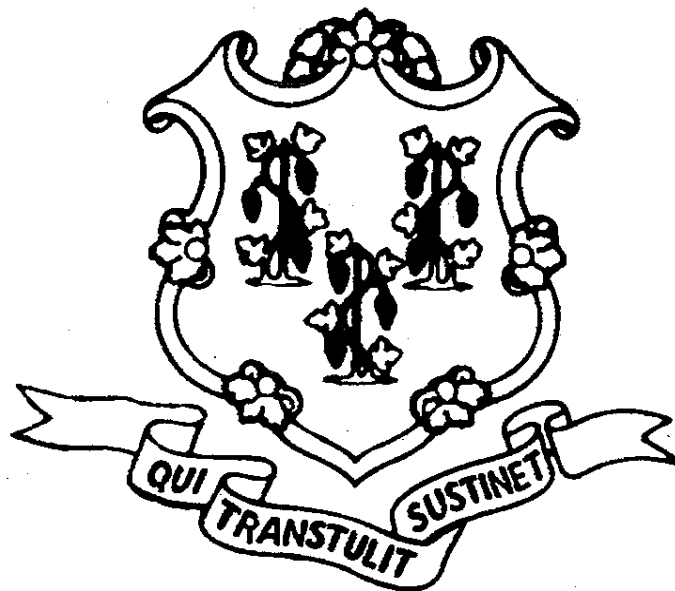


**REPORT TO THE
GENERAL ASSEMBLY:**

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



**THE CITIZENS ADVISORY COUNCIL
FOR HOUSING MATTERS**

JANUARY 5, 2005

REPORT TO THE GENERAL ASSEMBLY

pursuant to
Section 47a-73 of the General Statutes

January 5, 2005

The Advisory Council wishes to thank the Department of Economic and Community Development for printing this report.

Citizens Advisory Council for Housing Matters

Officers of the Council

Raphael L. Podolsky, Chairperson
Houston Putnam Lowry, Chair, Hartford-New Britain Subcommittee
Sheldon Hosen, Chair, New Haven-Waterbury Subcommittee
William Haslun, Chair, Bridgeport-Norwalk Subcommittee
Morris Czaczkes, Chair, Eastern Connecticut Subcommittee

Members of the Council

Peter Blasini
Carolyn Comerford
Elaine DeNigris
Glenn Falk
Linda Francois
Robin Hammeal-Urban
Robert Kor
Peter Rotella
John W. Rowland
Richard Tenenbaum
Joseph Wincze

Others actively involved in the Council

Sandra DesRosiers, Secretary of the Council
Richard DeParle
Francis X. Dineen
J. André Fournier
Rocco Guarnieri
David Pels

Housing court staff

The Council gratefully acknowledges the participation and involvement in Advisory Council meetings of the housing clerks, housing specialists, and housing prosecutors.

Dedication

This report is dedicated to long-time Advisory Council member Ivan Hirsch, who died in 2004.

Here he lies,
A man of wit.
He changed
The notices to quit.

The forms were wrong.
He made that clear.
So pay him homage
While you're here.

SUMMARY OF RECOMMENDATIONS

I. Clerk's office issues

A. Computerization of the housing courts:

1. Computerization of summary process cases should be expanded to the Waterbury and Norwalk housing courts, including the linking of the six housing court clerks' offices in a computer network, with the caveats that any "paperless" court system must also (a) be suitable for litigants (and attorneys) who do not have easy access to computers, (b) protect the integrity of documents filed with the court (whether filed on paper or electronically), and (c) perform the same essential functions as the present paper-based docketing and filing systems (e.g., a method to verify the original documents served on a defendant).
2. The Judicial Branch should explore ways to increase the ability of the housing court computer system to manipulate data.

B. Staffing: The housing court clerk's offices should be maintained at full staffing, including the restoration of clerical positions in New Haven and Hartford.

C. Bilingual materials: The Spanish versions of all pro se booklets should continue to be updated whenever the English versions are updated. The translation into Spanish of the Landlord's Guide to Summary Process should be completed.

D. Telephone book listings: The Judicial Branch should arrange for blue-page listings for every telephone book to contain a section on "housing courts" or "housing sessions," under which would be listed the telephone numbers for the offices of all housing clerks, prosecutors, and specialists which are covered by that particular telephone book.

E. Fee for modification of stay of execution: The Judicial Branch should make clear that a motion to modify a stay of execution is not subject to the fee for modifying judgments.

F. Housing court relocations: The Judicial Branch should make certain that those who are involved in site planning and development for any court relocation which includes a housing court site bring the Advisory Council into the discussion at an early time in the process.

G. Glass partitions: Glass "security" partitions over the public counter in the clerk's offices should not be added to housing court locations which do not already have them; and, to the extent that they do exist, they should be designed so as to be as open as possible to promote ease of conversation between clerk's office staff and

litigants, should not block the passing of papers, and should be able to be slid into an open or closed position by clerk's office staff.

- H. Claim of exemption form: The claim of exemption form should be modified to include an order and a place for the judge's signature.
- I. Trial schedule: The clerk's offices should continue to maintain the goal that, if a summary process case does not settle on its scheduled trial date, it will be tried on the same day. In courts where a same-day trial is not administratively practical, the trial should be held within one week.

II. Housing specialist issues

- A. Staffing: The Judicial Branch should maintain full staffing for housing specialists and should, in particular, restore staffing for the Hartford-New Britain Housing Court to at least 2.5 housing specialists.
- B. Printers: The Judicial Branch should assure convenient access to a printer for each housing specialist and should, in particular, provide a printer near the work station of the housing specialist in Hartford, New Haven, Rockville, and New London.

III. Prosecution and code enforcement issues

- A. Prosecutor Manual update: The Chief State's Attorney and the housing prosecutors should finalize the revised Housing Prosecutors Manual.
- B. Police Academy curriculum and police training manual:
 - 1. The State Police Academy and local police academies, in conjunction with the housing prosecutors, should develop a section on landlord-tenant law as part of the regular training curriculum of all police officers.
 - 2. The Chief State's Attorney should develop a housing manual for police officers.
- C. Supervision of housing prosecutors: The Chief State's Attorney should clarify lines of supervisory authority so that it is clear that individual housing prosecutors are responsible to the Supervisory Assistant State's Attorney for Housing Matters and, through that supervisor, to the Chief State's Attorney, not to the judicial district state's attorneys. The pilot program, which has been implemented only for Hartford-New Britain, should be extended statewide.
- D. Training for new prosecutors: Housing law training for all new prosecutors should be made a permanent part of the new prosecutor training program.

