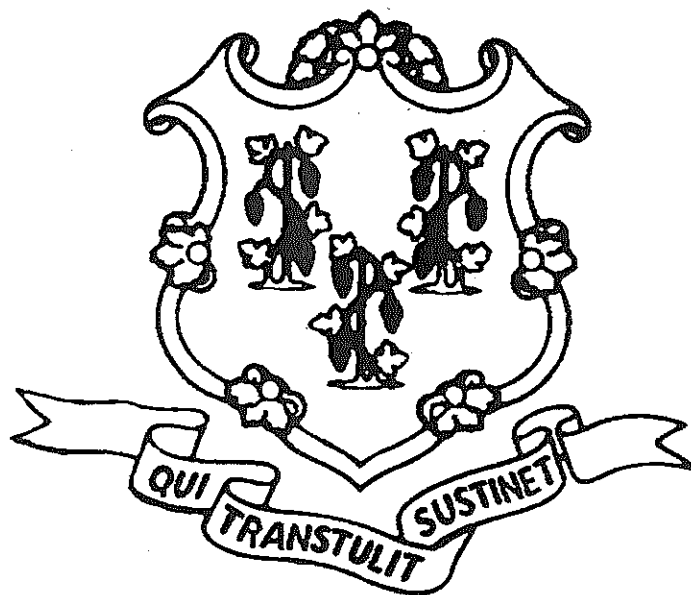


**REPORT TO THE
GENERAL ASSEMBLY:**

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



**CONNECTICUT ADVISORY COUNCIL
ON HOUSING MATTERS**

JANUARY 7, 2015

REPORT TO THE GENERAL ASSEMBLY

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

January 7, 2015

This report was formally adopted by the Connecticut Advisory Council on Housing Matters at its meeting of December 10, 2014. It reflects the work product of the members of the Council and others actively involved in the Council as of that time and over the preceding two years. Those persons are:

Members of the Council

Raphael L. Podolsky, Chairperson
Peter Blasini
Morris Czaczkes
Houston Putnam Lowry
John W. Rowland
Richard Tenenbaum

Others actively involved in the Council

Kathleen Flaherty, Secretary of the Council
Richard DeParle
Sonja Devitt
Francis X. Dineen
Rocco Guarnieri
Friedrich Helisch
Sharon Levy
Carl Lupinacci
David Pels

On December 11, 2014, the following persons (including many already involved in the work of the Council) were appointed for a full term. They are:

Mary Conklin	Jane Kinney-Knotek	Jay Pottenger
Loo Pacacha Dahlke	Houston Putnam Lowry	John W. Rowland
Richard DeParle	Carl Lupinacci	Margaret Suib
Kathleen Flaherty	Stephanie Ma	Lynn Taborsak
Venoal Fountain, Jr.	David Pels	Richard Tenenbaum
Friedrich Helisch	Raphael Podolsky	Juan Verdu.

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 temporary assistant clerk should be hired immediately in the Hartford court, and clerical positions should be restored in New Haven and Hartford.
 2. Housing mediators: At least one of the two vacant housing mediator positions should be filled immediately.
 3. Housing prosecutors: The Bridgeport-Norwalk and eastern Connecticut housing prosecutor positions should be filled immediately, including waiver of the hiring freeze in regard to the Bridgeport-Norwalk position.

II. Administrative matters (p. 2)

- A. Computerization: All parts of the housing court system should be computerized.
1. Full computerization and e-filing:
 - a. Advisory Council involvement: The Advisory Council should be actively included in all planning that affects housing cases.
 - b. Pro se accessibility: Electronic filing should be permitted but not required for self-represented litigants.
 - c. Preservation of existing computer capabilities: All capabilities of the existing Forecourt system should be included in any new system.
 - d. Document integrity: The system should protect the integrity of original documents.
 - e. Accessibility to the general public: To the extent that housing cases are accessible electronically, they should be accessible to the general public to the same extent as to attorneys and parties.
 - f. Use of online court records for tenant screening: There should be further study of all problems surrounding the use of online data for tenant screening, such as adequate corroboration that a name in the data is in fact the same person who is sought to be screened.
 2. Expansion of computerization: Computerization should be expanded to include (a) summary process cases and identification of criminal housing cases in the non-housing court districts and (b) non-summary process cases in the housing courts.

3. 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.
4. Foreclosure cases: There should be a field in foreclosure dockets for the last law day and the date of approval of the deed of sale.

B. 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. Default rate: The causes of the increased default rate should be explored.
3. Cases that do not settle: Summary process cases that do not settle on their scheduled trial date should be continued for hearing no more than one week, except by agreement of the parties.
4. Issuance of executions: Executions should be issued expeditiously. Landlords should, on request, be permitted to pick up signed executions rather than receive them by mail.

C. Small claims:

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

1. Separation of housing dockets: Housing small claims dockets should remain separated from other small claims dockets in all housing court districts where they are separate and should be separated in districts where they are not -- most specifically in Waterbury and Bridgeport..
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. Self-certification of the number of cases filed should be permitted.
 6. Magistrate resources: The Judicial Branch should strengthen magistrate support and training by (a) giving preference to magistrates with knowledge and experience in housing law in assignments to housing dockets; (b) making sure that all magistrates have a hard copy of *Housing Issues in the Small Claims Division of the Superior Court*, (c) printing a reasonable number of copies of that booklet when it is revised, and (d) 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. Information should also be routinely provided to litigants as to how to file a complaint against a magistrate.
- D. 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.

III. Prosecution matters (p. 7)

- A. Decline in number of prosecutions: The reasons for a reduction in the number of housing prosecutions should be studied and measures taken to assure effective housing prosecution.
- B. 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.
- C. Handling of criminal prosecutions within the housing courts: Housing criminal cases in housing court districts should be heard in the housing court, by the housing court judge, and not in a G.A. court. Adjustments should be made

particularly in New Britain (and recently-made adjustments in Norwalk and Stamford should be maintained) to assure that such cases are handled in the proper location.

- D. Anti-blight ordinances: Municipal anti-blight ordinances should be reviewed for sufficient specificity and fairness.

