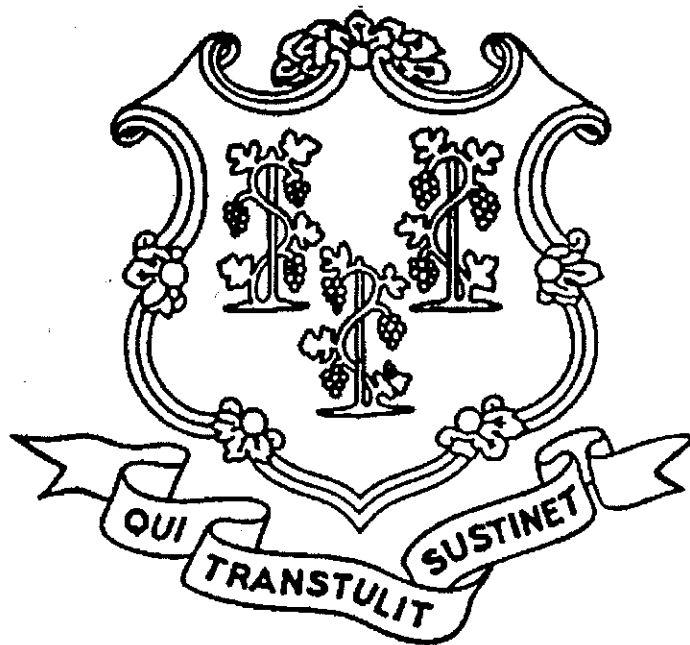


**REPORT TO THE
GENERAL ASSEMBLY:**

**PURSUANT TO SECTION 47a-73
OF THE GENERAL STATUTES**



**THE CITIZENS ADVISORY COUNCIL
FOR HOUSING MATTERS**

JANUARY 6, 1993

REPORT TO THE GENERAL ASSEMBLY

**pursuant to
Section 47a-73 of the General Statutes**

January 6, 1993

Members of the Council

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**The Advisory Council wishes to thank
the Connecticut Department of Housing for printing this report.**

REPORT OF THE CITIZENS ADVISORY COUNCIL ON HOUSING MATTERS

Pursuant to C.G.S. §47a-73, every two years the Citizens Advisory Council makes a report to the General Assembly on the operation of the housing courts. This report should be viewed as an update of the Council's 1991 report, which was a comprehensive commentary on housing operations at the time. Rather than repeat much of its content, except as otherwise noted in this report, we reaffirm the 1991 report.

I. Clerk's office issues

A. Identification of criminal cases in the G.A. courts: A new case identification system has been adopted which permits some degree of identification of geographical area (G.A.) criminal cases that concern housing by segregating them on separate court docket sheets. The system is in effect in all G.A. districts that handle housing. While this is an improvement over the previous system, under which criminal housing cases were not distinguished from other criminal cases on the G.A. dockets, the Council continues to recommend that housing cases in the G.A. courts be given their own identifying letter code, just as they have a separate letter code in the housing courts.

B. Conversion of temporary positions into permanent ones: The temporary assistant clerk positions in the Hartford and Bridgeport/Norwalk Housing Courts have still not been made permanent. A temporary clerical assistant position (now called "office clerk") was made permanent in Hartford but not in New Haven, Norwalk, or Waterbury. Temporary positions need to be made permanent, because it is difficult to retain staff when no benefits or job security are provided.

C. Spanish-speaking staff: The Council has obtained a promise from the Judicial Department to affirmatively recruit more Spanish-speaking staff in the clerk's offices; and the Council is pleased with the circulation list of Hispanic organizations which the Judicial Department uses for staff recruitment. Efforts at implementation, however, have been stymied by a state hiring freeze, which has resulted in little staff turnover. The present situation remains unsatisfactory. Of about 20 clerk's office employees in the six housing court clerk's office, only one is bilingual in Spanish. Similarly, only one of the seven housing specialists speaks Spanish. In light of the use of temporary clerical staff, it is all the more important that recruitment for temporary positions be used as a way to bring Spanish-speaking employees into the clerk's offices. The lack of Spanish-speaking staff remains a serious impediment

to communication with the many Spanish-speaking litigants in the housing courts.

D. Glass partitions: The Council continues to oppose glass "security" partitions over the public counter which separates the housing court staff from litigants. The presence of a partition adversely affects the interaction between clerk's office staff and pro se litigants. The Council was successful in opposing such a partition in New Haven but reluctantly did not oppose a partition in Hartford when one was sought by housing court staff there. To accommodate the Council's concerns, that partition has a relatively large speaker opening and is significantly raised above the counter, but it nevertheless impedes communication between the clerk and the public. The Council believes that the special circumstances which exist in Hartford, i.e., the isolation of the court from other courtroom locations, should not be used to justify glass partitions in other housing court districts.