- E. Relationship between housing prosecutors and code enforcement agencies: The Chief State's Attorney should devise ways in which municipalities with limited code enforcement staff, and in particular the City of Hartford, can effectively have their code enforcement cases prosecuted by the housing prosecutor.
- F. Housing prosecutor coverage of non-housing court districts: All housing prosecutions in the state should be handled by one of the four state housing prosecutors. In particular, J.D. Danbury and the portion of J.D. Ansonia-Milford covered by G.A. 5 should be brought into the housing prosecution system.

IV. Judicial issues

A. Magistrates:

1. The Judicial Branch should systematically seek input from all housing court clerks prior to reappointment of magistrates or assignment of magistrates to a housing court location.
2. The surveying of participants in housing court small claims hearings should be merged into the Judicial Branch's overall survey evaluation system, with the proviso that small claims surveying should also include pro se litigants.

- B. Small claims booklet: The Judicial Branch should (a) revise the Advisory Council's small claims booklet in conjunction with the Advisory Council, (b) continue to issue annual addenda, particularly for changes in the security deposit interest rate, (c) continue to assure that all new magistrates receive a copy of the booklet as part of their training process, and (d) provide for updating the booklet whenever the Council determines that an update is needed.

V. Issues concerning the Advisory Council itself

- A. Consultation with the Council: The Judicial Branch should make certain that the Council is informed of proposed changes affecting the housing courts in a timely manner so that the Council can offer comments. In particular, in recent years the Council has not always been contacted on changes in housing court job descriptions and requirements, physical modifications to court locations, and courthouse construction.
- B. Appointment of Council members: The Governor should appoint a full Council, in accordance with the membership requirements of C.G.S. 47a-71a.

VI. Carryover recommendations

- A. Minimum job requirements for housing clerks: Supervisory/administrative experience should not be a precondition for consideration of an attorney candidate for housing court clerk.
- B. Spanish-speaking staff: Every housing clerk's office be staffed so as to have at least one bilingual employee who can handle telephone and counter work with litigants who are primarily Spanish-speaking. The ability to speak Spanish should be viewed as an important job-related skill in filling all clerk's office positions, including temporary ones.
- C. Pro se assistance: C.G.S. §51-52(d) should be amended to explicitly require clerks who handle housing matters in the non-housing court districts to provide pro se assistance.
- D. Law student mediation program: Law schools in the Connecticut area should be encouraged to consider replicating the mediation clinics of the University of Connecticut Law School and the Quinnipiac University Law School.
- E. Identification of G.A. criminal housing cases: Criminal housing cases in the G.A. courts should be given their own identifying letter code.
- F. Full-time nature of prosecution position: The eastern Connecticut prosecutor should be assigned full-time to housing matters.
- G. Recording of criminal dispositions: All conditions of nolle and probation in housing prosecutions should be recorded by the in-court clerk on the docket sheet.
- H. Monitoring of probation and accelerated rehabilitation: Cases disposed of by probation or accelerated rehabilitation which include a requirement that repairs be made during the probation/rehabilitation period should be monitored by the housing prosecutors, using local code enforcement inspectors to gather information, rather than by the state's Probation Office.
- I. Consultation in the hiring of housing prosecutors: A representative of the Advisory Council should be included in the panel selecting new housing prosecutors.
- J. Standards for the hiring of housing prosecutors: The Criminal Justice Commission (or any other entity hiring housing prosecutors) should assure that the following four standards are included in the evaluation of applicants: (1) commitment to decent housing, as required by C.G.S. §51-278(b)(1)(B); (2) an understanding that the prosecutor's role in the administration of local housing code enforcement will effectively control housing code enforcement

administration by every local municipality in the entire region within the prosecutor's jurisdiction; (3) a commitment to active community outreach, particularly to local code officials, police departments, and neighborhood groups; and (4) a willingness to work cooperatively with the Advisory Council on issues of mutual concern.

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 constitutes the Council's recommendations for 2005.

I. Clerk's office issues

A. Computerization of the housing courts: The Council continues to endorse the computerization of housing cases throughout the state, including the linking of the six housing court clerks' offices in a computer network. The computerization of the Hartford, New Britain, and New Haven housing courts, which is complete, has proved beneficial to both staff and litigants. The implementation of computerization in the Bridgeport Housing Court has been completed internally and Bridgeport cases are expected soon to be accessible on-line. In addition, small claims cases in all courts are now computerized. The next step is to extend computerization to Waterbury and Norwalk, the remaining housing courts and to make housing civil cases available on the Judicial Branch web site.

Plans to pilot a "paperless" court system in the housing courts appear to be on hold for the present time. If such plans move forward, the Council urges the Judicial Branch to assure that any such system will (a) be suitable for litigants (and attorneys) who do not have easy access to computers, (b) protect the integrity of documents filed with the court (whether filed on paper or electronically), and (c) perform the same essential functions as the present paper-based docketing and filing systems (e.g., a method to verify the original documents served on a defendant).

The Council also recommends that the Judicial Branch explore ways to increase the ability of the housing court computer system to manipulate data. This is particularly important for conducting studies of the housing courts. While much data is entered into the system's data base, it appears that the ability of the system to compile and classify that data is limited. In the past, for example, manually-conducted studies of the housing courts have correlated data involving case-processing time frames, representation by attorneys and the impact on case outcomes, numbers of motions filed, and many other factors. It appears that, even after computerization, much of this information can still be analyzed only by manual methods. A more flexible system would help enhance understanding of how the housing courts operate in practice.

B. Staffing: The housing court clerk's offices should be maintained at full staffing. At present, the New Haven office is short one data terminal operator/office clerk. The Hartford clerk's office is down half an office clerk/court services clerk because it is sharing a full-time person with the Hartford Community Court, which occupies the same building. The Council recommends that these positions all be restored.

C. Bilingual materials: The Council is pleased that the housing court's basic pro se

booklets -- Rights and Responsibilities of Landlords and Tenants in Connecticut, Tenant's Guide to Summary Process, and Landlord's Guide to Summary Process -- are posted on the web and that Rights and Responsibilities and the Tenant's Guide are available in both English and Spanish. The Judicial Branch has also assured the Council that the Spanish versions of these pamphlets will be updated whenever the English versions are updated. In addition, the Council is pleased that the Judicial Branch is in the process of translating the Landlord's Guide to Summary Process into Spanish. The availability of such a pamphlet is desirable.

