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Testimony of Richard L. Tenenbaum Connecticut Legal Services Government Administration and Elections Committee March 16, 2009

Opposition to H.B. 6375, Section 1, Subsection 8 Termination of the Citizens Advisory Council for Housing Matters

I have been a member of the Citizens Advisory Council for Housing Matters for many years. The Citizens Advisory Council for Housing Matters was created by Conn. Gen. Stat. §47a-71a and consists of 36 members, representing the three regions having Housing Sessions of the Superior Court, Hartford and New Britain, New Haven and Waterbury and Bridgeport and Stamford-Norwalk, as well as a balance-of-state contingent. Members are representative of tenants, landlords, and others concerned with housing and reflect a balance of the interests of tenants and landlords. A number of Advisory Council members have become judges.

I believe that the Advisory Council is one of the most remarkable bodies in state government. Meeting quarterly, at no cost to the taxpayer, it has managed over the years to consistently obtain consensus between the three segments of its membership and Judicial Branch and Housing Prosecutor staff on matters involving the delivery of services by the Housing Courts to landlord, tenant and government consumers. Despite significant differences in needs and views on issues, Council participants have recognized the need for smooth functioning housing courts, accessible to the public, transparent in its operations and responsive to its users. I believe that we have consistently succeeded and should be allowed to continue.

The Citizens Advisory Council for Housing Matters files a biennial report with the General Assembly before every session. This January's report is available online at http://www.ct.gov/ecl/lib/ecl/housing_reports/cac-2009_final.pdf. The reports have detailed a long list of accomplishments, some of which took several years. The Advisory Council's work, as described in Chapter 834 of the General Statutes, the court's authorizing law, has contributed to making the Housing Sessions about as consumer-friendly and open to participation by parties unrepresented by legal counsel as a court could be. I consider the law one of the state's great achievements in policy-making in recent years.

The Council has been involved in matters ranging from input on standards for the appointment of housing court staff to comment on the



suitability of court locations to the creation of court pleading forms. Below are some of the many areas in which the recommendations of the Citizens Advisory Council have contributed to producing high quality housing courts for the benefit of the people of Connecticut.

- Making available to litigants copies of nearly all written opinions of Housing Court judges. All decisions are compiled by the Judicial Branch and distributed to the state law libraries, and nearly all are made available to users around the world on the large legal research databases. This was not formerly routine for individual trial court opinions. Because of their availability, unrepresented housing court parties without access to Westlaw or Lexis, can use a printed decision index available in libraries and have access to the all Connecticut housing law decisions, and the trial courts decisions are cited around the nation.
- Small Claims magistrates who hear housing matters, such as suits for unpaid rent or security deposit refunds, have access to a legal reference document describing the law prepared by Advisory Council participants, for use when they are being asked to interpret and citing relevant legal authority.
- The Criminal Justice Division has trained local police in responding to calls for assistance with housing-related criminal matters. The Advisory Council has submitted to the Division a draft of a proposed training manual for local police officers which the Division will be reviewing, and the Division has completed a prosecutor's manual that the Advisory Council played an important role in drafting.
- Routinely, over 90% of housing cases in the six Housing Courts and the non-Housing Courts are settled without trial in medication by court staff. This fact undoubtedly results in enormous economic savings to the Judicial Branch and the litigants.
- The Housing Courts have been computerized, and summary process dockets are available on the Judicial Branch website. The Advisory Council was actively involved in pressing for computerization to all court sites.
- Summary process cases are scheduled in a manner that ensures that trials are scheduled immediately or within a week after mediation has been unsuccessful.
- Court staff vacancies have been filled to maintain efficient operation.
- Information booklets in English and Spanish and pro se (unrepresented by legal counsel) court forms are available at the court and online, so that parties can adequately put their positions before the court.
- Spanish-speaking interpreters are generally available to court users.
- Housing Court telephone numbers have been moved in AT&T telephone directories to a location where they can be better found by court users.

- The Advisory Council commented on and suggested amendment to the courts' policy regarding authorizing entrance to courthouses of individuals carrying cell phones that contain cameras, and the policy has been changed.

These items range from minor, yet useful to highly meaningful to users of the courts, the staff and to the State. Each of the Citizens Advisory Council's biennial reports lists and tracks dozens of recommendations to the General Assembly, the Chief Court Administrator and staff, and the Chief State's Attorney. Review of the reports over the years would show a consistent pattern of progress in accessibility and transparency in the Housing Session. What is most remarkable is that throughout the history of the Advisory Council, first chaired by former Representative, now Judge, Douglas Mintz, the Council functioned by consensus. Landlord and tenant representatives, government and general housing representatives, even staff and non-member observers who are welcome to participate in discussion agreed to Council recommendations. There could be no better testament to a balanced approach mindful of the needs of the court's users and respectful on the courts institutional needs.

This could not have been accomplished without the active support and collaboration of the Chief Court Administrators, Chief State's Attorneys and their staffs, which whom the Council has worked. All Council members are volunteers who take no compensation from the State for of their own time and travel.

At a time when transparency and accountability, agency efficiency and responsiveness are being most highly valued, it seems to me to be a great mistake for the Governor to be recommending and the General Assembly to be terminating a board that has helped so many Connecticut citizens. Rather, I suggest that other divisions of the Superior Court would benefit greatly by having similar citizens advisory councils assisting them in their tasks.

Thank you for the opportunity to comment.

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