

REPORT TO THE GENERAL ASSEMBLY

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

January 4, 2017

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DEDICATION

The Advisory Council dedicates this report to two critically important housing court employees who retired in 2016 – Suzanne Colasanto, Chief Clerk for Housing Matters, and Cynthia Teixeira, Manager of Dispute Resolution Programs. Both have been with the housing court system since the New Haven-Waterbury Housing Court opened in 1981. The Advisory Council is deeply grateful for their long-term dedication to the development and maintenance of the housing court system and their commitment to justice within that system.

Acknowledgement

The Council gratefully acknowledges the participation and involvement in Advisory Council meetings of the housing clerks, housing mediators, housing prosecutors, and representatives of the Court Operations Division of the Judicial Branch.

SUMMARY OF RECOMMENDATIONS

I. Impact of the State Budget crisis on the Judicial Branch (p. 1)

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

1. Housing mediators:
 - a. At least one vacant position should be filled immediately.
 - b. The assignment of two foreclosure mediators part-time to housing mediation should continue into the future.
2. Housing prosecutors: The temporary housing prosecutor position for Danielson should be restored.
3. Clerks' offices: The Judicial Branch should conduct a review of the proper level of staffing needed for the housing clerks' offices.
4. Chief Clerk for Housing Matters and New Haven Housing Court Clerk: The New Haven Housing Court Clerk position should be refilled and one of the six housing court clerks should be designated as Chief Clerk for Housing Matters.
5. New Britain and Waterbury Housing Court Clerks: The positions of clerk for housing matters in New Britain and in Waterbury should be restored.

II. Administration (p. 3)

A. Computerization: All parts of the housing court system should be computerized.

1. Preservation of prior computer capabilities: All capabilities of the prior Forecourt system should be included in any new system.
2. Pro se accessibility: The system should be easily usable by litigants who do not have easy access to computers.
3. Expanded 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 and analyze data.
4. Reliability of data entry: The Judicial Branch should develop guidelines for housing clerks so as to make data entry as consistent as possible.
5. Document integrity: The system should protect the integrity of documents filed with the court so that it will be possible to evaluate original documents.

6. Expansion of fields in foreclosure cases as they relate to summary process cases: There should be a searchable field in foreclosure cases for the last law day and the date of approval of the deed of sale.
7. Better identification of docketed housing criminal cases in non-housing court districts: The computerization of cases in the G.A. courts should include a computer field or a separate docketing code to identify criminal housing cases.

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: No recommendation.
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, unless administratively impracticable.

C. Public access to court records:

The Judicial Branch website should contain a clear plain-language disclaimer against use for tenant-screening purposes.

D. Small claims:

Housing small claims should be restored to the housing court dockets with adequate staffing. 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. Magistrate resources: The Judicial Branch should strengthen magistrate support and training by (a) making sure that all magistrates have a hard copy of *Housing Issues in the Small Claims Division of the Superior Court*, (b) making housing law an integral part of magistrate training, and

(c) giving preference to magistrates with knowledge and experience in housing law in assignments to housing dockets.

4. 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.

5. 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.

E. Bridgeport Housing Court location: The Bridgeport Housing Court should be returned to the 5th floor of the courthouse at 1061 Main Street.

F. Venue: Venue for housing matters in all parts of the state should be at the Judicial District level.

III. Prosecution matters (p. 8)

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. Referral of G.A. criminal housing cases to the housing prosecutor: The Chief States Attorney should see that criminal housing cases are appropriately referred to the housing prosecutor under the Prosecution Guidelines. Referral paperwork from police departments should include a box for "Code enforcement and landlord/tenant."

C. Commercial lockouts: Commercial lockouts should be included in the criminal lockout statute (C.G.S. 53a-214).

IV. Advisory Council matters (p. 9)

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

- B. Judicial assignments: The Judicial Branch should revise the process for Advisory Council input on housing court judicial assignments so as to provide more effective input.

V. Other proposals (p. 10)

A. Court administration

1. Minimum job requirements for housing clerks: Supervisory/ administrative experience should not be a precondition for consideration of an attorney candidate for housing court clerk.
2. Spanish-speaking staff: Every housing clerk's office should be staffed so as to have at least one bilingual employee who can handle telephone and counter work with litigants who are primarily Spanish-speaking. The ability to speak Spanish should be viewed as an important job-related skill in filling all housing court positions, including clerks, clerical staff, housing mediators, and housing prosecutors, and its desirability should be included in all housing court job postings and advertisements.
3. Pro se assistance: C.G.S. §51-52(d) should be amended to explicitly require clerks who handle housing matters in the non-housing court districts to provide pro se assistance.
4. Telephone book listings: Housing court telephone listings should be moved from "Judicial" to "Housing Courts"; and missing listings should be filled.
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.

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 2017.

The purpose of this report is to recommend improvements in the way that housing cases are handled. As a result, it may appear to have a negative or critical tone. For that reason, the Advisory Council wants to be clear that it believes the housing court system has been and remains a very positive part of the court system, both for landlords and for tenants. While the court operates within a framework that allows cases to move quickly, the key element of the housing court is a respect for due process for all litigants, including self-represented parties, and an opportunity for all litigants to be fairly heard. Even in the face of staff reductions, the Council believes that the court has done its best to maintain this framework. This report should therefore be read in the context of the Council's strong support for the housing court system and our belief that the existing system works well as a fair and effective mechanism for the handling of housing cases.

I. Impact of the State Budget crisis on the Judicial Branch

The housing court system is just one part of the Connecticut court system within the Judicial Branch. Connecticut's 2016 budget, as approved by the General Assembly and applied by the Governor, has severely impacted the entire state court system. System-wide reductions in the state budget have disproportionately affected the Judicial Branch, whose annual budget has been cut by more than \$75 million; and more cuts are expected in the next fiscal year. New hiring has been largely frozen for years. Almost 300 Judicial Branch employees have been laid off this year, and numerous vacancies have not been filled. The layoffs include 51 temporary assistant clerks (TACs) and 10 caseflow coordinators. Two of the Hartford Housing Court's three TACs were laid off. No system can run effectively without a sufficient number of employees.