E. Current housing court decisions: Current housing court decisions are now being sent to all state library locations. This will make current, as well as older, decisions more easily available to the general public.

F. Pro se forms: The Council is pleased that a pro se form has been written and issued for the bringing of fair rent complaints under C.G.S. §47a-23c(c). There has also been a general revision of housing forms, which has made them more readable. Although improved, current summary process forms still do not meet the standards for clear notice to litigants originally enunciated by the Hartford-New Britain Advisory Council in 1979 and therefore need further improvement.

G. Explanatory materials: The Judicial Department has revised all of its pro se booklets for landlords and tenants, including A Guide to Housing Matters, Rights and Responsibilities of Landlords and Tenants in Connecticut, and the landlord and tenant guides to summary process. In addition, A Guide to Housing Matters and A Tenant's Guide to Summary Process have, with the assistance of the Advisory Council, been translated into Spanish. The former is now in circulation and the latter is scheduled to be in print by the end of 1992. The Judicial Department has indicated a willingness to publish additional translations (e.g., of the Rights and Responsibilities booklet) if the Advisory Council prepares the translations.

H. Pro se assistance: The increased centralization of the housing system has resulted in improved pro se assistance in the geographical area courts which are not part of housing court districts. Although the Judicial Department continues to resist amending the statutes to require G.A. clerks to provide pro se assistance to housing litigants, the Department does not object

to providing such assistance when clerk's office staff is able to give it; and, at least in New London, assistance is available similar to what would be available in a housing court district. In addition, William Sadek, who is Deputy Director for Court Management, conducts training of all clerks, including G.A. clerks, and is available by telephone to respond to questions which may arise. Some of the more experienced housing court clerks in practice also fulfill this function.

I. Case processing: Over the past ten years, at least three reports have been prepared on the speed with which housing cases are being handled. All have consistently found that cases move very rapidly and that nearly all contested cases are successfully settled by the housing specialists. This is confirmed by the work records kept by the housing specialists, which indicate that more than 95% of the cases referred to them are settled. The most recent summary process report was a review of evictions in G.A. 10 in New London. It found a median disposition time (return day to entry of judgment) of 17 days for all cases and 21 days for contested cases. More than 90% of all cases and 85% of contested cases went to judgment within six weeks of the return day.

J. Entry fees: The Council regrets the escalation of housing-related court entry fees. In 1992, the entry fee for evictions and other housing matters was increased from \$60 to \$75. The small claims entry fee for housing cases was raised from \$20 to \$30. The fee for reopening a judgment went from \$25 to \$35. These increased fees make the court less accessible to litigants.

II. Housing specialist issues

A. Staffing: Adequate staffing is an on-going problem. In May, the "roving" specialist for western Connecticut was promoted to an administrative position on an acting basis, and her slot as a housing specialist has not yet been filled, forcing other specialists to cover cases in J.D. Danbury and in Litchfield County. This has caused great inconvenience in those districts. The Norwich/New London roving specialist was reassigned to Hartford when a long-time Hartford specialist resigned, leaving southeastern Connecticut similarly short-handed, although hiring for that position is currently in progress. The Council's recommendation that Hartford be brought up to three specialists has never been implemented. Adequate housing specialist staff is critical to the movement of contested cases. It is important that specialist staff be brought to full levels.

B. Pay grade: The Council successfully opposed a preliminary recommendation by the Objective Job Evaluation Committee to reduce the pay grade of housing specialists.

Ultimately, the old pay grade was retained, although it should in fact have been increased. Those evaluating job specifications need better to understand the complexity of the work which housing specialists do.

III. Prosecution issues

A. Monitoring of probation and accelerated rehabilitation: The Council continues to be frustrated by the inability of the housing prosecutors to develop an adequate method of monitoring cases disposed of by probation or accelerated rehabilitation, if they include a requirement that repairs be made during the probation/rehabilitation period. The housing specialists consider such monitoring to be beyond the scope of their duties, and the prosecutors are unwilling to use code enforcement officers for monitoring. This leaves monitoring to the state's Probation Office, which has neither the interest nor the expertise to determine if repairs are being made in a timely and proper manner. This can result in extended periods of time in which there is neither repair nor monitoring.