IV. Advisory Council matters (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.

VI. Other proposals (p. 10)

A. Court administration

1. Bridgeport Housing Court location: The Bridgeport Housing Court should be returned to the 5th floor of the Superior Court building at 1061 Main St.
2. Minimum job requirements for housing clerks: Supervisory/ administrative experience should not be a precondition for consideration of an attorney candidate for housing court clerk.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.
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.

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. Statewide housing code: The state should adopt a uniform minimum housing code that would apply to all towns.

REPORT OF THE CONNECTICUT ADVISORY COUNCIL ON 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 2015.

The Advisory Council is pleased that a number of recommendations contained in its 2013 report have been implemented. In particular, the Bridgeport-Norwalk Housing Court now has a single full-time judge to hear cases in both Bridgeport and Norwalk; one vacant housing prosecutor position (in Hartford-New Britain) has been filled and a second one (in Bridgeport-Norwalk) is in the process of being filled, subject to the state's hiring freeze; the vacant housing mediator position in Bridgeport-Norwalk has been filled; and the Judicial Branch has sought out the input of the Advisory Council in regard to its on-going project to computerize court filings. See Appendix E for a full review of the result of the Advisory Council's 2013 recommendations. This report should be read in the context of our strong support for the housing court system and our appreciation of the forward movement we have seen in the past two years.

I. Staffing

Particularly because the housing courts handle evictions, it is critical that housing courts have sufficient staff to permit the efficient movement of cases. Over the past decade and beyond, there has been reduction in housing court staff due to budget cutbacks. As would be expected, this puts great pressure on the clerks' offices and the housing mediators to maintain full functioning with fewer staff than they once had. They have generally been able to do so, but there is evidence that long-term understaffing is now slowing down case processing in some courts. It is therefore important that the housing courts be returned to full staffing as soon as possible. The Council believes that the following staff adjustments should receive the greatest priority:

- Clerks' offices: A temporary assistant clerk should be hired immediately in the Hartford court. In the long run, one office clerk position should be restored in both New Haven and Hartford.
- Housing mediators: At least one of the two vacant positions should be filled immediately.
- Housing prosecutors: The Bridgeport-Norwalk and the eastern Connecticut housing prosecutor positions should be filled immediately. The Council is pleased that hiring for Bridgeport-Norwalk is in process. The Council strongly urges that the hiring freeze be waived so that the Bridgeport-Norwalk process can be completed and the position filled immediately. Both of these prosecutor positions have been unfilled for an extended period of time. The Bridgeport-Norwalk assignment continues to be split into three separate positions, with Bridgeport handled by a regular non-housing prosecutor and Norwalk and Stamford by different per diem prosecutors. The absence of a full-time housing prosecutor likely to have played a role in the radical reduction of newly instituted

code prosecutions in the Bridgeport and Norwalk Housing Courts since 2010. See Part III(A) of this report. In eastern Connecticut, Norwich and New London are being handled by a non-housing prosecutor; Danielson is assigned two days a week to a per diem prosecutor (who spends two days on housing and three on domestic violence); and Rockville is 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.

II. Administrative matters

A. 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 through the internet. It supports the effective computerization of all parts of the housing court system, with the goal of maximizing the ability to access and search for data and minimizing inconveniences in the filing of cases. This may also reduce telephone inquiries to the clerks' offices. At the same time, it urges that the Judicial Branch make certain that none of the capacities of the existing Forecourt system are lost in any changes to a new system or structure.

1. Full computerization and e-filing: The Advisory Council looks forward to the Judicial Branch's implementation of full computerization. It urges that the process and results include the following:

- a. Advisory Council involvement: The Advisory Council should be actively included by the Judicial Branch in all planning that affects housing cases. This is especially important because full computerization will replace the housing courts' functioning computer system. The Council very much appreciates the effort by the Judicial Branch to reach out to the Council through a presentation by two Judicial Branch representatives at the Council's June 2014 meeting. It urges the Branch to return to the Council for input as its planning becomes more detailed.
- b. Pro se accessibility: The system should be suitable for litigants (and attorneys) who do not have easy access to computers. Electronic filing should be permitted but not required for self-represented litigants.
- c. Preservation of existing computer capabilities: All capabilities of the existing Forecourt system should be included in any new system, and particularly in any merger into the Family/Civil computer system. In particular, the Advisory Council urges that any system applicable to housing cases retain:
 - A sortable field for the address of affected properties.
 - The posting of full court orders on the web, including all conditions related to those orders;
 - The ability to handle defaults in an appropriate manner;
 - The ability to issue judgment notices promptly and with separate copies to each defendant; and

- The ability to access prior Forecourt cases once the Forecourt system is no longer used (including whatever licensing may be necessary for that purpose).

It is the understanding of the Advisory Council that the Judicial Branch is committed to making sure that no existing capabilities will be lost.

- d. Document integrity: The system should protect the integrity of documents filed with the court (whether filed on paper or electronically) so that it will be possible to evaluate original documents (e.g., those served on a defendant).
- e. Accessibility to the general public: 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, including complaints, answers, and affidavits.
- f. Use of online data for tenant screening: The Council is also aware of concerns that easy public access to Superior Court records, without controls as to how that data is used, may create problems with accurate interpretation of data. There are many common first name/last name combinations that are shared by multiple people. Judicial Branch records, which under Practice Book 4-7 may not disclose Social Security numbers, dates of birth, or other personal information, cannot be correlated with particular individuals without further corroborating data from other sources. The Fair Credit Reporting Act requires tenant screening services and credit bureaus to corroborate such identification before using it in their reports, but that law does not apply to landlords or creditors obtaining the information themselves. It has been suggested that this can lead to erroneous rejection of applicants for housing, as well as for employment and credit. The Council recommends that these issues be explored further.

2. 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 housing cases -- both summary process and criminal cases -- in the non-housing court districts: This process has already begun, in that, going forward, summary process cases are now incorporated into the Civil/Family computer system in Middletown, Danbury, Tolland (Rockville), Norwich, and Meriden. It is the Council's understanding that the Judicial Branch intends to extend these changes to all G.A. courts. There is also need for criminal housing cases in the G.A.s (which are computerized but undistinguishable from the mass of other G.A. cases) to be identifiable as housing cases. The Council also notes that recent legislation now permits the Judicial Branch to move housing venue from the G.A. to the J.D. level administratively (Section 5 of P.A. 14-207).
- b. The computerization of non-summary process housing cases (civil, housing code enforcement, and criminal) in the housing courts: These cases are presently handled entirely manually. The practical result is that they are available to the public only at the courthouse itself, which is inconvenient for the public and

imposes unnecessary burdens on the clerks' offices.

