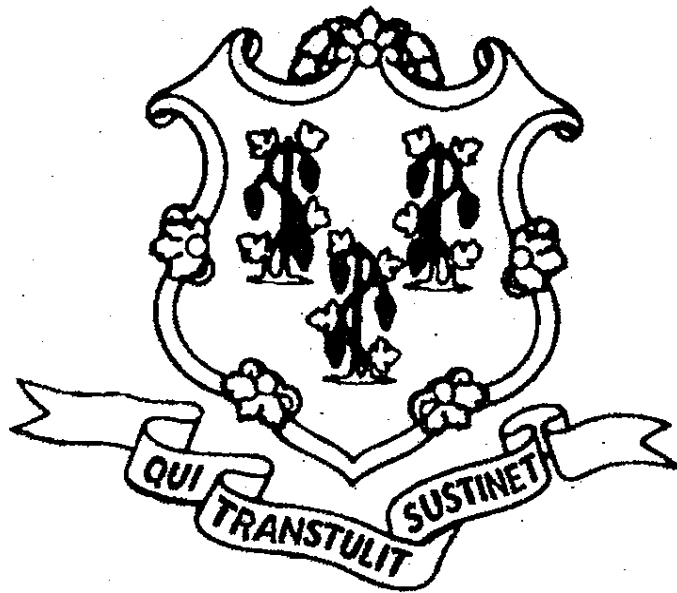


**REPORT TO THE
GENERAL ASSEMBLY:**

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



**THE CITIZENS ADVISORY COUNCIL
FOR HOUSING MATTERS**

JANUARY 3, 2007

REPORT TO THE GENERAL ASSEMBLY

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

January 3, 2007

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

Citizens Advisory Council for Housing Matters

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Housing court staff

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

SUMMARY OF RECOMMENDATIONS

I. Clerk's office issues

A. Computerization of the housing courts:

1. Expansion of computerization: Computerization of summary process cases should be expanded to include summary process cases in the non-housing court districts. Computerization of cases in the housing court districts should be expanded to include the non-summary process cases (civil, housing code enforcement, and criminal).
2. Manipulatability of computerized data: 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 filling of clerical positions in New Haven and Hartford, by general posting (rather than in-house transfer) if necessary.

C. Bilingual materials: A direct link to the Spanish-language housing booklets available on the Judicial Branch website should be included in the portion of the website where the housing forms are located.

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

E. Housing court decision availability: The Judicial Branch should assure that the State Library and all state law libraries are receiving current housing court decisions and maintaining an up-to-date set for use by the public.

F. Cell phones in the courthouse:

1. Hearing notices: All notices of housing court hearings should contain a conspicuous explicit statement of the cell phone rule that is being enforced at that courthouse.
2. Minimization of cell phone prohibition: Any prohibition of cell phones should be limited to those which have camera capacity or would otherwise violate Practice Book Section 1-10.
3. Checking of cell phones: Persons seeking to enter a courthouse with a

prohibited cell phone should be permitted to check the cell phone at the security desk or elsewhere.

4. Pay phones: There should be available within each courthouse an adequate number of pay phones or other public use phones.

G. Small claims hearings:

1. Essential elements of the centralization of small claims administration: The implementation of the administrative centralization of small claims cases should be carried out in a way which preserves a linkage between housing court clerk's offices and housing small claims cases and should preserve at least the following elements of the housing court system: (a) the ability to file in the housing court clerk's office, (b) the availability of counter assistance at the housing court clerk's office, (c) preservation of a separate docket for housing small claims cases, (d) contested hearings to be heard in close proximity to the housing court clerk's office, including restoring New Haven and Bridgeport housing small claims cases to the building in which the housing court is located, and (e) the ability to handle post-judgment matters through the housing court clerk's office.
2. Identification of housing small claims cases: Small claims forms should contain a box in which the litigant can check whether or not the case is a housing case.
3. Delays in the hearing of housing small claims cases: The Judicial Branch should take action, including increasing staffing, so as to assure that housing small claims cases will be scheduled and heard promptly.

H. Compilation of housing data: The Judicial Branch should assure that its data base can track the number of housing small claims, civil, code enforcement, and criminal cases.

I. Fee for modification of stay of execution: Because a modification of a summary process stay is not a modification of a judgment for possession, clerk's offices should not charge an entry fee for a motion to modify a stay of execution.