D. Telephone book listings: The Council has long been concerned about the difficulty for pro se litigants in finding the telephone number of the appropriate housing session clerk's office in the blue pages, particularly in the non-housing court districts, where housing cases are handled as G.A. matters. The reorganization and consolidation of telephone books by SNET, combined with the Judicial Branch's decision to greatly expand its court listings, has to some extent mitigated this problem. For example, the Hartford telephone book now includes blue page listings for every court location in the state, thereby including such a non-housing court district as Vernon. In addition, there is a separate blue pages listing called "HOUSING COURTS"; but that listing contains no telephone numbers and instead merely tells the reader to "See Judicial Branch." Unfortunately, within the blue pages under "JUDICIAL BRANCH," the way in which housing clerk's offices are listed seems somewhat erratic. For example, the Hartford clerk's office is listed as "Housing Court" under the "Hartford-New Britain Judicial District." It is also listed as "Housing Session" under G.A. 12 (Manchester) and G.A. 14 (Hartford) but is not listed at all under G.A. 15 (Enfield), which is also part of the Hartford Housing Court district. There is no listing for housing under G.A. 10 (New London), G.A. 19 (Vernon) or G.A. 21 (Norwich) nor is there one under New London Judicial District; but there is a listing for "Housing Session" in G.A. 18 (Bantam) and for "Housing Court Specialist" under G.A. 5 (Derby).

The Council suggests that these listings be reviewed with the goal of making it easy for pro se litigants to find the telephone number of the clerk's office of the appropriate court which handles housing matters. In particular, the Council believes that the Judicial Branch should substantially restructure the way in which the housing sessions are listed in the blue pages. First, the listings for the housing sessions should appear under "HOUSING COURTS," rather than under "JUDICIAL BRANCH." Under "JUDICIAL BRANCH," there should be a separate listing for "Housing Sessions" or "Housing Courts" (not under any particular Superior Court location) which should cross-reference the reader to the "HOUSING COURTS" section of the blue pages. Second, in the "HOUSING COURTS" section, the blue pages should list all housing locations (both housing courts and G.A. courts which handle housing) which serve any of the towns in the geographic territory covered by the particular phone book. Because J.D. and G.A. boundaries do not necessarily follow the service areas for telephone books, the identification of which locations to list should be done with care to make sure that housing information is provided for every town in the phone book service area. For each such housing session location, there should be a telephone listing for (a) the clerk's office, (b) the housing specialist's office, and (c) the housing prosecutor's office. It is the Council's belief that this approach would more closely reflect the realities of pro se litigants who, in turning to the telephone book to find help, are far more likely to look under "HOUSING COURTS" than under "JUDICIAL BRANCH." In addition, the detailed listings for housing under the separate judicial district and geographical

area courts would become unnecessary.

After discussions with the Judicial Branch, the Council is pleased to reports its understanding that these recommendations will be implemented during the next round of telephone book listings.

E. Fee for modification of stay of execution: C.G.S. 52-259c imposes a fee of \$35 whenever a party moves to “open, set aside, modify or extend any civil judgment.” It appears that different housing clerk’s offices are following different policies in regard to whether a motion to modify a stay of execution activates this statute. The Hartford, New Britain, and New Haven courts do not charge a fee, on the ground that the motion is not a modification of the judgment. The Waterbury, Bridgeport, and Norwalk courts charge a fee. It is the Council’s view that the summary process statutes, and particularly C.G.S. 47a-35, 47a-37, 47a-39, and 47a-40, clearly treat the stay of execution as separate and distinct from the judgment itself. For example, C.G.S. 47a-39, which governs stays of execution, provides that “the judgment of the trial court shall stand” but permits the court to extend the stay of execution beyond the statutory five-day period; and C.G.S. 47a-40 prohibits entry fees “in connection with an application for a stay of execution.” The Council therefore agrees with the Hartford/New Britain/New Haven interpretation and urges the Judicial Branch to make clear that a motion to modify a stay of execution is not subject to the fee for modifying judgments.

F. Housing court relocations: The Council continues to be excluded from discussions involving relocation plans for the housing courts. For example, decisions about whether the Norwalk Housing Court would or would not be moved to Stamford were made without any consultation with the Advisory Council. The issue for the Council goes to the process by which those decisions are made and not merely to whether the relocation decisions themselves are desirable or undesirable. The Council continues not be to be invited proactively to participate on committees planning relocation, nor is it being offered preliminary proposals for relocation on which it can comment. The Council’s interest, it should be noted, is not merely whether a court location will be moved but also where the new location will be and what will be the arrangement and suitability of space for housing matters at the new location. The Council continues to urge the Judicial Branch to make certain that those who are involved in site planning and development for any court relocation which includes a housing court site bring the Advisory Council into the discussion at an early time in the process. The Council cannot perform its statutory advisory function if it is offered no information and is excluded from the process.

G. Glass partitions: Glass "security" partitions over the public counter in the clerk’s offices adversely affect the interaction between clerk's office staff and pro se litigants and are not, in the opinion of the Council, necessary for security. They should not be added to housing court locations which do not already have them. To the extent that such security partitions are nevertheless in place or being put into place, they should be designed so as to be as open as possible to promote ease of conversation between clerk’s office staff and litigants and should not block the passing of papers. Security partitions should also be designed so that they can be slid into an open or closed position by clerk’s office staff.

H. Claim of exemption form: The claim of exemption form should be modified to include an order and a place for the judge's signature.

I. Case processing: Over the past 20 years, at least five detailed 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 computerization of the housing courts in Hartford, New Britain, New Haven, and Bridgeport now permits very quick spot studies of the processing of cases in those courts. All consistently show median disposition times of 2½ to 3 weeks for all cases and just over 3 weeks for contested cases.

Cases disposed of between July 1, 2003 and June 30, 2004¹

	Disposition time		
	<i>Return day to date of final judgment</i>		
	<u>Hartford</u>	<u>New Britain</u>	<u>New Haven</u>
Median	19 days	17 days	17 days
% disposed of after		<u>All cases</u>	
30 days	77.5%	81.5%	81.0%
60 days	94.5%	95.3%	93.6%
90 days	97.2%	98.0%	96.6%
		<u>Contested cases</u>	
Median	22 days	20 days	19 days
% disposed of after			
30 days	72.3%	76.6%	74.6%
60 days	93.5%	94.8%	90.7%
90 days	96.6%	97.5%	94.6%

For example, the median disposition time in the Hartford Housing Court for the period July 1, 2003, to June 30, 2004, was 19 days for all cases and 22 days for contested cases. More than 94% of all cases and more than 93% of contested cases went to final judgment within 60 days of the return date.

The Advisory Council continues to recommend that cases which do not settle on the day scheduled for trial should be tried on that day or, if that is not administratively practicable, within no more than one week after that day. It appears that these guidelines are in fact the rule in the housing courts. In most housing court locations, cases which do not settle receive a same-day trial. Where this does not happen, trial is ordinarily held within one week. Especially when considered in light of the heavy caseload of the housing courts, this is a credit to the housing court and the efficiency of their staffs. Despite the volume of cases, case processing remains

¹Bridgeport is not included in this table because its data was not computerized until March, 2004, near the end of the time period covered by the table.

rapid throughout the state.