The Council fully recognizes that the need to maintain staff in the face of cutbacks affects all parts of the court system and not only the housing courts. Nevertheless, adequate staffing is particularly important in housing matters, because time is such an essential aspect of eviction cases, which make up more than 90% of the housing court docket. The housing courts' staffs have worked hard to keep the system workable notwithstanding staff reductions, but as time passes and hiring freezes continue, it will not be possible to maintain the system adequately. It is therefore important that the housing courts be returned to full staffing as soon as possible.

The Council notes the following gaps in housing court system staffing:

- **Housing mediators:** At least one vacant position should be filled immediately. This is especially important because of the retirement of the Manager of Dispute Resolution,

who also functioned as a housing mediator, and the need for coverage if any mediators are on leave or absent for illness or any other reason. The Advisory Council is pleased that two foreclosure mediators (one of whom is an experienced former housing court mediator) have been assigned to housing mediation for a total of five days per week (three days for one and two days for the other). The Advisory Council recommends that these assignments continue into the future.

- Housing prosecutors: The temporary housing prosecutor handling Danielson prosecutions, herself a substitute for an eastern Connecticut housing prosecutor, has been lost to the larger layoff of all temporary prosecutors by the Chief State's Attorney. This position should be restored.
- Clerks' offices: The Judicial Branch should conduct a review of the proper level of staffing needed for the housing clerks' offices. That review should consider both the changes in staff need resulting from efilng and further computerization and the continuing office work needed to be handled manually, including counter contact with litigants.
- Chief Clerk for Housing Matters and New Haven Housing Court Clerk: Suzanne Colasanto, the long-time Chief Clerk for Housing Matters and clerk of the New Haven Housing Court, retired at the end of 2016. The Advisory Council strongly urges that the New Haven Housing Court clerk position be filled and that one of the six housing court clerks be designated as Chief Clerk. The New Haven clerk's office is second only to Hartford in the number of summary process cases handled and cannot reasonably be expected to function properly in the absence of a separate housing court clerk. The Chief Clerk's position, effectively an enhancement of the role of one of the housing clerks, is important as a supervisor of the other housing court clerks, a resource for the clerks in non-housing court districts that handle housing matters, and a link between the housing courts and the rest of the Judicial Branch. The positions also recognize both the importance and the special nature of the housing court system.
- New Britain and Waterbury Housing Court Clerks: The positions of clerk for housing matters in New Britain and in Waterbury should also be restored. The Council is well aware of the financial pressures on the Judicial Branch, and it recognizes that the Branch has made efforts to preserve the public appearance of a separate clerk's office for housing matters in both courthouses, including a separate window and counter for housing and at least one staff person primarily assigned to housing. Nevertheless, the Council has three concerns. First, these changes undercut one of the core purposes of the Housing Court Act, which is to separate housing from non-housing matters so that they do not compete for priority. Second, the changes in both New Britain and Waterbury were made without any effort at discussion or consultation with the Council prior to making a decision. Third, both changes, especially the change in Waterbury, have been followed by significant increases in the disposition time for summary process cases. See Appendix C-4.

II. Administration

A. Computerization: The Council supports the full computerization of the housing court system in both the housing courts themselves and the G.A. courts that handle housing, subject to adequate access for self-represented parties without computers. Computerization should reach all housing cases -- not only summary process but also civil and criminal. It is anticipated that, by January 1, 2017, all new civil housing cases (including summary process) in the four courts not previously in the civil/family computer system will have become part of that system. These are the courts in J.D. New London, Litchfield, Ansonia-Milford, and Windham. We urge the following:

- Preservation of prior computer capabilities: All capabilities of the prior Forecourt system should be included in any new system, and particularly in any merger into the Family/Civil computer system. In particular, to the extent not already the case, the Advisory Council urges that any system applicable to housing cases retain:
 - The ability to access prior Forecourt cases once the Forecourt system is no longer used (including whatever licensing may be necessary for that purpose).
 - 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; and
 - The ability to issue judgment notices promptly and with separate copies to each defendant.

The Council also recommends that the reference in the online docket sheet to "reasons for eviction" be changed to "alleged reasons for eviction."

- Pro se accessibility: The system should be easily usable by litigants who do not have easy access to computers. Electronic filing should be permitted but not required for self-represented litigants.
- Expanded 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. Data can be analyzed effectively only if it is entered in sufficient fields. To the extent that it is not, computerized information can be analyzed only by manual methods. A more flexible system would help enhance understanding of how the housing courts operate in practice. The Advisory Council has set up a committee to work with the Judicial Branch on this issue.

- Reliability of data entry: Questions have been raised as to the consistency with which data is entered into the computer system. For example, if a default judgment is opened and a new judgment by stipulation is entered, which date will appear as the date of final judgment and will the disposition be treated as a judgment by default or a judgment by stipulation? The Judicial Branch should develop guidelines for housing clerks so as to make data entry as consistent as possible.
- Document integrity: To the extent it can reasonably be accomplished, 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).
- Expansion of fields in foreclosure cases as they relate to summary process cases: The Connecticut Protecting Tenants at Foreclosure Acts (C.G.S. 49-31p and 49-31q) makes the address of the property, the law day, and the sale date relevant to post-foreclosure summary process actions. 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.
- Better identification of docketed housing criminal cases in non-housing court districts: The computerization of cases in the G.A. courts should include a better mechanism for identifying G.A. housing criminal cases. In particular, there should be a computer field or a separate docketing code to identify them. The Chief Housing Clerk and the Chief Housing Prosecutor should jointly figure out a workable way to do this. See Appendix E.