J. 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.

K. Case reporting services: Case reporting services should review their case data bases against a list of the officially-numbered housing court decisions and add to that data base any cases not already included.

- L. Case processing: 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 a full staff of housing specialists, including (a) replacing the housing specialist whose resignation will take effect imminently and (b) bringing the total number of housing specialists to ten statewide, which is the historic full-staffing level for housing specialists.
- B. Printers: The Judicial Branch should provide a printer close to the work station of the housing specialist in each courthouse and particularly in Rockville.

III. Prosecution and code enforcement issues

- A. Prosecutor's Manual: The Chief State's Attorney and the housing prosecutors should finalize the revised Housing Prosecutors Manual, after consultation with the Advisory Council on the newest section.
- B. Police Academy curriculum and police training manual:
 - 1. Police academy curriculum: The housing prosecutors, in conjunction with the State Police Academy and local police academies, should develop a section on landlord-tenant law as part of the regular training curriculum of all police officers.
 - 2. Police training manual: The Chief State's Attorney, in conjunction with the Advisory Council, 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 method of supervision currently in place in 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 prosecutor training program.
- 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.

- F. Investigators: The Chief State's Attorney should make funding available for at least one investigator to be assigned to the statewide housing prosecution unit.
- G. Support staff: The clerical position which supports the Bridgeport-Norwalk prosecutor should be upgraded to a full-time permanent position.
- H. Eastern Connecticut prosecutor: The eastern Connecticut prosecutor should be assigned full-time to housing matters.
- I. Fifth housing prosecutor: An additional full-time permanent housing prosecutor position should be added to the housing prosecution unit.

IV. Judicial issues

- A. Magistrate evaluation:
 - 1. Input from housing clerks: The Judicial Branch should systematically seek input from all housing court clerks prior to reappointment of magistrates or assignment of magistrates to hear a housing court docket.
 - 2. Surveying of attorneys and litigants: The Judicial Branch's overall survey evaluation system for judges should be extended on a pilot basis to housing small claims hearings, with the proviso that small claims surveying should also include pro se litigants.
- B. Small claims booklet: The Judicial Branch should (a) continue to distribute the small claims booklet to all new magistrates as part of the initial appointment process and periodically to all current magistrates, (b) continue to issue and distribute annual addenda, particularly for changes in the security deposit interest rate, and (c) arrange for the immediate updating of the booklet, in conjunction with the Advisory Council.
- C. Magistrate training: The Judicial Branch should include a section on housing issues in its annual training program for small claims magistrates.
- D. Judicial assignments:
 - 1. Advisory Council recommendations: The Judicial Branch should allow a reasonable amount of time for the Council to make recommendations on judicial assignments.
 - 2. Unity of the Bridgeport-Norwalk Housing Court: The Judicial Branch should, in due course, restore the Bridgeport-Norwalk Housing Court as a

single housing court, in accordance with state statute, by assigning a single judge to hear housing cases at both court locations. In the interim, the Judicial Branch should assure that a single judge hears all housing cases in the Norwalk office of the Bridgeport-Norwalk Housing Court.

3. Use of judge trial referees: Except for judge trial referees (JTRs) already sitting as housing court judges, the Judicial Branch should assign judges rather than JTRs as the primary housing court judge for each housing court district.
4. Stability of housing court assignments: Judges assigned to a term at a housing court should not be reassigned mid-term except for compelling reasons and after prior consultation with the Advisory Council.

E. Meriden housing cases: If such time is available, the Judicial Branch should permit the New Haven-Waterbury Housing Court judge to hear Meriden housing cases at the Meriden courthouse.

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. 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. Glass partitions: Glass "security" partitions should not be added to housing court clerk's offices that do not already have them.
- G. Identification of G.A. criminal housing cases: Criminal housing cases in the G.A. courts should be given their own identifying letter code.
- 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.
- 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 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 2007.

I. Clerk's office issues

A. Computerization of the housing courts:

The Council believes it is important that the records of the housing courts be open and easily accessible to litigants and the general public and that web access to those records be maximized.

