

REPORT TO THE GENERAL ASSEMBLY

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

January 4, 2023

Members of the Council

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Note

This report was approved by the Advisory Council as it existed on December 14, 2022.
Retirements and new appointments took effect after that date.

REPORT OF THE CONNECTICUT ADVISORY COUNCIL ON HOUSING MATTERS

Pursuant to C.G.S. §47a-73, every two years the Connecticut Advisory Council on 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 report and recommendations for 2023.

Two years ago, the Council recommended that the Judicial Branch return housing matters to in-person status as soon as reasonably practicable, considering the status of the health emergency. The Council is pleased that the Branch has done so. This report attempts to survey a number of issues that the Council has discussed since then.

Virtual hearings

The Council's 2021 report included a number of recommendations for improving the way in which virtual hearings were being handled. The concerns centered on the ability of self-represented litigants to effectively access and participate in virtual hearings. To the extent that hearings in housing matters have returned to in-person status, those concerns have become moot. To the extent, however, that some housing hearings or trials are still held remotely, those recommendations may still be relevant. These included:

- Ability to access assistance from the clerks' offices by phone, including during a virtual hearing;
- Recognition of litigant difficulties in accessing hearings;
- Adequacy of remote courtrooms in the courthouse;
- Use of electronic notices;
- Readability of computer-generated notices;
- Recognition of the potential unreliability of receipt of email.

To the extent that remote hearings continue to occur in housing cases, the Judicial Branch should review the Council's 2021 recommendations, including the ones listed above.

Access to courts

Three issues about the return to in-person proceedings have been brought to the attention of the Council. We urge the Judicial Branch to address each of them:

- Overcrowding: The return to in-court hearings has resurrected the long-standing issue of overcrowding in the courthouses that hear housing cases. Some courts do not have sufficient seating and litigants must crowd together in the hallways in close quarters. Overcrowding sends the wrong message to litigants, since it is inherently disrespectful to them. It can also impose physical burdens on litigants who cannot find a place to sit and practical burdens on those who may miss courtroom instructions or the call of a case because they are outside the courtroom. In addition, because COVID-19 continues to be

a health issue, overcrowding continues to have health overtones. The Council has received reports of significant overcrowding on housing calendar days in Hartford, Bridgeport, New Haven, and Waterbury. The Branch should attempt to find ways to minimize overcrowding.

- Calendar calls: Calendar calls in the housing courts usually include the presentation of information about the day's proceedings that is important for self-represented litigants to hear and understand. They are currently made only in English. A significant portion of self-represented litigants are not fluent in English. The Branch should devise ways to provide these presentations in languages other than English, particularly in Spanish, including consideration of the provision of written introductory materials in languages other than English.
- Other language-related issues: The Judicial Branch should attempt to increase the number of clerks office and housing mediator staff who are bilingual or multilingual. In addition, Judicial should review the availability priorities for the assignment of interpreters for housing mediations, hearings, and trials. The Council has received reports that it is sometimes difficult to obtain an interpreter in housing cases, resulting in either extended waits or inappropriate decisions to proceed without an interpreter.
- Reasonable accommodation for disability and accommodation for remote hearings: It has been reported to the Council that requests for remote proceedings based on disability have not always been honored. The proper procedure is a caseflow request, although a request based on the Americans with Disabilities Act request can also be made. Judicial should review these requests, determine the extent to which they are denied, and evaluate whether any changes in the system need to be made.

Administration-related issues

- Mixed civil/criminal courtrooms: In some of the non-housing court districts, such as Danbury, the summary process and criminal dockets are heard in the same courtroom. Parties in settled summary process sometimes face long waits for the completion of a criminal trial for a judgment to be entered. The Branch should provide a way for those settlements to be entered quickly so that the parties can leave.
- Notices of judgment: It appears that notices of judgment ordering the tenant to vacate within five days are sometimes issued in cases of judgment by stipulation with a longer date for vacating. Judicial should make sure that such five-day notices are not being issued automatically in inappropriate circumstances.
- Notice of fee waivers: Questions have been raised as to the extent to which low-income litigants are informed in the clerk's office of their right to apply for a fee waiver. The Judicial Branch should assure that indigent litigants are always made aware of the right to request a fee waiver, both by appropriate signage and in communication with clerks' office staff.

- Notice by mail: Mailed notices of hearings should recognize the existence of significant delays in both the mailing of notices within the court system and in the actual delivery of mail. At least 14 days' advance notice should be allowed except where otherwise required by statute. The Council is aware of cases where notices did not arrive until the day before, the day of, or the day after the hearing.
- Clerks' office structure: The Judicial Branch should identify clearer lines of responsibility for housing cases for the clerks offices in New Britain and Waterbury and in the non-housing court districts. Any clerk's office handling housing matters that does not have a formally-designated clerk for housing matters should have a clerk or assistant clerk who is assigned to supervise housing matters. Such employees should be trained by and responsible to the Chief Clerk for Housing Matters so as to assure consistent procedures and policies throughout all courts handling housing matters. Parties will thereby have access in all locations handling housing matters to a clerk trained in housing law to answer questions and provide assistance to litigants.
- Data-related and other procedures in housing-related cases: The Judicial Branch should adjust procedures so as to establish:
 - Data entry guidelines for clerks: Guidelines for clerks in regard to the uniform inputting of data;
 - Small claims data: In small claims actions, a sortable field for the address of affected properties;
 - Criminal data: In housing criminal cases, the posting of full court orders on the web, including all conditions related to those orders;
 - Judgment notices: The ability to issue judgment notices promptly and with separate copies to each defendant;
 - Docket markings: The ability to track the history of attorney appearances for parties and of continuances and off markings;
 - Housing civil cases: The ability to identify civil cases filed in civil clerks' office as being housing cases that should be transferred to the appropriate housing session;
 - Notices: The adequacy of notices to self-represented and non-appearing parties.
- Magistrate small claims manual: The Council's preliminary update of the manual was completed in 2019 so that it is substantially current. The Council is concerned, however, that it is not in fact being used by magistrates. The Council requests that Judicial give specific guidance to magistrates on its use as a resource and that it provide a hard copy of the manual to magistrates newly hearing housing small claims cases and to any other magistrates hearing housing cases who have not previously received a hard copy.