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 four years which appear to suggest that long-term understaffing, with its growing cumulative effect as time passes, is having an increasingly serious impact on the pacing of summary process cases. It is important that this trend be reversed.

1. Speed of processing: In the two years since the Advisory Council's last biennial report, there has been a significant increase in the processing time for summary process cases, even though the number of summary process cases filed has not increased significantly. The median disposition time (from return day to entry of final judgment) for all cases, which for decades had stood at 18 to 19 days, has risen to 24 days, an increase of almost one-third. The median disposition time for contested cases (those in which the tenant filed an appearance), which had risen from 21 days in Fiscal Year 2012 to 24 days in Fiscal Year 2014, by Fiscal Year 2016 had jumped to 28 days. This increase was similar in all court locations except Waterbury, for which disposition time for contested leapt from 19 days to 32 days.

This pattern is of serious concern to the Advisory Council. The housing courts are

respected as a result of their ability to move eviction cases quickly (a matter of great concern to landlords) while at the same time giving tenants a fair opportunity to present their defenses and be heard (a matter of great concern to tenants). A significant lengthening of disposition times risks this core aspect of the reputation of the housing courts. The Council believes that a significant contributing factor to these time increases is the Judicial Branch's hiring freeze. The Council also notes that by far the largest increase in disposition time occurred in Waterbury, where the housing clerk who retired was not replaced. The Council strongly urges the maintenance of adequate staffing levels to restore the historic timeline of housing court cases.

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, had been rising since FY 2010, when it was 34%, to a rate of about 39% in 2014, with default rates of 47% or more in Waterbury, Bridgeport, and Norwalk. Data for 2016, however, shows that the default rate has returned to about 35% and that the radical differences between court locations have largely disappeared. While the Council is not able to explain the cause, the result is quite positive.

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 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, unless administratively impracticable, within no more than one week after that day. It appears that Hartford, New Britain, Bridgeport, and Norwalk are not meeting this standard. The Council continues to urge that greater efforts be made to assure that continuances resulting from a failure to settle do not exceed one week, unless otherwise agreed by the parties.

C. Public access to court records:

The Council has increasingly become aware of the tension between easy public access to information from the court system and the distribution of misleading or inaccurate information that can be harmful to parties in housing cases. The Council has always supported maximum public access, including by computer, to case information. That information is increasingly being used by property owners to evaluate tenant applicants. It turns out, however, that, used in isolation, such information can be inaccurate or misleading. Multiple people can have the same name. The naming of a party in a summary process action does not necessarily mean that the party was at fault. Indeed, it can be difficult to determine fault from case outcome, because the same outcome (e.g., a withdrawal or a stipulated judgment) can result from radically different fact situations.

As a result, the Council believes a more appropriate balance needs to be struck between public access and accuracy. The Council has begun consideration of this issue in detail. At this time, the Council recommends that the Judicial Branch website should contain a clear plain-language disclaimer that the website should not be used for tenant-screening purposes because the website information is not adequate for either personal identification of defendants or adequate understanding of the basis for the eviction. The Council intends to continue to review the practices of other states and to examine other possible solutions, including the establishment

of different rules for tenant screening services and credit reporting agencies, which are licensed and regulated, than for unlicensed individuals.

D. Small claims: A fundamental purpose of the Housing Court Act was to concentrate all housing matters, including small claims, in the housing courts. The centralization of small claims took a substantial number of cases out of the housing courts, thereby turning the housing courts largely 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. About 95% of housing court dockets are now evictions.

The Advisory Council's first choice would therefore be, in conjunction with the provision of adequate staffing, 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. Housing cases are about 4% of the total small claims caseload. See Appendix C-1. If that is not done, the Council makes the following recommendations:

- Separation of housing dockets: Housing cases should be heard on separate housing dockets. 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. At the very least, there should be separate housing dockets in all housing court districts. The Judicial Branch believes that the cumulation of enough housing cases to make up a separate docket would introduce long delays in the hearing of housing cases. In locations where that is true, the Council recommends the creation of housing subdockets.
- Hearing locations: In housing court districts, housing small claims case hearings and trials should be held in the housing court courtroom, at least if there is a separate housing docket. 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.
- Magistrate resources: First, 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 Judicial Branch prefers to move away from paper copies. The Council believes that possession of a hard copy will increase the likelihood that a magistrate handling housing small claims will actually use the booklet to self-educate and as a reference on landlord-tenant law. The Council has many copies of the existing booklet. Second, housing law should be an integral part of training sessions for small claims magistrates. Third, 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.

- Contact with housing court clerks: Magistrates who hear housing small claims cases in housing court districts 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. The holding of housing small claims hearings in housing court buildings will make such contact easier.
- 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 more clearly be provided to litigants as to how to file complaints against magistrates.

E. 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. Before 2007, the housing courtroom and staff offices (other than the clerk's office) were located near each other on the 5th floor. At that time, a former jury room on the 6th floor was converted to a housing courtroom and the staff offices were split among 5th and 6th floor locations. The result, as described in more detail in the Council's 2009 biennial report, was inconvenience and confusion. The new courtroom was too small for the caseload and therefore overcrowded, also increasing the number of people crowded into the adjacent hallways. Litigants were confused by the separation of mediation and prosecution offices from the courtroom. Staff was forced to either work from temporary offices on the 6th floor without adequate equipment or move litigants back and forth between floors so that 5th floor staff offices could be used. Space for private consultations between parties and litigants was inadequate. The overall effect was to reduce the level of respect with which housing litigants were being treated. These problems, which were brought about by unilateral administrative decisions made without Council input, have never adequately been resolved. The Council urges that the Judicial Branch -- whether through intervention by the Chief Court Administrator or by the action of the administrative judge for J.D. Fairfield -- 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.

