

Legal Assistance Resource Center of Connecticut, Inc.

80 Jefferson Street ♦ Hartford, Connecticut 06106-5050
(860) 278-5688 x13 ♦ FAX (860) 278-2957 ♦ Rpodolsky@LARCC.org

H.B. 5920 -- Small claims cases involving housing

Judiciary Committee public hearing – March 20, 2008

Testimony of Raphael L. Podolsky

Recommended Committee action: SUPPORT IN CONCEPT

This bill addresses a situation that needs to be fixed. Small claims cases involving housing (security deposits, unpaid rent, property damage) have a significantly different profile from most other cases in the small claims system. A large majority of small claims cases are “collection” cases (hospital, doctor, and other unpaid bills) and are overwhelmingly processed as default judgments without hearings. Housing small claims cases, in contrast, have a very different profile. The default rate is much lower, they are more likely to involve actual individual litigants who show up in court, hearings in damages must be held in all cases (even if the defendant fails to appear), and housing cases are heard on a separate housing docket (usually in the same courthouse as the housing court clerk’s office). The housing small claims caseload looks much more like what we think of as a “people’s court” than does any other part of the small claims system.

Until two years ago, housing small claims cases were handled in the housing courts, separate from other small claims cases. The system worked efficiently and well. Then the Judicial Branch implemented a statewide administrative centralization of all small claims cases, in which data input and scheduling were handled through a central office in Hartford. It was supposed to make more effective use of technology, produce a more efficient system, and allow Judicial to consolidate small claims staff. It appears, however, that Judicial greatly underestimated the number of staff needed; and a system that was once fast and efficient is now extremely and frustratingly slow for both landlords and tenants. It takes weeks merely to get data inputted into the system, and cases that used to go to judgment in 6 to 8 weeks now can easily take 4 to 8 months. This slowdown and loss of efficiency has particularly impacted housing small claims because of its more people-oriented caseload.

This situation badly needs to be corrected. H.B. 5920 addresses the issue by returning housing small claims cases to the housing courts. We support this change in concept but recognize certain practical issues that can also be addressed in a different way.

- Returning venue to the housing courts: This approach has the advantage of reconnecting housing small claims to the housing court clerks’ offices and thereby restoring the unitary nature of the housing courts. Because staffing was moved around when small claims processing was centralized, a return of cases to the housing courts ought to be accompanied by the addition of staff. If this is not done, it risks possible slowdowns in the housing courts of either the movement of small claims cases or the movement of eviction cases.

(continued on reverse side)

- Separating out housing cases within the centralized small claims system and putting them on a different track: This is an alternate possibility. Housing cases are about 3.5% of all small claims cases (about 3,200 out of 87,000 cases in 2006). If Judicial were to dedicate a small number of Centralized Small Claims staff exclusively to housing, pulled housing cases out of the application flow immediately, and scheduled those cases for processing and hearing on an expedited schedule compared with other small claims cases, it might be possible to restore the efficiency of the system for housing cases while keeping those cases within the centralized administrative system. This different (and better) treatment of housing cases can be justified by their different and unique profile. This would, however, require a real commitment by the Judicial Branch.

The General Assembly should insist that housing small claims cases either be returned to the housing courts with appropriate staff support or that they be handled separately within the centralized system in a way that accomplishes the same result.