Forms and materials

During the past two years, the Advisory Council has submitted proposed changes to the summary process Answer and Special Defense form (JD-HM-5) and the Motion to Open form (JD-HM-42). The Council thanks the Judicial Branch for implementing both forms.

The Advisory Council recommends a review of all computer-generated notices for clarity and readability, a substantial revision of one other form, the creation of one new form, and the updating of litigant guides.

- Computer-generated notices: The Advisory Council recommends that the Judicial Branch review all computer-generated summary process notices for clarity and readability. Some of the notices are hard for litigants to read and are not clear in their meaning. They should be subject to a plain language review. In addition, all hearing notices should clearly specify what is to be heard at the hearing (e.g., a motion, an objection, a trial, etc.).
- CARES Act affidavit of compliance (JD-HM-41): The permanent portions of the federal CARES Act (15 USC 9058) require the use of a 30-day notice to quit for certain evictions from “covered” dwellings and dwelling units subject to any form of federal assistance, which the CARES Act defines very broadly. The Judicial Branch’s CARES Act affidavit requires modification, however, to match the requirements of the CARES Act that remain in effect. The Advisory Council has recommended a revision and simplification of the affidavit, with which the Judicial Branch agrees in principle. Some differences in language remain, however. The Council does not object to excluding from the affidavit requirement those cases in which the notice to quit provides at least 30 days’ notice. It is also the Council’s understanding that clerks are not supposed to set a date for a hearing until a required CARES Act affidavit has been filed. The Advisory Council is pleased that the Branch is revising the affidavit and urges the Branch to work with the Council to resolve differences in recommended language.
- C.G.S. 47a-23c pro se form: The Judicial Branch should consider developing a pro se form for actions brought under C.G.S. 47a-23c(c)(2). That section provides that seniors and persons with a disability living in buildings or complexes with five or more units who live in a town with no fair rent commission “may bring an action in the Superior Court to contest the increase.”
- Various guides: Changes in eviction law during the pandemic made many of the Department’s eviction-related guides out-of-date, as pandemic rules substantively changed the laws. Many of those changes are no longer in effect, but some remain. We urge the Judicial Branch to review such guides for continuing accuracy.

Housing mediators

- Expanded staffing: The legislation creating the Right to Council program also included funding that has resulted in more than tripling the number of housing mediators. With a larger number of mediators, it should be possible to expand the tools available to mediators, the range of settlements that can be reached, and the types of matters in which mediators are routinely involved. For example, housing court mediation is likely to be a key referral point to the re-established state-funded Eviction Prevention Fund (see below). Its success will depend on an active role by mediators. We urge Judicial to

examine these possibilities and to assure that mediators are adequately trained to apply them.

- Eviction Prevention Fund of UniteCT (EPF): Effective December 1, 2022, the Department of Housing has established a new “rent bank” program to assist tenants facing eviction. It is funded at approximately \$3.5 million per year, with sufficient federal funds to operate for three years. Its primary purpose is to help negotiate retention agreements that will allow evictions against tenants to be withdrawn (it can pay up to \$5,000 on an arrearage), but it can also be used for up to \$3,000 in assistance for first month’s rent and a security deposit for a tenant in the eviction process who is going to move. The Council urges the Judicial Branch to work closely with the Department of Housing in the administration of the program and train housing mediators to actively encourage use of the program in eviction settlements.
- Other Judicial Branch programs: Because of the existence of multiple special housing-related assistance programs during the pandemic, mediators were expected to have a broad knowledge of such programs. Judicial should be sure that mediators are trained in these non-Judicial Branch programs so that such programs can effectively be integrated into the settlements that mediators work out.
- Stipulated judgments: Agreements worked out with housing mediators in evictions usually result in stipulated judgments. It has been called to the Council’s attention, however, that some pro se litigants misunderstand and do not appreciate that these “agreements” will be recorded as “judgments for the landlord,” even if the tenant complies with the terms of the agreement. The Council urges housing mediators to make this clear to self-represented litigants and urges Judicial to include the need for such clarity in mediator training.

Housing prosecution

- Criminal database improvements: The Council recommends that the computerization of criminal cases in non-housing court districts include a way to identify and isolate those that are housing cases.
- Police training manual: The Council encourages the Chief State’s Attorney, with the Advisory Council’s participation, to review and update the police training manual for housing. The Council has been asked in particular to look at the way in which the manual addresses apartment access problems related to the issuance of temporary restraining orders and to the treatment of guests.
- Full-time prosecutors: It is not clear if the vacant housing court prosecutor position in the Bridgeport/Norwalk Housing Court will be filled by a prosecutor who is assigned full-time to housing. C.G.S. 51-278(b)(1)(B) requires that at least three of the housing prosecutors handle housing matters full-time “to the extent practicable.” The Council recommends that the Bridgeport/Norwalk prosecutor be full-time.

- Centralized Infractions Bureau: Section 18 of P.A. 22-26, a bill sponsored by the Judicial Branch, amended C.G.S. 51-164n(b) to include the violation of numerous statutes within the scope of the Centralized Infractions Bureau (CIB). These are statutes for which the penalty is a fine. Inclusion in the CIB means that the fine can be paid by mail, like a parking ticket, without normal court involvement. This is reasonable and efficient for most fines, but it is inappropriate for fines associated with housing code-related violations. That is because the purpose of housing fine enforcement is not to collect money but to obtain compliance with an order. Housing code enforcement, for example, would break down if a resistant landlord could simply pay a small fine without making the required repair. Unfortunately, P.A. 22-26 added blight fines (C.G.S. 7-148o) and fair rent commission fines (C.G.S. 7-148f) to the CIB list. Neither is appropriate for payment without a hearing. The Council recommends that the Judicial Branch ask the General Assembly to remove them from the CIB list.

