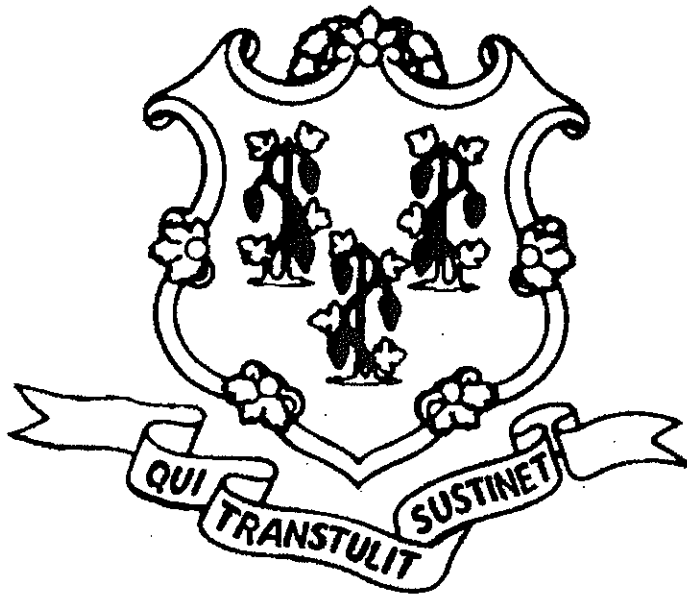


**REPORT TO THE
GENERAL ASSEMBLY:**

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



**THE CITIZENS ADVISORY COUNCIL
FOR HOUSING MATTERS**

JANUARY 9, 2013

REPORT TO THE GENERAL ASSEMBLY

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

January 9, 2013

Citizens Advisory Council for Housing Matters

Members of the Council

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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. Staffing (p. 1)

A. All vacant housing court staff positions should be filled. The most pressing of these are:

1. Clerks' offices: A clerical assistant or equivalent clerical position in New Haven should be refilled immediately.
2. Housing mediators: At least two of the three vacant housing mediator positions should be filled immediately.
3. Housing prosecutors: The Bridgeport-Norwalk housing prosecutor position should be filled immediately.

II. Court administration (p. 2)

A. Bridgeport housing court location:

1. All spaces in the courthouse should be appropriate for their function, including the courtroom and the offices of the mediators and the prosecutor. This can best be accomplished by consolidating the housing court on the 5th floor of 1061 Main Street.
2. Signage should be improved.
3. The mediators should have appropriate equipment, including a computer and a telephone, in any room in which they conduct negotiations.

B. Computerization:

1. Expansion of computerization: Computerization should be expanded to include (a) summary process cases in the non-housing court districts and (b) non-summary process cases (civil and housing code enforcement) in the housing court districts.
2. Identification of G.A. criminal housing cases: Criminal housing cases in the G.A. courts should be better coded and identified, including through the use of a "Code violations/landlord-tenant" checkbox, and their referral to housing prosecutors should be maximized.
3. Property addresses: (a) Any merged computer system that includes housing should contain a sortable field for property addresses and (b) the fields available in foreclosure cases should be expanded to include fields

for property address, law day, and sale date.

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 in response to data inquiries.
5. “Paperless” court system: If the Judicial Branch develops 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, and (c) perform the same essential functions as the present paper-based docketing and filing systems. Electronic access to housing cases should be available to the general public to the same extent it is available to attorneys and parties.

C. Telephone book listings: (a) The blue-page government telephone book listings for the housing courts should be moved from a subcategory of “Judicial” to a separate listing for “Housing Courts” and (b) the listings should be reviewed for completeness.

D. Case processing:

1. Speed of processing; The reasons for slower processing of eviction cases in some court locations should be examined and corrected (particularly through the restoration of housing court staff).
2. Defaults; The causes of the increased default rate should be explored.

III. Prosecution issues (p. 6)

A. Reduction in number of cases: The reasons for a reduction in the number of housing prosecutions should be studied (particularly in regard to the reduction in the number of full-time housing prosecutors).

IV. Judicial issues (p. 6)

A. Bridgeport-Norwalk Housing Court judge: A single judge, assigned solely to housing, should be appointed to hear all housing cases in J.D. Fairfield and J.D. Stamford-Norwalk.

B. Small claims issues:

Housing small claims should be restored to the housing courts. If that is not done, then:

1. Separation of housing dockets: Housing small claims dockets should remain separated from other small claims dockets at all hearing locations.
2. Hearing locations: Housing small claims hearings and trials should be held in the housing courtroom or, if not practicable, in the same building as the housing court clerk's office and as close to that office as is practical.
3. Acceleration of hearings: The scheduling of housing small claims hearings should be systematically accelerated.
4. Pro se services: Pro se services for housing small claims plaintiffs and defendants should be enhanced.
5. Service of process: Service of process by the clerk's office in housing small claims cases should be restored for self-represented litigants who file fewer than four small claims actions per year.
6. Magistrate resources: The Judicial Branch should strengthen magistrate support and training by (a) continuing to provide for distribution to magistrates, in hard copy, of *Housing Issues in the Small Claims Division of the Superior Court*, (b) printing a reasonable number of copies of that booklet when it is revised, and (c) making housing law an integral part of magistrate training.
7. Contact with housing court clerks: Magistrates who hear housing small claims should be expected to make contact with the housing court clerk and should be informed that housing clerks are valuable resources in the hearing and deciding of cases.
8. Evaluation: The Judicial Branch should devise a method of evaluation of small claims magistrates who handle housing cases that includes input from the housing court clerks, attorneys who handle housing cases, and housing small claims litigants.

B. Use of judge trial referees (JTRs):

1. Assignment to housing courts: Only sitting judges and not JTRs should be assigned as primary housing court judges.

V. Advisory Council (p. 9)

- A. Consultation with the Council: The Judicial Branch should recommit to advance consultation with the Advisory Council in all matters that affect the hearing of housing cases and to inform all Judicial Branch employees who deal with housing courts of their duty to encourage, promote, and proactively involve the Council in

all such matters.

- B. Appointment of Council members: The Governor should fill all membership slots on the Council.

VI. Other proposals (p. 9)

A. Court administration

1. Minimum job requirements for housing clerks: Supervisory/ administrative experience should not be a precondition for consideration of an attorney candidate for housing court clerk.
2. 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 housing court positions, including clerks, clerical staff, housing mediators, and housing prosecutors, and its desirability should be included in all housing court job postings and advertisements.
3. 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.
4. Recording of criminal dispositions: All conditions of nolle and probation in housing prosecutions should be recorded on the docket sheet by the in-court clerk.
5. Case reporting services: All electronic 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.
6. 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.
7. Court calendar retention: Court calendars should be retained in the Judicial Branch database for at least one year.
8. Meriden housing cases: If the New Haven-Waterbury Housing Court judge continues to hear housing cases only four days a week, then he or she should be assigned on the fifth day to hear housing cases in Meriden rather

than foreclosure cases in New Haven.

9. Glass partitions: Glass “security” partitions should not be added to housing court clerk’s offices that do not already have them.

B. Prosecution

1. Criminal investigators: The Chief State’s Attorney should make funding available for at least one investigator for the statewide housing prosecution unit.
2. 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.
3. 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.
4. Supervision of housing prosecutors: An arrangement should be formalized by which the Supervisory Assistant State’s Attorney for Housing Matters will have direct supervisory authority over all housing prosecutors and, to the extent that any G.A. prosecutors handle housing matters, over those G.A. prosecutors when they are prosecuting housing cases.
5. Eastern Connecticut prosecutor: 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.
6. Statwide housing code: The state should adopt a uniform minimum housing code that would apply to all towns.