- Web access: The Council is pleased that the summary process cases of all six housing court locations are now computerized and available on-line through the Judicial Branch website. Bridgeport, Norwalk, and Waterbury have been added since the Council's last biennial report. All small claims cases, including housing small claims cases, had previously been computerized. The next step is to computerize summary process cases in the geographical area courts and non-summary process cases (civil, housing code enforcement, and criminal) in the housing courts and to make them available on the Judicial Branch website.
- "Paperless" court system: 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).
- Manipulatability of computerized housing data: 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 and the Hartford offices are each short one clerical position, although interviewing is in progress for the New Haven position. The Hartford position has been posted for in-house transfer more than once, but no appropriate applicants have applied. The Judicial Branch should not limit hiring to in-house transfers but should authorize their being filled through a hiring process which includes persons who are not current state employees.

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 all now available in Spanish. A Spanish-language translation of the Landlord's Guide was added since the Council's last biennial report. The Spanish versions are also posted on the Judicial Branch website. The English-language pamphlets are in the housing forms portion of the website at www.jud2.ct.gov/webforms/#HOUSING. The Spanish-language versions, however, could previously be found only in the Spanish publications portion of the website at www.jud.ct.gov/pub-spanish.htm. At the recommendation of the Advisory Council, a direct link to the Spanish-language housing pamphlets has now been included in the portion of the website where the housing forms are located. The Council thanks the Judicial Branch for its prompt implementation of this change.

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. At present, there is a listing in the AT&T blue pages called "Housing Courts," which consists only of a cross-reference to the Judicial Branch. There is also a grouping within the "Judicial Branch" listings called "Superior Court Housing," but the listings in this section are inconsistent and erratic, sometimes providing a telephone number for the clerk's office, housing specialist, and/or housing prosecutor and sometimes not. Although the Judicial Branch is unwilling to group housing court listings under "Housing Courts," it has agreed to group them in the "Judicial Branch" section. The Council recommends that the subheading be called "Housing Sessions" or "Housing Courts," so that the identifying word will be "Housing" rather than "Superior Court." The Judicial Branch has agreed that the grouped listing will include two telephone listings for every Superior Court location which hears housing cases (including G.A. courts in the non-housing court districts), arranged by the town in which the clerk's office is located. In each such location, there will be one telephone number listed for the housing clerk's office and one telephone number for the housing prosecutor's office. Although this agreement was reached in the fall of 2005, the agreed-upon reorganization has not as yet appeared in any AT&T telephone directory. The Council urges the Judicial Branch to implement this agreement as quickly as possible.

E. Housing court decision availability: It appears that some law libraries do not have current sets of the housing court decisions. The Council urges the Judicial Branch to make sure that the State Library and all state law libraries are receiving current decisions and maintaining an up-to-date set for use by the public.

F. Cell phones in the courthouse: New security rules concerning the possession of cell phones in courthouses have created problems for some litigants. Litigants are often unaware of the cell phone prohibition in the courthouse until they arrive at the site and, unless they arrived in their own car (rather than taking public transportation or being dropped off by someone else), may have no place to leave a cell phone. During the fall, some security desks which once allowed litigants to check a cell phone at the desk were no longer doing so. The Council has received reports of litigants who were defaulted because of the inability to get into a courthouse building and reports of litigants hiding their cell phones in bushes outside the courthouse so that they could enter.

The Council believes it is important that the Judicial Branch develop mechanisms to assure that a litigant, witness, or member of the public who fails to leave a cell phone at home does not for that reason miss court or appear late for a court hearing and to assure that there will be a way for persons in a courthouse to make telephone calls. In order to minimize problems arising from restrictions concerning cell phones in courthouses, the Council recommends that (a) all notices of housing court hearings contain a conspicuous explicit statement of the cell phone rule that is being enforced at that courthouse, (b) any prohibition of cell phones be limited to those which have camera capacity or would otherwise violate Practice Book Section 1-10, (c) persons seeking to enter a courthouse with a prohibited cell phone be permitted to check the cell phone at the security desk or elsewhere, and (d) an adequate number of pay telephones or other public use telephones be available within the courthouse. It is the Council's understanding that the Judicial Branch has now implemented a policy that permits prohibited cell phones to be checked at the security desk at every courthouse.