3. 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 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.

4. Foreclosure cases: Adoption of the state and federal Protecting Tenants at Foreclosure Acts (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) has made the address of the property, the law day, and the sale date relevant to summary process actions. Although the federal act expires at the end of 2014 unless extended, the state act does not sunset until the end of 2017 and could be extended or made permanent. There is now a field in the foreclosure dockets for property address but not for the last law day or the date of approval of the deed of sale. These latter two fields should be incorporated into the record in a searchable format in foreclosure cases.

B. Case processing: While case processing times in eviction cases continue to confirm that summary process cases move very rapidly, the Advisory Council has identified troubling trends over the past two to four years suggesting that long-term understaffing is having an adverse impact on the pacing of summary process cases. It is important that this trend be reversed.

1. Speed of processing: While the median disposition time for all cases remains within its historic pattern of 18 to 19 days, the median disposition time for contested cases rose from 21 days in Fiscal Year 2012 to 24 days in Fiscal Year 2014. This change was driven by a particularly large increase in the New Britain court (from 20 days to 32 days) and by continuing smaller increases in the Norwalk and Bridgeport courts. See Appendix C-3, C-4, and C-5. Although the number of summary process cases that go to actual trial is a small percentage of all cases (about 4%), it is also a concern that, in the Hartford-New Britain Housing Court, the median disposition time for cases in which a trial is held appears to be significantly higher than in the other housing court districts. These differences should be addressed.

2. Default rate: The housing court system has long prided itself on the maintenance of a low default rate, which tends to result from the court's accessibility to litigants, and especially to self-represented litigants. That rate, unfortunately, has been rising since FY 2010, when it was 34%, to a rate of about 39% in 2014. See Appendix C-6. This increase, however, has not been uniform among the housing courts. Three of the six housing court locations have had low default rates (Hartford, New Britain, and New Haven), and those rates have actually gone down (they were around 30% in 2014). In contrast, the three other housing courts had default rates of 47% or more in 2014 (Waterbury, Bridgeport, and Norwalk). The default rates in both Bridgeport and Norwalk, which had risen significantly between 2010 and 2012, rose by an additional one-third

or more compared with 2012, with Bridgeport's default rate reaching 57%. These increases are also cause for concern.

3. Cases that do not settle: A large percentage of summary process cases that do not end in a default judgment are resolved by stipulated judgment, i.e., by a negotiated settlement. Past estimates are that almost 95% of cases that are referred to the housing mediation staff are resolved by settlement. However, there seems to have been erosion at some housing court locations of the general rule that summary process 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. It appears that Hartford, New Britain, Bridgeport, and Norwalk are not meeting this standard. Greater efforts should be made to assure that continuances resulting from a failure to settle do not exceed one week, unless otherwise agreed by the parties

4. Issuance of executions: Executions should be issued expeditiously. It appears that some housing courts will not permit the landlord or the landlord's representative to pick up a summary process execution. The Council recommends that clerks' offices permit the landlord or the landlord's representative, on request, to pick up an execution rather than receive it by mail.

C. Small claims: A fundamental purpose of the Housing Court Act was to concentrate all housing matters, including small claims, in the housing courts. This concept was followed until 2005, when 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 housing litigants that they are a part of the housing court system; and the Advisory Council from the beginning made recommendations to accomplish this goal. 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 2013-2014 almost 95% of housing court dockets were 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: Prior to 2005, housing small claims cases were heard in the housing courts. When small claims was administratively centralized in 2005, the Council expressed its concern that such centralization would lead to the removal of small claims cases from the housing courts. The Council was led to believe at that time that housing small claims cases in the housing court districts would be heard on a separate housing docket. It appears, however, that such cases are heard on separate housing dockets only in Hartford, New Britain, New Haven, and Norwalk. In Waterbury and Bridgeport, which are housing court districts, they are mixed with other small claims cases, as they are in all G.A. locations hearing small claims.

The Advisory Council recommends specifically that separate housing dockets should be established in the Waterbury and Bridgeport housing courts.

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, preferably in the regular housing courtroom. They should be held in the housing courtroom in any of the other housing court locations where they are currently held in the same 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. The Advisory Council recognizes that the Judicial Branch has improved and continues to improve the resources and materials available to self-represented litigants. To the extent that services are provided through service centers or public information desks rather than through the housing court clerks' offices, however, employees should be trained to provide the same level of service as would a housing court clerk's office. Such service requires not only knowledge of the operation of small claims courts but also a basic familiarity with housing law.

5. Service of process: Service of process by the clerk's office should be restored for self-represented individual litigants who file fewer than four housing small claims cases per year. To minimize the burden on the clerk's office, plaintiffs should be allowed to certify if they claim to have filed fewer than four cases. 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, preference should be given in the assigning of magistrates to housing cases to those with a knowledge of housing law and prior experience in the housing law field. Second, all magistrates who hear small claims cases should have a hard copy of *Housing Issues in the Small Claims Division of the Superior Court*. 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. Third, 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 when that revision becomes available. Fourth, housing law should be an integral part of training sessions for small claims magistrates.

7. Contact with housing court clerks: Although small claims clerks are the first contact for magistrates, magistrates who hear housing small claims cases 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 invites input from housing court clerks, attorneys who handle housing cases, and housing small claims litigants. Such input should not be based solely on complaints about individual magistrates. In addition, information should routinely be provided to litigants as to how to file complaints against magistrates.

D. Telephone book listings: Four years ago, the Judicial Branch indicated its willingness to make a revision in the housing court listings in the Government (blue pages) portion of the telephone book to make it easier for self-represented litigants to find housing court telephone numbers. In particular, the Advisory Council recommended that they be moved out of "Judicial" to a separate category for "Housing Courts." That change, which has never been implemented, should be made. In addition, the existing housing court listings should be reviewed for completeness (e.g., the absence of a listing for New Britain).