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 administration of housing matters in the court system. This report constitutes the Council's recommendations for 2013.

I. Staffing

The housing court system, like the Judicial Branch as a whole, is facing staffing shortages. In most cases, this has resulted from decisions not to replace staff members who retired or resigned. For example, none of the three staff members of the New Britain Housing Court were replaced when they retired. By far the largest portion of the housing court docket – now almost 95% – consists of summary process cases, for which the pacing of the cases is of special importance. Staff shortages, particularly of clerk's office and housing mediator staff, can have a negative impact on case movement. The housing courts have made major efforts to shift housing mediators and use temporary housing prosecutors so as to maintain coverage at all court locations, but there are inherent limitations involved when there are an insufficient number of employees.

The Advisory Council urges the Judicial Branch to maintain housing court personnel at as close to full staffing as possible. In particular, it urges that exceptions be made to any hiring freeze to permit essential staff to be replaced. In regard to immediate needs, the Council believes that the following are most critical at this time:

- Clerks' offices: A clerical assistant or equivalent clerical position in New Haven should be refilled immediately.
- Housing mediators: At least two of the three vacant positions should be filled immediately. The failure to replace the Bridgeport-Norwalk mediator who retired may be a significant contributing factor to slowdowns in the Bridgeport-Norwalk Housing Court and may also be adversely affecting the mediation process itself. With the single mediator tied up with other cases, counsel increasingly bargain their own stipulated judgments with self-represented parties, thereby reducing the protection that mediator involvement provides in assuring that stipulated judgments are fair and that the self-represented party is not taken unfair advantage of.
- Housing prosecutors: The Bridgeport-Norwalk housing prosecutor position should immediately be filled. Two of the four core housing prosecutor positions -- Bridgeport-Norwalk and eastern Connecticut -- have been unfilled for an extended period of time. The Bridgeport-Norwalk assignment is presently split into three separate positions, with Bridgeport handled by a regular non-housing prosecutor and Norwalk and Stamford by different per diem prosecutors. In eastern Connecticut, Norwich and New London are being handled by a non-housing prosecutor while Danielson and Rockville are being picked up by the supervising housing prosecutor. While this patchwork has kept the housing prosecution system going, it undercuts one of the key functions of the housing

prosecutor, which is to build on-going relationships with local code officials that, by maximizing housing prosecutions, ultimately generate voluntary compliance and improved housing quality. It may also have played a role in the radical reduction of newly instituted code prosecutions in the Bridgeport and Norwalk Housing Courts between Fiscal Year 2010 and Fiscal Year 2012. Only two criminal prosecutions were initiated in the Norwalk court in 2011-2012. See Part III of this report.

II. Court administration

A. Bridgeport housing court location: The space allocated for the courtroom, housing mediators, and housing prosecutors at 1061 Main Street remains unsatisfactory, notwithstanding the efforts of the housing court staff to work with the space that has been allotted. We urge the Judicial Branch -- whether through intervention by the Chief Court Administrator or by the action of the administrative judge for J.D. Fairfield -- to revise room assignments and make other improvements so as to ameliorate the situation.

Almost six years ago, the Bridgeport housing court was moved out of its established 5th floor courtroom and given instead a small former hearing room on the 6th floor. The 6th floor location is too small for the caseload of the housing court, resulting in overcrowding in the courtroom (thereby forcing litigants to stand in the hallway) and in delays in the hearing of cases. 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 6th floor 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 required the prosecutor to share a tiny room with her clerk, making it impossible to have privacy during negotiations. The housing mediators have now returned to use of their 5th floor offices, but this has resulted in forcing litigants to move between the 5th and the 6th floors.

The Advisory Council urges the Judicial Branch to devise a new set of room assignments for the housing court in the 1061 Main Street building that apply the following guidelines:

- (1) All spaces in the courthouse should be appropriate for their function, including the courtroom and the offices of the mediators and the prosecutor.
- (2) Signage should be improved.
- (3) Mediators should have appropriate equipment, including a computer and a telephone, in any room in which they conduct negotiations.

The Advisory Council believes that the best way to do this is to return the courtroom and the judge's chamber to the 5th floor. This arrangement will reunite trial-related activities on a single floor and will permit the use of a more appropriate courtroom and more appropriate staff facilities. In particular, the Council believes that an appropriate courtroom with judge's chambers can be made available for the hearing of housing cases and an appropriate office can be made available to the housing prosecutor.

If this recommended rearrangement of space is not implemented, then the Council recommends that all functions of the housing court be consolidated on the 6th floor in appropriate space. This would involve, at the least, making a proper courtroom available and providing genuine office space, with necessary equipment, for housing mediation. Neither the present courtroom nor the offices formerly used for mediation are appropriate.

B. Computerization: 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. Expansion of computerization: Until such time as the Judicial Branch has a unified computer system for all cases, the Advisory Council recommends:

- a. The computerization of summary process cases in the nine geographical area (G.A.) courts that handle summary process cases; and
- b. The computerization of non-summary process housing cases (civil and housing code enforcement) in the housing courts.

2. Identification of G.A. criminal housing cases: There is inconsistency in the referral to the housing prosecutor of criminal housing cases that are brought to the prosecutors by police officers, rather than by code enforcement officials. The Judicial Branch reports that in Fiscal Year 2011-2012 100 criminal housing cases were filed in the G.A. courts, of which 64 were in G.A. courts that are part of housing court districts. Without further study, it cannot be determined how many of these cases were ultimately transferred to a housing court or a housing prosecutor and how many were handled outside of the housing prosecution unit. It suggests, however, that a significant number of housing prosecutions may not have been transferred. This failure to refer cases should be corrected.

The Council urges the Chief State’s Attorney to see that these cases are appropriately screened and referred in accordance with his own guidelines. The Judicial Branch should develop a coding system that makes it possible to identify which G.A. criminal cases involve housing matters. Such a code should apply to (a) all statutes listed in the *Criminal Housing Matters Prosecution Manual* as being housing cases and (b) all other cases filed through a housing prosecutor (code violations, lockouts, etc.). The *Prosecution Manual* explicitly lists violation of the following statutes that are “ordinarily housing matters which should be handled by the housing prosecutor”:

7-148f	Fair rent commission	19a-365	Tenement House Act
8-12	Zoning regulations	29-254a	State Building Code
19a-36	Public Health Code	29-295	Fire Safety Code
19a-109	Essential Services	29-306	Fire hazard abatement
19a-111	Lead paint (per 19a-230)	29-318	Space heaters
19a-111c	Lead paint (per 19a-230)	29-394	Building official orders
19a-230	Health department orders	29-414	State Demolition Code

46a-64c	Fair Housing Act ¹	47a-55	Health orders (tenements)
47a-21	Security Deposit Act	53a-117e	Damage to landlord property 1
47a-52	Health orders (1- and 2-family)	53a-117f	Damage to landlord property 2
		53a-117g	Damage to landlord property 3 ²
		53a-214	Criminal lockout

To aid in the identification of code violation and housing cases, forms associated with the filing of criminal cases should include a box called “Code Violations/Landlord-Tenant” that the code official or police officer can check. The use of such a checkbox will both help with housing case identification and increase the likelihood that all housing cases filed in G.A. criminal courts will be referred to the housing prosecutor, rather than misdirected to the general criminal caseload.

