

# **REPORT TO THE GENERAL ASSEMBLY**

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

January 5, 2011

## Citizens Advisory Council for Housing Matters

### Members of the Council

Raphael L. Podolsky, Chairperson  
Houston Putnam Lowry, Chair, Hartford-New Britain Subcommittee  
Sheldon Hosen, Chair, New Haven-Waterbury Subcommittee  
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### Others actively involved in the Council

Sandra DesRosiers, Co-Secretary of the Council  
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Richard DeParle  
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### Housing court staff

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

## SUMMARY OF RECOMMENDATIONS

### I. Clerk's office issues (p. 1)

- A. Staffing: The housing court clerk's offices should be maintained at full staffing, including the filling of the positions of administrative assistant in New Haven and clerical assistant in Hartford.
  
- B. Bridgeport housing court location: The Bridgeport Housing Court should be restored to the 5<sup>th</sup> floor courtroom at 1061 Main Street. The Judicial Branch should assure that the Advisory Council is actively consulted in any relocation of the Bridgeport Housing Court.
  
- C. Computerization of the housing courts:
  - 1. Next steps: Computerization of summary process cases should be expanded to include (a) summary process cases in the non-housing court districts and (b) non-summary process cases (civil, housing code enforcement, and criminal) in the housing court districts.
  
  - 2. Identification of G.A. criminal housing cases: Criminal housing cases in the G.A. courts should be given their own identifying letter code.
  
  - 3. Court calendar retention: Court calendars should be retained in the Judicial Branch database for at least one year.
  
  - 4. Ability to compile, sort, and analyze computerized data: The Judicial Branch should explore ways to increase the ability of the housing court computer system to compile, sort, and analyze data.
  
  - 5. "Paperless" court system: If the Judicial Branch should develop a paperless court system that includes the housing courts, it should consult with the Council and should ensure that any such system will (a) be suitable for litigants without easy access to computers, (b) protect the integrity of documents filed with the court, (c) perform the same essential functions as a paper-based court, (d) be accessible from outside computers, and (e) be accessible by members of the public and not be limited to attorneys or persons with an appearance in the case.
  
  - 6. Foreclosures: Case Look-up for foreclosure cases on the Judicial Branch website should include the address of the property, the law day, and the sale approval date. This information should be accessible by members of the public and not be limited to attorneys or persons with an appearance in the case file.

- D. 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.
- E. Telephone book listings: The Judicial Branch should keep the blue-page telephone book listing for the housing courts current and should correct errors that have appeared in the initial listings. It should also transfer the housing court listings to a separate section called "Housing Courts."
- F. 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 mediator issues (p. 5)

- A. Staffing: The Judicial Branch should immediately refill the two vacant housing mediators slots.
- B. Eviction Prevention Program: (a) The Department of Social Services and the Community Renewal Team should reestablish the on-site aspects of the program in Hartford; (b) an on-site presence for the Eviction Prevention Program should be established at other housing court locations; (c) agencies administering eviction prevention programs should develop better systems for qualifying applicants very quickly; (d) pamphlets on how to apply for the Eviction Prevention Program should be available in the housing court clerks' offices; and (e) the General Assembly should provide the program, and particularly the Rent Bank, with sufficient funding to meet the need.

III. Prosecution and code enforcement issues (p. 6)

- A. Filling of vacant positions: The Division of Criminal Justice should promptly refill the vacant housing prosecutor positions for Bridgeport/Norwalk and Eastern Connecticut.
- B. Supervision of housing prosecutors: The Chief State's Attorney should clearly extend the supervisory authority of the Supervisory Assistant State's Attorney for Housing Matters to include the Bridgeport/Norwalk and the Eastern Connecticut housing prosecutors.
- C. Training for new prosecutors: Housing law training for all new prosecutors should be formally made a permanent part of the prosecutor training program. The Chief State's Attorney should adopt a list of statutes the violation of which are presumptively housing matters to be referred to the appropriate housing prosecutor for enforcement. This list should be included in prosecutor training.

- D. Eastern Connecticut prosecutor: The Eastern Connecticut housing prosecutor should be assigned full-time to housing prosecution. In hiring prosecutors, the Criminal Justice Commission should be assured of the applicant's commitment to decent, safe, and sanitary housing and to remaining in the housing prosecutor position on a long-term basis.
- E. Monitoring of probation, accelerated rehabilitation, and conditional discharge: Cases disposed of by probation, accelerated rehabilitation, or conditional discharge which include a requirement that repairs be made during the probation/rehabilitation/conditional discharge period should be monitored by the housing prosecutors, using local code enforcement inspectors to gather information, rather than by the state's Probation Office.
- F. Statewide housing code: Connecticut should adopt a uniform minimum housing code that will apply to all towns.

IV. Judicial issues (p. 8)

A. Judicial assignments:

- 1. Unity of the Bridgeport-Norwalk Housing Court: The Judicial Branch should 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.
- 2. Use of judge trial referees: The Judicial Branch should assign judges rather than JTRs as the primary housing court judge for each housing court district.

B. Small claims issues:

- 1. Speed of processing: The Judicial Branch should assign sufficient full-time staff within Centralized Small Claims to expeditiously process housing cases on a separate accelerated track or should remove them from the centralized small claims system and return them, with appropriate staffing, to the housing courts.
- 2. Hearing locations: Housing small claims cases should continue to be heard on a housing docket separate from all other small claims cases. In the housing court districts, they should be heard in the housing courtroom or, if this is not practical, then in a courtroom located in the same building as the housing court clerk's office. In particular, housing small claims hearings in Bridgeport and New Haven should be relocated to the building in which the housing court clerk's office is located.

3. Service of process: Service of process by the clerk's office in small claims cases should be restored for self-represented plaintiffs who file fewer than four small claims actions per year.
4. Case filing: Litigants, and particularly self-represented litigants, should be encouraged to make use of the housing court clerk's office in filing their cases.
5. Magistrate support and training: The Judicial Branch should strengthen magistrate support and training by (a) continuing to assure the distribution of Housing Issues in the Small Claims Division of the Superior Court, annually updating security deposit interest rate information, and publishing revisions when they are written by the Advisory Council; (b) including a section on housing issues in its annual training program for small claims magistrates; and (c) encouraging magistrates hearing housing cases to make use of housing court resources and be in contact with housing court staff.
6. Magistrate evaluation and review: The Judicial Branch should improve magistrate evaluation and review by (a) not assigning housing dockets to magistrates who do not adequately handle housing cases, (b) systematically seeking input from the housing court clerks on magistrate performance, (c) extending the Judicial Branch's overall survey evaluation system on a pilot basis to housing small claims hearings, with the proviso that small claims surveying should also include pro se litigants, and (d) making litigants aware of how to complain about the conduct of a magistrate.
7. Multi-day trials: The Judicial Branch should devise a mechanism by which the file in a small claims case which extends to a second day of trial is available for inspection by litigants, without charge, in the local courthouse.
8. Preservation of housing court principles within the centralization of small claims administration: The implementation of the administrative centralization of small claims cases should be carried out in a way that preserves a linkage between housing court clerks' offices and housing small claims cases. In particular, as a condition of keeping housing cases within Centralized Small Claims, the Judicial Branch 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, in conjunction with an affirmative effort to direct litigants to housing court clerks' offices for assistance, (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, (e) the ability to handle post-judgment matters through the housing court clerk's office, and (f) the expeditious movement of housing small claims cases.