III. Prosecution matters

A. Decline in number of prosecutions: The number of criminal housing prosecutions in the housing courts has dropped precipitously, which raises questions about the way in which housing 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%). Those numbers remained at approximately the same level for 2013-2014, except for the Waterbury court, where the number of criminal cases more than doubled to 243. Waterbury thus accounted for 100% of the statewide increase in the past two years and now comprises almost two-thirds of all housing court criminal cases, while Hartford and Bridgeport generated fewer than new 40 cases each, and prosecutors in New Britain and Norwalk initiated fewer than 10 cases apiece.

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 fewer code enforcement staff. 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.

B. 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. This suggests 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	29-318	Space heaters
8-12	Zoning regulations	29-394	Building official orders
19a-36	Public Health Code	29-414	State Demolition Code
19a-109	Essential Services	46a-64c	Fair Housing Act ¹
19a-111	Lead paint (per 19a-230)	47a-21	Security Deposit Act
19a-111c	Lead paint (per 19a-230)	47a-52	Health orders (1- and 2-family)
19a-230	Health department orders	47a-55	Health orders (tenements)
19a-365	Tenement House Act	53a-117e	Damage to landlord property 1
29-254a	State Building Code	53a-117f	Damage to landlord property 2
29-295	Fire Safety Code	53a-117g	Damage to landlord property 3 ²
29-306	Fire hazard abatement	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 initiating 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

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

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

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.

C. Handling of criminal prosecutions within the housing courts:

1. New Britain: The Advisory Council recently learned that criminal housing cases in New Britain are being heard in the G.A. court, not in the housing court. The criminal docket is an essential part of each housing court district and criminal cases are supposed to be heard in the same court, and before the same judge, as hears other housing matters. The Council urges that criminal matters in New Britain immediately be restored to the criminal docket of the housing court.

2. Stamford-Norwalk: In recent months, criminal housing prosecutions in J.D. Stamford-Norwalk have also not been heard in the housing court. The Norwalk cases were being heard in the Norwalk G.A. and the Stamford cases in the Stamford G.A. , although both are supposed to be heard in the Norwalk Housing Court. This was apparently a consequence of the failure to replace the Bridgeport-Norwalk housing prosecutor, who retired nine years ago. This situation would be corrected as a matter of course when a new Bridgeport-Norwalk housing prosecutor is appointed. It is the Council’s understanding, however, that this situation has now been corrected and that Norwalk and Stamford crimnal cases are now being heard in the Norwalk Housing Court. The Advisory Council very much appreciates this change in policy.

D. Supervision of housing prosecutors: The Council is pleased that the Supervisory Assistant State’s Attorney for Housing Matters is, in practice, supervising all housing prosecutors specializing in housing, including the new two-day per week prosecutor in Danielson. The Council believes that such direct-line responsibility promotes consistent practices among housing prosecutors and makes for a more effective prosecution system.

E. Anti-blight ordinances: Concern has been expressed to the Advisory Council that some anti-blight ordinances sweep too broadly, are over-inclusive or insufficiently specific in the conditions that constitute blight, and impose sanctions that are disproportionate to the violations. In 2013, the legislature adopted P.A. 13-132, which established a task force to study municipal anti-blight ordinances and to draft a model ordinance. That task force, however, focused instead on the creation of a statewide property maintenance code, and no study of anti-blight ordinances was ever conducted. The Council recommends that anti-blight ordinances should be further reviewed.

IV. Advisory Council matters

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.

In regard to the assignment of housing court judges, the Council requests a revision of the process to provide the Council with better notice and more time for input. In regard to other matters which affect housing, the Council urges the Judicial Branch to be more proactive so that the Council can provide input before, rather than after, a decision has been made. Three examples from recent years 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. Third, in 2006 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 is pleased that Governor Malloy has recently made appointments to fill all 18 seats on the Advisory Council. With the exception of one appointment, no new appointments to the Council had formally been made by any Governor since 1994.

V. 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. Bridgeport Housing Court location: The Advisory Council continues to believe that the space allocated for the housing courtroom, housing mediators, and housing prosecutors at 1061 Main Street is less than satisfactory, 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. In particular, the Council recommends that the court be returned to the 5th floor of 1061 Main Street, with the courtroom, the judge's chambers, the mediators' office, and the prosecutor's office all grouped together on the 5th floor. This was the arrangement within the courthouse until 2007.

2. 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.

3. 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

4. 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.

5. 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.

6. 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.

7. 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.

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.

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.