II. Housing specialist issues

A. Staffing: The Hartford-New Britain Housing Court continues to be short one housing specialist. Until recently, the court always had at least 2.5 housing specialists assigned to it. The extra half-time specialist as compared with the other housing court districts reflects the very large caseload of the Hartford-New Britain court – it is 60% greater than Bridgeport-Norwalk and 20% greater than New Haven (see Appendix C). In fact, the Hartford-New Britain Housing Court is operating with only 1.5 housing specialists, leaving it below the other housing courts and below the statutory minimum of C.G.S. 47a-69(a). In order to avoid back-ups in Hartford-New Britain, housing specialists assigned elsewhere have had to be brought to Hartford, which in turn impacts their work at their primary location. Indeed, the New London housing specialist now spends more time in Hartford than in New London. The Council urge that Hartford-New Britain be restored to at least the 2.5 housing specialist level.

B. Printers: For most of the housing specialists, access to a printer is inconvenient, making it difficult to print out drafts of stipulations and final stipulations during negotiations. Each specialist should have access to a printer in or near his or her own office. The most difficult situations presently are in Hartford, New Haven, Rockville, and New London. The Judicial Branch should provide a printer close to the work stations of the housing specialists at least at those four locations.

III. Prosecution and code enforcement issues

A. Prosecutors' Manual: The Council has been pleased to work with the Chief State's Attorney's Office in reviewing and commenting on the draft Housing Prosecutors' Manual, but it is disappointed that the Manual has still not been finalized. The Council has submitted comments on the most recent draft. The Council urges the Chief State's Attorney to present the revised Manual for comment and to finalize the Manual as soon as possible.

B. Police academy curriculum and police training manual: At present, landlord-tenant law is not included in the State Police Academy's curriculum and is not necessarily included in the curriculum of local police academies. Police officers are, however, usually the initial contacts for criminal lockouts and often the initial contacts in no-heat cases. They may at times be involved in other landlord-tenant matters. The State Police Academy and local police academies, in conjunction with the housing prosecutors, should develop a section on landlord-tenant law as part of the regular training curriculum of all police officers.

The Council also recommends that the Chief State's Attorney develop a housing manual for police officers. The written materials given to officers during academy training at present consist primarily of copies of the statutes themselves, with no explanatory materials. The Council recommends that the a manual for police officers be developed which focuses on the issues with which such officers ordinarily deal -- what constitutes an illegal lockout, how they should handle complaints of lack of heat, what degree of intent is needed for an arrest for damage

to landlord's property, etc. The Council is pleased that work on such a manual has begun and expects to comment on it as drafts are developed.

C. Supervision of housing prosecutors: Under C.G.S. §51-278(b), all housing prosecutors are "designated" by the chief state's attorney. It was the intent of P.A. 84-445, which adopted this provision, that such prosecutors be responsible to the Chief State's Attorney. As a result, supervision of housing prosecutors, particularly in regard to matters affecting housing prosecution policy, should be by a clear chain which leads through the Supervisory Assistant State's Attorney for Housing Matters to the Deputy Chief State's Attorney and the Chief State's Attorney. On occasion, questions have arisen as to the role of state's attorneys in the supervision process. It is important that the lines of supervision be clear and that there be a consistent housing prosecution policy throughout the state. The Council believes that the Chief State's Attorney has taken desirable steps to implement this policy by the designation of a supervisory attorney for housing prosecution, the updating of the housing prosecutor's manual, and the reestablishment of periodic housing prosecutor meetings. If the state's attorneys play any role at all in supervision (and the Council believes they should not), it should be only as to purely administrative matters and not as to matters of housing prosecution policy. The direct supervisor of the housing prosecutors should be the Supervisory Assistant State's Attorney for Housing Matters. At the present time, the Supervisory Assistant State's Attorney for Housing Matters has direct supervisory authority only for the Hartford-New Britain prosecutor, and only on a pilot basis. The Council recommends that the pilot be extended to supervision over all four housing prosecutors and that it be made permanent.

D. Training for new prosecutors: The Advisory Council is pleased that training on housing law has now been incorporated into the training program for all new prosecutors. The training includes instruction to new prosecutors on when cases should be referred to a housing prosecutor. The Council hopes that this portion of the prosecutor training program will be retained on a permanent basis.

E. Relationship between prosecutors and code enforcement agencies: Over the past several years, serious problems have developed in the process for enforcing housing code agency orders in Hartford. A series of retirements and layoffs in the City's code enforcement agency has reduced enforcement staff there to an extremely low level. Unable to provide documentation for enforcement acceptable to the housing prosecutor, the agency simply stopped referring cases to the housing court. As a result, code enforcement orders in Hartford – a city with a large amount of substandard housing – could not be enforced if the landlord failed to comply voluntarily. Thus, in 1997-1998, the housing prosecutor formally opened 129 enforcement files in Hartford (not all from the City of Hartford). In 2003-2004, she opened 22, most of which were from suburban towns and not from Hartford. Without regard to who is responsible, this breakdown in code enforcement jeopardizes the reputation of the housing court as an effective vehicle for housing code enforcement.

The Council believes that the problem should not be considered resolved until a system is in place which works effectively for both the prosecutor and the code enforcement agency. Theoretical improvements which do not result in the referral of all appropriate cases should not

be viewed as sufficient. Some ameliorative measures, such as retraining of housing inspectors in required documentation and more effective identification of owner addresses, have already begun. It is unlikely, however, that the City of Hartford will hire an adequate number of housing inspectors in the immediate future. The Council therefore urges the Chief State's Attorney to be flexible and creative in devising ways in which the City, with limited staff, can move non-compliant enforcement cases from its enforcement division into the jurisdiction of the housing prosecutor.

F. Housing prosecutor coverage of non-housing court districts: All housing prosecutions in the state should be handled by one of the four state housing prosecutors, as was mandated by the General Assembly in 1984 when it adopted P.A. 84-445 requiring that "all prosecutions in the state" of criminal housing matters be handled by the housing prosecutors designated by the Chief State's Attorney. At present, however, the housing prosecutors do not handle cases in Danbury or in the portion of the Judicial District of Ansonia-Milford covered by G.A. 5 (Derby). The Council is now receiving reports that the code enforcement agencies in these districts, and particularly in Danbury, have become discouraged in referring cases for prosecution. It is important to recognize that the job of a housing prosecutor involves not only the technical prosecution of cases but also the building of a close working relationship with local code enforcement agencies so that they will see case referrals as a valuable mechanism for enforcing their orders and, in the long run, for promoting voluntary compliance with those orders. The Council continues to urge that the Bridgeport-Norwalk housing prosecutor assume responsibility for housing prosecutions in J.D. Danbury and that the New Haven-Waterbury housing prosecutor be responsible for housing prosecutions in G.A. 5.