F. Venue: When the housing court system was created by statute in 1978, venue for housing in housing court districts was raised from the geographical area to the judicial district. Since then, housing in four non-housing court districts (Middletown, Danbury, Norwich, and Rockville) has been transferred to the judicial district level (and, in most cases, to the judicial district courthouse). In 2015, the Judicial Branch was authorized to make additional transfers administratively. The Council recommends that this process be completed by reclassifying housing matters as judicial district matters in all parts of the state. This should be done administratively to the extent permitted or by statute for any district in which a statutory change is necessary. In practice, this would affect the geographical areas courts presently in New

London, Bantam, Danielson, and Derby. It is the Council's understanding that these changes will have been accomplished and be in place by January 1, 2017, with new cases being filed at the appropriate J.D. courthouses. It is also the Council's understanding that actual hearings in New London cases will by that date move to the New London J.D. courthouse, that Bantam housing cases will continue to be heard in Bantam until the new Torrington courthouse opens, and that Derby and Danielson housing cases will continue to be tried in the G.A. courthouses for the indefinite future.

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 2015-2016, it was down further to 232. In the Bridgeport Housing Court, the number fell from 291 to 38, a reduction of 87%. In Norwalk, it was from 31 to 7 (77%); in New Britain, from 69 to 21 (70%); in Hartford, from 64 to 38 (41%). Those numbers remained at approximately the same level as in 2013-2014, except for the Waterbury court, where the number of criminal cases dropped in the past two years by more than 60%.

The Council has sought to determine what is causing these changes. Several factors appear to be 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 increased use of anti-bligh ordinances, which until recently could be enforced only administratively and civilly and not on the criminal side. Third is the impact of state budget cuts on housing prosecution staff. While Bridgeport and Norwalk now have a regular housing prosecutor, northeastern Connecticut has no separate housing prosecutor and has lost its per diem prosecutor.

Possible responses to this situation may be the State Housing Improvement Plan (SHIP), a multi-disciplinary initiative of the State Department of Health for the purpose of improving health outcomes in Connecticut, and the adoption of a statewide property maintenance code. SHIP involves all state health code enforcement agencies and is intended to produce better health outcomes through enhanced, comprehensive, coordinated code enforcement. It has created an advisory board for stakeholders that currently has more than 250 membership organizations. The Advisory Council has voted to support the development of a State Health Improvement Plan and to participate in its process. A statewide property maintenance code – most likely a Connecticut version of the International Code Council (ICC) Property Maintenance Code – would apply to all towns, would supersede existing housing codes and anti-bligh ordinances, and would be under the supervision of a state agency. The Council has endorsed the adoption of such a code.

B. Referral of G.A. criminal housing cases to the housing prosecutor: The Council believes that there are inconsistencies in the referral to the housing prosecutors of criminal housing cases that are not obviously housing cases. These include both cases brought to the

prosecutors by police officers rather than code enforcement officials (e.g., a breach of the peace from a fight or argument between landlord and tenant or even a lockout) and those filed by a code enforcement agency other than a housing code agency (e.g., a zoning enforcement officer). The Council urges the Chief State's Attorney to see that these cases are appropriately screened and referred in accordance with his own guidelines. See Appendix E. It also suggests that referral paperwork from police departments include a box called "Code enforcement and landlord/tenant" that the submitting official can check.

C. Commercial lockouts: All evictions in Connecticut, both residential and commercial, must go through the court system, and no landlord can lock a tenant out. There must be a judgment, which must be executed by a marshal. While there are civil remedies for a lockout, lockouts are also violations of the criminal law. In 1981, the General Assembly made this explicit for lockouts from residential premises by adopting C.G.S. 53a-214, which declares such lockouts to be Class A misdemeanors. That statute, however, does not apply to lockouts from commercial premises, forcing prosecutors to rely on trespassing and breach of the peace statutes. The Chief State's Attorney has on multiple occasions proposed that commercial lockouts be included in C.G.S. 53a-214. The Advisory Council supports this proposal.

IV. Role of the Advisory Council

A. General matters: 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, directly or indirectly, of their duty to encourage, promote, and proactively involve the Council in all such matters. Proactive invitation to participate allows the Council to provide input before, rather than after, a decision has been made. Our 2015 report provides three recent examples: (1) The effort to close of the New Britain Housing Court (which was ultimately dropped because of widespread opposition, of which the Advisory Council was a part), (2) the failure of the Judicial Branch to include the Advisory Council in the work of the Public Service and Trust Commission's Housing Matters Subcommittee (which made recommendations in the very areas of court administration in which the Advisory Council has specialized), and (3) the relocation of the Bridgeport Housing Court from the 5th floor to the 6th floor of 1061 Main St. (a move that continues to present problems for housing litigants). See Part II(E) above. As recently as 2016 the Judicial Branch, without prior consultation with the Advisory Council, incorporated the Waterbury Housing Court clerk's office into the Civil Clerk's Office for J.D. Waterbury without consultation with the Council and did not refill the position of Clerk for Housing Matters for J.D. Waterbury.

B. Judicial assignments: In regard to the assignment of housing court judges, the Council requests a revision of the process so as to permit the Council to provide more effective input. At various times in the past, a Council subcommittee has been able to meet with judges under consideration for housing court assignment so as to provide feedback to the Chief Court Administrator before assignment is made. Such a system can be effective only if the Chief Court Administrator provides the Council subcommittee with enough information to allow it to focus on a realistic subset of theoretically available judges and enough time to gather information and provide input. Variations of this approach have been used on and off since the Council's creation, depending largely on the Chief Court Administrator, with the degree of Council input varying substantially. The Council believes that revisions are needed in regard to both access to

information and time to respond.

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. Minimum job requirements for housing clerks: Supervisory/administrative experience ought not to be a precondition for consideration of an attorney candidate for housing court clerk.