- C. Meriden housing cases: If the New Haven-Waterbury Housing Court judge's full time is not taken up with housing cases, then that judge should heard Meriden housing cases at the Meriden courthouse, rather than non-housing cases in New Haven.
- D. Canvassing of litigants: Housing court judges should permit the parties to waive canvass in summary process cases if both the landlord and the tenant are represented by an attorney and the parties have signed a written stipulation for judgment that expressly waives canvass.

V. Issues concerning the Advisory Council itself (p. 12)

- 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, it should assure contact with the Council on such matters as changes in housing court job descriptions and requirements, physical modifications to court locations, courthouse construction, and similar matters.
- B. Advisory Council webpage: The Department of Information Technology should continue to provide support for the Advisory Council's webpage,
- C. 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 (p. 14)

- 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 should 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. 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.
- F. 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.
- G. Court 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.
- H. Glass partitions: Glass "security" partitions should not be added to housing court clerk's offices that do not already have them.
- I. Investigators: The Chief State's Attorney should make funding available for at least one investigator for the statewide housing prosecution unit.
- J. Fifth housing prosecutor: The Chief State's Attorney should convert the current 21-hour per week housing prosecutor assignment (presently in New Haven) to a full-time housing prosecutor position.
- K. Consultation in the hiring of housing prosecutors: A representative of the Advisory Council should be a participant in the screening process for the hiring of new housing prosecutors.
- L. Standards for the hiring of housing prosecutors: The Criminal Justice Commission (or any other entity hiring housing prosecutors) should assure that the following five 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 expressed intention to remain as a housing prosecutor for an extended period of time; (3) 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; (4) a commitment to active community outreach, particularly to local code officials, police departments, and neighborhood groups; and (5) a willingness to work cooperatively with the Advisory Council on issues of mutual concern.



## REPORT OF THE CITIZENS ADVISORY COUNCIL FOR HOUSING MATTERS

Pursuant to C.G.S. §47a-73, every two years the Citizens Advisory Council for Housing Matters makes a report to the General Assembly on the operation of the housing courts. This report constitutes the Council's recommendations for 2011.

### Review of Advisory Council recommendations

Most, although not all, recommendations in this report are directed to the Judicial Branch. Most of the remainder are directed to the Chief State's Attorney. A number of these recommendations are similar or identical to recommendations made in 2009, and some reiterate recommendations going back many years. The Council expects to meet with the Chief Court Administrator and the Chief State's Attorney to discuss the recommendations of this report and the problems underlying the recommendations, with the goal of developing a plan of action to resolve these problems.

#### I. Clerk's office issues

A. Staffing: The housing court clerks' offices should be maintained at full staffing at all times. Adequate staffing in the housing court clerks' offices is particularly critical because of the tight timelines that surround summary process cases, which are by far the largest number of cases heard by the housing courts. There are presently two housing court locations -- Hartford and New Haven -- which lack full staffing. The New Haven court's administrative assistant has not been replaced, nor has a clerical assistant at the Hartford court. These staff shortfalls need to be addressed promptly.

B. Bridgeport housing court location: The space allocated for the courtroom, housing mediators, and housing prosecutors at 1061 Main Street remains unsatisfactory. It appears that the situation will not be corrected locally. The staff of the clerk's office has made valiant efforts to try to make the system work well, but the Council believes that it cannot be done with the present physical arrangement. The Council therefore urges the Chief Court Administrator to take action.

Almost four years ago, the housing court was denied use of its 5<sup>th</sup> floor courtroom and moved to a former hearing room on the 6<sup>th</sup> floor. The 6<sup>th</sup> floor location is too small for the caseload of the housing court, resulting in overcrowding in the courtroom and forcing litigants to stand in the hallway, which denies housing litigants the respect and dignity they deserve and denies the general public access to the courtroom. Wheelchair access to this courtroom is also unsatisfactory. The small size of the courtroom has also forced the court to use multiple shorter dockets, which has increased the workload of the clerk's office and caused inconvenience to both attorneys and litigants. The placement of the courtroom on the 6<sup>th</sup> floor has resulted in the housing mediators working and meeting with litigants in small, dark, inappropriate rooms (some more like storage rooms than professional offices) without access to telephones and computers

and with inadequate lighting. In addition, it has required the prosecutor to share a tiny room with her clerk, making it impossible to have privacy during negotiations. A previous effort to adapt to this situation by having litigants leave the courtroom area and go down to the more appropriate 5<sup>th</sup> floor offices of the housing mediators proved to be too confusing for litigants.

There is a simple solution. The problems described in this section are the result of forcing the housing court out of its previously well-established 5<sup>th</sup> floor location. The Council urges the Judicial Branch to return the courtroom and the judge's chamber to the 5<sup>th</sup> floor, which will also allow the housing mediators to conduct their mediations in their 5<sup>th</sup> floor offices, which are appropriate as negotiation locations for litigants and where the mediators will have access to appropriate equipment.

If relocation of the housing court to any location other than its present space is explored, it is important that the Judicial Branch bring the Advisory Council into the process and proactively seek its input. In such a case, efforts should be made to assure (a) that the courtroom, the clerk's office, and the offices of the housing mediators and housing prosecutor are in close proximity to each other within the same building and (b) that the housing court is placed in a building that primarily handles civil rather than criminal matters.

#### C. 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.

1. Next steps: Since 2006, all six housing court locations have been computerized and their summary process case reports are available on-line through the Judicial Branch website. The next step is to computerize (a) summary process cases in the nine geographical area courts that handle summary process cases and (b) non-summary process cases (civil, housing code enforcement, and criminal) in the housing courts, and to make all such cases available on the Judicial Branch website. It is the Council's understanding that criminal cases in all courts, including housing cases, are in the process of being computerized at the present time.
2. Identification of G.A. criminal housing cases: The upcoming computerization of criminal dockets makes this the right time to provide proper identification for criminal housing cases in the G.A. courts. Such cases 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, which have already been identified (see III(C) below). A separate code will be helpful, both in counting such cases and in encouraging their referral to the housing prosecutor. The Council recommends that the Judicial Branch, in conjunction with the Chief State's Attorney's Office, work out a

mechanism for implementing this proposal.