IV. Judicial issues

A. Magistrates: The Council continues to believe that there is no adequate system in place for evaluation of housing court small claims magistrates. From 1995 to 1997, with the assistance of the New Haven Housing Court clerk's office, the Council piloted a litigant survey system. While the surveys produced useful information, no satisfactory mechanism was found to maintain the pilot on a long-term basis or to extend it to other locations; and the pilot was therefore terminated. As an alternative, the Council recommends two ways of assuring the highest quality of magistrates in the housing court. First, the Judicial Branch should make use of the housing court clerks as a key source of information about the performance of magistrates. It appears that their input sometimes is sought and sometimes is not. The Council strongly urges the Judicial Branch systematically to seek input from all housing court clerks prior to reappointment of magistrates or assignment of magistrates to a housing court location. Second, the Council recommends that the surveying of participants in housing court small claims hearings be merged into the Judicial Branch's overall survey evaluation system, with the proviso that small claims surveying should also include pro se litigants. The completed questionnaires should be used for purposes of magistrate training, evaluation, and reappointment. In addition, the magistrates themselves should receive a periodic (perhaps annual) summary of results in a form which does not jeopardize the confidentiality promised to respondents.

B. Small claims booklet: The Judicial Branch should continue to distribute to all magistrates the Council's small claims booklet, Housing Issues in the Small Claims Division of the Superior Court. The current booklet, which was published in 1997, remains accurate as a statement of the law, with the exception of the annual changes in security deposit interest rates and a change in the maximum dollar amount of small claims jurisdiction. The Council recommends that the booklet be revised to incorporate those changes and that a copy of the revised booklet be distributed to all current magistrates and to new magistrates as part of their initial appointment process. The Judicial Branch should continue to distribute an annual addendum updating the table of minimum security deposit interest rates and to provide for publication of revisions of the booklet whenever the Council determines that a revision is needed in light of changing statutes or case law.

C. Judicial assignments: The Council continues generally to be pleased with the assignment of judges to the housing courts, and we are appreciative of the responsiveness which has been shown by the Chief Court Administrator. The Council has long advocated that housing court judges, barring unexpected problems, remain in their housing assignments for two or three terms so as to maintain continuity and predictability in housing decisions. The Council notes, however, that it also believes that housing court judges should at some point rotate assignments.

D. Case reporting services: The Council had, at one point, been led to believe that all officially-numbered housing court decisions were being incorporated into all major case reporting services (e.g., WestLaw, Lexis, Casemaker). It appears, however, that none of those services has fully incorporated all past cases. The Council urges those reporting services to review their case databases against a list of the officially-numbered housing court decisions and to add to that data base any cases not already included.

V. Issues concerning the Advisory Council itself

A. 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 Branch and the Chief State's Attorney in advance of their occurring. The Council's communication with the court officials most directly involved in the housing courts, and particularly with the Chief Clerk for Housing Matters, the Manager of Dispute Resolution Programs, and the Chief Supervisory Assistant State's Attorney for Housing Matters, has been excellent; and the Council is very pleased with their openness to new ideas and their responsiveness to comments. In addition, the Council continues to have a representative on the screening and interviewing panels for the positions of housing specialist, housing clerk, and Manager of Dispute Resolution Programs.

Nevertheless, the Council sometimes learns of policy changes affecting housing matters -- including some major changes -- more by happenstance than by design. The problem is greatest when the change is initiated by some source outside the regular housing court system, e.g., by staff within the Judicial Branch dealing with forms, by building security staff, or by persons dealing with new courthouse construction. Similarly, the Judicial Branch has failed to consult with the Council on changes in the job descriptions and job qualifications for housing court staff,

especially when those changes have been part of broader job classification reviews affecting all Judicial Branch employees. Changes made without offering opportunity for comment in regard to both housing court clerks and housing specialists have had the potential severely to restrict the ability of the housing courts to hire the best applicants. The Council strongly urges the Judicial Branch to assure that the Council's comments will be sought out in these matters at an early point in the decision-making process, well before final decisions are made. This necessitates the Department's informing key people with general responsibility over broad areas (e.g., security, courthouse construction, forms, employment) that they should initiate contact directly with the Council when the housing courts will be affected.

B. Appointment of Council members: At full strength, the Advisory Council is a 36-member board appointed by the Governor. C.G.S. 47a-71a spells out the requirements for Council membership, which include that the Council “reflect a balance of the interests of tenants and landlords” and that the Council consist of “representatives of tenants, landlords, and others concerned with housing.” The Council is to have nine residents of each of the three housing court districts and nine residents from the non-housing court portions of the state. By custom, Governors have attempted to appoint an approximately equal number of landlord and tenant representatives within each nine-member grouping, with the remaining members being “others concerned with housing.”

Unfortunately, no appointments to the Advisory Council have been made since 1994. Because Council members continue to serve under their prior appointments until they are reappointed or replaced, the Advisory Council has continued to function in what we believe to be an effective manner. The membership of the Council has, however, been reduced through attrition. The Council urges the Governor to appoint a full Council, in accordance with the requirements of C.G.S. 47a-71a, in part by reappointing Council members who wish to continue to serve and in part by bringing new members onto the Council.

V. Long-standing Advisory Council proposals still not implemented

While many of the Council's suggestions have been accepted and implemented by the Judicial Branch and the Chief's States Attorney, a number of proposals have appeared every two years in the Advisory Council's biennial reports, without having been resolved to the Council's satisfaction. Rather than discuss these again in detail in the primary body of this report, we have noted them here as a separate section. Most of these items have not been active on the Council's agendas over the past two years. Nevertheless, the Council continues in support of these positions and hopes that the appropriate entity will at some point agree to implement them. They are all discussed in more detail in earlier reports of the Council.

A. Minimum job requirements for housing clerks: Supervisory/administrative experience should not be a precondition for consideration of an attorney candidate for housing court clerk.

B. Spanish-speaking staff: Every housing clerk's office be staffed so as to have at least one bilingual employee who can handle telephone and counter work with litigants who are

primarily Spanish-speaking. The ability to speak Spanish should be viewed as an important job-related skill in filling all clerk's office positions, including temporary ones.

C. Pro se assistance: C.G.S. §51-52(d) should be amended to explicitly require clerks who handle housing matters in the non-housing court districts to provide pro se assistance.

D. Toll-free call-in lines: The Judicial Branch should arrange for appropriate incoming toll-free lines to the Norwalk Housing Court (for Greenwich) and the New Britain Housing Court (for Bristol).

E. Law student mediation program: Law schools in the Connecticut area should be encouraged to consider replicating the mediation clinics of the University of Connecticut Law School and the Quinnipiac University Law School.