Right to counsel program

The Right to Counsel (RTC) program was created by P.A. 21-34 in 2021 as part of an effort to provide legal representation to tenants in eviction cases and to help encourage residential stability. Prior to the pandemic, more than 80% of landlords were represented by counsel in eviction cases, while less than 7% of tenants were represented, a ratio of more than 10:1. The RTC program has been in operation since January 31, 2022, but a late start and the limited pool of available attorneys to staff the program has slowed hiring. It is currently operational in 13 zip codes, covering about one-fourth of eviction cases. As of September 10, 2022, the coverage areas are:

New Haven/West Haven:	06511, 06513, 06516, 06519
Hartford:	06105, 06120
Bridgeport:	06605
Stamford	06902
Waterbury:	06702, 06710
New Britain:	06051
New London:	06320
Northeastern Connecticut	06239 (Danielson), 06226 (Willimantic), 06260 (Putnam)

Early data suggests that the attorney representation rate for tenants in covered zip codes has approximately doubled since the start of the program.

The RTC program has its own advisory 11-person Working Group, which includes four members of the Connecticut Advisory Council on Housing Matters. That working group, however, has played only a small role in setting RTC policy.

- RTC notice: P.A. 21-34 requires that Judicial post on its website a notice of the availability of attorneys for tenants. The notice is to be attached by landlords to notices to quit and summary process writs. The notice is very hard to find on the website and still contains the text it used in January, 2022, before the RTC program was operational.

The Council recommends that the Judicial Branch review its website, including the website “search” function, so as to make it easier for tenants and landlords to find the RTC notice. In addition, the Council recommends that the notice be revised to reflect the existence of the Eviction Prevention Fund.

Case processing data:

After an extended period in mid-2020 in which the number of evictions filed was greatly reduced, eviction filings rose steadily at first and then, in early 2022, jumped radically, reaching a peak of about 2,500 new filings a month. Since then, filings have dropped to around 2,000 per month, but an annualized rate of 24,000 filings per year would be more than 20% above pre-pandemic levels. It is no surprise that such numbers would impose substantial burdens on the court system.

The data indicates that, since 2015, there has been some slowdown in the disposition time for summary process cases. Median disposition time (from return day to entry of final judgment) continued to rise during the pandemic, which included both an extended eviction moratorium and the state’s emergency rental assistance program – UniteCT – both of which seem to have led to longer disposition times. The acceptance of new UniteCT applications, which ended in February, 2022, was followed almost immediately by the March surge in eviction filings, which in turn seems to have led to longer disposition times through July. Since that month, however, disposition times have been falling. The median disposition time in November was 25% shorter than in July.

Concern was expressed that lack of adequate staffing in the clerks’ offices has resulted in unreasonable delays in entering default judgments contrary to statutory time requirements or in issuing some court documents in a timely manner. The Council understands that Judicial is in the process of additional hiring. The Council recommends that such hiring be accelerated and that it include the assignment of sufficient staff to housing clerks’ offices to alleviate these matters.

Eviction records

The Council has previously raised concerns about the use of the online Judicial Branch database for tenant screening. The website itself warns that it “is not intended for use in landlord or tenant screening,” explicitly noting that “it does not contain personal identifying information necessary to adequately identify the parties.” Notwithstanding this warning, such records can be misused by landlords to filter out applicants based solely on the presence of a record for an applicant, without regard to the disposition of the case or the ground of eviction. This can have severe consequences when a tenant attempts to find an apartment. A tenant will have an “eviction record,” even in regard to cases that are withdrawn or which the tenant actually won.

The Council recommends that the Judicial Branch review its policies on the length of time summary process records remain on the public database and whether commercial bulk purchases should include records removed from the public database.=

Advisory Council role and involvement

The Connecticut Advisory Council on Housing Matters, whose authorizing statute can be found at C.G.S. 47a-71a and 47a-72, is the statutory advisory board to the housing court system. It was created by the first Housing Court Act in 1978 and has therefore been part of the Connecticut housing court system from its very beginning. It is comprised of a mixture of landlord and tenant representatives (many of whom are experienced summary process attorneys). It is intended as a primary resource with which the Judicial Branch can consult to make the housing court system work more effectively and smoothly. Although the Advisory Council also has a role with other state entities dealing with housing matters (e.g., the Chief State's Attorney, the Governor, and the legislature), its primary focus has always been the Judicial Branch.

The Council has long advocated that its role in Judicial Branch planning be significantly enhanced. Effective participation by the Advisory Council, however, requires more than a general invitation to submit comments. It requires some structure that permits a back-and-forth discussion, initiated by Judicial, that allows the Council to react and respond to actual proposed procedures before they are implemented. For example, the Council was not consulted or brought into discussion about the relocation of the Norwalk Housing Court to Stamford. The Council urges the Judicial Branch to facilitate such a process. In particular, the Council urges the Judicial Branch to proactively contact the Council when considering changes that will impact the hearing or processing of housing cases and take the initiative in bringing the Council into those discussions.

Anticipated Advisory Council projects: The Council has several projects in process that it hopes to complete in 2023. These include:

- Magistrate manual: The manual was preliminarily updated in 2019, but the full updating by the Council has not yet occurred. Its completion remains a priority for 2023.\
- Data gathering capacity: The Council continues to work to develop computer programs that will better allow the sorting of data so as to improve understanding of the actual operation of the housing courts. For example, the data system now makes it possible to cumulate and analyze information about the representation of parties by counsel in summary process actions. Much housing data is now being gathered through the Right to Counsel program, and the Council will attempt to make increased use of that data.
- Input into housing court judge assignments: The Judicial Branch and the Advisory Council have never reached full agreement on how the Council can best provide input into the assignment of housing court judges. The Council hopes to develop a mechanism, in consultation with the Judicial Branch, by which more effective input can be provided.

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APPENDIX B

HOUSING COURT ACT as amended through December 31, 2022

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 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. 51-348b. Hearing of housing matters.