3. Court calendar retention: At present, housing court calendars are deleted from the computer database immediately after the day on which the calendar is called, although a hard copy is retained indefinitely. This makes it difficult to identify counsel and parties involved in matters when only the court date is known. It would be helpful if court calendars were retained in the computer database for at least one year.
4. Ability to compile, sort, and analyze 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 through "definable queries," i.e., to compile, sort, and analyze data in response to inquiries. This is particularly important for conducting studies of the housing courts, compiling more detailed statistical information, and promoting transparency within the court system. While much data is entered into the system's database, 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 timeframes, representation by attorneys and the impact on case outcomes, numbers of motions filed, and many other factors. Even after computerization, however, 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.
5. "Paperless" court system: The courts are in the process of moving to a system involving the greater use of efilings. That system presently does not apply to housing court filings. The Council at this time has no position on such a system. If, however, such plans move forward in a way that includes the housing courts, the Council urges the Judicial Branch to include the Council in consultations and 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). In addition, the Council urges that any such system be accessible to any person from outside computers and that access not be limited to attorneys or to persons with an appearance in the case file.
6. Foreclosures: The increase in the number of foreclosure actions filed in the Superior Court has indirectly affected the housing courts, because foreclosures in multi-family buildings -- especially smaller multi-family buildings -- often result in the tenants being forced to vacate, by eviction if necessary. At the same time, state and federal law now provide greater protections for tenants whose building has been foreclosed. Case Look-Up for foreclosures on the Judicial Branch website, however, does not disclose the address of the property, the law day, or

the sale approval date in foreclosure actions. That information can be relevant to a tenant's rights in a post-foreclosure summary process action. The Council urges the Judicial Branch to adjust the content of its on-line data base to include this information. In addition, the Council urges that this information be accessible to any person from outside computers and that access not be limited to attorneys or to persons with an appearance in the case file.

D. 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.

E. Telephone book listings: In 2007, the Council expressed its appreciation that the telephone numbers for the housing courts are now grouped together in one portion of the Judicial Branch listing in the blue pages of the telephone book. It also urged the Judicial Branch to keep these listings current and to correct any errors that may occur, citing as an example the omission from the list of the New Britain Housing Court. Two years later, New Britain is still not listed. The Council recommends active review of the blue pages to assure that it is both complete and accurate. The Council also recommends that all of the housing court listings be moved from a subcategory of "Judicial" into the separate listing for "Housing Courts." This would make it much easier for litigants to find housing court telephone numbers.

F. Case processing: Case processing times in eviction cases, which can be obtained and analyzed only for the six housing court locations, continue to confirm that summary process cases move very rapidly. The data, which can be found in Table 1 and Appendix C, show a number of changes from two years ago, some of them unexpected. The statewide summary process caseload, which had increased by about 10% between 2006 and 2008, fell about 10% between 2008 and 2010, thus returning approximately to its 2006 level. However, the default rate in eviction cases dropped substantially -- from 37.5% to 32.7% -- resulting in a significantly larger percentage of summary process cases being contested. The default rate in the housing courts has always been low -- a sign of their accessibility to self-represented defendants -- and this further lowering is similarly a positive change. A low default rate, however, necessarily increases the workload of all housing court staff, including housing mediators, clerks, and judges. Nevertheless, overall case processing times held steady. The median disposition time (from return day to entry of final judgment) for all cases remained at 18 days, and the median for contested cases actually fell from 22 days to 21 days. Two court locations -- Norwalk and Waterbury -- saw significant reductions in case processing time from two years ago. One court location -- New Britain -- saw a significant increase.

The Advisory Council continues to recommend that cases which do not settle on the day scheduled for trial be tried on that day or, if that is not administratively practicable, within no more than one week after that day. These guidelines are in fact the usual practice in the housing courts. It appears that the only housing court locations having some difficulty meeting this time frame are Hartford and, in regard to commercial evictions only, Norwalk. Some of the non-housing court districts, however, may not comply with this time frame. Taken as a whole, despite the volume of cases and the reduction of staff, case processing remains rapid throughout the state and is a credit to the efficiency of housing court staffs.

**Table 1**  
**Cases disposed of between January 1, 2009 and December 31, 2009**

Disposition time  
*Return day to date of final judgment*

	<u>Hartford</u>	<u>New Britain</u>	<u>New Haven</u>	<u>Waterbury</u>	<u>Bridgeport</u>	<u>Norwalk</u>	<u>All locations</u>
	<u>All cases (including defaults for failure to appear)</u>						
<b><u>Median</u></b>	16 days	22 days	20 days	14 days	18 days	22 days	18 days
<b><u>Per cent disposed of within:</u></b>							
<b>30 days</b>	80.5%	75.6%	71.9%	89.5%	80.1%	69.8%	78.3%
<b>60 days</b>	93.0%	94.1%	90.7%	97.7%	95.4%	89.7%	93.4%
<b>90 days</b>	97.3%	96.7%	95.0%	98.8%	98.3%	95.0%	96.9%
<b><u>Default rate:</u></b>	34.1%	32.7%	34.8%	35.1%	29.4%	32.7%	33.4%
			<b><u>Contested cases</u></b>				
<b><u>Median</u></b>	19 days	25 days	25 days	16 days	20 days	26 days	21 days
<b><u>Per cent disposed of within:</u></b>							
<b>30 days</b>	76.5%	70.4%	64.2%	88.0%	76.1%	62.7%	73.4%
<b>60 days</b>	91.8%	93.2%	88.8%	97.5%	94.4%	87.0%	92.1%
<b>90 days</b>	96.5%	96.3%	93.9%	98.6%	97.9%	92.9%	96.1%

II. Housing mediator issues

A. Staffing: The housing mediation system (the mediators are now called "housing mediators" rather than "housing specialists") is presently down by two mediators, which leaves the system 22% below its minimum staffing level of nine mediators and 30% below its historic staffing level of ten mediators. See C.G.S. 47-69(a). This places tremendous pressure on the staff and threatens to destabilize the entire system. In December, 2009, at a time that the system had lost three housing mediators, the Judicial Branch advertised all three positions, receiving more than 1,000 applications. However it filled only one of the three vacancies. The Advisory Council urges the Judicial Branch to fill at least two additional housing mediator positions.

B. Eviction Prevention Program: At various times in the past, representatives of the state Department of Social Services' Eviction Prevention Program were stationed at the Hartford Housing Court on summary process days. Their presence made it easier for the housing mediators to negotiate settlements that included partial payment of arrearages from the state Rent Bank program by accelerating the determination of tenant eligibility. This practice was very helpful to the settlement process, and the Council regrets its discontinuation. The Council recommends that (a) the Department of Social Services and the Community Renewal Team reestablish the on-site aspects of the program in Hartford, (b) an on-site presence for the Eviction

Prevention Program be established at other housing court locations, (c) agencies administering eviction prevention programs develop better systems for qualifying applicants and making payments very quickly, (d) pamphlets on how to apply for the Eviction Prevention Program be available in the housing court clerks' offices, and (e) the General Assembly provide the program, and particularly the Rent Bank, with sufficient funding to meet the need.

### III. Prosecution and code enforcement issues

A. Filling of vacant positions: There are currently two housing prosecutor positions that are vacant -- one for Bridgeport-Norwalk (where the housing prosecutor retired) and one for eastern Connecticut (where the housing prosecutor transferred to a non-housing prosecution assignment). This has forced non-housing prosecutors to cover those cases in addition to their regular responsibilities. The result has been a reduction of code enforcement referrals, particularly in Bridgeport-Norwalk, a loss of confidence in the housing court prosecution system by municipal enforcement agencies, and a weakening of the capacity to ensure that housing standards are maintained. C.G.S. 51-278(b) requires that, to the extent practicable, housing prosecutors handle housing prosecutions on a full-time basis. The very reason that the Housing Court Act provided for full-time housing prosecutors was to enhance the importance of housing prosecution and to promote outreach and collaborative work between housing prosecutors and municipal code enforcement agencies and staff. The failure to replace these prosecutors undercuts this purpose and reduces the incentive for municipalities to refer cases to the court for prosecution. The Council urges the Division of Criminal Justice to fill these positions promptly.