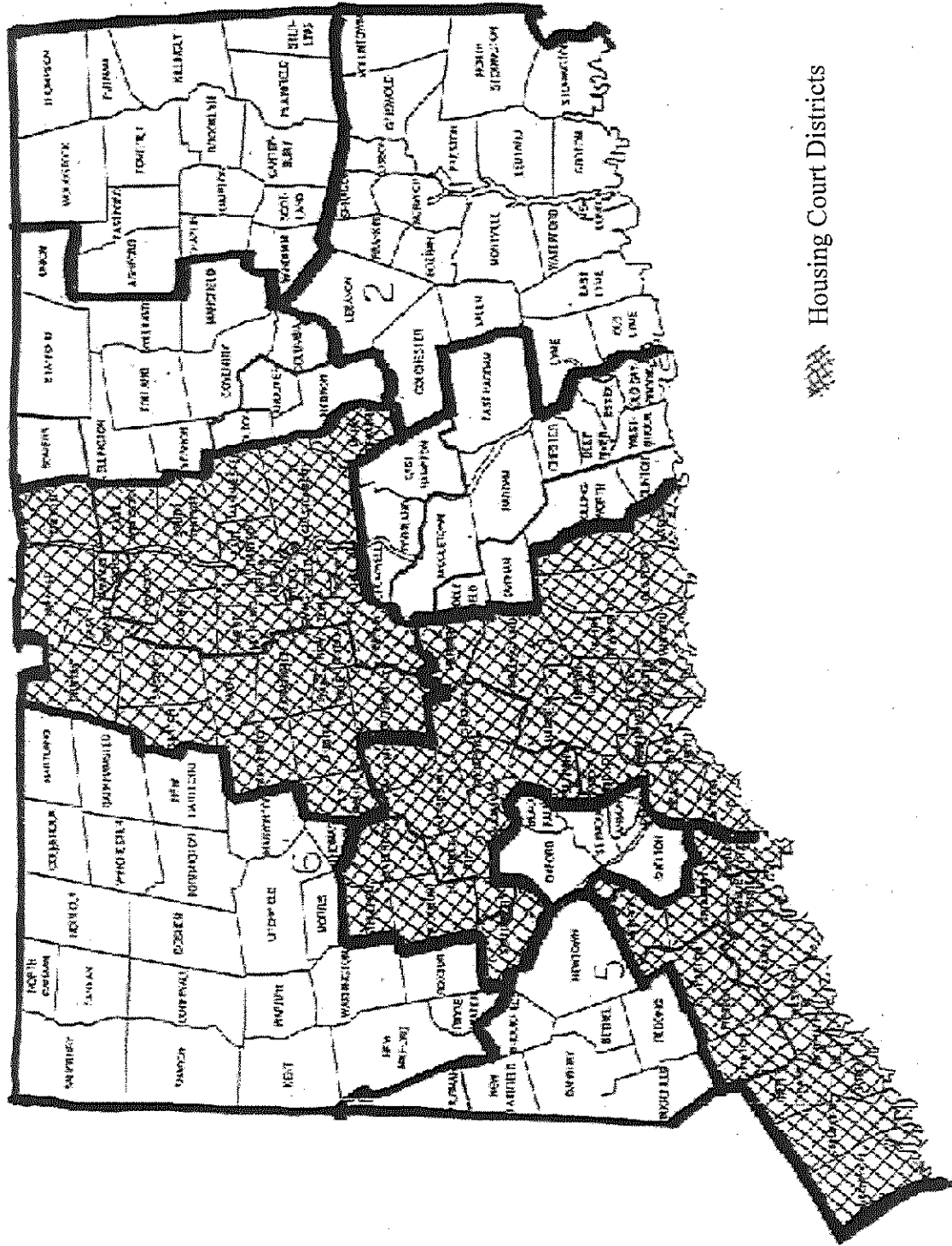
4. Eastern Connecticut prosecutor: The eastern Connecticut housing prosecutor should devote full-time to housing and should not on a regular basis be assigned to motor vehicle or other criminal cases.


5. 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



 Housing Court Districts

APPENDIX B

HOUSING COURT ACT as amended through December 31, 2014

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 and in any other judicial district for which the Chief Court Administrator determines that the prompt and proper administration of judicial business requires that venue for housing matters be in the judicial district, 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. Connecticut advisory council on housing matters.

There is hereby created the Connecticut Advisory Council on Housing Matters consisting of eighteen members. The members of the advisory council shall be appointed by the Governor

for terms of four years, from July first of the year of their appointment. The advisory 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 chairperson. Five members shall be residents of the judicial districts of Hartford or New Britain; five members shall be residents of the judicial districts of New Haven, Waterbury or Ansonia-Milford; five members shall be residents of the judicial districts of Fairfield or Stamford-Norwalk; and three 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. Any vacancy in the membership of the advisory council shall be filled by the Governor for the unexpired portion of the term.

Sec. 47a-72. Duties of Connecticut 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 Connecticut Advisory Council on Housing Matters shall each submit a report, in accordance with the provisions of section 11-4a, 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 2014

July 1, 2013 to June 30, 2014

	<u>Summary</u>	<u>Change since</u>	<u>Civil</u>	<u>Criminal¹</u>	<u>%summary</u>	<u>Small</u>			
<u>Housing courts</u>	<u>process</u>	<u>2011-12</u>	<u>2009-10</u>	<u>47a-14h</u>	<u>Total</u>	<u>process</u>	<u>Claims²</u>		
<u>Housing courts</u>									
Hartford-New Britain									
Hartford	4,461	+ 2.8%	+ 1.9%	86	23	45	4,615	96.7%	462
New Britain	<u>1,949</u>	<u>+ 1.6%</u>	<u>+ 1.4%</u>	<u>32</u>	<u>4</u>	<u>4</u>	<u>1,989</u>	<u>98.0%</u>	<u>195</u>
	6,410	+ 2.4%	+ 1.8%	118	27	49	6,604	97.1%	657
New Haven-Waterbury									
New Haven	3,569	- 0.4%	+ 1.5%	99	20	55	3,743	95.4%	228
Waterbury	<u>2,393</u>	<u>+ 9.0%</u>	<u>+25.1%</u>	<u>23</u>	<u>0</u>	<u>243</u>	<u>2,659</u>	<u>90.0%</u>	<u>145</u>
	5,962	+ 3.2%	+ 9.8%	122	20	298	6,402	93.1%	364
Bridgeport-Norwalk									
Bridgeport	2,829	+ 3.7%	+ 5.7%	135	15	42	3,021	93.6%	180
Norwalk	<u>1,320</u>	<u>- 0.5%</u>	<u>+ 5.3%</u>	<u>156</u>	<u>6</u>	<u>1</u>	<u>1,483</u>	<u>89.0%</u>	<u>140</u>
	4,149	+ 2.3%	+ 5.6%	291	21	43	4,504	92.1%	320
Total	16,521	+ 2.7%	+ 5.5%	531	68	390	17,510	94.4%	1,350
<u>Non-housing courts</u>									
Central Connecticut									
Meriden ³	668	+17.4%	+16.6%						0
Derby (GA 5)	<u>519</u>	<u>+17.4%</u>	<u>- 0.8%</u>						<u>132</u>
	1,187	+17.4%	+ 7.8%						132
Eastern Connecticut									
New London (GA 10)	951	- 0.3%	-11.2%						159
Norwich (GA 21)	841	+ 1.6%	+ 2.9%						0
Danielson (GA 11)	649	+ 1.4%	- 8.3%						58
Rockville (GA 19)	451	+ 0.2%	+ 4.9%						65
Middletown (GA 9)	<u>564</u>	<u>- 9.6%</u>	<u>-13.2%</u>						<u>165</u>
	3,456	- 1.1%	- 6.0%						447
Western Connecticut									
Danbury (GA 3)	536	+ 7.2%	-30.7%						64
Bantam (GA 18)	<u>594</u>	<u>+17.6%</u>	<u>+27.5%</u>						<u>84</u>
	1,130	+12.4%	- 8.9%						148
Total non-housing cts	<u>5,773</u>	+ 4.7%	- 4.1%						<u>727⁴</u>
<u>Connecticut total</u>	22,294	+ 3.2%	+ 2.9%						2,077
<u>Housing small claims⁵</u>									
Housing small claims				2,077	4.9%				
Other small claims				<u>40,578</u>	<u>95.1%</u>				
All small claims				42,655	100.0%				

Summaries: 74.1% of all summary process cases were filed in the housing courts.
94.4% of all housing court cases were summary process cases.