Housing matters, as defined in section 47a-68 of the general statutes, 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 (1) New Britain, such matters shall be heard by the judge assigned to hear housing matters in the judicial district of Hartford, (2) Waterbury, such matters shall be heard by the judge assigned to hear housing matters in the judicial district of New Haven, and (3) 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. Housing matters do not have to be heard in the facilities to which the process is returned and the pleadings are filed.

Sec. 51-345(h). Return of housing actions.

(h) (1) In all actions involving housing matters, as defined in section 47a-68, civil process shall be made returnable to the judicial district where the premises are located, except that actions described in subdivision (6) of section 47a-68 shall be heard in the geographical area where the premises are located unless otherwise provided in subsection (d) of section 51-348, as amended by this act.

(2) Notwithstanding the provisions of subdivision (1) of this subsection concerning the judicial district to which civil process shall be made returnable:

(A) If the premises are located in Avon, Canton, Farmington, Newington, Rocky Hill, Simsbury or Wethersfield, the action may be made returnable at the option of the plaintiff to either the judicial district of Hartford or the judicial district of New Britain.

(B) If the premises are located in Ansonia, Beacon Falls, Derby, Oxford, Seymour or Shelton, the action shall be made returnable to the judicial district of Ansonia-Milford. After the filing of the action, the plaintiff or defendant may request a change in venue to the judicial district of New Haven or the judicial district of Waterbury.

(C) If the premises are located in Milford, Orange or West Haven, the action shall be made returnable to the judicial district of New Haven.

Sec. 51-348(d). Venue for housing matters. Housing docket.

(d) In any judicial district in which housing matters are heard on a separate docket under section 16 of this act, venue for an action pertaining to 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 shall be in the housing session for the judicial district, except that venue for such an action concerning premises located in Milford, Orange or West Haven shall be in the judicial district of New Haven. In all other judicial districts, venue for such actions, if placed on the criminal docket, shall be in the

geographical area where the premises are located.

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.

Sec. 47a-75. Right to counsel in eviction proceedings.

(a) As used in this section:

(1) "Covered individual" means any party to a covered matter who is an income-eligible tenant, lessee or occupant, for residential purposes, of any land or building, any apartment in any building, any dwelling unit, any trailer or mobile manufactured home or any land upon which a trailer or mobile manufactured home is used or stands;

(2) "Covered matter" means any notice to quit delivered to, or any summary process action instituted against, a covered individual pursuant to chapter 832 or chapter 412 or any administrative proceeding against a covered individual necessary to preserve a state or federal housing subsidy or to prevent a proposed termination of the lease;

(3) "Designated organization" means any not-for-profit legal services organization that provides legal representation in a covered matter to a covered individual;

(4) "Administering entity" means the organization contracted by or party to a

memorandum of agreement with the Judicial Branch to administer the right to counsel program in accordance with subsection (b) of this section;

(5) "Legal representation" means representation in a covered matter provided by a designated organization to a covered individual, and all legal advice, advocacy and assistance associated with such representation, subject to and in accordance with the Rules of Professional Conduct;

(6) "Income-eligible" means (A) having household income at or below eighty per cent of the state median income adjusted for family size, as determined by the United States Department of Housing and Urban Development, at the time of the request for representation; or (B) receiving one of the following types of public assistance: (i) Temporary Assistance for Needy Families, (ii) Supplemental Nutrition Assistance Program benefits, (iii) Medicaid, (iv) Supplemental Security Income, (v) refugee resettlement benefits, (vi) rental assistance under chapter 138a of the general statutes, or (vii) the federal Housing Choice Voucher Program, 42 USC 1437f(o);

(7) "Tenant", "landlord", "owner" and "dwelling unit" have the same meanings as provided in section 47a-1;

(8) "Notice to quit" means any notice to quit possession or occupancy delivered pursuant to chapter 832 or chapter 412 to a lessee or occupant;

(9) "Lessee or occupant" means any tenant, lessee or occupant, for residential purposes, of any land or building, apartment in any building, dwelling unit, trailer or mobile manufactured home, or land upon which a trailer or mobile manufactured home is used or stands; and

(10) "Right to counsel program" means the state-wide right to counsel program to provide legal representation to a covered individual in a covered matter established under this section.

(b) There is established a right to counsel program for the purpose of providing any covered individual with legal representation at no cost in a covered matter initiated on or after July 1, 2021. The Judicial Branch shall, using available federal funds, contract with or enter a memorandum of agreement with an administering entity to administer the right to counsel program. The administering entity, within the funding available to it for the right to counsel program, shall fund the provision of legal representation by designated organizations under this section. A designated organization may subcontract with a nonprofit or community organization to provide legal representation to a covered individual, and to provide tenant outreach and education. A designated organization shall, at a minimum: (1) Have substantial expertise in housing law and landlord tenant law and substantial experience furnishing free legal assistance to eligible individuals; (2) have a demonstrated history of serving the low-income community; (3) identify the geographic area in which such organization provides legal representation; (4) have a plan to reach and provide legal representation to income-eligible persons with limited English proficiency; and (5) provide appropriate supervision and training.

(c) The administering entity may receive funds or services from the state or federal government, corporations, associations or individuals to fund: (1) The provision of legal representation to covered individuals in covered matters; (2) the administration of the right to counsel program for the administering entity and designated organizations; and (3) tenant outreach and education.

(d) If the Judicial Branch receives state or federal funds pursuant to this section for the purpose of appointing additional housing mediators under section 47a-69, the Judicial Branch shall appoint such additional housing mediators to facilitate the resolution of summary process actions.

(e) (1) There is established a working group to advise on matters and policies affecting the right to counsel program, to effectuate the right to counsel. The working group shall consist of the following members:

- (A) Two appointed by the speaker of the House of Representatives;
- (B) Two appointed by the president pro tempore of the Senate;
- (C) One appointed by the majority leader of the House of Representatives;
- (D) One appointed by the majority leader of the Senate;
- (E) One appointed by the minority leader of the House of Representatives;
- (F) One appointed by the minority leader of the Senate;
- (G) The Commissioner of Housing, or the commissioner's designee;
- (H) A representative of the administering entity; and
- (I) A representative of the Judicial Branch.