B. Supervision of housing prosecutors: Under C.G.S. 51-278(b), all housing prosecutors -- whether working in housing courts or G.A. courts -- 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, the expansion of prosecutor training, 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 over the Hartford-New Britain and New Haven-Waterbury prosecutors, as well as over acting prosecutors. The Council recommends that her supervision be clearly extended to include the Bridgeport-Norwalk prosecutor (when that position is filled) and the eastern Connecticut prosecutor when engaged in housing prosecution activities.

C. 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. Housing law training should be formally made a part of the training of all new prosecutors. In addition, it is important that the training program for new prosecutors include training in identifying criminal cases which are housing matters and instruction on the referral of such cases to a housing prosecutor. The Council, in conjunction with the Supervisory Assistant State's Attorney for Housing Matters, has prepared a list of criminal statutes, the violation of which should ordinarily be referred to a housing prosecutor for prosecution. See Table 2 below. We recommend that the Chief State's Attorney adopt this list and instruct prosecutors to use it. This is necessary to comply with the portion of C.G.S. 52-278(b)(1) that requires that the Chief State's Attorney's housing prosecution unit handle "all prosecutions in the state" of "housing matters deemed to be criminal."

**Table 2**

**Statutes for which violations should ordinarily be referred to the housing prosecutor**

7-148f	Fair rent commission	29-394	Building official orders
8-12	Zoning regulations	29-414	State Demolition Code
19a-36	Public Health Code	46a-64c	Fair Housing Act
19a-109	Essential Services	47a-21	Security Deposit Act
19a-230	Health department orders	47a-52	Health orders (1- and 2-family)
19a-365	Tenement House Act	47a-55	Health orders (tenements)
29-254a	State Building Code	53a-117e	Damage to landlord property 1
29-295	Fire Safety Code	53a-117f	Damage to landlord property 2
29-306	Fire hazard abatement	53a-117g	Damage to landlord property 3
29-318	Space heaters	53a-214	Criminal lockout

D. 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 division of the eastern Connecticut prosecutor's time between housing and other matters prevents effective outreach and has been an obstacle to fully effective code enforcement for over two decades. 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. In addition, it is important that, in hiring housing prosecutors, and particularly in hiring the eastern Connecticut prosecutor, there be clear compliance with the statutory requirement that the prosecutor "have a commitment to the maintenance of decent, safe and sanitary housing" and that there be a related understanding that an applicant for a housing prosecutor position be committed to remaining as a housing prosecutor on a long-term basis. Frequent turnover of housing prosecutors, which has been a problem in eastern Connecticut, undercuts effective code

enforcement.

E. Monitoring of probation, accelerated rehabilitation, and conditional discharge: Cases disposed of by probation, accelerated rehabilitation, or conditional discharge which include a requirement that repairs be made during the probation/rehabilitation/conditional discharge 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.

F. Statewide housing code: While all of the larger Connecticut cities have housing codes, many of the smaller towns do not. In such towns, code enforcement is left to a patchwork system of part-time specialized officials enforcing building, fire, plumbing, electrical, and similar codes. The Advisory Council supports the adoption of a uniform minimum housing code that will apply to all towns. Such a code will assure that enforcement standards in residential housing in any town in the state will not fall below the standards set out in such a code.

#### IV. Judicial issues

A. 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 is pleased that this year a four-week response time was provided. Nevertheless, concerns about the assignment process remain.

1. Unity of the Bridgeport-Norwalk Housing Court district: The Housing Court Act requires that the judge who hears housing in Bridgeport "shall" be assigned to hear housing in Norwalk. See C.G.S. 51-348(c). Prior to 2006, a single judge was always assigned to hear both Bridgeport and Norwalk cases, usually sitting three days a week in Bridgeport and two days a week in Norwalk. In response to the Council's concerns, a single judge is now designated as the Presiding Judge for Housing Matters in both Bridgeport and Norwalk. In reality, however, a judge trial referee (JTR) hears cases in Norwalk and the Bridgeport housing judge hears Norwalk cases only when the JTR is unavailable and only on one of Norwalk's two housing days. This is a less efficient use of judicial time and has resulted in the reassignment of longer and more complicated housing trials out of the Norwalk Housing Court altogether, particularly during the period of the year when the JTR is not available. The Bridgeport Housing Court judge should hear all housing cases in Norwalk.
2. Use of judge trial referees: While it is appropriate in some circumstances to assign a JTR to handle case overflow in a housing court when the housing court judge cannot handle all cases, a JTR should not function as the primary housing court judge in any housing court location. C.G.S. 51-348(c) and 51-165(c) both require that the person assigned to hear housing matters be a "judge." 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.

B. Small claims issues:

Since the Council's 2009 biennial report, the Judicial Branch has conducted an extensive review of the small claims system, primarily through a Bench/Bar Small Claims Committee that it created. The Advisory Council was not represented on the Committee as a separate entity, although the Committee did include a creditor attorney whose practice involves representing landlords and a consumer attorney whose practice involves representing tenants. Many of the Committee's recommendations have been adopted and are being implemented by the Judicial Branch, but the recommendations that were specific to housing matters have not been implemented. As a result, the Council's concerns have not been adequately addressed.

1. Speed of processing: The long delays that have become routine in the hearing of housing small claims cases remain unacceptable. Housing small claims cases, which comprise about 5% of all small claims cases, have a unique profile within the small claims system, in that the default rate is much lower, the presence of non-corporate litigants and contested cases is much higher, and no cases (including default cases) can be decided without a hearing in damages. They thus look much more like the type of cases for which a "people's court" was created and less like the overwhelming number of routine collection cases that dominate small claims court. The Judicial Branch already separates these cases out to be heard on their own docket. This concept needs to be applied more broadly to allow a separate, accelerated administrative processing of housing small claims cases. In particular, the Council recommends that the Judicial Branch either (a) assign sufficient full-time staff within Centralized Small Claims to expeditiously process housing cases on a separate accelerated track on a time schedule that approximates the timeline before centralization or (b) remove housing cases from the centralized system and return them instead to the housing courts, with sufficient clerk's office personnel to permit the system to run efficiently and expeditiously.
2. Hearing locations: The hearings on housing small claims cases should continue to be held on a separate housing docket. They should also be assigned to a courtroom in reasonable proximity to the housing court clerk's office, preferably in the same courtroom in which other housing cases are heard. At the very least, they should be heard in the same building as the clerk's office. In particular, small claims hearings in Bridgeport and New Haven should be moved to the building in which the housing court is located.
3. Service of process: The Advisory Council has concerns about recent Practice Book changes that transfer the duty of serving process from the clerk to the

plaintiff in small claims cases. This change was not recommended by the Bench/Bar Small Claims Committee. It will put a greater burden on self-represented litigants than did the prior system. The Advisory Council recommends that the prior system of service by the clerk be restored for plaintiffs who are not represented by an attorney and who file fewer than four small claims actions per year.