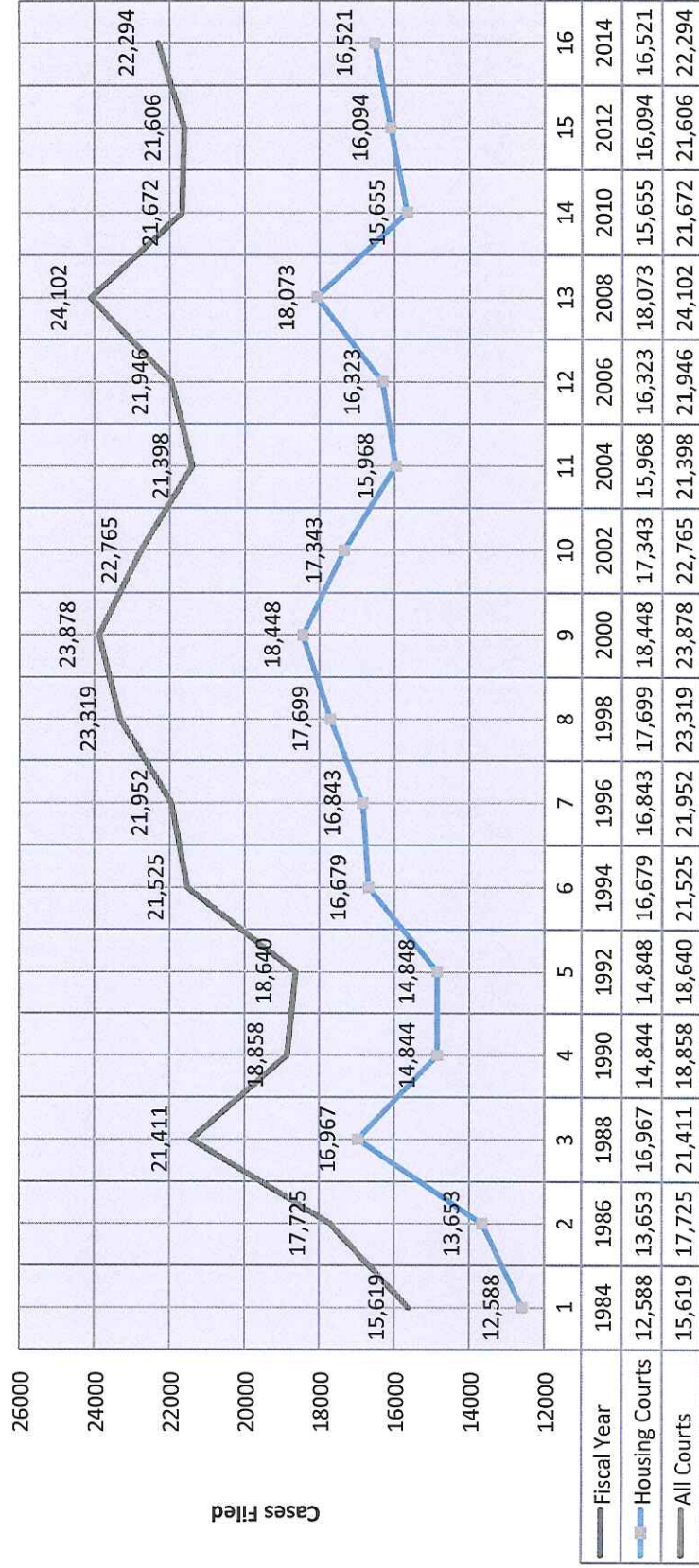
¹Criminal cases do not include cases filed in a G.A. court and transferred to a housing court. The number of such cases is believed to be small.

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

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

⁴The Middletown small claims total includes Meriden cases, New London includes Norwich, and Derby includes Ansonia-Milford. Rockville cases are heard in Manchester.