In addition, the *Prosecution Manual* states that a violation of other statutes “may also be housing matters and should be referred to a prosecutor,” including criminal trespass, breach of the peace, and criminal mischief when committed between a landlord and a tenant. The Advisory Council appreciates the actions taken by the Chief State’s Attorney to encourage these referrals, through both training programs for prosecutors and communications with the various State’s Attorneys, and urges him to continue to promote the referral of such cases to housing prosecutors.

3. Property addresses: The housing court computer system, known as Forecourt, includes a separate field for the address of the property. In contrast, the Cater system, which is used outside the housing court for civil cases, does not. The ability to track property addresses is important in housing cases. It is therefore important that this capacity not be lost in any consolidation of computer systems. As a result, the Advisory Council recommends:

- a. Any merged system that includes housing contain a sortable field for property address.
- b. The fields available in foreclosure cases be expanded to include fields for property address, law day, and sale date. These fields are useful not only in foreclosure cases generally but particularly in the foreclosure of buildings occupied by tenants. The information contained in these fields is necessary to assess the availability of tenant defenses under the state and federal Protecting Tenants at Foreclosure Acts. See C.G.S. 49-31p and 49-31q and Title VII of P.L. 111-22, as amended by Section 1484 of Title IV of P.L. 111-203.

4. Ability to compile, sort, and analyze computerized housing data: The Judicial Branch should 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

¹ The *Manual* refers to 46a-64 but appears to mean 46a-64c.

² This section was apparently unintentionally omitted from the Manual list.

detailed statistical information, and promoting transparency within the court system. 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 e-filing. 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). To the extent that housing cases are accessible electronically, they should be accessible not only to attorneys or parties with an appearance in the case but also to the general public.

C. Telephone book listings: The housing court listings in the Government (blue pages) portion of the AT&T telephone book that are now a subcategory of “Judicial” should be moved into a separate listing for “Housing Courts.” Two years ago the Judicial Branch indicated its willingness to make this change and, if necessary, to explore its feasibility with AT&T. The change, however, has not been made. In addition, the existing housing court listings should be reviewed for completeness (e.g., the absence of a listing for New Britain).

D. Case processing: Case processing times in eviction cases continue to confirm that summary process cases move very rapidly, notwithstanding a small increase in the volume of cases in the housing court districts (about 3% since 2009-2010) and the reduced number of housing court staff. The median time from return day to final judgment in Fiscal Year 2011-2012 was 18 days for all summary process cases and 21 days for contested cases. Median disposition times fell significantly in New Haven and New Britain and remained steady in Hartford and Waterbury. See Appendices C-3, C-4, and C-5. Nevertheless, the data suggest that there are some grounds for concern, especially in Bridgeport and Norwalk.

First, median disposition times in Bridgeport and Norwalk rose significantly during the past two years. The Council suspects that they may be the result of the failure to replace the Bridgeport-based housing mediator who retired, often leaving the remaining mediator to handle the Bridgeport and Norwalk caseloads alone and of the need of the clerk to limit the size of court dockets. Second, the statewide default rate in summary process cases rose from 33.4% to 37.1%, an increase of more than 10%, driven by default rate increases to more than 41% in Bridgeport and almost 47% in Waterbury. These default rates are well above the historic pattern in other housing court districts, which has almost always been below 40% -- a sign of the courts’ accessibility to self-represented defendants. The reason for this increase in the default rate should be explored further. See Appendices C-3 and C-6.

Third, based on survey responses from the housing court clerks, the Advisory Council

also concludes that at all housing court locations (with the possible exception of Hartford) cases that are not settled by the housing mediators receive trials on the same day or, if not administratively practicable, within no more than one week after that day. This is consistent with the long-standing recommendations of the Advisory Council. It appears, however, that in Bridgeport there is often a gap of almost three weeks between the closing of the pleadings in summary process cases and the trial date. Like the increased median disposition times in Bridgeport, this appears to be a consequence of the failure to have two housing mediators available on court days and limitations on the size of the court docket.

III. Prosecution issues

The number of criminal housing prosecutions in the housing courts has dropped precipitously, which raises questions about the way in which codes are being enforced. In 2009-2010, for example, 677 criminal cases were filed in the housing courts. By 2011-2012, that number had fallen to 265, a drop of 61%. In the Bridgeport Housing Court, the number fell from 291 to 36, a reduction of 88%. In Norwalk, it was from 31 to 2 (94%); in New Britain, from 69 to 9 (87%); in Hartford, from 64 to 39 (39%).

These numbers should result in serious study as to what is causing these changes. The Council believes that at least two factors are at play. One is a decline in municipal code enforcement, driven in large part by cuts to town budgets that have resulted in ever-lower code enforcement staff. The City of New Britain, for example, now has only one housing code inspector for the entire city. Housing prosecutors cannot prosecute cases unless the municipality enforces its codes and turns cases over to the housing prosecutor if compliance is not obtained. A second is the impact of state budget cuts on housing prosecution staff. Bridgeport, Norwalk, and eastern Connecticut are operating with fill-in prosecutors who cannot reasonably be expected to do the outreach to municipal code officials that is expected of a full-time housing prosecutor. Effective outreach has long played a role in giving municipal officials confidence that referrals to a housing prosecutor will result in code compliance.

A serious effort should be made to examine the causes of this decline in enforcement and to make recommendations as to the best way to assure the effective maintenance of the rental housing stock through coordinated action by housing prosecutors and municipal code officials.

IV. Judicial issues

A. Bridgeport-Norwalk Housing Court judge: By statute, a single housing court judge (commonly referred to as the Bridgeport-Norwalk Housing Court judge) is to hear all housing cases in J.D. Fairfield and J.D. Stamford-Norwalk. For a period of time between 2006 and 2010, separate judges were assigned to these two court locations. In 2011, at the urging of the Advisory Council, a single judge was again assigned to cover both sites. The recent death of Judge Hauser, however, has resulted not only in the absence of a single judge assigned to housing for all parts of the Bridgeport-Norwalk Housing Court but to the use of multiple judges at each location. The Advisory Council strongly urges the Judicial Branch to designate a single judge, assigned only to housing, to handle all housing cases in the Bridgeport and Norwalk Housing

Court districts.

B. Small claims: The Housing Court Act assumes that all housing matters, including small claims, will be heard in the housing courts. This concept was followed until 2005, when all small claims cases were transferred to Centralized Small Claims. The Advisory Council had hoped that this restructuring of small claims would be sufficiently seamless that housing small claims cases would still feel to the housing litigants that they were a part of the housing court system. While the Judicial Branch has made efforts to preserve some linkage, the effect on the whole has not been satisfactory. In addition, the removal of small claims cases from the housing court dockets has increasingly turned the “housing” courts into eviction courts. Before the removal of small claims from the housing courts, about 20% of the housing court docket consisted of non-eviction cases. In Fiscal Year 2011-2012, barely 6% of housing court dockets were not evictions.

The Advisory Council’s first choice would therefore be to restore housing small claims sessions to the housing courts so that housing cases would be processed through the housing courts and heard in the housing courts, in conjunction with the provision of adequate staffing. Housing cases are about 5% of the total small claims caseload. See Appendix C-1. If that is not done, the Council makes the following recommendations:

1. Separation of housing dockets: In accordance with current policy, housing small claims dockets should remain separated from other small claims dockets at all hearing locations. Centralized Small Claims should enhance its efforts to make sure that all housing small claims are identified and placed on such dockets.