4. Case filing: Litigants, and particularly self-represented litigants, should be encouraged to make use of the housing court clerk's office in filing their cases. Judicial Branch data reveals that less than 10% of housing small claims cases are now being filed in the housing courts, and that number is going down. Most are filed directly with Centralized Small Claims in Hartford. Some housing court locations will not accept such filings at all, or will accept them only in unusual circumstances. Thus, in 2009-2010, the Hartford Housing Court accepted no small claims cases for filing, Waterbury accepted seven, and New Haven and New Britain each accepted less than 50. The practical effect is to separate housing small claims from the court locations that have been created to integrate the handling of housing matters.
5. Magistrate support and training: The Council recommends that magistrate training in housing be strengthened. Training is especially important because small claims decisions cannot be appealed and are therefore not subject to any mechanism for being reviewed. First, the Judicial Branch should continue to distribute the Council's booklet, Housing Issues in the Small Claims Division of the Superior Court, to all magistrates and redistribute it periodically. The Judicial Branch should also continue to distribute an annual addendum updating the table of minimum security deposit interest rates and 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.

Second, the Council urges that a section on housing issues be included in the annual training program for small claims magistrates.

Third, the Council believes that the magistrate support system would benefit from promoting a linkage between the magistrates and the housing court clerks' offices. This has numerous benefits, such as access to resource materials (including a complete set of numbered housing court decisions and related legal research tools), to housing court clerks (all of whom are attorneys experienced in housing law), and to summary process, civil, and criminal files related to the small claims case. Magistrates hearing housing cases should be trained in the resources that are available in the housing court clerks' offices.

6. Magistrate evaluation and review: The Council has long recommended that the Judicial Branch establish a system for magistrate evaluation that includes litigant and attorney input. The Council carried out its own pilot in the New Haven

Housing Court from 1995 to 1997 but lacked the resources to continue the pilot as volunteers. In 2007, for the first time, serious issues were raised to the Council about the appropriateness of a particular magistrate to hear housing cases. In the particular case, one magistrate's unique (and, the Council believes, incorrect) interpretation of the Security Deposit Act had significantly interfered with the ability of housing counselors and housing counseling agencies to advise pro se litigants as to how to obtain return of a contested security deposit. Prior to centralization, when housing small claims cases were heard in the housing court, it was possible for the housing court clerk to monitor both magistrate performance and litigant complaints and effectively to impact hearing assignments based on that knowledge. Centralization has reduced or eliminated that informal control. Nevertheless, the housing court clerks continue to receive some feedback on magistrates.

First, the Judicial Branch should not assign housing dockets to magistrates who do not adequately handle housing cases. Second, it should systematically seek input from the housing court clerks on magistrate performance. Third, it should extend the Judicial Branch's overall survey evaluation system on a pilot basis to housing small claims hearings, with the proviso that small claims surveying also include self-represented litigants. The completed questionnaires should be used for purposes of magistrate training, evaluation, and reappointment. In addition, the magistrates themselves would benefit from receiving a periodic (perhaps annual) summary of results in a form which does not jeopardize the confidentiality promised to respondents. Fourth, it should make litigants aware of how to complain about the conduct of a magistrate, and it should be particularly sensitive in its review to complaints that suggest lack of judicial temperament, bias, or lack of knowledge of applicable law. The creation of a simple mechanism by which litigants can file complaints was one of the recommendations of the Bench/Bar Small Claims Committee.

7. Multi-day trials: Small claims files are now maintained centrally, rather than in the local housing court clerk's office. As a result, a file cannot easily be examined locally. It has been called to the attention of the Advisory Council that this presents a particular problem when a small claims trial extends for more than one day and a trip to Hartford is required to view exhibits filed during the first day of the trial. The Council recommends that the Judicial Branch devise a mechanism by which a litigant can, without cost, review the file in such a circumstance.
8. Preservation of housing court principles within the centralization of small claims administration: The Advisory Council has never taken a position against centralization but, from the beginning, it was concerned about the preservation of the unity of the housing courts, which is a central principle of the Housing Court Act. The principle is that all cases concerning housing go to the same court. As a result, the Council's decision not to oppose centralization was conditioned upon centralization's respecting the following standards:

- That litigants continue to be able to file housing small claims cases in the housing court clerk's office;
- That those clerks' offices continue to provide in-person assistance to litigants at the counter and by telephone, so that litigants are not limited to telephone contact with a central small claims number, and that the small claims system be organized so that litigants, especially pro se litigants, are actively directed to housing court clerks' offices for assistance, questions, and complaints;
- That housing small claims cases be segregated from other small claims cases so as to be heard on separate housing-only small claims dockets;
- That hearings before magistrates in housing small claims cases 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;
- That it be possible to file post-judgment motions in housing small claims cases (e.g., motions to reopen and executions) at the housing courts; and
- That housing small claims cases be handled expeditiously.

Unless all of these standards can be met effectively, the Council recommends the removal of housing cases from the centralized system and their return to the housing courts.

C. 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 New Haven-Waterbury housing court judge has been hearing foreclosure cases in New Haven 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 one day per week.

D. Canvassing of litigants: The Council believes that it is important for the judge to canvass litigants, and especially pro se litigants, before a stipulated judgment is entered in a summary process action. Canvasses, however, can slow down the movement of cases and require litigants and attorneys to remain in court for an extended period of time. The Council recommends that the parties be permitted to waive canvass if both (a) the landlord and the tenant are represented by an attorney and (b) a written stipulation for judgment, signed by the parties themselves, expressly waives canvass.

## 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 mediator, housing clerk, and Manager of Dispute Resolution Programs. The Council is also appreciative of the willingness of the Chief Court Administrator and the Chief State's Attorney to listen to its concerns.

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 mediators 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.

A recent example of this problem arose in 2009 with the Judicial Branch's Public Service and Trust Commission, a major undertaking to review all aspects of the Judicial Branch's operation and particularly its relationships with the public. The Commission created a Subcommittee on Housing Matters but never informed the Advisory Council of the existence of the Subcommittee, and the Subcommittee never sought input from the Council, even though it was working in the same subject area in which the Council commonly works. Indeed, it made proposals for notices and forms for which the housing courts already have such materials, without seeking input from either the Advisory Council or housing court staff. The Council learned of the existence of the Subcommittee by chance only a few months ago, long after its recommendations had been submitted and its work completed. This is not a criticism of the Subcommittee's work product but rather an expression of concern that the Council was not routinely invited to participate or at least to have input.

B. Advisory Council webpage: The Advisory Council now has a web page, which has been in active operation since the summer of 2010. It can be found at [www.ct.gov/cachm](http://www.ct.gov/cachm). The Council is most appreciative of the leadership and assistance of the Department of Information Technology, which worked with the Advisory Council in developing content and trained the Council in how to maintain the website.

C. 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, only one appointment to the Advisory Council has 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, in part by formalizing the relationship to the Council of those non-members who have become active participants, 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 ought not to be a precondition for consideration of an attorney candidate for housing court clerk.

B. Spanish-speaking staff: Every housing clerk's office should 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. 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 those databases any cases not already included.