F. Identification of G.A. criminal housing cases: Criminal housing cases in the G.A. courts be given their own identifying letter code (such as "CRH"), just as they have a separate letter code in the housing courts. This code should be applied to (a) all cases initiated by the housing prosecutors and (b) all criminal prosecutions filed under a list of specific housing - related statutes, as already identified by the Chief State's Attorney's Office. The Judicial Branch, in conjunction with the Chief State's Attorney's Office, should work out a mechanism for implementing this proposal.

G. Full-time nature of prosecution position: The eastern Connecticut prosecutor should be assigned full-time to housing matters and should not be expected to handle motor vehicle or other G.A. cases.

H. Recording of criminal dispositions: All conditions of nolle and probation in housing prosecutions should be recorded by the in-court clerk on the docket sheet.

I. Monitoring of probation and accelerated rehabilitation: Cases disposed of by probation or accelerated rehabilitation which include a requirement that repairs be made during the probation/rehabilitation period should be monitored by the housing prosecutors, using local code enforcement inspectors to gather information, rather than by 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.

J. Consultation in the hiring of housing prosecutors: A representative of the Advisory Council should be included in the panel selecting new housing prosecutors.

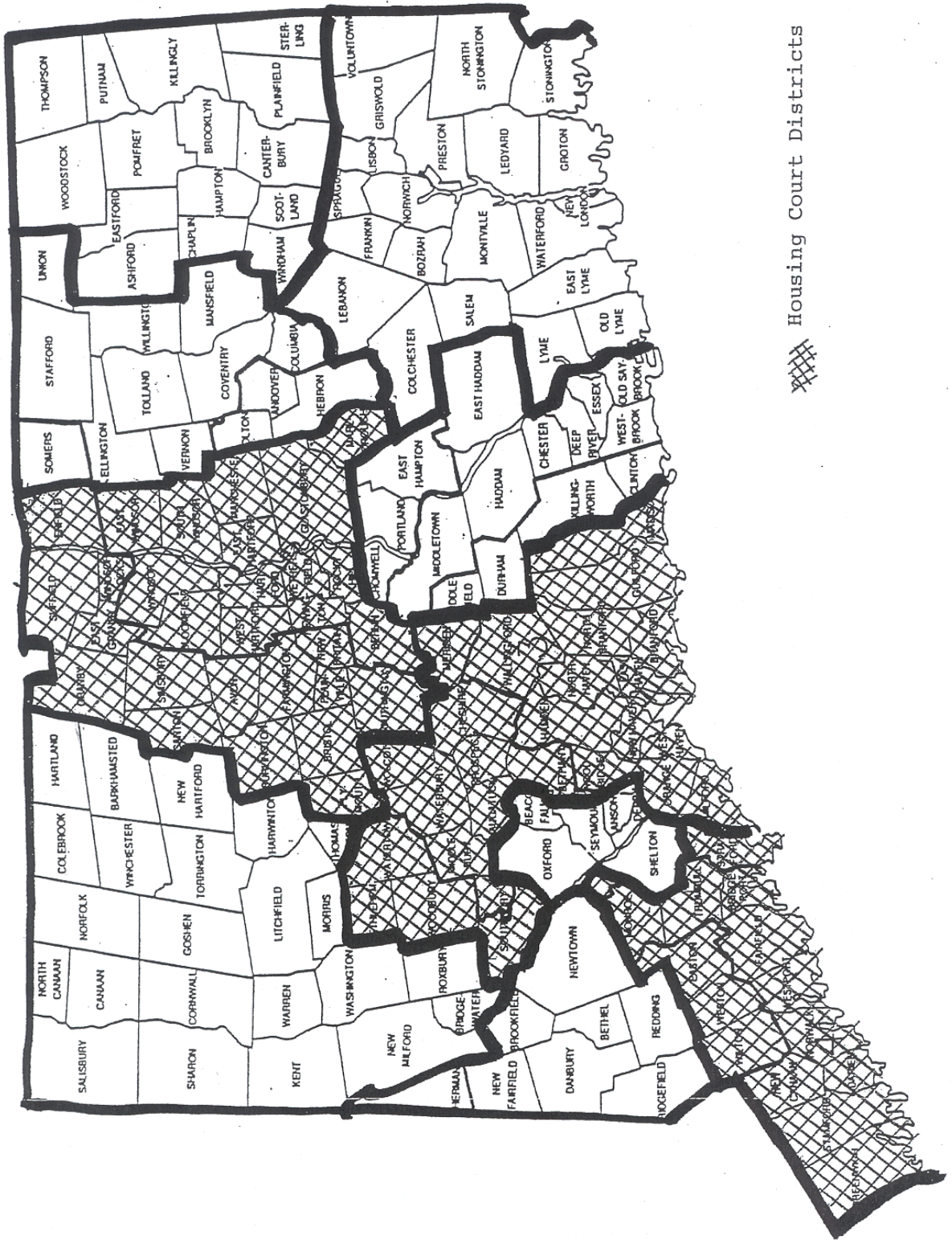
K. Standards for the hiring of housing prosecutors: The Criminal Justice Commission (or any other entity hiring housing prosecutors) should assure that the following four standards are included in the evaluation of applicants: (1) commitment to decent housing, as required by C.G.S. §51-278(b)(1)(B); (2) an understanding that the prosecutor's role in the administration of local housing code enforcement, i.e., that the prosecutor's approach to code enforcement (e.g., the level of proof required, the offenses prosecuted or not prosecuted, the degree of compliance

required for a nolle) will effectively control housing code enforcement administration by every local municipality in the entire region within the prosecutor's jurisdiction; (3) a commitment to active community outreach, particularly to local code officials, local police departments, and neighborhood groups; and (4) a willingness to work cooperatively with the Advisory Council on issues of mutual concern.

LIST OF APPENDICES

Appendix A	Map of housing court districts
Appendix B	Housing Court Act
Appendix C	Table of housing caseloads
Appendix D	List of housing court judges
Appendix E	Status of 2003 Citizens Advisory Council recommendations

APPENDIX A -- HOUSING COURT DISTRICTS



Grid Housing Court Districts

APPENDIX B

HOUSING COURT ACT
as amended through December 31, 2004

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, chapter 412 or section 47-294;
- (f) All actions involving one or more violations of any state or municipal health, housing, building, electrical, plumbing, fire or sanitation code, including violations occurring in commercial properties, or of 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:...(3) housing matters as defined in section 47a-68, except that (A) in the judicial districts of Hartford, New Britain, New Haven, Fairfield, Waterbury, Middlesex, Tolland 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 New Britain such matters shall be heard by the judge assigned to hear housing matters in the judicial district of Hartford, 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(d). 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)(l). 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 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 or 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. Judges 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 C