2. Spanish-speaking staff: Every housing clerk's office should be staffed so as to have at least one bilingual employee who can handle telephone and counter work with litigants who are primarily Spanish-speaking. In addition, the ability to speak Spanish should be viewed as an important job-related skill in filling all housing court positions, including clerks, clerical staff, housing mediators, and housing prosecutors; and its desirability should be included in all housing court job postings and advertisements

3. Pro se assistance: C.G.S. §51-52(d) should be amended to explicitly require clerks who handle housing matters in the non-housing court districts to provide pro se assistance.

4. Telephone book listings: Although telephone books play a declining role for persons seeking out phone numbers, both the Frontier and the YP business phone directories continue to have a blue pages government section that includes a phone listing for each clerk's and prosecutor's office that handles housing matters. They are, however, not easy to find. Two changes should be made. First, the listings should be moved out of "Judicial" to a separate category for "Housing Courts." Second, the existing housing court listings should be reviewed for completeness (e.g., the continuing absence of a listing for New Britain).

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 has participated 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 that job postings include a reference to a commitment to decent housing and a statement that the ability to speak Spanish is desirable.

LIST OF APPENDICES

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APPENDIX B

HOUSING COURT ACT **as amended through December 31, 2016**

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 2016 July 1, 2015 to June 30, 2016

	<u>Summary process</u>	<u>Change since 2013-14</u>	<u>Civil 47a-14h</u>	<u>Criminal¹ Total</u>	<u>%summary process</u>	<u>Small Claims²</u>
<u>Housing courts</u>						
Hartford-New Britain						
Hartford	4,756	4,461 + 6.6%	76	26	38	417
New Britain	<u>1,889</u>	<u>1,949 - 3.1%</u>	<u>32</u>	<u>9</u>	<u>21</u>	<u>181</u>
	6,645	6,410 + 3.7%	108	35	59	598
New Haven-Waterbury						
New Haven	3,728	3,569 + 4.5%	102	31	37	179
Waterbury	<u>2,340</u>	<u>2,393 - 2.2%</u>	<u>50</u>	<u>1</u>	<u>91</u>	<u>117</u>
	6,068	5,962 + 1.8%	152	32	128	296
Bridgeport-Norwalk						
Bridgeport	2,700	2,829 - 4.6%	177	17	38	165
Norwalk	<u>1,437</u>	<u>1,320 + 8.9%</u>	<u>174</u>	<u>8</u>	<u>7</u>	<u>161</u>
	4,137	4,149 - 0.3%	351	25	45	326
Total	16,850	16,521 + 2.0%	611	92	232	1,220
<u>Non-housing courts</u>						
Central Connecticut						
Meriden	455	668 -31.9% ³				1
Derby (GA 5)	<u>475</u>	<u>519 - 8.5%</u>				<u>106</u>
	930	1,187 -21.7%				107
Eastern Connecticut						
New London (GA 10)	890	951 - 6.4%				161
Norwich (GA 21)	877	841 + 4.3%				0
Danielson (GA 11)	609	649 - 6.2%				54
Rockville (GA 19)	414	451 - 8.2%				83
Middletown (GA 9)	<u>547</u>	<u>564 - 3.2%</u>				<u>158</u>
	3,446	3,456 - 3.5%				456
Western Connecticut						
Danbury (GA 3)	528	536 - 1.5%				68
Bantam (GA 18)	<u>547</u>	<u>594 - 7.9%</u>				<u>63</u>
	1,075	1,130 - 4.9%				131
Total non-housing cts	<u>5,341</u>	<u>5,773 - 7.5%</u>				<u>694⁴</u>
<u>Connecticut total</u>	22,191	22,294 - 0.5%				1,914
<u>Housing small claims⁵</u>						
Housing small claims			1,914	4.2%		
Other small claims			<u>43,616</u>	<u>95.8%</u>		
All small claims			45,530	100.0%		

Summaries: 75.9% of all summary process cases were filed in the housing courts.
94.7% 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.

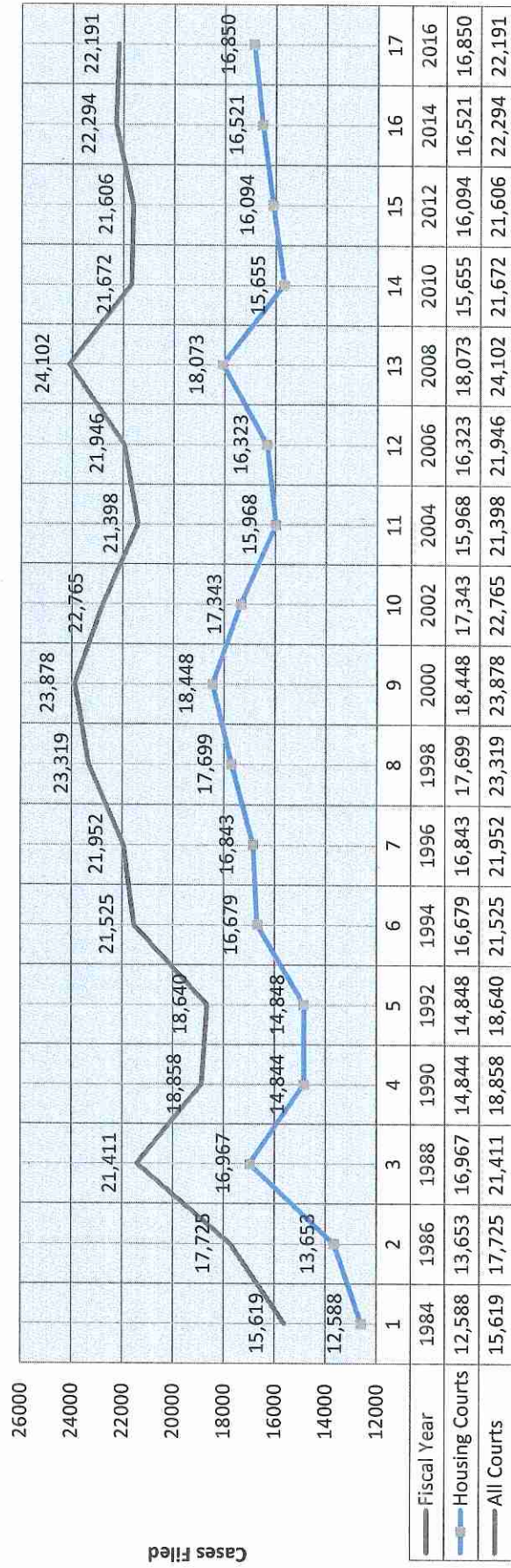
²Housing small claims cases are docketed through the Centralized Small Claims Office in Hartford and are no longer heard in the housing courts.