(2) All initial appointments to the working group shall be made not later than thirty days after July 1, 2021. Members shall serve for a term of four years and may be reappointed or continue to serve until such member's successor is appointed. Any vacancy shall be filled by the appointing authority.

(3) The Commissioner of Housing, or the commissioner's designee, shall serve as chairperson of the working group. Such chairperson shall schedule the first meeting of the working group, which shall be held not later than sixty days after the effective date of this section. The chairperson shall convene the working group on a regular basis, but not less than three times per year.

(4) The Department of Housing shall provide administrative support to the working group.

(f) (1) The Judicial Branch, in consultation with the administering entity, working group and designated organizations, shall approve a one-page plain-language notice to inform a tenant of the rights under the right to counsel program. Not later than October 1, 2021, such notice shall be made available on the Judicial Branch's Internet web site and available to the public. Such notice shall include a phone number for accessing information and applying for assistance.

(2) On and after October 1, 2021, an owner, lessor, landlord, legal representative or agent of an owner, lessor or landlord, a housing authority or a housing subsidy program administrator, as applicable, shall attach a copy of the notice described under subdivision (1) of this subsection, to (A) a notice to quit delivered to a covered individual pursuant to chapter 832 or chapter 412; (B) a summons and complaint for a summary process action pursuant to chapter 832 or chapter 412; (C) a lease termination notice for a public or subsidized housing unit; and (D) a notice to terminate a state or federal housing subsidy.

(3) Any court notice scheduling a mediation or hearing that is sent to a self-represented party in a covered matter shall include plain language information about the availability of legal representation through the right to counsel program and a phone number for accessing information and applying for assistance.

(g) The administering entity, in consultation with the working group and designated organizations, shall determine how to phase in the right to counsel program based on all relevant factors, including, but not limited to: (1) The prioritization of certain groups of individuals by income, zip codes, census tracts or other priority criteria developed in consultation with the designated organizations and the working group; (2) the availability of program funding; (3) the number of trained legal services attorneys available to provide legal representation; and (4) the scope of the need for legal representation.

(h) Nothing in this section shall be construed to establish any right enforceable by a covered individual against a designated organization or the administering entity.

(i) Not later than January 1, 2023, and annually thereafter, the administering entity shall submit a report, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to housing and the Judicial Department. Such report shall include the following information: (1) The number of covered individuals provided legal representation pursuant to this section; (2) the extent of legal representation provided; (3) any outcomes achieved, such as the rates of tenant representation, tenant retention of housing or other appropriate outcome measures; and (4) the engagement and education of tenants.

APPENDIX C-1

HOUSING CASELOADS FY 2022
Cases filed July 1, 2021 to June 30, 2022

	<u>Summary process</u>	<u>Change since CY 2019</u>	<u>Civil 47a-14h</u>	<u>Criminal¹</u>	<u>Small claims</u>	<u>Total</u>	<u>% summary process</u>
<u>Housing courts</u>							
Hartford-New Britain							
Hartford	3,875	4,263 - 9.1%	83	56	5	4,248	91.2%
New Britain	<u>1,458</u>	<u>1,741</u> -16.3%	<u>42</u>	<u>4</u>	<u>6</u>	<u>1,618</u>	<u>90.1%</u>
	5,333	6,004 -11.2%	125	60	11	5,866	90.9%
New Haven-Waterbury							
New Haven	2,839	3,118 - 8.9%	124	24	145	3,249	87.4%
Waterbury	<u>1,643</u>	<u>2,170</u> -24.3%	<u>44</u>	<u>10</u>	<u>14</u>	<u>1,774</u>	<u>92.6%</u>
	4,482	5,288 -15.2%	168	34	159	5,023	89.2%
Bridgeport-Norwalk							
Bridgeport	1,835	2,371 -22.6%	68	10	7	2,003	91.6%
Stamford	<u>1,182</u>	<u>1,272</u> - 7.1%	<u>105</u>	<u>8</u>	<u>2</u>	<u>1,374</u>	<u>86.0%</u>
	3,017	3,643 -17.2%	173	18	9	3,377	89.3%
Total	12,832	14,935 -14.1%	466	112	179	14,266	89.9%
<u>Non-housing courts²</u>							
Central Connecticut							
Meriden ³	311	419 -25.8%	6	3		352	88.4%
Derby	<u>342</u>	<u>457</u> -25.2%	<u>17</u>	<u>1</u>		<u>382</u>	<u>89.5%</u>
	653	876 -25.5%	23	4		734	89.0%
Eastern Connecticut							
New London	711	809 -12.1%	13	3		802	88.7%
Norwich	612	710 -13.8%	5	3	0 ³	620	98.7%
Willimantic	493	507 - 2.8%	9	4		527	93.5%
Tolland	291	374 -22.2%	12	4		331	87.9%
Middletown	<u>406</u>	<u>484</u> -16.1%	<u>7</u>	<u>0</u>		<u>441</u>	<u>92.1%</u>
	2,513	2,884 -12.9%	46	14		2,721	92.4%
Western Connecticut							
Danbury	413	479 -13.8%	31	0		508	81.3%
Torrington	<u>436</u>	<u>456</u> - 4.4%	<u>16</u>	<u>7</u>		<u>485</u>	<u>89.9%</u>
	849	935 - 9.2%	47	7		993	85.5%
Total non-housing cts	<u>4,015</u>	<u>4,695</u> -14.5%	<u>116</u>	<u>25</u>		<u>4,448</u>	<u>90.3%</u>
Connecticut total	16,847	19,630 -14.2%	582	137	179	18,714	90.0%
Housing small claims							
Housing small claims						969	3.0%
Other small claims						<u>31,184</u>	<u>97.0%</u>
All small claims						<u>32,153</u>	<u>100.0%</u>

