300		None		\$50 \$50 \$100 \$100 \$100 \$100 \$300 \$1300 ? [3 mo ES/ 6 mo probtn]		? ?			

	<u>Hartford</u>		<u>New Britain</u>		<u>New Haven</u>		<u>Waterbury</u>		<u>Bridgeport</u>		<u>Norwalk</u>		<u>All courts</u>	
Cases in which an FTA arrest warrant was issued														
Nolle	3	50.0%	0	0.0%	5	83.3%	5	100.0%	3	37.5%	1	100.0%	17	65.4%
Dismissal	1	16.7%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	3.8%
Withdrawal	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Subtotal	4	66.7%	0	0.0%	5	83.3%	5	100.0%	3	37.5%	1	100.0%	18	69.2%
Sanction	2	33.3%	0	0.0%	1	16.7%	0	0.0%	5	62.5%	0	0.0%	8	30.8%
Total	6	100.0%	0	0.0%	6	100.0%	5	100.0%	8	100.0%	1	100.0%	26	100.0%
Transfer	0		0		0		0		0		0		0	
Pending (FTA)	3		0		5		2		5		0		15	
Other pending	0		0		0		0		0		0		0	
Total	9		0		11		7		13		1		41	
Sanctions	\$50 \$150		None		\$90		None		\$50 \$100 \$100 ? [3 mo ES/ 6 mo probtn]		None			

Explanation of Methodology

This study reviews all criminal prosecutions initiated in the six housing court locations between August 1, 1989, and July 31, 1990. The following docket numbers were included in the study:

<u>Town</u>	<u>Docket numbers</u>	
	<u>First</u>	<u>Last</u>
Hartford	1319	1484
New Britain	272	315
New Haven	788	1023*
Waterbury	183	293
Bridgeport	261	343
Norwalk	206	269

The New Haven docket also included 22 landlord-tenant cases with geographical area docket numbers which had apparently been transferred to the housing courts from regular criminal G.A. dockets.

It is thus a 100% sample, summarizing all cases filed in the housing courts over a one-year period.

Data was gathered from the docket sheets maintained by the housing court clerks' offices for each housing court criminal calendar. Those docket sheets show each date upon which a criminal case appeared on a housing court docket and the action which was taken. From these sheets, it was possible to determine the duration of a case from beginning to end, the number of continuances, and the disposition. This information was then tabulated and organized into tables.

There are two important inadequacies in the docket sheets which affect the study. First, the docket sheets do not indicate whether or not compliance with code enforcement orders was obtained before final disposition of the case. As a result, the study contains no data on compliance. Second, it is not clear that the docket sheets recorded all cases in which a nolle, dismissal, or withdrawal was conditioned upon the making of a charitable contribution. According to the clerks' offices, such information was ordinarily included on the docket sheets whenever it was stated by the prosecutor in open court at the time of disposition. According to the prosecutors, a statement was not always made on the record. Of necessity, the study counts only those charitable contributions which appear on the docket sheets.

APPENDIX C-1

DOCKET NO.

RETURNALE

(Tenant's name) Plaintiff : SUPERIOR COURT/HOUSING SESSION

vs. : AT HARTFORD

(Landlord's name) Defendant : _____
(Date)

FAIR RENT COMPLAINT PURSUANT TO SECTION 47a-23c(c)
(fair and equitable rent increase)

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 has a place of business at:

Street No. Office or Apt. No.

Town State

3. I reside in a building or complex consisting of five or more separate dwelling units;

or

I reside in a mobile manufactured home park.

or

I am a conversion tenant and reside in a building or complex which has been converted to a condominium or other common interest community (C.G.S. § 47-289).