F. Fee for modification of stay of execution: C.G.S. 52-259c imposes a fee of \$75 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 clerks' offices follow this policy, but at least one does not. The Council recommends that clerks' offices not impose a fee for the filing of a motion to modify a stay of execution.

G. Court 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.

H. 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 so that they do 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.

I. 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 Council therefore recommends that the Chief State's Attorney make funding available for at least one investigator to be assigned to the statewide housing prosecution unit.

J. 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 and a statewide housing code). 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.

K. Consultation in the hiring of housing prosecutors: The Advisory Council is

appreciative that the Supervisory Assistant State's Attorney for Housing Matters now participates in the screening of applicants for housing prosecutor positions. The Council continues to recommend, however, that a representative of the Advisory Council also be a participant in the screening process in a manner similar to the way in which it participates in an advisory capacity in the hiring of housing court clerks and housing mediators.

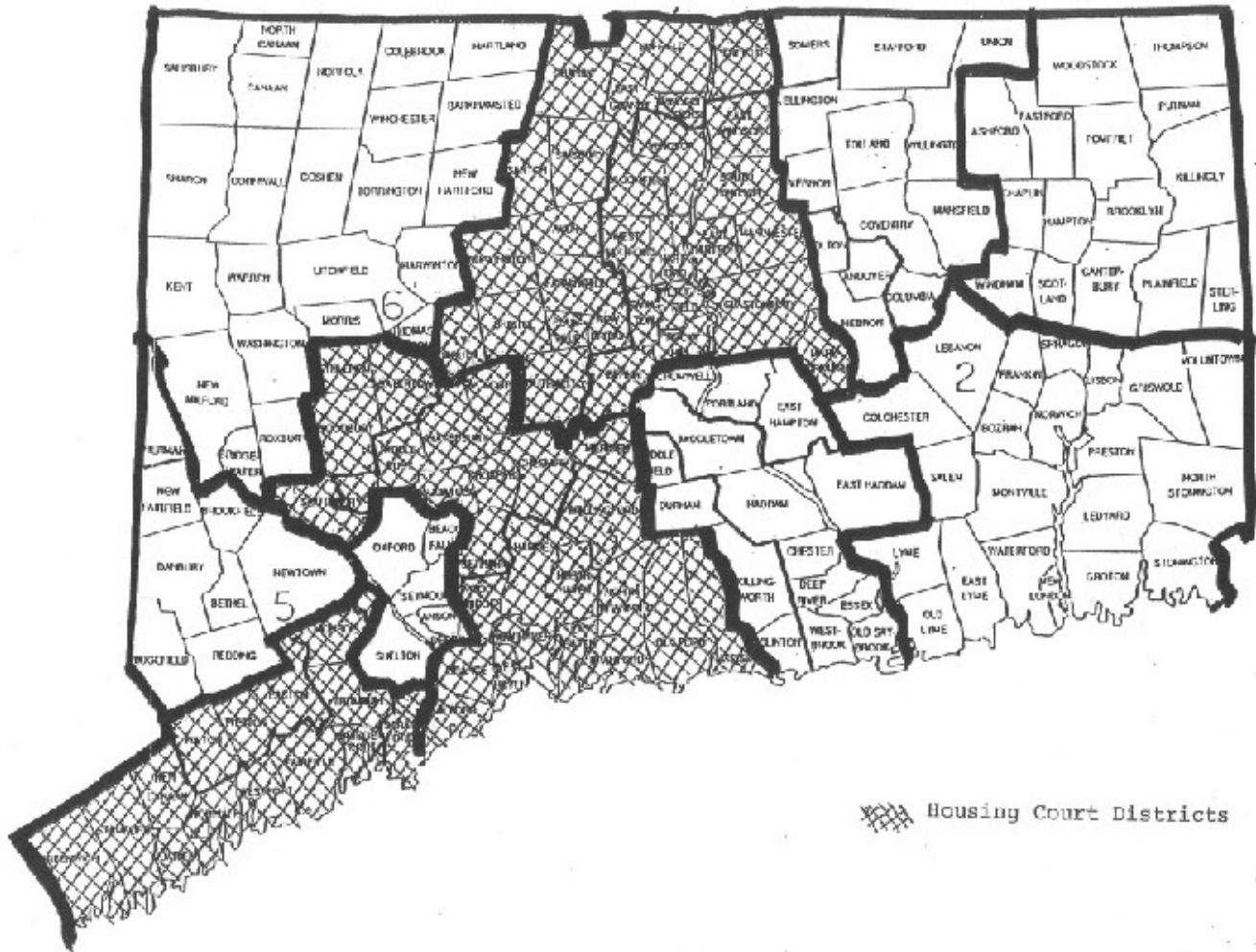
L. Standards for the hiring of housing prosecutors: The Criminal Justice Commission (or any other entity hiring housing prosecutors) should assure that the following five standards are included in the evaluation of applicants: (1) commitment to decent housing, as required by C.G.S. §51-278(b)(1)(B); (2) an expressed intention to remain as a housing prosecutor for an extended period of time; (3) an understanding of 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; (4) a commitment to active community outreach, particularly to local code officials, local police departments, and neighborhood groups; and (5) a willingness to work cooperatively with the Advisory Council on issues of mutual concern. The Council is pleased that the most recent job posting -- for the eastern Connecticut housing prosecutor position -- included a reference to a commitment to decent housing and stated that the ability to speak Spanish is desirable. The Council urges the Criminal Justice Commission to formally adopt these standards.



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APPENDIX A -- HOUSING COURT DISTRICTS



## **APPENDIX B**

### **HOUSING COURT ACT** **as amended through December 31, 2010**

#### **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 mediators. Qualifications. Duties.**

(a) The judges of the superior court or an authorized committee thereof may appoint such housing mediators 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 mediators 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 mediator. Such judges or committee shall also appoint not less than three such housing mediators for all other judicial districts. The housing mediators 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 mediators 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 mediators 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. Housing mediators 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. Housing mediators 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) Housing mediators (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, 2009 to June 30, 2010