2. Hearing locations: Housing small claims case hearings and trials should be held in the housing court courtroom. Because each housing court sits in two locations, there should almost always be at least one day per week on which the housing courtroom is available. If this cannot be done, then housing small claims should be heard in a courtroom as physically close to the housing court clerk’s office as is practical – preferably on the same floor and certainly in the same building. In particular, New Haven and Bridgeport housing small claims hearings should be held in the housing court building.

3. Acceleration of hearings: Housing small claims cases should be systematically accelerated for purposes of hearing. This should be accomplished by putting them on a separate track for that purpose. Housing small claims cases are still not processed with the speed with which they were handled pre-centralization.

4. Pro se services: Pro se services for housing small claims plaintiffs and defendants should be enhanced. To the extent that services are provided through service centers rather than through the housing court clerks’ offices, employees should be trained to provide the same level of service as would a housing court clerk’s office.

5. Service of process: Service of process by the clerk’s office should be restored for self-represented litigants who file fewer than four housing small claims cases per year. Historically,

service by the clerk's office in small claims cases was a way to make it easier for self-represented litigants – the original group for whom small claims was created – to get into court. The revised system of service by the plaintiff is appropriate for business plaintiffs but is unduly burdensome for individuals.

6. Magistrate resources: First, all magistrates who hear small claims cases should be provided with a hard copy of *Housing Issues in the Small Claims Division of the Superior Court*. The Judicial Branch has suggested that magistrates will merely be directed to go online for a copy at their discretion. The Council believes that possession of a hard copy will increase the likelihood that a magistrate handling housing small claims will actually use the book to self-educate and as a reference on landlord-tenant law. Second, the Advisory Council hopes to revise the booklet this year. It asks that the Judicial Branch print a reasonable number of copies for distribution to magistrates. Third, housing law should be an integral part of training sessions for small claims magistrates.

7. Contact with housing court clerks: Magistrates who hear small claims should be expected to make contact with the housing court clerk and should be informed that housing court clerks, and particularly the Chief Clerk for Housing Matters, are valuable resources in the hearing and deciding of cases.

8. Evaluation: The Judicial Branch should devise a method of evaluation of small claims magistrates who handle housing cases that includes input from housing court clerks, attorneys who handle housing cases, and housing small claims litigants. In addition, information should routinely be provided to litigants as to how to file complaints against magistrates.

C. Use of judge trial referees (JTRs): The Council continues to believe that only sitting judges and not JTRs should be assigned as primary housing court judges (who also serve as Presiding Judges for their respective Housing Divisions). This is consistent with the provisions of C.G.S. 51-348(c) and 51-165(c), which both require that the person assigned to hear housing matters be a "judge," and with the core purpose of the Housing Court Act to elevate the status of housing matters within the court system.

The assignment of a Superior Court judge is also important because of the likelihood that a JTR will be unavailable on a greater number of court days than would a judge. This is in part because of statutory limitations on the maximum earnings of JTRs and therefore the number of days that they can sit (see C.G.S. 51-47b) and partly because of the inclinations of many JTRs not to work to the legal maximum number of days. In the past, the assignment of JTRs as primary housing court judges has created scheduling and management problems, resulting in rotating judges, with little or no housing experience, being assigned to fill in on the housing docket for significant periods of time and in delays of cases -- especially more complicated cases or cases likely to result in multi-day trials -- while they are continued until the return of the housing JTR. In some instances, cases have had to be transferred to other housing court locations far from the district in which the case arose in order to avoid further delays.

The Council wishes to stress that this is not a criticism of the qualifications or skills of

any JTR. It is rather a statement that the assignment of a Superior Court judge better fulfills the purposes of the Housing Court Act.

V. Advisory Council

A. Consultation with the Council: The Council urges the Judicial Branch to recommit to advance consultation with the Advisory Council in all matters that affect the hearing of housing cases and to inform all Judicial Branch employees who deal with housing courts of their duty to encourage, promote, and proactively involve the Council in all such matters. The Council remains pleased that the Judicial Branch has included it in the process of assigning housing court judges, but there are other areas where the Council has not been included and was as a result unable to offer input until after decisions had been announced or made. Three recent examples are illustrative.

First, in 2011 the Judicial Branch, without consulting the Advisory Council, announced its intent to close the New Britain Housing Court and transfer its cases to Hartford -- a change that would have increased caseload in Hartford by almost 50% without a comparable increase in staff while greatly inconveniencing litigants in New Britain and Bristol. It was only with the after-the-fact involvement of the Advisory Council and a public outcry that a compromise was worked out that has preserved the New Britain location. Second, in 2009 the Judicial Branch's Public Service and Trust Commission created a Subcommittee on Housing Matters to make recommendations on housing court administration. The Judicial Branch 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. By the time the Advisory Council learned of the Subcommittee, the Subcommittee's work had already been completed. Third, as described above, the Bridgeport Housing Court was moved from the 5th floor of 1061 Main St. to inappropriate facilities on the 6th floor with no advance notice to the Advisory Council and therefore no Advisory Council input. Compromises which might have been worked out before-the-fact were impossible to accomplish after the decision had been made and implemented.

Representatives of the Advisory Council should be included from the beginning in the working groups within the Judicial Branch that plan changes such as these, including matters concerning computerization and court/courtroom relocations.

B. Appointment of Council members: The Advisory Council urges the Governor to fill all membership slots on the Council. In light of the large membership of the Council -- the full Council has nine members from each of the three housing court districts and nine from the balance of the state, for a total of 36 members -- the Governor should also consider breaking appointments into two stages, with some being made soon and the balance being filled at a later date.

VI. Other proposals

The Advisory Council continues to stand behind a number of unimplemented proposals it

has made over the years. Those proposals are summarized briefly below. The Council hopes that they will eventually be adopted.

A. Court administration

1. 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.

2. 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. In addition, the ability to speak Spanish should be viewed as an important job-related skill in filling all housing court positions, including clerks, clerical staff, housing mediators, and housing prosecutors. and its desirability should be included in all housing court job postings and advertisements

3. 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.

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

5. Case reporting services: All electronic case reporting services (e.g., WestLaw, Lexis, Casemaker) should review their case databases against a list of the officially-numbered housing court decisions and should add to those databases any cases not already included.

6. 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.

7. Court calendar retention: Housing court calendars should be retained in the computer database for at least one year.

8. Meriden housing cases: If the New Haven-Waterbury Housing Court judge continues to hear housing only four days a week, then he or she should be assigned on the fifth day to hear housing cases in Meriden rather than foreclosure cases in New Haven.

9. 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. Security partitions already in place should be modified 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.

B. Prosecution

1. Criminal investigators: The Chief State's Attorney should make funding available for at least one investigator to be assigned to the statewide housing prosecution unit.

2. 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 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.

3. Standards for the hiring of housing prosecutors: The Criminal Justice Commission (or any other entity hiring housing prosecutors) should formally adopt the following five standards for the evaluation of applicants for housing prosecutor positions: (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 Commission and the Chief State's Attorney should also make certain (as was done for the last hiring) that job postings include a reference to a commitment to decent housing and a statement that the ability to speak Spanish is desirable.