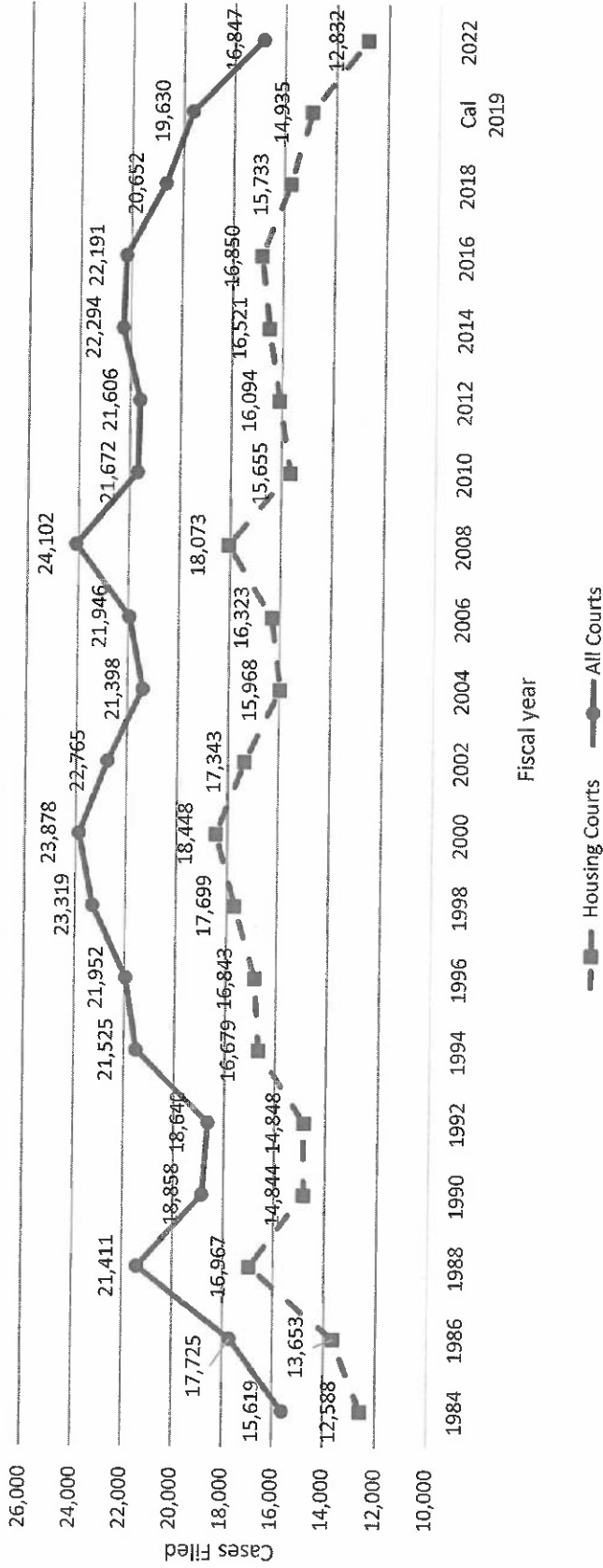
Summaries: 76.2% of all summary process cases were filed in the housing courts.
89.9% of all housing court cases were summary process cases.

¹ Criminal 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.

² Norwich small claims cases are included in the New London total. The Derby total includes Ansonia-Milford.

³ Meriden 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 Since 1984 by Fiscal Year, except for 2019



Source: CACHM compilation, using data provided by the Judicial Branch

APPENDIX C-3
Evictions filed in 2022

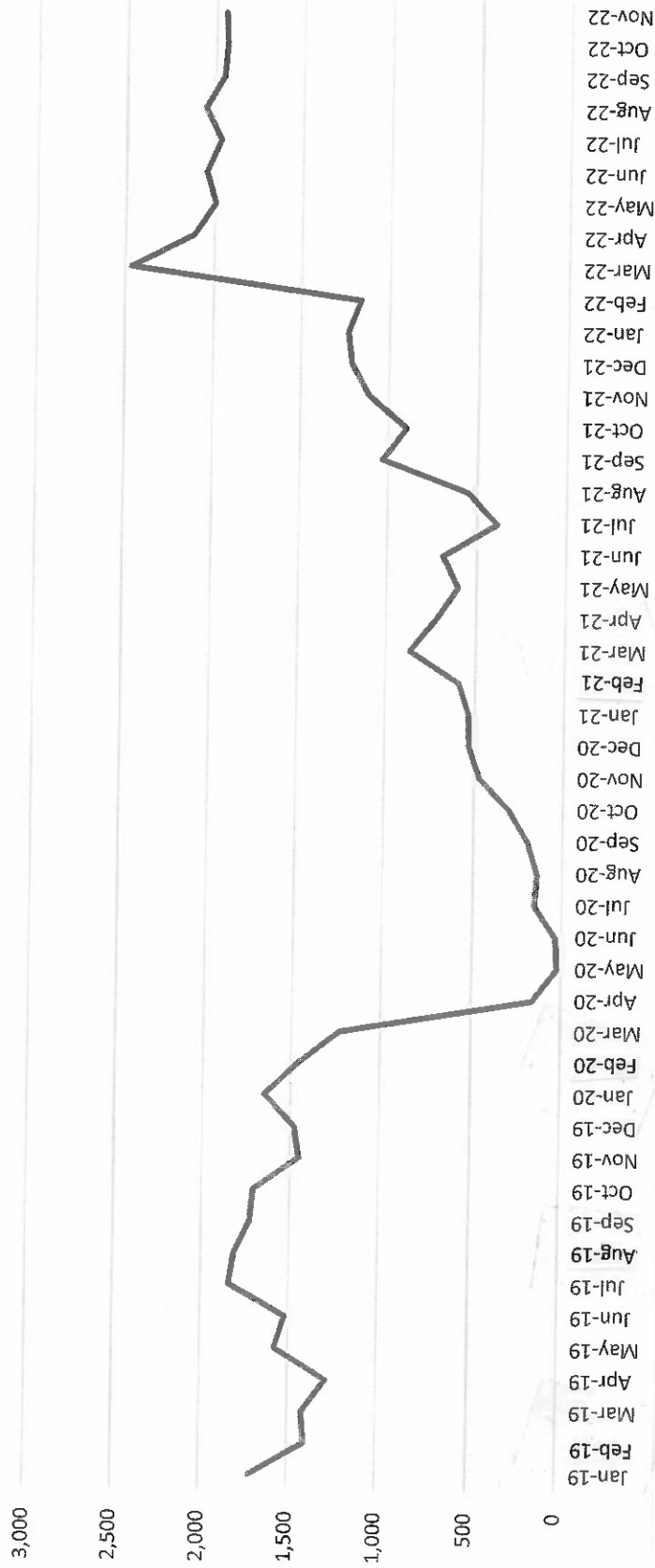
Residential evictions only
1-1-22 through 11-30-22