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



Housing Summary Process

Case Processing FY16¹

FY16

Forecourt Only

All Cases²

% Disposed	Bridgeport	Hartford	New Britain	New Haven	Norwalk	Waterbury	Grand Total
within 30 Days	64.0%	71.9%	61.2%	65.3%	53.5%	58.3%	64.5%
within 60 Days	86.8%	89.5%	89.2%	89.6%	81.3%	91.7%	88.7%
within 90 Days	94.0%	95.3%	96.1%	94.0%	90.3%	96.0%	94.6%
median (days)	24	21	23	24	29	28	24

Default Rate³

38.6%	32.8%	33.1%	30.3%	34.6%	42.2%	34.7%
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Contested Cases⁴

% Disposed	Bridgeport	Hartford	New Britain	New Haven	Norwalk	Waterbury	Grand Total
within 30 days	59.3%	64.3%	51.0%	56.5%	43.9%	49.0%	56.7%
within 60 days	86.3%	87.5%	85.7%	88.4%	77.4%	90.8%	87.0%
within 90 days	93.3%	94.3%	95.0%	93.4%	88.6%	96.1%	93.8%
median (days)	27	25	30	28	34	32	28

Notes

Forecourt is being phased-out and will no longer accept new filing on or after 3/1/16. Any new case entered into Forecourt before 3/1/16 will remain in that system until disposition. All new cases filed on or after 3/1/16 are now in the Civil/Family e-filing system. Default Rate & Contested Case designation could not be determined after 3/1/16. Consequently only data collected in Forecourt was included on this analysis.

Footnotes

¹ Disposed cases in Forecourt from 7/1/15 through 6/30/16 only. **EXCLUDES** all Housing cases filed on or after 3/1/16 in the Civil/Family e-filing system.

² All Cases do not include cases disposed from the Docket Management Program, cases transferred to other courts or cases that were withdrawn.

³ Default Rate is determined as the percentage of cases that are disposed with a judgement for Plaintiff via Default for Failure to Appear.

⁴ Contested cases exclude Default Rate cases.

APPENDIX C-4

Disposition time for court processing of summary process cases in FY 2012, 2014, and 2016

	Hartford			New Britain			New Haven			Waterbury			Bridgeport			Norwalk			All housing courts		
	FY	FY	Since	FY	FY	Since	FY	FY	Since	FY	FY	Since	FY	FY	Since	FY	FY	Since	FY	FY	Since
	2012	2014	2016	2012	2014	2016	2012	2014	2016	2012	2014	2016	2012	2014	2016	2012	2014	2016	2012	2014	2016

All cases

Median in days																											
	18	18	21	+16%	17	30	23	+35%	18	19	24	+33%	13	14	28	+115%	22	21	24	+9%	24	29	+21%	18	19	24	+33%

Per cent disposed of within:

30 days	79.8	79.0	71.9	-10%	83.0	50.1	61.2	-26%	80.0	77.9	65.3	-18%	90.0	86.1	58.3	-35%	71.1	73.7	64.0	-11%	64.7	64.6	53.5	-17%	79.1	74.6	64.5	-28%
60 days	94.3	94.5	89.5	-5%	95.3	88.4	89.2	-6%	94.3	93.6	89.6	-5%	97.2	95.8	91.7	-6%	93.8	92.7	86.8	-7%	86.5	87.0	81.3	-6%	94.1	93.0	88.7	-6%
90 days	97.8	97.9	95.3	-3%	98.1	95.9	96.1	-2%	96.7	96.9	94.0	-3%	98.7	98.4	96.0	-3%	97.3	97.3	94.0	-3%	94.3	93.6	90.3	-4%	97.4	97.1	94.6	-3%

All contested cases

Median in days																												
	22	21	25	+14%	20	32	30	+50%	22	23	28	+27%	16	19	28	+75%	26	24	27	+4%	28	29	34	+21%	21	24	28	+33%

Per cent disposed of within:

30 days	74.4	73.4	64.3	-13%	80.0	38.3	51.0	-36%	73.1	72.7	56.5	-23%	86.2	80.4	49.0	-43%	63.1	68.8	59.3	-6%	56.9	51.4	43.9	-23%	73.2	67.5	56.7	-9%
60 days	93.0	93.2	87.5	-6%	94.9	87.2	85.7	-10%	93.2	92.7	88.4	-5%	96.4	94.8	90.8	-6%	93.0	90.8	86.3	-7%	83.7	80.9	77.4	-7%	93.0	91.5	87.0	-6%
90 days	96.7	97.3	94.3	-2%	97.8	95.5	95.0	-3%	96.0	96.5	93.4	-3%	98.1	97.6	96.1	-2%	96.9	96.6	93.3	-4%	92.3	90.8	88.6	-4%	96.7	96.4	93.8	-3%