4. Supervision of housing prosecutors: An arrangement should be formalized by which the Supervisory Assistant State's Attorney for Housing Matters will have direct supervisory authority over all housing prosecutors and, to the extent that any G.A. prosecutors handle housing matters, over those G.A. prosecutors when they are prosecuting housing cases.

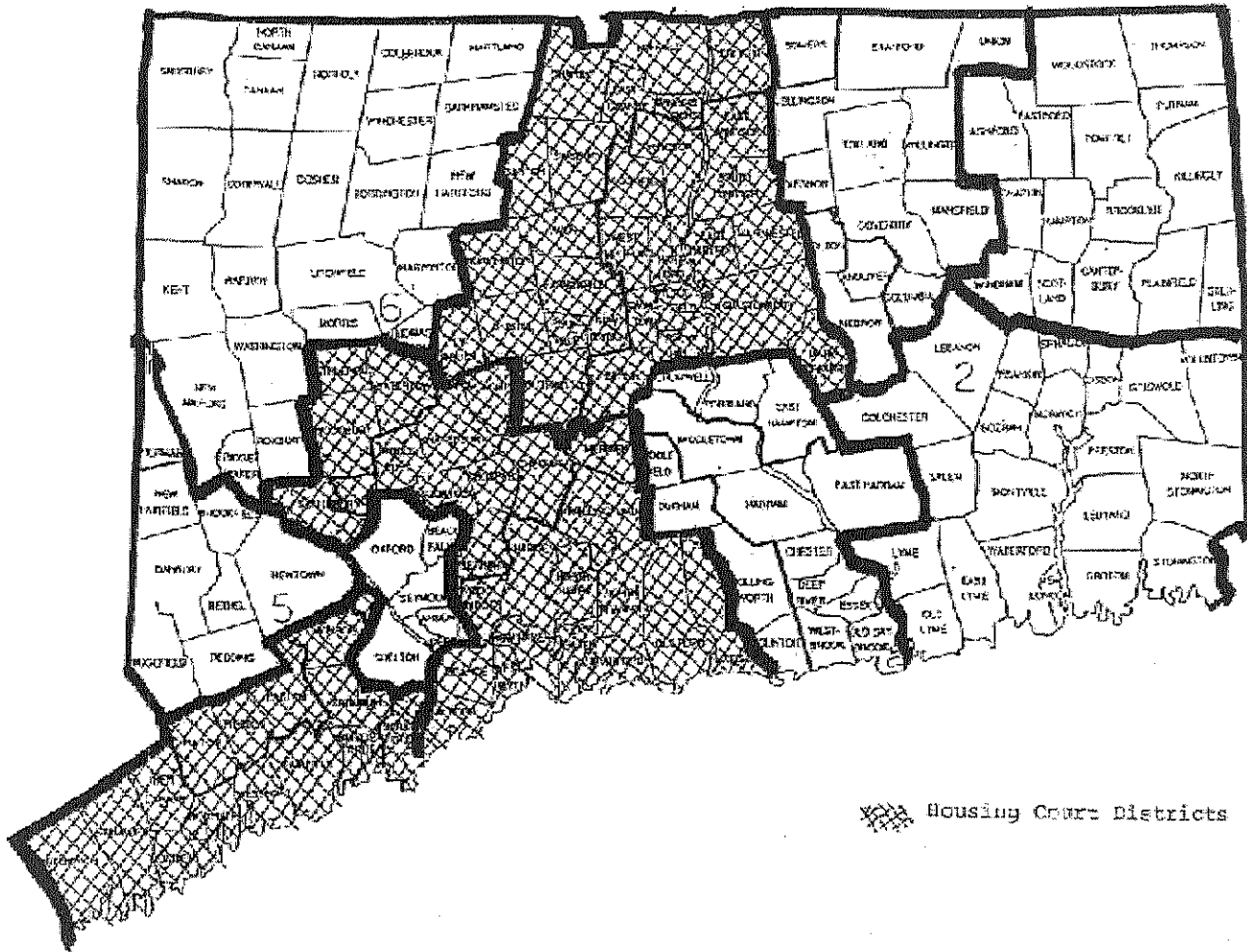
5. Eastern Connecticut prosecutor: The eastern Connecticut housing prosecutor should devote full-time to housing and should not on a regular basis be assigned to motor vehicle or other criminal cases.

6. Statewide housing code: The state should adopt a uniform minimum housing code that would 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, without precluding individual municipalities from having additional requirements.

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APPENDIX A -- HOUSING COURT DISTRICTS



APPENDIX B

HOUSING COURT ACT

as amended through December 31, 2011

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)(1)(B). 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-1

HOUSING CASELOADS FY 2012

July 1, 2011 to June 30, 2012

	Summary process	Increase since 2009-10	2007-08	Civil 47a-14h	Criminal ¹ Total	%summary process	Small Claims ²		
<u>Housing courts</u>									
Hartford-New Britain									
Hartford	4,341	- 0.8%	-12.4%	96	16	39	4,492	96.6%	629
New Britain ³	<u>1,919</u>	<u>- 0.2%</u>	<u>- 9.7%</u>	<u>N/A</u>	<u>N/A</u>	<u>9</u>	<u>1,928</u>	<u>N/A</u>	<u>194</u>
	6,260	- 0.7%	-11.6%	N/A	N/A	48	6,420	N/A	823
New Haven-Waterbury									
New Haven	3,583	+ 1.9%	-12.5%	93	17	70	3,763	95.2%	245
Waterbury	<u>2,195</u>	<u>+14.7%</u>	<u>- 8.4%</u>	<u>38</u>	<u>0</u>	<u>109</u>	<u>2,342</u>	<u>93.7%</u>	<u>144</u>
	5,778	+ 6.4%	-11.0%	131	17	179	6,105	94.6%	389
Bridgeport-Norwalk									
Bridgeport	2,729	+ 2.0%	-16.1%	198	10	36	2,973	91.8%	216
Norwalk	<u>1,327</u>	<u>+ 5.9%</u>	<u>+ 6.5%</u>	<u>181</u>	<u>10</u>	<u>2</u>	<u>1,520</u>	<u>87.3%</u>	<u>203</u>
	4,056	+ 3.2%	- 9.9%	379	20	38	4,493	90.3%	419
Total	16,094	+ 2.8%	-11.0%	N/A	N/A	265	17,018	93.9%⁴	1,631
<u>Non-housing courts</u>									
Central Connecticut									
Meriden ⁵	569	- 1.6%	-11.9%						
Derby (GA 5)	<u>442</u>	<u>-15.5%</u>	<u>-17.7%</u>						
	1,011	- 8.2%	-14.5%						
Eastern Connecticut									
New London (GA 10)	954	-10.9%	-10.7%						
Norwich (GA 21)	828	+ 1.3%	-11.0%						
Danielson (GA 11)	640	- 9.6%	-13.2%						
Rockville (GA 19)	450	+ 4.7%	- 6.4%						
Middletown (GA 9)	<u>624</u>	<u>- 4.0%</u>	<u>+ 3.1%</u>						
	3,496	- 4.9%	- 8.5%						
Western Connecticut									
Danbury (GA 3)	500	-35.4%	+ 14.9%						
Bantam (GA 18)	<u>505</u>	<u>+ 8.4%</u>	<u>-14.4%</u>						
	1,005	-19.0%	- 2.0%						
Total non-housing cts	<u>5,512</u>	<u>- 8.4%</u>	<u>- 8.6%</u>						<u>704</u>
<u>Connecticut total</u>	21,606	- 0.3%	-10.4%						2,335
Housing small claims⁶									
Housing small claims				2,335	4.7%				
Other small claims				<u>47,648</u>	<u>95.3%</u>				
All small claims				49,983	100.0%				

Summaries: 74.5% of all summary process cases were filed in the housing courts.
94.6% of all housing court cases were summary process cases.