G. Small claims hearings: Housing small claims cases are heard by magistrates rather than judges, as is true throughout the small claims system. In the past, the hearings were usually held in the housing courts so that the entire housing docket remained unified in one location. This has numerous benefits, including convenience for litigants in being able to receive assistance from the housing court clerk's offices, which provide exceptional consumer assistance; access of the magistrates to resource materials and consultation with the housing clerks (all of whom are attorneys experienced in housing law); access to summary process, civil, and criminal files related to the small claims case; and preservation of the fundamental principle of the Housing Court Act that all housing matters are to be heard at the same location. The Judicial Branch has recently centralized small claims so that all small claims filings statewide are processed through a central location in Hartford. This includes housing small claims filings. The Council does not object to this system as a means of processing filings and scheduling hearings. It is concerned, however, that key benefits of the housing court system are being lost in the process. As a result, the Council recommends that any inclusion of housing cases in the centralized small claims system be subject to the following restrictions:

- Litigants may continue to file housing small claims cases in the housing court clerk's office.
- Those clerk's offices will continue to provide assistance to litigants at the counter and by telephone. It will not in any way be suggested to litigants that the only way to obtain person-to-person information is by telephone to a central small claims number.

- Housing small claims cases will be segregated from other small claims cases and heard on separate housing small claims dockets. It is important that the central small claims office carefully screen filings, regardless of the clerk's office in which they are filed, to identify housing cases so as to assign them to the proper docket. In order to improve screening, small claims forms should contain a box in which the litigant can check whether or not the case is a housing case.
- Hearings before magistrates in housing small claims cases will be held in the general vicinity of the housing court clerk's office within the same building in which housing cases are heard, rather than in the location where general small claims cases are tried. The Council is concerned that housing small claims in New Haven and Bridgeport are now being heard in buildings other than the building in which the housing court is located.
- Post-judgment matters in housing small claims cases (e.g., motions to reopen and executions) will be permitted to be handled at the housing courts.

The Council has been assured by the Judicial Branch that those principles will be respected and, subject to the implementation and maintenance of those assurances on an on-going basis, the Council does not object to small claims centralization. The Council is concerned, however, that the actual implementation of the system is in fact breaking the linkage between housing small claims cases and the housing court clerks' offices.

At present, it appears that the transition to a centralized small claims system is resulting in serious delays in the scheduling of housing small claims cases for hearing. The Council has been told, for example, that defendants are not getting notice of a small claims filing for weeks after it is filed and hearings are being delayed for months. The delays are so long that they are adversely impacting the credibility of the administration of the housing small claims system. The Judicial Branch should take action (including increasing staffing) to assure that housing small claims cases will be scheduled and heard promptly.

H. Compilation of housing data: For the first time since the housing court system was created, the Judicial Branch was not able to provide the Advisory Council with data as to the number of civil, housing code enforcement, and criminal cases filed in the housing court districts. In the future, the Judicial Branch may not be able to count housing small claims cases. This is information which for years the Council has reported in Appendix C of its biennial report. The data allows the Council to track the volume of the different types of housing cases. The loss of small claims tracking is apparently the result of the centralization of the small claims system. The reason for the loss of tracking capacity for civil, housing code enforcement, and criminal cases is not clear. The Council urges the Judicial Branch to develop a data collection and reporting mechanism so that this information will again be retrievable.

I. 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 is the Council's view that this provision does not apply to a motion to modify a stay of execution, because 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. A motion

to modify a stay is thus not a motion to modify the judgment. Most housing court clerk's offices follow this policy, but at least one does not. The Council recommends that clerk's offices not impose a fee for the filing of a motion to modify a stay of execution.

J. 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 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 urges 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.

K. 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 data bases against a list of the officially-numbered housing court decisions and to add to those data bases any cases not already included.

L. Case processing: Case processing data in eviction cases, which can now be obtained easily for housing court districts, continues to show that summary process cases move very rapidly. The data shows, as it has for years, median disposition times of 2½ to 3 weeks for all cases and just over 3 weeks for contested cases. For example, the median disposition time in the Hartford Housing Court for calendar year 2005 was 18 days for all cases and 23 days for contested cases. More than 95% of all cases and more than 93% of contested cases went to final judgment within 60 days of the return date. All of these numbers are remarkably consistent from court to court. See the table at the end of this section.

The effectiveness of the housing courts is also reflected in the low default rate and the fact that more than 94% of contested cases are successfully settled by the housing specialists. The system-wide rate of default for failure to appear in summary process cases in the housing courts is about 37%, a figure which the Council believes is well below the average for most other parts of the civil court system.

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 usually held within one week. Taken as a whole, despite the volume of cases, case processing remains rapid throughout the state and is a credit to the efficiency of housing court staffs.