HOUSING CASELOADS

July 1, 2003 to June 30, 2004

	<u>Summary</u>	<u>Increase since</u>	<u>Small</u>	<u>Civil</u>	<u>Criminal</u>	<u>%summary</u>
<u>Housing courts</u>	<u>process</u>	<u>2001-02</u>	<u>1999-00</u>	<u>claims</u>	<u>47a-14h</u>	<u>process</u>
					<u>(n. 1) Total</u>	
Hartford-New Britain						
Hartford	4,307	-13.9%	-22.2%	770	114	19
New Britain	<u>2,188</u>	<u>+ 0.6%</u>	<u>- 8.6%</u>	<u>280</u>	<u>38</u>	<u>3</u>
	6,495	- 9.5%	-18.1%	1,050	152	22
					58	7,777
						82.3%
						86.0%
						83.5%
New Haven-Waterbury						
New Haven	3,505	-12.1%	-17.4%	492	383	14
Waterbury	<u>1,913</u>	<u>+ 0.4%</u>	<u>+ 0.2%</u>	<u>270</u>	<u>30</u>	<u>1</u>
	5,418	- 8.1%	-11.9%	762	413	15
					439	7,047
						78.3%
						74.5%
						76.9%
Bridgeport-Norwalk						
Bridgeport	2,777	- 6.2%	- 5.7%	307	173	13
Norwalk	<u>1,278</u>	<u>- 2.5%</u>	<u>-10.1%</u>	<u>277</u>	<u>160</u>	<u>7</u>
	4,055	- 5.0%	- 7.1%	584	333	20
					406	5,398
						76.7%
						71.9%
						75.1%
Total	15,968	- 7.9%	-13.4%	2,396	898	57
					903	20,222
						79.0%
<u>Non-housing court districts</u> (n. 2)						
Meriden (n. 3)	623	- 0.2%	-23.3%	125	17	0
						0
						765
						81.4%
Eastern Connecticut						
New London (GA 10)	981	- 4.1%	+ 3.2%			
Norwich (GA 21)	716	- 5.8%	+ 0.3%			
Danielson (GA 11)	717	- 3.4%	+ 1.0%			
Rockville (GA 19)	408	+ 2.8%	-12.8%			
Middletown (GA 9)	<u>580</u>	<u>+ 3.4%</u>	<u>+16.2%</u>			
	3,402	- 2.3%	+ 1.8%			
Western Connecticut						
Danbury (GA 3)	515	+31.0%	+ 3.2%			
Bantam (GA 18)	<u>470</u>	<u>- 8.6%</u>	<u>+ 8.0%</u>			
	985	+ 8.6%	+ 5.5%			
Derby (GA 5)	420	+ 3.2%	+23.9%			
Total	<u>5,430</u>	<u>+ 0.1%</u>	<u>+ 0.1%</u>			
<u>Connecticut total</u>	21,398	- 6.0%	-10.4%			

Summary: 76.6% of all summary process cases are filed in the housing courts. 79.0% of all housing cases are summary process cases.

Notes: n. 1 -- Caseload numbers include files opened and docketed but not criminal cases initiated by the housing prosecutor by letter and resolved without the opening of a docketed case.

n. 2 -- Separate data on housing cases, other than summary process cases, was not available for the geographical area courts.

n. 3 -- Meriden is technically part of the New Haven-Waterbury Housing Court district but does not have full housing court services.

APPENDIX D

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 Vertefeulle	L. Scott Melville
3-1-91	Marshall Berger	Christine Vertefeulle	Sandra Leheny
9-1-91	Marshall Berger	Christine Vertefeulle	Sandra Leheny
3-1-92	Robert Holzberg	Christine Vertefeulle	Sandra Leheny
9-1-92	Robert Holzberg	Clarine Nardi Riddle	L. Scott Melville
3-1-93	Robert Holzberg	Clarine Nardi Riddle	L. Scott Melville
9-1-93	Robert Holzberg	CN Riddle/Douglas Mintz	L. Scott Melville
3-1-94	Robert Holzberg	Douglas Mintz	L. Scott Melville
9-1-94	Alexandra DiPentima	Clarance Jones	Kevin Tierney
3-1-95	Alexandra DiPentima	Clarance Jones	Kevin Tierney
9-1-95	Alexandra DiPentima	Clarance Jones	Kevin Tierney
3-1-96	Alexandra DiPentima	Clarance Jones	Kevin Tierney
9-1-96	Robert E. Beach, Jr.	Lynda B. Munro/B. Levin	Leonard M. Cocco
3-1-97	Robert E. Beach, Jr.	Bruce L. Levin	Leonard M. Cocco
9-1-97	Robert E. Beach, Jr.	Bruce L. Levin	Leonard M. Cocco
3-1-98	Robert E. Beach, Jr.	Bruce L. Levin	Leonard M. Cocco
9-1-98	Lois Tanzer	Edward J. Leavitt	Leonard M. Cocco
9-1-99	Lois Tanzer	Edward J. Leavitt	Leonard M. Cocco
9-1-00	L. P. Sullivan/ J. L. Crawford	Edward J. Leavitt	Leonard M. Cocco
9-1-01	Juliette L. Crawford	Edward J. Leavitt	Leonard M. Cocco
9-1-02	Angelo L. dos Santos	Edward J. Leavitt	Leonard M. Cocco
9-1-03	Angelo L. dos Santos	Edward J. Leavitt	Leonard M. Cocco
9-1-04	Angelo L. dos Santos	Barry Pinkus	Leonard M. Cocco

APPENDIX E

STATUS OF 2003 CITIZENS ADVISORY COUNCIL RECOMMENDATIONS

I. Clerk's office issues

- | | |
|--|--|
| A. <u>Computerization of summary process cases</u> : The computerization pilot in Hartford and New Haven should be expanded to other housing court districts, including the linking of the six housing court clerks' offices in a computer network, with the caveats that any "paperless" court system must also (a) be suitable for litigants (and attorneys) who do not have easy access to computers, (b) protect the integrity of documents filed with the court (whether filed on paper or electronically), and (c) perform the same essential functions as the present paper-based docketing and filing systems (e.g., a method to verify the original documents served on a defendant). | Implemented as to Bridgeport, although the cases are not yet on-line. Waterbury and Norwalk are not yet implemented. The piloting of a paperless system remains on hold. |
| B. <u>Computerization of civil and small claims cases</u> : Housing civil and small claims cases should be computerized and made available on the Judicial Branch web site. | Implemented as to small claims cases but not as to civil cases. |
| C. <u>Usability of computerized data</u> : The Judicial Branch should explore ways to increase the ability of the housing court computer system to manipulate data. | No action. |
| D. <u>Bilingual materials</u> : The Spanish versions of all pro se booklets should be updated whenever the English versions are updated. | Implemented. |
| E. <u>Toll-free call-in lines</u> : The Judicial Branch should arrange for appropriate incoming toll-free lines to the Norwalk Housing Court (for Greenwich) and the New Britain Housing Court (for Bristol). | Not implemented. |
| F. <u>Telephone book listings</u> : The Judicial Branch should arrange for blue-page listings for every telephone book to contain a section on "housing sessions" or "housing courts," under which would be listed the telephone numbers for the offices of all housing clerks, prosecutors, and specialists which are covered by that particular telephone book. | Implementation promised. |
| G. <u>Housing court relocations</u> : The Judicial Branch should make certain that those who are involved in site planning and development for any court relocation which includes a housing court site bring the Advisory Council into the discussion at an early time in the process. | Not implemented. |