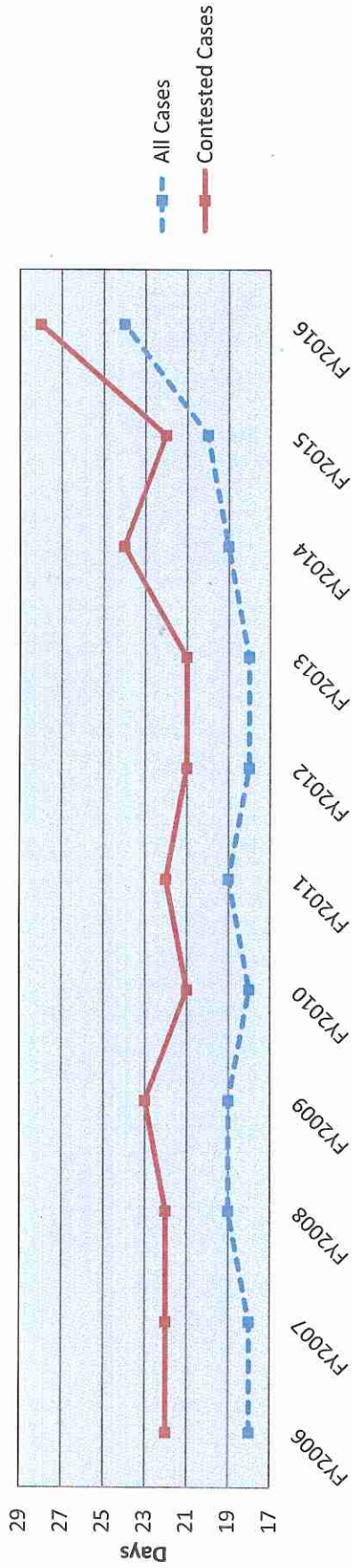
Default rate

32%	31%	39%	+22%	33%	29%	33%	+0%	37%	30%	30%	-19%	47%	48%	42%	-11%	41%	57%	39%	-5%	37%	50%	35%	-5%	37%	39%	35%	-5%
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Appendix C-5

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

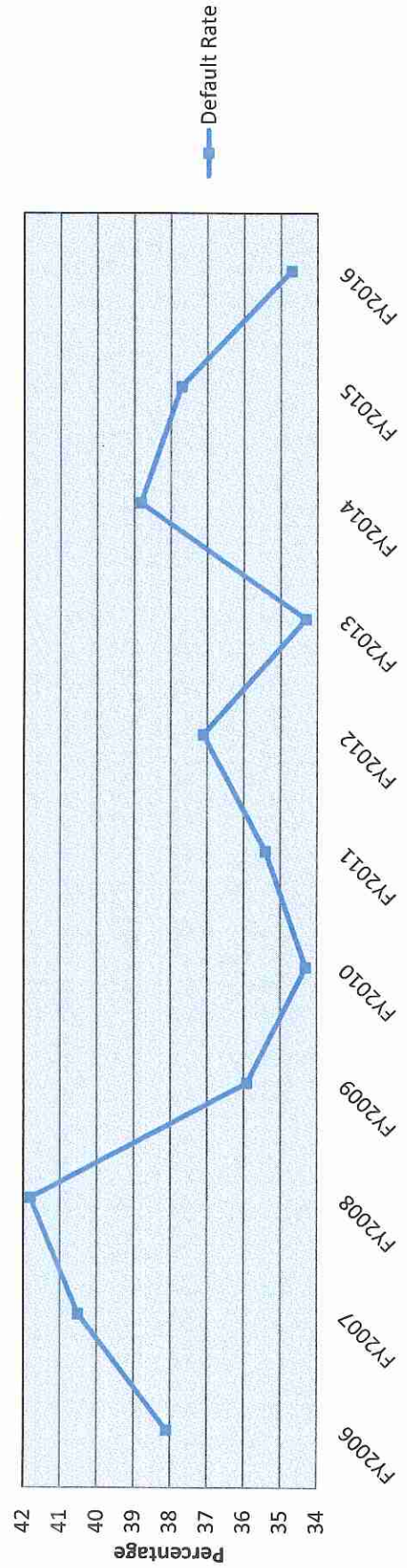
Median number of days from return day to entry of final judgment by housing court.



Appendix C-6

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

Default for failure to appear as a percentage of all cases



APPENDIX D

HOUSING COURT JUDGES

<u>Hartford-New Britain</u>	<u>New Haven-Waterbury</u>	<u>Bridgeport-Norwalk</u>
1-1-79 Arthur Spada		
1-1-80 Arthur Spada		
1-1-81 Robert Satter	Paul Foti (10-1-81)	
1-1-82 John Maloney	Paul Foti	Margaret Driscoll (10-1-82)
1-1-83 John Maloney/Arnold Aronson	Dennis Harrigan	Margaret Driscoll
1-1-84 Arnold Aronson	Dennis Harrigan/Jerrold Barnett	Margaret Driscoll
1-1-85 Samuel Goldstein	Jerrold Barnett	Margaret Driscoll/Thomas Gerety
1-1-86 Samuel Goldstein	William Ramsey	Thomas West
1-1-87 J. Kaplan/S. Goldstein/Edward Doyle	William Ramsey	Thomas West/Morton Riefberg
3-1-88 Edward Doyle	William Ramsey	Morton Riefberg
9-1-88 Edward Doyle/Wendy Susco	Anthony DeMayo	Morton Riefberg
9-1-89 Wendy Susco	Anthony DeMayo	L. Scott Melville
9-1-90 Marshall Berger	Christine Vertefeuille	L. Scott Melville/Sandra Leheny
9-1-91 Marshall Berger/ Robert Holzberg	Christine Vertefeuille	Sandra Leheny
9-1-92 Robert Holzberg	Clarine Nardi Riddle	L. Scott Melville
9-1-93 Robert Holzberg	Clarine Nardi Riddle/Douglas Mintz	L. Scott Melville
9-1-94 Alexandra DiPentima	Clarance Jones	Kevin Tierney
9-1-95 Alexandra DiPentima	Clarance Jones	Kevin Tierney
9-1-96 Robert E. Beach, Jr.	Lynda B. Munro/Bruce L. Levin	Leonard M. Cocco
9-1-97 Robert E. Beach, Jr.	Bruce L. Levin	Leonard M. Cocco
9-1-98 Lois Tanzer	Edward J. Leavitt	Leonard M. Cocco
9-1-99 Lois Tanzer	Edward J. Leavitt	Leonard M. Cocco
9-1-00 L. P. Sullivan/ Juliette L. Crawford	Edward J. Leavitt	Leonard M. Cocco
9-1-01 Juliette L. Crawford	Edward J. Leavitt	Leonard M. Cocco
9-1-02 Angelo L. dos Santos	Edward J. Leavitt/Barry Pinkus	Leonard M. Cocco
9-1-03 Angelo L. dos Santos	Barry Pinkus	Leonard M. Cocco
9-1-04 Angelo L. dos Santos	Joseph Doherty	Barry Pinkus/Leonard M. Cocco
9-1-05 James Bentivegna	Juliette L. Crawford	Leonard M. Cocco/Jack Grogins
9-1-06 James Bentivegna/ A. Susan Peck		
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.
9-1-15 Nicola Rubinow	Anthony Avallone	Eddie Rodriguez, Jr.
9-1-16 Grant Miller	Anthony Avallone	