4. There is no fair rent commission in the municipality where the dwelling unit is located.

Check applicable facts:

- 5. I am 62 years of age or older.
 - My spouse, sibling, parent or grandparent is 62 years of age or older and permanently resides with me.
 - I am blind as defined in the Connecticut General Statutes Section 1-1f.
 - I am physically disabled as defined in the Connecticut General Statutes Section 1-1f and such disability can be expected to result in death or to last for a continuous period of at least twelve months.
6. My landlord has increased or proposes to increase my rent, and the increase or proposed increase is not fair and equitable.

THE TENANT REQUESTS THAT THE COURT:

- 1. Determine a fair and equitable rent for my dwelling unit, in accordance with the criteria set forth in Connecticut General Statutes Section 7-148C. (C.G.S. § 47a-23c)
- 2. Order any other legal or equitable relief that the court deems proper.

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

SIGNED (Plaintiff)	Type in name of person signing at left	Title of person signing
Subscribed and sworn to before me on (Date)	Signed (Asst. Clerk, Notary, Comm. of Sup. Ct.)	

MILITARY SERVICE AFFIDAVIT

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

Signature _____

Subscribed and sworn to before me	ON (date)	SIGNED (Asst. Clerk, Notary, Comm. of Sup. Ct.)

APPENDIX C-2

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 5 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

**COMPLAINT
HOUSING CODE ENFORCEMENT**

JD-CV-28 New 3-84
P.A. 83-510

STATE OF CONNECTICUT
SUPERIOR COURT
HOUSING SESSION

APPENDIX C-3

CITIZENS ADVISORY
COUNCIL PROPOSED
REVISION

vs.

COMPLAINT

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

This was at least five days before filing this action.

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

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

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

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

Continuation of Complaint attached and made a part hereof.

THE TENANT REQUESTS:

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

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

SIGNED (Plaintiff)	TYPE IN NAME OF PERSON SIGNING AT LEFT	TITLE OF PERSON SIGNING
SUBSCRIBED AND SWORN TO BEFORE ME ON (Date)		SIGNED (Ass. 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 _____

APPENDIX D

STATUS OF 1989 CITIZENS ADVISORY COUNCIL RECOMMENDATIONS

Legislative recommendations

1. An Eastern Connecticut Housing Court should be created for the judicial districts of New London, Tolland, and Windham by 1992. Not implemented
2. Clerk's offices in the non-housing court districts should be required to provide assistance to pro se litigants. Not implemented
3. Access to the New Haven-Waterbury Housing Court for parties in J.D. Ansonia-Milford should be simplified. Milford and Orange incorporated into New Haven-Waterbury Housing Court; not otherwise implemented

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 districts are coordinated so as to make it possible for a housing specialist to be available on court calendar days; Implemented
 - b. Making judges aware that contested summary process cases should be referred to housing specialists for review before trial; Implemented
 - c. Assuring improved service to pro se litigants in the geographical area clerk's offices by having G.A. clerks:
 - i. Provide the same kind of assistance to pro se litigants that is provided in the housing court districts; Not implemented
 - ii. See that newly hired employees are familiar with their housing duties; Partially implemented
 - iii. Routinely notify the Deputy Director for Housing Matters when new employees are hired so that they can be trained formally; Partially implemented
 - iv. Be encouraged to maintain regular contact with the Deputy Director for housing matters on housing-related problems. Partially implemented

2. The Judicial Department should create an Eastern Connecticut Housing Court for J.D. New London, Tolland, 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. Not implemented

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. Not implemented

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. Not implemented

5. The Judicial Department should promote telephone access to the housing courts by:
 - 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; Listings added under "Judicial Department" in all phone books in districts with housing courts; remainder not implemented

 - b. Establishing toll-free call-in lines to the housing court for Stamford/Greenwich, Enfield, and Bristol. Not implemented

6. The Judicial Department should:
 - a. Assure that at least one permanent employee of each housing court clerk's office is fluent in Spanish; Not implemented

 - b. Include in all advertisements for the positions of housing clerk and housing specialist a statement that the ability to speak Spanish is desirable. Implemented

7. The Judicial Department should make Spanish-language translations of forms and explanatory materials available at all court locations hearing housing matters. Not implemented

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

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 Implemented

to the Council.