Appendix C-2 Summary Process Cases Filed Since 1984



APPENDIX C-3

Disposition time for court processing of summary process cases

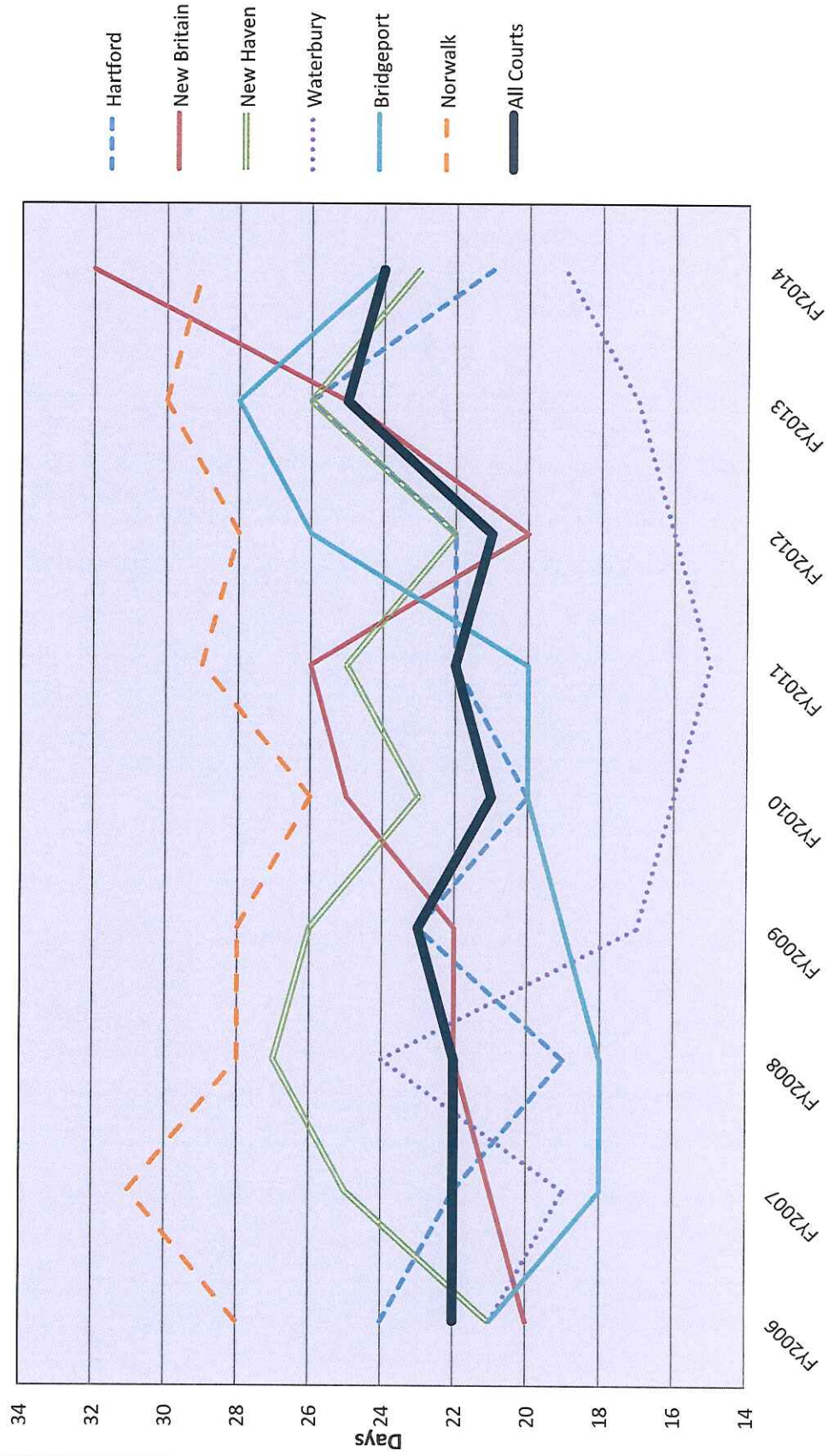
July 1, 2013 and June 30, 2014

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>							
<u>Median</u>	18 days	30 days	19 days	14 days	21 days	24 days	19 days
<u>Per cent disposed of within:</u>							
30 days	79.0%	50.1%	77.9%	86.1%	73.7%	64.6%	74.6%
60 days	94.5%	88.4%	93.6%	95.8%	92.7%	87.0%	93.0%
90 days	97.9%	95.9%	96.9%	98.4%	97.3%	93.6%	97.1%
<u>Default rate:</u>							
	30.5%	29.0%	30.4%	47.8%	57.0%	49.5%	38.8%
<u>Contested cases</u>							
<u>Median</u>	21 days	32 days	23 days	19 days	24 days	29 days	24 days
<u>Per cent disposed of within:</u>							
30 days	73.4%	38.3%	72.7%	80.4%	68.8%	51.4%	67.5%
60 days	93.2%	87.2%	92.7%	94.8%	90.8%	80.9%	91.5%
90 days	97.3%	95.5%	96.5%	97.6%	96.6%	90.8%	96.4%

Note: "Contested cases" are those in which the defendant files an appearance.

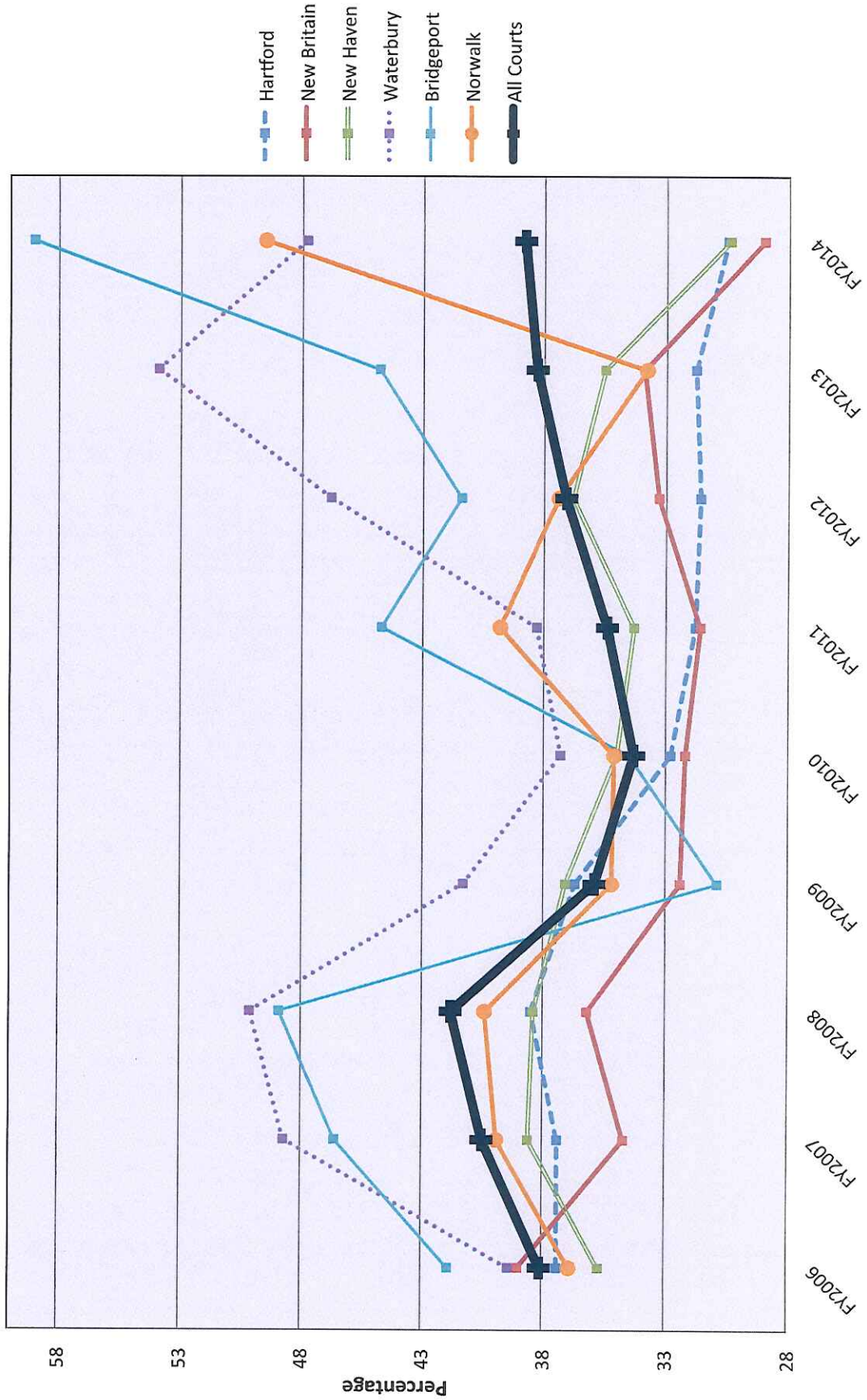
Appendix C-5
Median Disposition Time of Court Processing of
Summary Process Cases since FY 2006 - by Court Location
Median number of days from return day to entry of final judgment