B. Recording of criminal dispositions: The Council obtained in principle an agreement from the prosecutors that all conditions of nolle and probation will be stated on the record in open court. This is important for the public monitoring of cases in which a nolle is entered in return for a financial contribution to a charity, which is the functional equivalent of a fine. The Council was also assured that in-court clerks would record on the docket sheet any conditions so disclosed. There remains doubt, however, as to whether these two agreements are in fact being implemented.

C. Coverage of non-housing court districts: The four state housing prosecutors together handle cases in all J.D.'s except for Danbury, Litchfield, and Ansonia-Milford. Milford cases are supposed to be part of the New Haven-Waterbury Housing Court, and the Council is concerned that they appear incorrectly to be referred to Derby. Particular concerns have been expressed about the lack of effective code prosecution in Danbury; and the Council continues to urge that the Bridgeport-Norwalk housing prosecutor assume responsibility for housing prosecutions in J.D. Danbury.

D. Supervision of prosecutors: Since 1984, C.G.S. §51-278(b) has required that the housing prosecutors be designated by the Chief State's Attorney, rather than by the separate state's attorneys for each judicial district. This legislation reflected the unsatisfactory experience with housing prosecutors during the early years of the housing court, in which there was no uniformity in housing prosecution policy and no person who could be held accountable for setting policy when problems arose. The

Chief State's Attorney responded to the statute by creating a four-person statewide housing prosecution unit, which now meets approximately bimonthly. Three of the prosecutors are based in the three major housing courts and the fourth is based in New London. The Chief State's Attorney is apparently considering a return to some form of the pre-1984 system, in which housing prosecutors were supervised locally. The Council strongly opposes such a change, which would be contrary to §51-278(b) and which would, if past experience is a guide, be likely to result in housing prosecutors being coopted into performing non-housing tasks.

E. Consultation in the selection and assignment of prosecutors: Since its creation in 1978, the Council has been actively involved, in an advisory capacity, in the assignment of clerks, housing specialists, and housing court judges. With the exception of the initial appointment of the first Hartford housing prosecutor, however, the Council has been excluded from participation in housing prosecutor assignments. The Council's involvement in other areas has had a leavening effect in the selection process, encouraging the relevant agencies to recognize the special types of skills needed in the housing courts. The Council believes that it is time that its equivalent role in the housing prosecution system be restored.

IV. Judicial issues

A. Magistrates: From the beginning of the housing court system in 1978, the Council has played an advisory role in recruiting and commenting on judges for assignment to the housing courts. Those judges used to handle the entire housing docket, including small claims cases. In recent years, however, the hearing of small claims was delegated to commissioners (volunteer lawyers) and then to magistrates (paid lawyers); and most housing small claims cases are now heard by magistrates. Those cases represent a significant portion of the housing docket, but the Council has played no role in the assignment of magistrates. On occasion, the Council has received complaints about how magistrates have handled cases. The absence of Council involvement is a source of concern to the Council.

In response to this situation, the Council is moving in three directions. First, it is preparing a "bench book" for magistrates, which will provide detailed legal analysis concerning the types of housing issues most commonly heard in small claims court (security deposits, back rent, and property damage). This booklet should be ready this winter or spring. Second, it hopes to establish a system for courtroom observation of magistrates by Council members. Third, it would like to develop a method for input into magistrate assignment at an earlier stage of the process.

B. Judicial assignments: The Council continues to be pleased with the assignment of judges to the housing courts. Judges Christine Vertefeulle (New Haven-Waterbury), Sandra Leheny (Bridgeport-Norwalk), and Marshall Berger (Hartford-New Britain) recently completed terms on the housing court which lasted between 18 and 24 months. We are most appreciative of the responsiveness of the Chief Court Administrator to the interests of the Advisory Council.

V. Issues concerning the Advisory Council itself

A. Council membership: Council members are appointed for four-year terms, ending on June 30 of years in which a new gubernatorial term begins. Current Council members were appointed in 1987 for a term ending on June 30, 1991. As of the date of this report, no new Council appointments or reappointments have been made and all members continue to serve as holdovers. The uncertain status of its membership has to some extent sapped the energy of the Council. The Council urges that the appointments, which should have been made in 1991, be made.

B. Consultation with the Council: The Council has long been concerned that it cannot advise on housing court matters unless it is informed of proposed new developments by the Judicial Department and the Chief State's Attorney in advance of their occurring. The Council's communication with the Judicial Department, and particularly with William Sadek and Frances Calafiore, who supervise the clerks and housing specialists, respectively, has been quite good. Nevertheless, the Council sometimes learns of policy changes affecting housing matters -- including some major changes -- more by happenstance than by design. The Council continues to urge all state entities which set policy affecting the housing court, including policies affecting courthouse facilities and policies affecting criminal prosecution, to seek the Council's input before making decisions which impact housing court operations.