- H. Identification of criminal cases in the G.A. courts: All G.A. criminal housing cases should be given a unique identifier code so that they can be distinguished from other criminal cases. Not implemented.
- I. Glass partitions: Glass "security" partitions over the public counter in the clerk's offices should not be added to housing court locations which do not already have them; and, to the extent that they do exist, they should be designed so as to be as open as possible to promote ease of conversation between clerk's office staff and litigants, should not block the passing of papers, and should be able to be slid into an open or closed position by clerk's office staff. Not implemented.
- J. Claim of exemption form: The claim of exemption form should be modified to include an order and a place for the judge's signature. Not implemented.
- K. Trial schedule: The Judicial Branch should attempt to maintain scheduling of summary process trials so that, if a case does not settle on its scheduled trial date, it will be tried on the same day. In courts where a same-day trial is not administratively practical, the trial should be held within one week. Implemented.

II. Housing specialist issues

- A. Staff vacancies: The Judicial Branch should maintain full staffing for housing specialists and should, as a result, withdraw the layoff notice to the New Haven housing specialist and waive the hiring freeze so that a housing specialist can be replaced in Hartford. Implemented except as to Hartford.
- B. Computers: The Judicial Branch should assure that each housing specialist has access to a computer. Implemented.

III. Prosecution and code enforcement issues

- A. Prosecutor Manual update: The Chief State's Attorney and the housing prosecutors should finalize the revised Housing Prosecutors Manual. Still not finalized.
- B. Police Academy curriculum: The State Police Academy and local police academies, in conjunction with the housing prosecutors, should develop a section on landlord-tenant law as part of the regular training curriculum of all police officers. Not implemented.

- C. Commercial code prosecutions: The Chief State’s Attorney should assure that prosecutions of commercial code violations remain in the housing court if brought there and are transferred to the housing court if they are brought to the regular criminal docket. C.G.S. §47a-68(f) should be amended to make clear that code violations on commercial property are “housing matters” within the jurisdiction of the housing courts. Implemented.

- D. Supervision of housing prosecutors: The Chief State’s Attorney should clarify lines of supervisory authority so that it is clear that individual housing prosecutors are responsible to the Supervisory Assistant State’s Attorney for Housing Matters and, through that supervisor, to the Chief State’s Attorney, not to the judicial district state’s attorneys. Implemented only for Hartford-New Britain.

- E. Prosecutor staffing: The layoff of the eastern Connecticut prosecutor should be withdrawn. Implemented.

IV. Judicial issues

- A. Magistrates:
 - A. The Judicial Branch should systematically seek input from all housing court clerks prior to reappointment of magistrates or assignment of magistrates to a housing court location. Not consistently implemented.

 - B. The surveying of participants in housing court small claims hearings should be merged into the Judicial Branch's overall survey evaluation system, with the proviso that small claims surveying should also include pro se litigants. Not implemented.

- B. Small claims booklet: The Judicial Branch should (a) revise the Advisory Council’s small claims booklet in conjunction with the Advisory Council, (b) continue to issue annual addenda, particularly for changes in the security deposit interest rate, (c) assure that all new magistrates receive a copy of the booklet as part of their training process, and (d) provide for updating the booklet whenever the Council determines that an update is needed. Implemented.

V. Issues concerning the Advisory Council itself

- A. Consultation with the Council: The Judicial Branch should make certain that the Council is informed of proposed changes affecting the housing courts in a timely manner so that the Council can offer comments. In particular, in recent years the Council has not always been contacted on changes in housing court job descriptions and requirements, physical modifications to court locations, and courthouse construction.
- Not consistently implemented.

VI. Carryover recommendations

- A. Minimum job requirements for housing clerks: Supervisory/administrative experience should not be a precondition for consideration of an attorney candidate for housing court clerk.
- Not implemented.
- B. Spanish-speaking staff: Every housing clerk's office be staffed so as to have at least one bilingual employee who can handle telephone and counter work with litigants who are primarily Spanish-speaking. The ability to speak Spanish should be viewed as an important job-related skill in filling all clerk's office positions, including temporary ones.
- Not consistently implemented.
- C. Pro se assistance: C.G.S. §51-52(d) should be amended to explicitly require clerks who handle housing matters in the non-housing court districts to provide pro se assistance.
- Not implemented.
- D. Law student mediation program: Law schools in the Connecticut area should be encouraged to consider replicating the mediation clinics of the University of Connecticut Law School and the Quinnipiac University Law School.
- Not implemented.
- E. Housing prosecutor coverage of non-housing court districts: All housing prosecutions in the state should be handled by one of the four state housing prosecutors. In particular, J.D. Danbury and the portion of J.D. Ansonia-Milford covered by G.A. 5 should be brought into the housing prosecution system.
- Not implemented.
- F. Full-time nature of prosecution position: The eastern Connecticut prosecutor should be assigned full-time to housing matters.
- Not implemented.

- G. Recording of criminal dispositions: All conditions of nolle and probation in housing prosecutions should be recorded by the in-court clerk on the docket sheet. Not implemented.
- H. Monitoring of probation and accelerated rehabilitation: Cases disposed of by probation or accelerated rehabilitation which include a requirement that repairs be made during the probation/rehabilitation period should be monitored by the housing prosecutors, using local code enforcement inspectors to gather information, rather than by the state's Probation Office. Not implemented.
- I. Consultation in the hiring of housing prosecutors: A representative of the Advisory Council should be included in the panel selecting new housing prosecutors. Not implemented.
- J. Standards for the hiring of housing prosecutors: The Criminal Justice Commission (or any other entity hiring housing prosecutors) should assure that the following four standards are included in the evaluation of applicants: (1) commitment to decent housing, as required by C.G.S. §51-278(b)(1)(B); (2) an understanding that the prosecutor's role in the administration of local housing code enforcement will effectively control housing code enforcement administration by every local municipality in the entire region within the prosecutor's jurisdiction; (3) a commitment to active community outreach, particularly to local code officials, police departments, and neighborhood groups; and (4) a willingness to work cooperatively with the Advisory Council on issues of mutual concern. Not clear whether or not there has been implementation.