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. Implemented
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. Not implemented
12. The Judicial Department should assign a second housing court judge to the Hartford-New Britain Housing Court. Not implemented
13. The Judicial Department should revise the experience standards for housing specialists so as to permit the widest range of applicants to apply. Not implemented
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; Implementation in progress for Norwalk; remainder not implemented
 - b. Considering moving the Waterbury court to the J.D. building in Waterbury; Not implemented
 - c. Making accoustical improvements in the New Haven courtroom, including the provision of microphones; Not implemented
 - d. Arranging for private space for housing specialists in Rockville, Winsted, Meriden, and Danielson. Partially implemented
15. The Judicial Department should arrange for parking spaces for housing specialists in court locations where there is no parking near the courthouse. Partially implemented
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. Lockout form issued; use and occupancy form revised; remainder not implemented
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 Partially implemented

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;
- b. Revision of existing housing court forms and development of new housing court forms;
- c. Relocation and remodeling of housing court locations and;
- d. Revision of job specifications for housing court positions.

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

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| 1. 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, and Ansonia-Milford. | Not implemented |
| 2. The Chief State's Attorney should assure that all four housing prosecutors are assigned full-time to housing. | Not implemented |
| 3. Housing prosecutors should increase outreach to housing code enforcement agencies and police departments, particularly in eastern Connecticut. | Partially implemented |
| 4. The Chief State's Attorney should complete and implement a set of strong prosecution guidelines. | Guidelines completed and in operation |
| 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. | Not implemented |
| 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. | ??? |
| 7. Housing prosecutors should, in appropriate cases, take affidavits directly from complainants. | ??? |
| 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. | Not implemented |
| 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, | Not implemented |

and designation of housing prosecutors.

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| 10. Housing prosecutors should meet regularly with the Citizens Advisory Council for exchanges of ideas on policy matters. | Partially implemented |
| 11. Advertisements for housing prosecutors should include a statement that the ability to speak Spanish is desirable. | ??? |

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

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|---|---|
| 1. The hiring freeze should be waived so as to fill vacant clerical positions in Hartford, Bridgeport, and Norwalk. | Implemented |
| 2. Adequate funding should be provided for hiring necessary staff and converting temporary positions to permanent ones. | Not implemented |
| 3. Adequate funding should be provided for proper facilities for the housing courts. | Implementation in progress as to Norwalk; remainder not 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:...(4) housing matters as defined in section 47a-68, except that (A) 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 (B) in the judicial district of Ansonia-Milford, venue shall be in the geographical area unless (i) the plaintiff requests a change in venue to either the judicial district of New Haven or the judicial district of Waterbury, or (ii) the premises are located in the town of Milford, Orange or West Haven, in which case venue shall be in the judicial district of New Haven...

(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, 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...

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 EXECUTIONS OF EJECTMENT.

Be it enacted by the Senate and House of Representatives in general assembly convened:

Subsection (a) of section 49-22 is repealed and the following is substituted in lieu thereof:

(a) In any action brought for the foreclosure of a mortgage or lien upon land, or for any equitable relief in relation to land, the plaintiff may, in his complaint, demand possession of the land, and the court may, if it renders judgment in his favor and finds that he is entitled to the possession of the land, issue execution of ejectment, commanding the officer to eject the person or persons in possession of the land and to put in possession thereof the plaintiff or the party to the foreclosure entitled to the possession by the provisions of the decree of said court, provided no execution shall issue (1) AGAINST ANY RESIDENTIAL TENANT, AS DEFINED IN SECTION 47a-1 OR (2) against any OTHER person in possession who is not a party to the action except a transferee or lienor who is bound by the judgment by virtue of a lis pendens. The officer shall eject the person or persons in possession and may remove such person's possessions and personal effects and set them out on the adjacent sidewalk, street or highway.

Statement of purpose: To protect renters in a foreclosure action.