Month	Number of filings	Annualized rate
January	1,233	14,796
February	1,163	13,956
March	2,463	29,556
April	2,110	25,320
May	1,991	23,892
June	2,044	24,528
July	1,962	23,544
August	2,054	24,648
September	1,948	23,376
October	1,933	23,196
November	1,940	23,280
Total 2022 through November	20,841	

Source: Connecticut Bar Foundation

APPENDIX C-4a

Eviction Filings by Month 2019-2022



Source: Connecticut Bar Foundation

APPENDIX C-4b

Eviction Filings by Month 2019-2022

2019 Eviction Filings # of Filings		2020 Eviction Filings		2021 Eviction Filings		2022 Eviction Filings	
Month	Filings	Month	# of Filings	Month	# of Filings	Month	# of Filings
January	1,712	January	1,648	January	533	January	1,233
February	1,406	February	1,462	February	592	February	1,163
March	1,419	March	1,228	March	864	March	2,463
April	1,285	April	159	April	720	April	2,110
May	1,576	May	21	May	602	May	1,991
June	1,520	June	31	June	687	June	2,044
July	1,837	July	151	July	387	July	1,962
August	1,808	August	137	August	553	August	2,054
September	1,723	September	191	September	1,031	September	1,948
October	1,706	October	300	October	899	October	1,933
November	1,452	November	468	November	1,108	November	1,940
December	1,478	December	530	December	1,211	December	TBD
Total	18,922	Total	6,326	Total	9,187	Total to Nov	[20,841]

Source: Connecticut Bar Foundation

APPENDIX C-5a

Median Case Processing Time -- All Summary Process Cases

Return date to entry of final judgment -- 7/1/2021 through 6/30/2022

Housing Session -- Summary Process

% Disposed	Bridgeport	Hartford	New Britain	New Haven	Norwalk	Waterbury	Total
within 30 days	32.0%	34.0%	55.0%	40.0%	31.0%	40.0%	38.0%
within 60 days	67.0%	65.0%	85.0%	68.0%	61.0%	65.0%	69.0%
within 90 days	80.0%	83.0%	94.0%	83.0%	78.0%	82.0%	83.0%
Median Days	42	43	28	42	49	43	41

Non-Housing Session - Summary Process

% Disposed	Ansonia/ Milford	Danbury	New London	Norwich	Litchfield	Middlesex	Meriden	Tolland	Windham	Total
within 30 days	35.0%	37.0%	37.0%	42.0%	45.0%	29.0%	48.0%	49.0%	25.0%	38.0%
within 60 days	71.0%	69.0%	67.0%	73.0%	77.0%	67.0%	72.0%	78.0%	62.0%	71.0%
within 90 days	84.0%	81.0%	80.0%	89.0%	88.0%	84.0%	81.0%	88.0%	84.0%	85.0%
Median Days	40	40	40	38	35	45	32	31	49	38

All Locations -- Summary Process

% Disposed	All Locations
within 30 days	38.0%
within 60 days	69.0%
within 90 days	84.0%
Median Days	40

Source: Connecticut Judicial Branch

APPENDIX C-5b

Median case processing times by month

Return date to entry of final judgment – 7/1/2021 through 6/30//2022

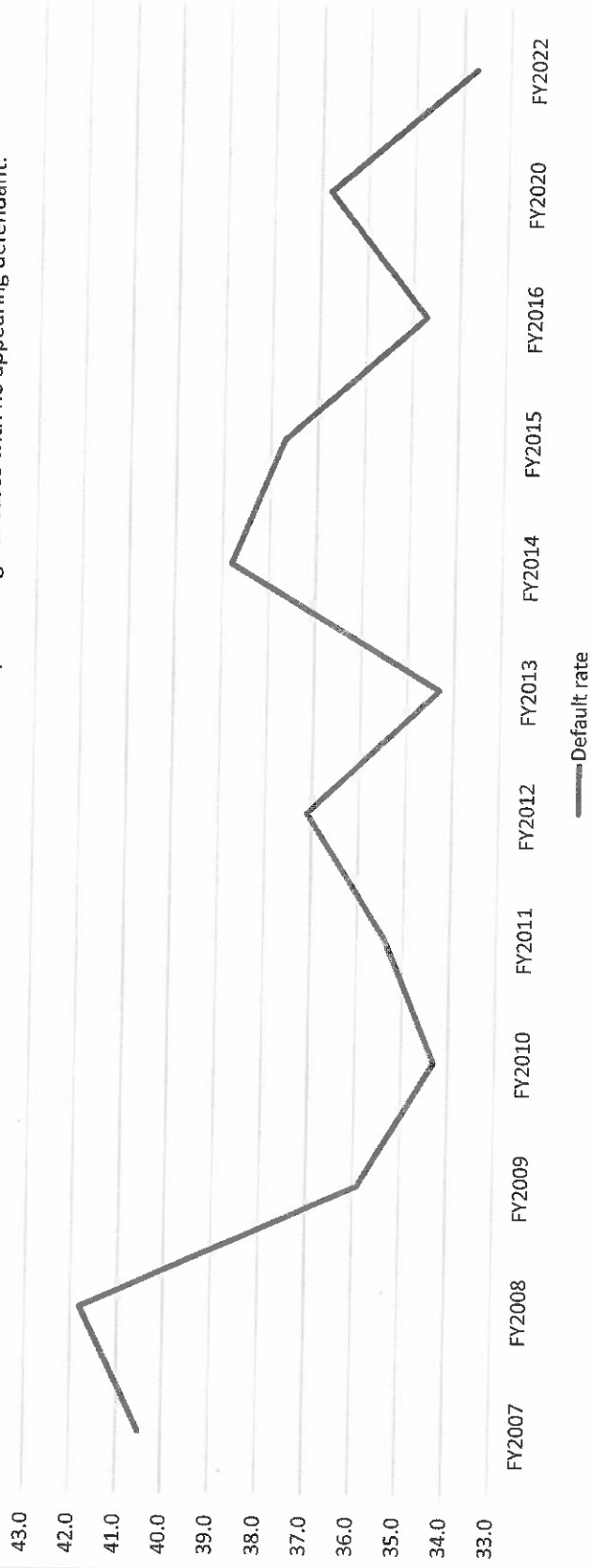
	July 2022	Aug. 2022	Sept. 2022	Oct. 2022	Nov. 2022
Housing courts					
Hartford (HFH)	60	53	43	43	41
New Britain (NBH)	26	20	22	27	22
New Haven (NHH)	45	43	41	36	33
Waterbury (WTH)	62	48	47	39	35
Bridgeport (BPH)	35	36	36	35	31
Stamford (NWH)	79.5	45	43	35.5	49
Non-housing courts					
Meriden (NNI)	32	28	30	31	23
Derby (AAN)	40	40	35	39	43
New London (KNL)	71	49	48	35	35
Norwich (KNO)	43.5	34.5	39	49	42
Willimantic (WWM)	42.5	29	31	38.5	38.5
Tolland (TTD)	36	24	33	35	31
Middletown (MMX)	54	44	42	35	48
Danbury (DBD)	31	31	31	44	33
Torrington (LLI)	40.5	52	35	32	46
All courts	48	41	38	38	36