Cases disposed of between January 1, 2005 and December 31, 2005

Disposition time

Return day to date of final judgment

	<u>Hartford</u>	<u>New Britain</u>	<u>New Haven</u> <u>All cases</u>	<u>Bridgeport</u>	<u>All locations</u> ¹
Median	18 days	17 days	18 days	20 days	18 days
% disposed of after:					
30 days	78.6%	85.1%	79.5%	77.0%	79.6%
60 days	95.1%	96.4%	94.0%	94.7%	94.9%
90 days	97.9%	98.7%	97.0%	97.7%	97.7%
			<u>Contested cases</u>		
Median	23 days	20 days	22 days	22 days	22 days
Default rate	36.2%	36.4%	35.2%	40.1%	36.7%
% disposed of after:					
30 days	71.5%	81.7%	73.4%	73.2%	74.0%
60 days	93.6%	96.0%	92.5%	93.3%	93.6%
90 days	97.3%	98.2%	96.4%	96.9%	97.1%

II. Housing specialist issues

A. Staffing: Full staffing for the housing court system has historically been ten housing specialists (three for Hartford-New Britain, two for New Haven-Waterbury, two for Bridgeport-Norwalk, and three for the remainder of the state). The system has, however, been functioning for a number of years with only nine housing specialists. One of those nine specialists has now given notice of resignation. The Advisory Council urges the Judicial Branch promptly to replace the housing specialist who is leaving and to hire an additional housing specialist so as to bring the system back to its historic full staffing level. Any shortage of housing specialists has serious implications for the ability of the housing court system to effectively resolve cases.

B. Printers: For some 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 situation presently is in Rockville. The Judicial Branch should provide a printer close to the work station of the housing specialist in Rockville.

¹The Norwalk and Waterbury data are excluded for these housing court locations because computerization did not begin until the middle of calendar year 2005.

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 delay is apparently the result of a proposed new section on administrative search warrants, of which the Council has seen no draft. The Council looks forward to commenting on the new section so that the Manual can be finalized as soon as possible.

B. Police academy curriculum and police training manual: At present, landlord-tenant law is not formally 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 housing prosecutors, in conjunction with the State Police Academy and local police academies, 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, in conjunction with the Advisory Council, 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 is now actively working on a draft of a manual, in question-and-answer format, which will focus 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.

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 unit 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 formal direct supervisory authority only for the Hartford-New Britain prosecutor. The Council recommends that supervision be extended over all four housing prosecutors.

D. Training for new prosecutors: Although training in housing law has in some years

been included in the training program for new prosecutors, it has not been included consistently and has not been formally incorporated as a permanent part of new prosecutor training. The training program for new prosecutors should include training in identifying criminal cases which are housing matters and instruction on the referral of such cases to a housing prosecutor.

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, 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 has on occasion received 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.

F. Investigators: Housing prosecutors have no access to investigators and, as a result, are dependent for their investigations on local code inspectors over whom they have no formal authority. The Chief State's Attorney should make funding available for at least one investigator to be assigned to the statewide housing prosecution unit.

G. Support staff: At present, the Hartford-New Britain and New Haven-Waterbury prosecutors each have a full-time person assigned for clerical support. In contrast, the Bridgeport-Norwalk prosecutor is assigned a per diem criminal justice clerk on a part-time 21-hour per week basis. The Council recommends that the clerical position in support of the Bridgeport-Norwalk prosecutor be upgraded to a full-time permanent position.

H. Eastern Connecticut prosecutor: The Council continues to believe that the eastern Connecticut housing prosecutor should devote full-time to housing and should not on a regular basis be assigned to motor vehicle or other criminal cases. Because of the large number of small towns in eastern Connecticut, the need for outreach by the prosecutor to code enforcement agencies is disproportionately great, and it is important for prosecutor time to be freed up for that purpose. The Council believes that there is more than enough work to justify a housing prosecutor for eastern Connecticut to spend full-time on housing prosecution.

I. Fifth housing prosecutor: The work of the housing prosecutors has grown over time. The housing prosecution unit, which includes the supervisory housing prosecutor, now handles such matters as police training, manual development, and regulation and statutory development in conjunction with other agencies (e.g., concerning lead paint). This is in addition to the housing prosecutors' basic duties of prosecution and outreach. The increased workload has

resulted in the temporary assignment of a 21-hour per week prosecutor to the New Haven-Waterbury Housing Court. The Council urges the Chief State's Attorney to convert that position (not necessarily at the New Haven location) into a full-time permanent position.