	<u>Summary</u>	<u>Increase since</u>	<u>Small</u>	<u>Civil</u>	<u>Criminal</u>	<u>%summary</u>			
	<u>process</u>	<u>2007-08</u>	<u>2005-06</u>	<u>claims</u>	<u>47a-14h</u>	<u>process</u>			
					<u>Total</u>				
<u>Housing courts</u>									
<u>Hartford-New Britain</u>									
Hartford	4,376	-11.7%	- 5.8%	0	142	18	64	5,232	82.3%
New Britain	<u>1,922</u>	<u>- 9.6%</u>	<u>-11.9%</u>	<u>19</u>	<u>44</u>	<u>5</u>	<u>69</u>	<u>2,545</u>	<u>86.0%</u>
	6,298	-11.1%	- 7.8%		186	23	133	7,777	83.5%
<u>New Haven-Waterbury</u>									
New Haven	3,515	-14.2%	- 1.3%	44	539	20	62	4,478	78.3%
Waterbury	<u>1,913</u>	<u>-20.1%</u>	<u>-11.1%</u>	<u>7</u>	<u>27</u>	<u>0</u>	<u>160</u>	<u>2,569</u>	<u>74.5%</u>
	5,428	-16.4%	- 5.0%	51	566	20	222	7,047	76.9%
<u>Bridgeport-Norwalk</u>									
Bridgeport	2,676	-17.8%	+ 0.3%	217	429	7	291	3,620	76.7%
Norwalk	<u>1,253</u>	<u>- 0.1%</u>	<u>+11.3%</u>	<u>165</u>	<u>233</u>	<u>3</u>	<u>31</u>	<u>1,778</u>	<u>71.9%</u>
	3,929	-12.7%	+ 3.5%	382	662	10	322	5,398	75.1%
<b>Total</b>	<b>15,655</b>	<b>-13.4%</b>	<b>- 4.1%</b>	<b>452</b>	<b>1,414</b>	<b>53</b>	<b>677</b>	<b>20,222</b>	<b>79.0%</b>
<u>Non-housing courts</u>									
<u>Central Connecticut</u>									
Meriden <sup>1</sup>	578	-10.5%	-11.5%						
Derby (GA 5)	<u>523</u>	<u>- 0.4%</u>	<u>- 0.4%</u>						
	1,101	- 6.9%	- 6.5%						
<u>Eastern Connecticut</u>									
New London (GA 10)	1,071	+ 0.3%	+20.6%						
Norwich (GA 21)	817	-12.2%	+ 2.1%						
Danielson (GA 11)	708	- 3.9%	- 0.6%						
Rockville (GA 19)	430	-10.6%	- 8.9%						
Middletown (GA 9)	<u>650</u>	<u>+ 7.4%</u>	<u>+ 4.8%</u>						
	3,676	- 3.8%	+ 5.3%						
<u>Western Connecticut</u>									
Danbury (GA 3)	774	+77.9%	+100.0%						
Bantam (GA 18)	<u>466</u>	<u>-21.0%</u>	<u>-17.7%</u>						
	1,240	+21.0%	+30.1%						
<u>Other locations<sup>2</sup></u>									
Centralized Small Claims				4,677					
Non-housing offices in housing court districts									
<b>Total non-housing cts</b>	<u>6,017</u>	<u>- 0.2%</u>	<u>+ 0.1%</u>						
<u>Connecticut total</u>	<u>21,672</u>	<u>-10.1%</u>	<u>-10.4%</u>						

Summaries: 72.2% of all summary process cases were filed in the housing courts.

<sup>1</sup>Meriden is technically part of the New Haven-Waterbury Housing Court district but does not have full housing court services.

<sup>2</sup>Housing small claims cases no longer need to be filed in the housing court clerks' offices. Most are now filed through the Centralized Small claims office in Hartford. Others are filed locally but in the regular clerk's offices, rather than in the housing court clerks' offices.

## APPENDIX D

### HOUSING COURT JUDGES

	<u>Hartford-New Britain</u>	<u>New Haven-Waterbury</u>	<u>Bridgeport-Norwalk</u>
1-1-79	Arthur Spada		
1-1-80	Arthur Spada		
1-1-81	Robert Satter	Paul Foti (10-1-81)	
1-1-82	John Maloney	Paul Foti	Margaret Driscoll (10-1-82)
1-1-83	John Maloney/Arnold Aronson	Dennis Harrigan	Margaret Driscoll
1-1-84	Arnold Aronson	Dennis Harrigan/Jerrold Barnett	Margaret Driscoll
1-1-85	Samuel Goldstein	Jerrold Barnett	Margaret Driscoll/Thomas Gerety
1-1-86	Samuel Goldstein	William Ramsey	Thomas West
1-1-87	J. Kaplan/S. Goldstein/Edward Doyle	William Ramsey	Thomas West/Morton Riefberg
3-1-88	Edward Doyle	William Ramsey	Morton Riefberg
9-1-88	Edward Doyle/Wendy Susco	Anthony DeMayo	Morton Riefberg
9-1-89	Wendy Susco	Anthony DeMayo	L. Scott Melville
9-1-90	Marshall Berger	Christine Vertefeuille	L. Scott Melville/Sandra Leheny
9-1-91	Marshall Berger/Robert Holzberg	Christine Vertefeuille	Sandra Leheny
9-1-92	Robert Holzberg	Clarine Nardi Riddle	L. Scott Melville
9-1-93	Robert Holzberg	Clarine Nardi Riddle/Douglas Mintz	L. Scott Melville
9-1-94	Alexandra DiPentima	Clarence Jones	Kevin Tierney
9-1-95	Alexandra DiPentima	Clarence Jones	Kevin Tierney
9-1-96	Robert E. Beach, Jr.	Lynda B. Munro/Bruce L. Levin	Leonard M. Cocco
9-1-97	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/Juliette 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/Barry Pinkus	Leonard M. Cocco
9-1-04	Angelo L. dos Santos	Barry Pinkus	Leonard M. Cocco
9-1-05	James Bentivegna	Joseph Doherty	Barry Pinkus/Leonard M. Cocco
9-1-06	James Bentivegna/A. Susan Peck	Juliette L. Crawford	Leonard M. Cocco/Jack Grogins
9-1-07	Peter Emmett Wiese	Juliette L. Crawford	Leonard M. Cocco/Jack Grogins
9-1-08	Robert Gilligan	Bruce L. Levin/James Abrams	Sheridan Moore/Jack Grogins
9-1-09	Robert Gilligan	James Abrams	Sheridan Moore/Jack Grogins
9-1-10	Vernon Oliver	Terence Zemetis	Sheridan Moore/Jack Grogins



## APPENDIX E

### STATUS OF 2009 CITIZENS ADVISORY COUNCIL RECOMMENDATIONS

- I. Clerk's office issues
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| A. <u>Staffing</u> : The housing court clerk's offices should be maintained at full staffing, including the filling of clerical positions in Norwalk and Waterbury.  | Partially implemented but new staffing shortages have developed. |
| B. <u>Bridgeport housing court location</u> : The Bridgeport Housing Court should be restored to the 5 <sup>th</sup> floor courtroom at 1061 Main St.  | Discussions but recommendations not implemented.                 |
| C. <u>Other housing court relocations</u> : The Advisory Council should be involved at the early stages when court relocations are being considered.   | No relocations affecting housing at this time.                   |
| D. <u>Computerization of the housing courts</u> :  |  |
| 1. <u>Next steps</u> : Computerization of summary process cases should be expanded to include (a) summary process cases in the non-housing court districts and (b) non-summary process cases in the housing court districts. | Not implemented.   |
| 2. <u>Identification of G.A. criminal housing cases</u> : Criminal housing cases in the G.A. courts should be given their own identifying letter code.   | Not implemented.   |
| 3. <u>Court calendar retention</u> : Court calendars should be retained in the Judicial Branch database for at least one year.   | Not implemented.   |
| 4. <u>Ability to compile, sort, and analyze computerized data</u> : The Judicial Branch should explore ways to increase the ability of the housing court computer system to compile, sort, and analyze data.                 | Not implemented.   |
| 5. <u>"Paperless" court system</u> : If the Judicial Branch should develop a paperless court system that includes the housing courts, it should consult with the Council.  | No consultation at this time.                                    |
| E. <u>Recording of criminal dispositions</u> : All conditions of nolle and probation in housing prosecutions should be recorded by the in-court clerk on the docket sheet.   | Not implemented.   |

- F. Bilingual materials: Landlord-tenant publications should continue to be available in Spanish. Implemented.
- G. Telephone book listings: The telephone book listings for housing courts should be kept current and errors corrected. Listings are in place but corrections have not been made.
- H. Cell phones in the courthouse: Cell phones should continue to be permitted in the courthouses. Implemented.
- I. 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. Implemented in principle although not always in practice.