C. Open houses: More by default than by plan, the Council has discontinued its former practice of holding an open house whenever a new judge is assigned to a housing court. The Council will explore alternate ways of meeting the housing court judges and exchanging ideas with them.

APPENDIX A

HOUSING CASELOADS

July 1, 1991 to June 30, 1992

	<u>Summary</u>	<u>Increase</u>		<u>Small</u>	<u>Civil</u>	<u>Criminal</u>	<u>%summary</u>		
<u>Housing courts</u>	<u>process</u>	<u>1989-90</u>	<u>1983-84</u>	<u>claims</u>	<u>47a-14h</u>	<u>Total</u>	<u>process</u>		
<u>Housing courts</u>									
Hartford-New Britain									
Hartford	5,042	-7.0%	+11.8%	777	432	23	159	6,433	78.4%
New Britain	<u>1,413</u>	<u>-3.9%</u>	<u>+37.9%</u>	<u>347</u>	<u>96</u>	<u>4</u>	<u>37</u>	<u>1,897</u>	<u>74.5%</u>
	6,455	-6.4%	+16.7%	1,124	528	27	196	8,330	77.5%
New Haven-Waterbury									
New Haven	3,505	+6.3%	+39.5%	515	725	6	159	4,910	71.4%
Waterbury	<u>1,165</u>	<u>-1.2%</u>	<u>+26.5%</u>	<u>224</u>	<u>115</u>	<u>2</u>	<u>57</u>	<u>1,563</u>	<u>74.6%</u>
	4,670	+4.3%	+36.0%	739	840	8	216	6,473	72.2%
Bridgeport-Norwalk									
Bridgeport	2,193	+1.6%	-0.4%	275	289	4	73	2,834	77.4%
Norwalk	<u>1,530</u>	<u>+16.8%</u>	<u>+25.4%</u>	<u>294</u>	<u>304</u>	<u>2</u>	<u>33</u>	<u>2,163</u>	<u>70.8%</u>
	3,723	+7.3%	+8.8%	569	593	6	106	4,997	74.5%
Total	14,848	+0.1%	+19.8%	2,432	1,961	41	518	19,800	75.0%
<u>Non-housing court districts</u>									
<u>Eastern Connecticut</u>									
New London (GA 10)	656	-7.0%	-2.8%	220	2	2		880	74.6%
Norwich (GA 21)	421	-1.1%	-4.9%	122	1	3		547	77.0%
Danielson (GA 11)	331	-34.7%	-10.7%	60	4	1		396	83.6%
Rockville (GA 19)	363	-4.4%	+31.6%	84	24	3		474	76.6%
Middletown (GA 9)	<u>539</u>	<u>+23.4%</u>	<u>+41.1%</u>	<u>3</u>	<u>55</u>	<u>0</u>		<u>597</u>	<u>90.3%</u>
	2,310	-5.8%	+7.7%	489	86	9		2,894	79.9%
<u>Western Connecticut</u>									
Danbury (GA 3)	388	-10.8%	+19.1%	130	25	1		544	71.4%
Bantam (GA 18)	<u>322</u>	<u>-10.8%</u>	<u>+78.9%</u>	<u>118</u>	<u>67</u>	<u>0</u>		<u>507</u>	<u>63.6%</u>
	710	-10.8%	+40.4%	248	92	1		1,051	67.6%
Derby (GA 5)	307	-3.7%	-18.7%	79	31	0		417	73.7%
Meriden (n. 1)	465	+4.3%	+162.8%	139	32	0		636	73.2%
Total	<u>3,792</u>	<u>-5.5%</u>	<u>+61.7%</u>	<u>955</u>	<u>241</u>	<u>10</u>	n. 2	<u>5,039</u>	<u>75.3%</u>
Connecticut total	18,640	-1.1%	+19.3%	3,387	2,202	51	518	24,798	75.2%

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

n. 2 -- There is no data available on the number of criminal housing cases in the non-housing court districts.

Summary: 79.7% of all summary process cases are filed in the housing courts. 75.2% of all housing cases are summary process cases.

APPENDIX B

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
3-1-88 Edward Doyle	William Ramsey	Morton Riefberg
9-1-88 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
3-1-91 Marshall Berger	Christine Vertefeuille	Sandra Leheny
9-1-91 Marshall Berger	Christine Vertefeuille	Sandra Leheny
3-1-92 Robert Holzberg	Christine Vertefeuille	Sandra Leheny
9-1-92 Robert Holzberg	Clarine Nardi Riddle	L. Scott Melville