¹Criminal cases do not include cases filed in a G.A. court and transferred to a housing court. The number of such cases is believed to be small.

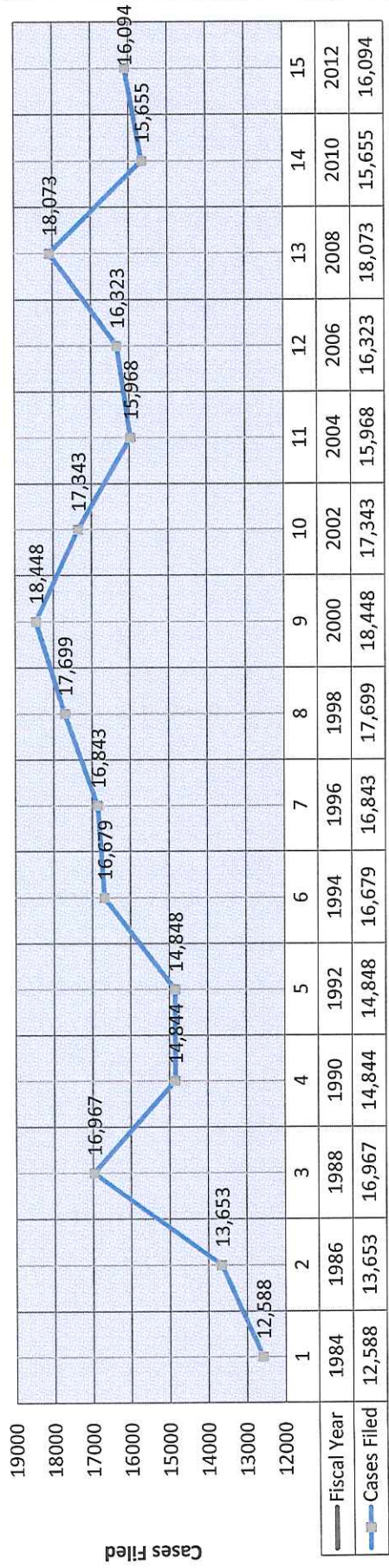
²Housing small claims cases are docketed through the Centralized Small Claims Office in Hartford and are no longer heard in the housing courts.

³New Britain housing civil cases are presently merged into general civil case data for the New Britain Superior Court, and no separate count of housing civil cases is available.

⁴The New Britain court cases are excluded from this percentage calculation.

⁵Meriden technically is part of the New Haven-Waterbury Housing Court district but does not have full housing court services.