## II. Housing mediator issues

- A. Staffing: The Judicial Branch should immediately refill the positions of the two housing mediators who have transferred to the Foreclosure Mediation Program. Not implemented. One position was refilled but another vacancy has developed, leaving two unfilled positions.
- B. Eviction Prevention Program( EPP): EPP should have an on-site presence in all housing courts; agencies should have better systems for qualifying applicants quickly; EPP pamphlets should be available in the clerk's offices; and the EPP should be better funded. Not implemented.

## III. Prosecution and code enforcement issues

- A. Prosecutor's Manual: The Chief State's Attorney should assure that all prosecutors are familiar with the new Housing Prosecutor's Manual. Implemented.
- B. Police Academy curriculum and police training manual: (a) The new mandatory two-hour training requirement for new police officers should be extended to the municipal police academies; (b) a landlord-tenant component should be a mandatory part of police officer continuing education; and (c) the Chief State's Attorney should adopt a police officer training manual, based upon the recommendations of the Advisory Council. (a) Not implemented; (b) a landlord-tenant component has been added but is not mandatory; (c) implemented.
- C. Supervision of housing prosecutors: Individual housing Implemented in some but not

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| prosecutors should be supervised by the Supervisory Assistant State's Attorney for Housing Matters.   | all locations.   |
| D. <u>Training for new prosecutors</u> : Housing law training for all new prosecutors should be made a permanent part of the prosecutor training program.   | Not implemented. |
| E. <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.  | Implemented.     |
| F. <u>Scope of housing court criminal jurisdiction</u> : Property damages cases under C.G.S. 53a-117e et seq. should be treated as housing matters.   | Implemented.     |
| G. <u>Investigators</u> : The Chief State's Attorney should make funding available for at least one investigator to be assigned to the statewide housing prosecution unit.  | Not implemented. |
| H. <u>Eastern Connecticut prosecutor</u> : The eastern Connecticut prosecutor should be assigned full-time to housing matters.  | Not implemented. |
| I. <u>Fifth housing prosecutor</u> : An additional full-time permanent housing prosecutor position should be added to the housing prosecution unit.   | Not implemented. |
| J. <u>Monitoring of probation and accelerated rehabilitation</u> : Cases disposed of by probation, accelerated rehabilitation, or conditional discharge which include a requirement that repairs be made during the probation/rehabilitation/conditional discharge 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. |

IV. Judicial issues

A. Judicial assignments:

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|---|---|
| 1. <u>Unity of the Bridgeport-Norwalk Housing Court</u> : The Judicial Branch should 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. | Not implemented. The Presiding Judge for Housing Matters is now the same at both court locations, but a different judge continues to hear housing cases in Norwalk. |
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| 2. <u>Use of judge trial referees</u> : The Judicial Branch should assign judges rather than JTRs as the primary housing court judge for each housing court district.  | Not implemented in regard to Norwalk   |
| 3. <u>Stability of housing court assignments</u> : 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.  | Uncertain -- the issue has not arisen. |
| 4. <u>Timing of information to the Advisory Council</u> : The Judicial Branch should return to earlier practice of (a) giving the Advisory Council at least four weeks to respond on housing court judicial assignments and (b) inviting Council comment before the finalization of assignments. | (a) Implemented; (b) not implemented.  |

B. Small claims issues:

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| 1. <u>Delays in the hearing of housing small claims cases</u> : The Judicial Branch should (a) take action, including increasing staffing, so as to assure that housing small claims cases will be scheduled and heard promptly or (b) return housing small claims to the housing courts.  | (a) Small improvements only; (b) not implemented. |
| 2. <u>Hearing locations</u> : Housing small claims should be heard (a) on a docket separate from other small claims cases and (b) in the housing courtroom or in the same building as the housing court, particularly in Bridgeport and New Haven.   | (a) Implemented; (b) not implemented.             |
| 3. <u>Case filing</u> : Litigants, and particularly pro se litigants, should be encouraged to make use of the housing court clerk's office in filing their cases.  | Not implemented.                                  |
| 4. <u>Magistrate support and training</u> : The Judicial Branch should (a) continue to distribute and support the update of <u>Housing Issues in the Small Claims Division</u> ; (b) include a section on housing issues in its annual training program for small claims magistrates; and (c) encourage magistrates hearing housing cases to make use of housing court resources and be in contact with housing court staff. | (a) Implemented; (b) and (c) not implemented.     |
| 5. <u>Magistrate evaluation</u> : The Judicial Branch should (a) not assign housing dockets to magistrates who do not adequately handle housing cases; (b) systematically  | Not implemented.                                  |

seek input from housing court clerks on magistrate performance; (c) extend judge evaluation surveying to housing small claims hearings on a pilot basis, including pro se litigants; and (d) make litigants aware of how to file complaints on magistrates.

6. Preservation of housing court principles within the centralization of small claims administration: The implementation of the administrative centralization of small claims cases should be carried out in a way that preserves a linkage between housing court clerks' 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, (e) the ability to handle post-judgment matters through the housing court clerk's office, and (f) expeditious movement of housing small claims cases.

Items (a), (b), (c), and (e) implemented in principle, but in practice the linkage to the housing courts continues to decline. Items (d) and (f) not implemented.

- C. Meriden housing cases: If time is available, the New Haven-Waterbury Housing Court judge should hear Meriden housing cases at the Meriden courthouse, rather than foreclosure cases in New Haven.

Not implemented.

- D. Canvassing of litigants: Housing court judges should permit the parties to waive canvass in summary process cases if both the landlord and the tenant are represented by an attorney and the parties have signed a written stipulation for judgment that expressly waives canvass.

Generally 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, including such matters as changes in housing court job descriptions and requirements, physical modifications to court locations, and courthouse construction.

Not clearly implemented.

- B. Advisory Council webpage: The Judicial Branch should arrange for and host a webpage for the Advisory Council. Not implemented by the Judicial Branch, but the Advisory Council has obtained a website through the Department of Information Technology (DOIT).
- C. 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. 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). Not implemented.
- E. Fee for modification of stay of execution: No entry fee should be charged for a motion to modify a stay of execution. Not implemented.
- F. 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. Not implemented.
- G. Court mediation program: Law schools in the Connecticut Not implemented.

area should be encouraged to consider replicating the mediation clinics of the University of Connecticut Law School and the Quinnipiac University Law School.

- H. Glass partitions: Glass "security" partitions should not be added to housing court clerk's offices that do not already have them. 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. Status uncertain, but commitment to decent housing included in job posting and Supervisory Assistant State's Attorney for Housing Matters included in applicant screening.