J. Relationship between the housing prosecutor and the code enforcement agency in Hartford: Two years ago, the Council expressed concern in its biennial report over a breakdown in code enforcement in the City of Hartford, in which virtually no cases were being referred to the housing prosecutor for prosecution. Since then, a new prosecutor has been assigned to Hartford and the problem appears to have been resolved. The Council appreciates the Chief State's Attorney's strong response to this issue.

IV. Judicial issues

A. Magistrate evaluation: The Council continues to believe that there is no adequate system in place for evaluation of small claims magistrates who handle housing matters. 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 to handle housing matters. 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 small claims docket. The Council is concerned that the increasing separation of small claims cases from the housing court clerk's office will over time make it more difficult for the housing clerks to provide meaningful input, even if it is sought from them. Second, the Council recommends that the Judicial Branch's overall survey evaluation system be extended on a pilot basis to housing small claims hearings, 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 substantially 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. It is sufficiently old, however, that the Council recommends it be updated and reissued. The Council also recommends that a copy of the booklet be distributed to all new magistrates as part of the initial appointment process and that it periodically be redistributed to all current magistrates. The Judicial Branch should also continue to distribute an annual addendum updating the table of minimum security deposit interest rates and should 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. Magistrate training: The Judicial Branch should include a section on housing issues in its annual training program for small claims magistrates.

D. Judicial assignments: The Council has long played an active advisory role in the assignment of housing court judges and wishes to continue in that role. The Council is particularly grateful for the Judicial Branch's willingness to share information with the Council in the assignment process and requests only that, in the future, the Council be given more time in which to respond. 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.

Unfortunately, the Judicial Branch in the past year has made sudden changes in housing court judicial assignments during the term of the assignment, without providing notice to the Council and therefore without any opportunity for Council input prior to implementation of the change. This is a departure from the 28-year history of Council participation and makes it impossible for the Council to exercise its statutory authority under C.G.S. 47a-72(b) to recommend judges for housing court assignment. Four distinct concerns have arisen as a result of recent judicial assignments for the Bridgeport-Norwalk and the New Haven-Waterbury housing courts. The Council believes that it is important these concerns be addressed before the next round of housing court judicial assignments for September, 2007.

- Unity of the Bridgeport-Norwalk Housing Court district: Contrary to the provisions of C.G.S. 51-348(c), the Norwalk housing court location has been split from the Bridgeport location through the assignment of a different judge. That statute, which is part of the Housing Court Act, requires explicitly that the judge assigned to hear housing in Bridgeport "shall" be assigned to hear housing in Norwalk. No such split has ever before occurred in the nearly 30-year history of the housing courts.
- Unity of each housing court: Last winter, the Judicial Branch divided the Norwalk Housing Court assignment among different judges. In particular, no judge was hearing housing cases in Norwalk more than one day per week, leaving the second day to be covered on a fill-in basis by judges assigned to G.A. matters; and the initial assignment of a judge for the term beginning September 1, 2006, continued this practice. This approach threatened to return the handling of housing matters in Norwalk to the pre-housing court era, when housing was handled part-time by multiple judges. An essential element of the Housing Court Act is the assignment of judges so that they will spend 100% of their time on housing, thereby eliminating the need for housing to compete with other cases for the judge's attention; and the housing court districts were designed so that housing cases would constitute a full caseload for a judge. The use of multiple part-time housing judges had also created case management problems for both the civil and summary process dockets in Norwalk, which had built backlogs because the fill-in judges did not undertake

long-term trials or complicated litigation. The Council is pleased that the Judicial Branch has now assigned a single judge to handle both the Tuesday and the Thursday housing calendars in Norwalk.