Appendix C-2 Summary Process Cases Filed in Housing Court Districts Since 1984



APPENDIX C-3

Disposition time for court processing of summary process cases

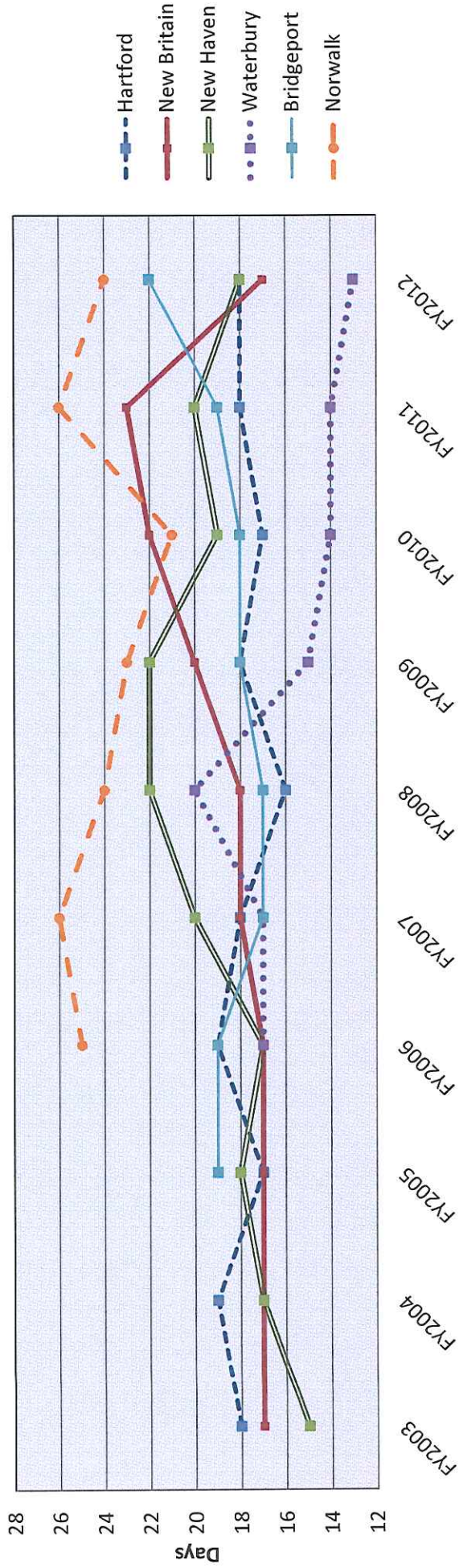
July 1, 2011 and June 30, 2012

From the return day to the date of final judgment

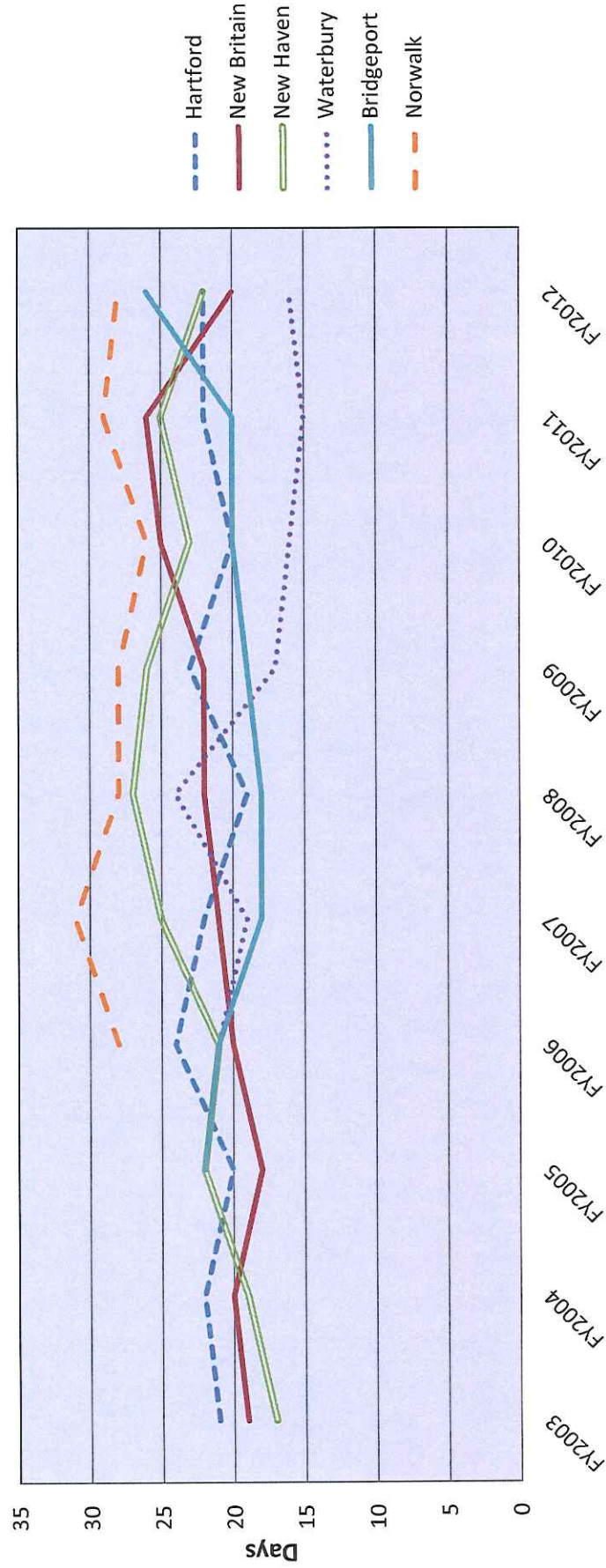
	<u>Hartford</u>	<u>New Britain</u>	<u>New Haven</u>	<u>Waterbury</u>	<u>Bridgeport</u>	<u>Norwalk</u>	<u>All locations</u>
	<u>All cases (including defaults for failure to appear)</u>						
Median	18 days	17 days	18 days	13 days	22 days	24 days	18 days
Per cent disposed of within:							
30 days	79.8%	83.0%	80.0%	90.0%	71.1%	64.7%	79.1%
60 days	94.3%	95.3%	94.3%	97.2%	93.8%	86.5%	94.1%
90 days	97.8%	98.1%	96.7%	98.7%	97.3%	94.3%	97.4%
Default rate:							
	31.6%	33.3%	36.8%	46.8%	41.4%	37.4%	37.1%
	<u>Contested cases</u>						
Median	22 days	20 days	22 days	16 days	26 days	28 days	21 days
Per cent disposed of within:							
30 days	74.4%	80.0%	73.1%	86.2%	63.1%	56.9%	73.2%
60 days	93.0%	94.9%	93.2%	96.4%	93.0%	83.7%	93.0%
90 days	96.7%	97.8%	96.0%	98.1%	96.9%	92.3%	96.7%

Appendix C-4 Median Disposition Time of Court Processing of Summary Process Cases Since FY2003 - All Cases

Median number of days from return day to entry of final judgment by housing court.



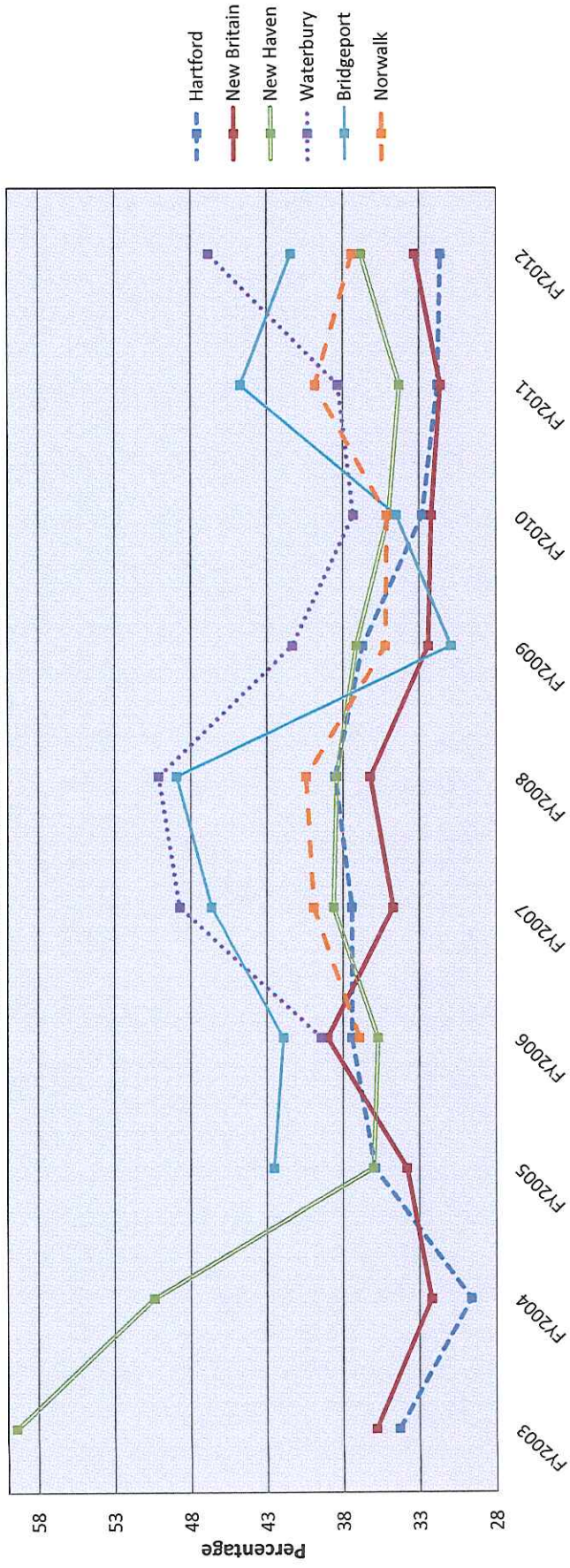
Appendix C-5
Median Disposition Time of Court Processed of
Summary Process Cases since FY 2003 - Contested Cases Only
Median number of days from return day to entry of final judgment by housing court



Contested cases are ones in which the defendant filed an appearance.

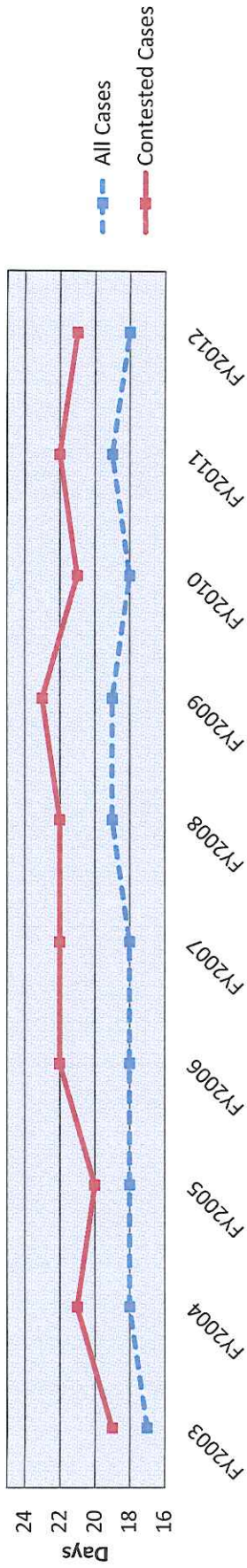
Appendix C-6 Default Rate In Summary Process Cases Since 2003

Defaults for failure to appear as a percentage of all cases



Appendix C-7 Median Disposition Time of Court Processing of Summary Process Cases Since FY 2003 - All Housing Courts