Appendix C-6

Default Rate In Summary Process Cases Since FY 2006 - by Court Location

Defaults for failure to appear as a percentage of all cases



APPENDIX D

HOUSING COURT JUDGES

Hartford-New Britain

New Haven-Waterbury

Bridgeport-Norwalk

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
9-1-11	Vernon Oliver	Terence Zemetis	Michael Maronich
9-1-12	Glenn Woods	Michael Maronich	Lawrence Hauser/Eddie Rodriguez, Jr.
9-1-13	Glenn Woods	Michael Maronich	Eddie Rodriguez, Jr.
9-1-14	Glenn Woods	Steven D. Ecker	Eddie Rodriguez, Jr.

APPENDIX E

STATUS OF 2013 CITIZENS ADVISORY COUNCIL RECOMMENDATIONS

I. Staffing

1. Clerks' Offices: A clerical assistant or equivalent clerical position in New Haven should be refilled immediately. Implemented.
2. Housing mediators: At least two of the three vacant housing mediator positions should be filled immediately. One position has been filled; one has not.
3. Housing prosecutors: The Bridgeport-Norwalk housing prosecutor position should be filled immediately. In the process of being implemented, subject to the state hiring freeze.

II. Court administration

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 St. Not implemented.
2. Signage should be improved. Not implemented.
3. The mediators should have appropriate equipment, including a computer and a telephone, in any room in which they conduct negotiations. Not implemented.

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. Partially implemented. Non-housing court summary process cases are now computerized in Middletown, Danbury, Rockville, Norwich, and Meriden, although not as part of the housing court computer system (Forecourt). Civil and housing code enforcement cases have not been computerized in the housing court districts.

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| <p>2. <u>Identification of G.A. criminal housing cases</u>: 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.</p> | <p>Not implemented.</p> |
| <p>3. <u>Property addresses</u>: (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.</p> | <p>Partially implemented. Property addresses are now a field in summary process cases in the Family/Civil system and in foreclosure cases, but law day and sale date are not.</p> |
| <p>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 in response to data inquiries.</p> | <p>Not implemented.</p> |
| <p>5. <u>“Paperless” court system</u>: 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 system. Electronic access to housing cases should be available to the general public to the same extent it is available to attorneys and parties.</p> | <p>Partially implemented. The Judicial Branch has met with and received input from the Council. It has represented that e-filing will not be required of pro se litigants, that no capabilities of the Forecourt system will be lost, and that access will be available to the general public.</p> |
| <p>C. <u>Telephone book listings</u>: (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.</p> | <p>Not implemented.</p> |
| <p>D. <u>Case processing</u>:</p> | |
| <p>1. <u>Speed of processing</u>: 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).</p> | <p>Not implemented.</p> |
| <p>2. <u>Defaults</u>: The causes of the increased default rate should</p> | <p>Not implemented.</p> |

be explored.

III. Prosecution issues

- 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). Not implemented.

IV. Judicial issues

- 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. Implemented.

B. Small claims issues:

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

1. Separation of housing dockets: Housing small claims dockets should remain separated from other small claims dockets at all hearing locations. Partially implemented. Dockets are not separated in Waterbury or Bridgeport.
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. Partially implemented. Hearings in New Haven and Bridgeport are in different buildings.
3. Acceleration of hearings: The scheduling of housing small claims hearings should be systematically accelerated. Not implemented.
4. Pro se services: Pro se services for housing small claims plaintiffs and defendants should be enhanced. Not implemented.
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. Not implemented.
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 The small claims booklet is made available to magistrates, although it is not clear that all receive hard copies. The role of housing

number of copies of that booklet when it is revised, and (c) making housing law an integral part of magistrate training.

in magistrate training is also limited. No updated booklet has been produced by the Advisory Council.

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.

Not implemented.

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.

Not implemented.

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.

Implemented.

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.

Partially implemented.

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

Implemented.

VI. Other proposals

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.

Not implemented.

2. Spanish-speaking staff: Every housing clerk's office should be staffed so as to have at least one bilingual

Not implemented. All clerks' offices do, however, have

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.

access to, and make use of, Language Line, which permits immediate translation. Some clerks' offices also have limited access to translation staff from other Judicial Branch offices.

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.

Not implemented.

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.

Not implemented.

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.

Not implemented.

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.

Existing programs continue to operate.

7. Court calendar retention: Court calendars should be retained in the Judicial Branch database for at least one year.

Not implemented.

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.

Not implemented.

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

Implemented.

B. Prosecution

1. Criminal investigators: The Chief State's Attorney

Not implemented.

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. Not implemented.
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. Standards accepted in principle by Chief State's Attorney but implementation not clear.
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. Not formally implemented, but Supervisory Assistant State's Attorney continues to play de facto supervisory role in regard to housing prosecutors.
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. Not implemented.
6. Statewide housing code: The state should adopt a uniform minimum housing code that would apply to all towns. Not adopted.