- Use of judge trial referees: C.G.S. 51-348(c) and 51-165(c) both require that the person assigned to hear housing matters be a "judge." Judge trial referees (JTRs), who are retired judges over the age of 70, have historically heard cases in the housing courts as vacation and illness fill-ins for housing court judges, as supplemental judges to help reduce backlogs, and as JTRs to hear specifically assigned cases. The Council has also recognized an exception to the general rule on behalf of sitting housing court judges who become JTRs by virtue of turning 70. The Council is concerned, however, that the Judicial Branch not view the housing assignment as one for retired judges and that JTRs (with the possible exception of those already actively sitting in the housing court) should not be assigned as primary or presiding housing court judges. The statutory requirements concerning the assignment of judges were part of the broader elevation of housing from the G.A. level to the J.D. level in the housing court districts, and the Council believes that this aspect of the Housing Court Act should be followed in judicial assignments.
- Stability of housing court assignments: For the second time in the past year, a housing court judge has been reassigned out of the housing court after an initial assignment. In the fall of 2005, the Bridgeport-Norwalk Housing Court judge was transferred. This fall, the New Haven-Waterbury Housing Court judge was transferred. There was no advance consultation with the Advisory Council about the transfer or the selection of a replacement judge. Because the housing court judge hears all housing cases in the region -- and particularly all summary process cases -- every housing court judge effectively functions as the administrative judge of the Housing Division. Sudden reassignments of the judge are disruptive to the consistent administration of the housing courts. They also adversely impact the scheduling of cases and result in temporary slowdowns in the movement of summary process cases. In addition, they conflict with the provision of Section 51-165(c) of the General Statutes, which provides that, "if practicable," housing court judges should be assigned to housing "for not less than eighteen months." The sudden reassignment of housing court judges suggests that the stability and consistency of the housing assignment is not an important factor in judicial assignment. The Council recommends that judges assigned to a term at a housing court not be reassigned mid-term except for compelling reasons and that there be prior consultation with the Advisory Council on both the question of reassignment and on the selection of a successor housing court judge.

E. Meriden housing cases: The Meriden courthouse is part of J.D. New Haven, and C.G.S. 51-348(c) assumes that a single judge will hear all housing cases in J.D. New Haven. Because of the inconvenience to litigants of having Meriden area cases heard in New Haven, however, the Meriden location has historically been treated as if it were a G.A., with housing cases there heard by a judge assigned to the G.A. court. It was felt that the New Haven housing court judge had insufficient time to sit a day or a half-day a week in Meriden. In the last few years, however, the housing caseload in New Haven has been sufficiently managed that the New

Haven housing court judge has had time to hear foreclosure cases outside of the housing court one day per week. If such time is available, the Council believes it would be preferable as a matter of policy and more appropriate in terms of statutory requirements for the New Haven housing court judge to handle the housing caseload in Meriden.

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.

VI. 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. 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.

G. Identification of G.A. criminal housing cases: Criminal housing cases in the G.A. courts should 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.

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

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APPENDIX B

HOUSING COURT ACT
as amended through December 31, 2006

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, 2005 to June 30, 2006

	Summary process	Increase since <u>2003-04</u>	<u>1999-00</u>	Small claims (n.1)
<u>Housing courts</u>				
Hartford-New Britain				
Hartford	4,647	+ 7.9%	-16.1%	643
New Britain	<u>2,181</u>	- 0.3%	- 8.9%	<u>277</u>
	<u>6,828</u>	+ 5.1%	-13.9%	<u>920</u>
New Haven-Waterbury				
New Haven	3,560	+ 1.6%	-16.1%	548
Waterbury	<u>2,151</u>	+12.4%	+12.6%	<u>248</u>
	<u>5,711</u>	+ 5.4%	- 7.2%	<u>796</u>
Bridgeport-Norwalk				
Bridgeport	2,669	- 3.9%	- 9.4%	323
Norwalk	<u>1,126</u>	-11.9%	-20.8%	<u>236</u>
	<u>3,795</u>	- 6.4%	-13.1%	<u>559</u>
Total	16,323	+ 2.2%	-11.5%	2,275
<u>Non-housing court districts (n. 2)</u>				
Meriden (n. 3)	653	+ 4.8%	-19.9%	106
Eastern Connecticut				
New London (GA 10)	888	- 9.5%	- 6.6%	
Norwich (GA 21)	800	+11.7%	+12.0%	
Danielson (GA 11)	712	- 0.7%	+ 0.3%	
Rockville (GA 19)	472	+15.7%	+ 1.1%	
Middletown (GA 9)	<u>620</u>	+ 6.9%	+24.2%	
	<u>3,492</u>	+ 2.6%	+ 4.5%	
Western Connecticut				
Danbury (GA 3)	387	-24.9%	-22.4%	
Bantam (GA 18)	<u>566</u>	+20.4%	+30.1%	
	<u>953</u>	- 3.2%	+ 2.0%	
Derby (GA 5)	525	+25.0%	+55.2%	
Total	<u>5,623</u>	+ 3.6%	+ 3.6%	
<u>Connecticut total</u>	21,946	+ 2.6%	- 8.1%	