Source: Connecticut Fair Housing Center

Appendix C-6 Default Rate in Summary Process Cases FY 2006 to FY 2022

Default for failure to appear as a percentage of all cases

No data available FY 2016-2019. FY 2020 and 2022 data calculated as percentage of cases with no appearing defendant.



Source: CACHM compilation, using data provided by the Judicial Branch

APPENDIX C-7

Number of criminal housing cases docketed since 1998

All housing courts

Location	FY 1998	FY 2000	FY 2002	FY 2004	FY 2006	FY 2008	FY 2010	FY 2012	FY 2014	FY 2016	FY 2018	Cal 2019	FY 2022	% change since 2010
Hartford	129	78	95	22		95	64	39	45	38	31	43	5	-92%
New Britain	75	85	57	36	DATA	40	69	9	4	21	20	17	6	-91%
New Haven	132	182	132	84	NOT	103	62	70	55	37	52	83	145	+134%
Waterbury	53	122	154	355	AVAIL-	371	160	109	243	91	81	58	14	-91%
Bridgeport	60	91	133	350	ABLE	310	291	36	42	38	11	6	7	-98%
Norwalk	24	74	34	56		N/A	31	2	1	7	13	15	2	-94%
Total	473	632	605	903	N/A	N/A	677	265	390	232	208	222	179	-74%

Source: CACHM compilation, using data provided by the Judicial Branch

APPENDIX C-8

Attorney Representation in Summary Process Cases

Return date: July 1, 2021 through June 30, 2022

Plaintiffs		
Attorney	14,412	86.9%
Self-represented	2,171	13.1%
Total	16,583	100.0%
Defendants		
Attorney	1,912	11.5%
Self-represented	9,083	54.8%
No defendant appearance	5,588	33.7%
Total	16,583	100.0%

Source: Connecticut Judicial Branch

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	Leonard M. Cocco
9-1-04	Angelo L. dos Santos	Edward J. Leavitt/Barry Pinkus	Leonard M. Cocco
9-1-05	James Bentivegna	Barry Pinkus	Leonard M. Cocco
9-1-06	James Bentivegna/ A. Susan Peck	Joseph Doherty	Barry Pinkus/Leonard M. Cocco
9-1-07	Peter Emmett Wiese	Juliette L. Crawford	Leonard M. Cocco/Jack Grogins
9-1-08	Robert Gilligan	Juliette L. Crawford	Leonard M. Cocco/Jack Grogins
9-1-09	Robert Gilligan	Bruce L. Levin/James Abrams	Sheridan Moore/Jack Grogins
9-1-10	Vernon Oliver	James Abrams	Sheridan Moore/Jack Grogins
9-1-11	Vernon Oliver	Terence Zemetis	Sheridan Moore/Jack Grogins
9-1-12	Glenn Woods	Terence Zemetis	Michael Maronich
9-1-13	Glenn Woods	Michael Maronich	Lawrence Hauser/Eddie Rodriguez, Jr.
9-1-14	Glenn Woods	Michael Maronich	Eddie Rodriguez, Jr.
9-1-15	Nicola Rubinow	Steven D. Ecker	Eddie Rodriguez, Jr.
9-1-16	Grant Miller	Anthony Avallone	Eddie Rodriguez, Jr.
9-1-17	Grant Miller/Rupal Shah	Anthony Avallone	Eddie Rodriguez, Jr.
		Anthony Avallone/Walter M. Spader, Jr.	
9-1-18	Rupal Shah	John L. Cordani	Walter M. Spader, Jr.
9-1-19	Rupal Shah	Claudio Baio	Walter M. Spader, Jr.
9-1-20	Rupal Shah	Claudio Baio	Walter M. Spader, Jr.
9-1-21	Claudia Baio	John A. Cirello	Walter M. Spader, Jr.
9-1-22	Tamar Esperance-Smith	Walter M. Spader, Jr.	John A. Cirello

Appendix E -- Criminal Statutes Involving Housing Matters

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
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
29-306	Fire hazard abatement	53a-214	Criminal lockout