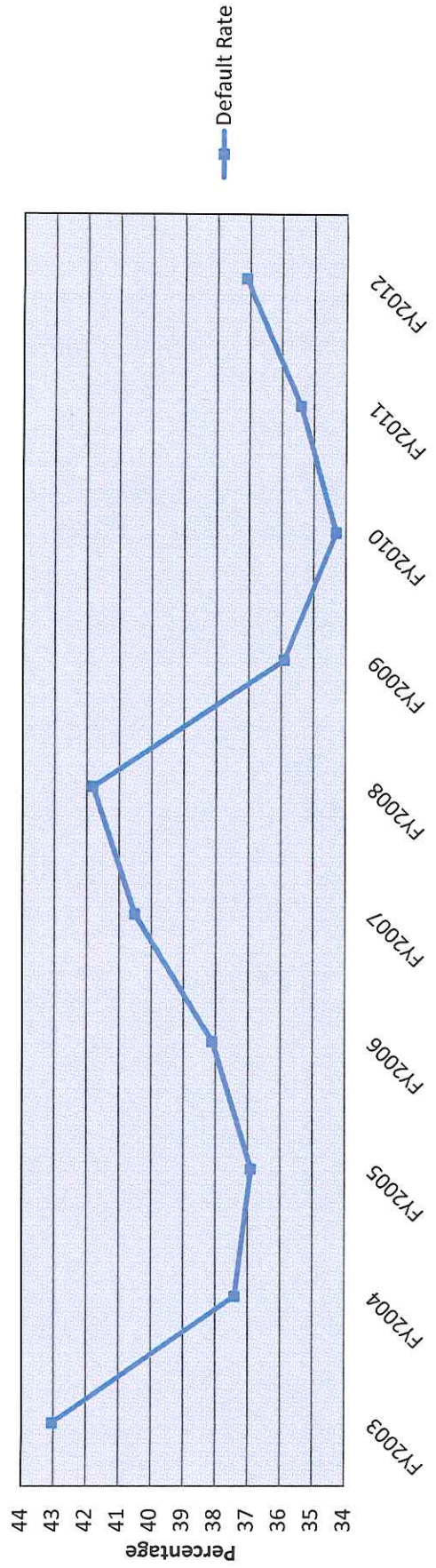
Median number of days from return day to entry of final judgment by housing court.



Contested cases are ones in which the defendant filed an appearance.

Appendix C-8 Default Rate in Summary Process Cases Since FY 2003 - All Housing Courts

Default for failure to appear as a percentage of all cases



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	Clarance Jones	Kevin Tierney
9-1-95 Alexandra DiPentima	Clarance 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
9-1-11 Vernon Oliver	Terence Zemetis	Michael Maronich
9-1-12 Glenn Woods	Michael Maronich	Lawrence Hauser

APPENDIX E

STATUS OF 2011 CITIZENS ADVISORY COUNCIL RECOMMENDATIONS

I. Clerk's office issues

- | | |
|--|--|
| A. <u>Staffing</u> : 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. | Partially implemented but new staffing shortages have developed. The New Haven position has never been filled. |
| B. <u>Bridgeport housing court location</u> : The Bridgeport Housing Court should be restored to the 5 th floor courtroom at 1061 Main St. The Judicial Branch should assure that the Advisory Council is actively consulted in any relocation of the Bridgeport Housing Court. | Recommendation not implemented. There are no active plans to relocate the housing court. |
| C. <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. | Partially implemented. Non-housing court summary process cases are not part of the housing court computer system (Forecourt) but in some non-housing court districts are online as civil cases. G.A. criminal cases have been computerized in all courts, but housing cases are not identified separately. |
| 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 | No consultation at this time. |

housing courts, it should consult with the Council.

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 and should be accessible by members of the public.

Not implemented. Judicial has indicated that address information currently available in Forecourt may not be available when the housing court computer system is integrated into the civil court computer system.

- 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.

Not implemented.

- E. Telephone book listings: The telephone book listings for housing courts should be kept current and errors corrected. Listings for the housing courts should be transferred to a separate section called "Housing Courts."

Not implemented.

- 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.

Implemented in principle although not always in practice.

II. Housing mediator issues

- A. Staffing: The Judicial Branch should immediately refill the two vacant housing mediators slots.

Not implemented. There are now three vacant mediator slots.

- 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. Filling of vacant positions: The Division of Criminal Justice should promptly refill the vacant housing prosecutor positions for Bridgeport-Norwalk and Eastern Connecticut.

Not implemented.

- B. Supervision of housing prosecutors: The Chief State's Attorney should clearly extend the supervisory authority of

Not implemented formally but the chief housing

the Supervisory Assistant State's Attorney for Housing Matters to include the Bridgeport-Norwalk and the Eastern Connecticut housing prosecutors.

prosecutor, with the consent of the applicable State's Attorneys, plays a significant supervisory role.

- C. Training for new prosecutors: Housing law training for all new prosecutors should be 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.

Training has been implemented. Housing law is now included in both new prosecutor and in-service training. The Prosecutor Manual includes a list of statutes for which enforcement should be referred, although the actual practice is not consistent.

- D. Eastern Connecticut housing 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.

Not implemented. There have been no recent hirings of housing prosecutors.

- E. Monitoring of probation and accelerated rehabilitation: 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.

Largely implemented.

- F. Statewide housing code: Connecticut should adopt a uniform minimum housing code that will apply to all towns.

Not implemented.

IV. Judicial issues

- 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.

Implemented.

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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. |
| B. <u>Small claims issues</u> : | |
| 1. <u>Speed of processing</u> : 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. | Not implemented. |
| 2. <u>Hearing locations</u> : Housing small claims should continue to be heard on a docket separate from other small claims cases. In housing court districts, they should be heard in the housing courtroom or in the same building as the housing court clerk's office, particularly in Bridgeport and New Haven. | Not implemented. |
| 3. <u>Service of process</u> : 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. | Implemented. |
| 4. <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. |
| 5. <u>Magistrate support and training</u> : The Judicial Branch should strengthen magistrate support and training by (a) continuing to assure the distribution of <u>Housing Issues in the Small Claims Division of the Superior Court</u> , 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. | (a) Implemented; (b) and (c) not implemented. The Advisory Council hopes to update the <u>Housing Issues</u> booklet soon. |
| 6. <u>Magistrate evaluation and review</u> : The Judicial Branch should (a) not assign housing dockets to magistrates who do not adequately handle housing cases; (b) systematically seek input from housing court clerks on | Not implemented. |

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.

G. 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. Implemented.

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 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. (a) Implemented but not encouraged; (b) implemented; (c) largely implemented; (d) not implemented; (e) not implemented; (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. No longer viewed by the Council as an issue.

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 Not implemented.

that the Council can offer comments, including 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 Judicial Branch should continue to provide support for the Advisory Council's webpage. Not implemented but no longer an issue. Support for the Council's webpage is provided by 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, but Language Line is available in all clerks' offices, which has reduced the severity of the problem.
- 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. 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.
- F. Fee for modification of stay of execution: No entry fee Implemented.

should be charged 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. Not implemented.
- H. Glass partitions: Glass “security” partitions should not be added to housing court clerk’s offices that do not already have them. So far, no changes.
- I. Investigators: 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.
- 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. Partially implemented. The New Haven prosecutor is now full-time but Bridgeport/ Norwalk and Eastern Connecticut do not have full-time housing prosecutors.
- 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. Not implemented.
- L. 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