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

- Notes:
- n. 1 -- Caseload data on civil, 47a-14h, and criminal cases opened in the housing courts is no longer available.
 - n. 2 -- Separate data on housing cases, other than summary process cases, is 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 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
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	Clarence Jones	Kevin Tierney
3-1-95	Alexandra DiPentima	Clarence Jones	Kevin Tierney
9-1-95	Alexandra DiPentima	Clarence Jones	Kevin Tierney
3-1-96	Alexandra DiPentima	Clarence Jones	Kevin Tierney
9-1-96	Robert E. Beach, Jr.	Lynda B. Munro/Bruce 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
9-1-05	James Bentivegna	Joseph Doherty	Leonard M. Cocco
9-1-06	James Bentivegna	Juliette L. Crawford	Leonard M. Cocco/Jack Grogins

APPENDIX E

STATUS OF 2005 CITIZENS ADVISORY COUNCIL RECOMMENDATIONS

I. Clerk's office issues

A. Computerization of the housing courts:

- Expansion of computerization: The computerization of summary process cases should be expanded to Waterbury and Norwalk, including 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 all six housing court locations. All housing court summary process cases are also on-line and accessible from any computer through the Judicial Branch website. The piloting of a paperless system remains on hold.
 - Manipulability of computerized housing data: The Judicial Branch should explore ways to increase the ability of the housing court computer system to manipulate data.

No action.
- 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.

The vacant positions were filled but New Haven and Hartford are each short one clerical position.
- C. Bilingual materials: The Spanish versions of all pro se booklets should be updated whenever the English versions are updated and the landlord guide should be translated into Spanish.

Implemented. All three Spanish-language pamphlets are on the internet.
- 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.

Implementation promised as to a consolidated listing of telephone numbers for housing clerks and prosecutors under a "housing" subheading within the listing for "Judicial." Not yet implemented.
- E. Fee for modification of stay of execution: The Judicial Branch should make clear that a motion to modify a stay of
- No action.

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. Not implemented.
- G. 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.
- H. 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.
- I. Claim of exemption form: The claim of exemption form should be modified to include an order and a place for the judge's signature. Implemented.
- J. 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. Generally implemented.

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. Implemented as to Hartford-New Britain but staffing not restored to historic statewide ten-person level.
- 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. Implemented in New Haven and Hartford; not implemented in Rockville.

III. Prosecution and code enforcement issues

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| <p>A. <u>Prosecutor Manual update</u>: The Chief State's Attorney and the housing prosecutors should finalize the revised Housing Prosecutors Manual.</p> | <p>The manual is still not finalized because, after Council review, the Chief State's Attorney's Office added additional provisions on administrative search warrants which have not yet been reviewed.</p> |
| <p>B. <u>Police Academy curriculum</u>: 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.</p> | <p>Not implemented consistently.</p> |
| <p>C. <u>Police training manual</u>: The Chief State's Attorney should develop a housing manual for police officers.</p> | <p>Work is in progress.</p> |
| <p>D. <u>Supervision of housing prosecutors</u>: 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.</p> | <p>Not implemented, except in J.D. Hartford and J.D. New Britain.</p> |
| <p>E. <u>Training for new prosecutors</u>: Housing law training for all new prosecutors should be made a permanent part of the new prosecutor training program.</p> | <p>Not implemented.</p> |
| <p>F. <u>Relationship between housing prosecutors and code enforcement agencies</u>: 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 prosecutors.</p> | <p>Implemented.</p> |
| <p>G. <u>Housing prosecutor coverage of non-housing court districts</u>: 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.</p> | <p>Not implemented.</p> |

IV. Judicial issues

A. Magistrates:

1. Housing clerk input: 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.

Previously implemented but continuing implementation not clear in light of centralization of small claims administration.

2. Surveying of participants: 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.

Updating of the booklet is in progress. Otherwise 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 implemented.

B. Appointment of Council members: The Governor should appoint a full Council, in accordance with the membership requirements of C.G.S. 47a-71a.

Not 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 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. Identification of G.A. criminal housing cases: Criminal housing cases in the G.A. courts should be given their own identifying letter code.
- 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
- Not clear whether or not there has been implementation.

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.