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

Source: *Criminal Housing Matters Prosecution Manual*, Chief State's Attorney, 2008.

APPENDIX F

STATUS OF 2015 CONNECTICUT ADVISORY COUNCIL RECOMMENDATIONS

I. Staffing

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| 1. <u>Clerks' Offices</u> : A temporary assistant clerk should be hired immediately in the Hartford court, and clerical positions should be restored in New Haven and Hartford. | Not implemented. A temporary assistant clerk (TAC) was hired in Hartford but, since then, two TACs in Hartford have been laid off. |
| 2. <u>Housing mediators</u> : At least one of the two vacant housing mediator positions should be filled immediately. | Partially implemented. Since then, the Manager of Dispute Resolution Programs, who also functioned as a housing mediator, has retired and not been replaced. Two foreclosure mediators have been assigned to housing -- one on a 3/5 time basis and one on a 2/5 time basis. |
| 3. <u>Housing prosecutors</u> : 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. | Implemented as to Bridgeport-Norwalk; not implemented as to eastern Connecticut. |

II. Administrative matters

A. All parts of the housing court system should be computerized.

1. Full computerization and e-filing:

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| a. <u>Advisory Council involvement</u> : The Advisory Council should be actively included in all planning that affects housing cases. | The Council has been consulted in developing aspects of the system as related to housing. |
| b. <u>Pro se accessibility</u> : Electronic filing should be permitted but not required for self-represented litigants. | Implemented.. |

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| c. | <u>Preservation of existing computer capabilities:</u>
All capabilities of the existing Forecourt system should be included in any new system. | Implemented. |
| d. | <u>Document integrity:</u> The system should protect the integrity of original documents. | Not yet clear. |
| e. | <u>Accessibility of the general public:</u> 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. | Implemented. |
| f. | <u>Use of online court records for tenant screening:</u>
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. | The Advisory Council has begun a review. |
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| 2. | <u>Expansion of computerization:</u> 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. | Partially implemented. |
| 3. | <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. | Not implemented. |
| 4. | <u>Foreclosure cases:</u> There should be a field in foreclosure dockets for the last law day and the date of approval of the deed of sale. | Not implemented. |
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- B. Case processing:
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| 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). | Staff not restored. Slowdowns were addressed in Hartford and New Britain. Processing times, however, continue to grow. |
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| 2. <u>Default rate</u> : The causes of the increased default rate should be explored. | No adequate information is available. |
| 3. <u>Cases that do not settle</u> : 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. | Serious slowdowns in Hartford and New Britain have been addressed. The one-week goal is being met in only some court locations. |
| 4. <u>Issuance of executions</u> : Executions should be issued expeditiously. Landlords should, on request, be permitted to pick up signed executions rather than receive them by mail. | Appears to have been implemented. |

C. Small claims:

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| Housing small claims should be restored to the housing court dockets. If that is not done, then: | Not implemented. |
| 1. <u>Separation of housing dockets</u> : 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.. | Not implemented. |
| 2. <u>Hearing locations</u> : 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. | Not implemented. |
| 3. <u>Acceleration of hearings</u> : The scheduling of housing small claims hearings should be systematically accelerated. | Not implemented, but it appears that all small claims cases are being held more quickly. |
| 4. <u>Pro se services</u> : Pro se services for housing small claims plaintiffs and defendants should be enhanced. | Implemented through Court Service Centers. |
| 5. <u>Service of process</u> : 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 | Not implemented. |

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.

The small claims booklet is made available to magistrates, although it is not clear that all receive hard copies.

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. Information should also be routinely provided to litigants as to how to file a complaint against a magistrate.

Not implemented.

- 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.

Not implemented.

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.

A full-time housing prosecutor has been hired for Bridgeport-Norwalk. The part-time prosecutor for Danielson has been laid off. No other changes have been made.

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| B. | <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. | Not implemented. |
| C. | <u>Handling of criminal prosecutions within the housing courts:</u> 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. | Implemented. |
| D. | <u>Anti-bligh ordinances:</u> Municipal anti-bligh ordinances should be reviewed for sufficient specificity and fairness. | Not implemented, but steps are moving forward to adopt the ICC Property Maintenance Code. |

IV. Advisory Council matters (p. 9)

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| A. | <u>Consultation with the Council:</u> 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. | Not implemented. |
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