

Legal Services Offices

Statewide Legal Services: (Entry point for the legal services network in Connecticut). **860-344-0380** Central CT area or **1-800-453-3320**.

Other Legal Services Programs:

Hartford, Hartford County:

Greater Hartford Legal Aid

999 Asylum Avenue
Hartford, CT 06105
(860) 541-5000
FAX: (860) 541-5050

Greater New Haven Area:

New Haven Legal Assistance Association, Inc.

426 State Street
New Haven, CT 06510
(203) 946-4811
TDD: (203) 946-4811
FAX: (203) 498-9271

Throughout Connecticut:

Connecticut Legal Services:

Administrative Office: (860) 344-0447

Offices:

211 State Street
Bridgeport, CT 06604
(203) 336-3851

16 Main Street
New Britain, CT 06051
(860) 225-8678

153 Williams Street
New London, CT 06320
(860) 447-0323

20 Summer Street
Stamford, CT 06901
(203) 348-9216

85 Central Avenue
Waterbury, CT 06702
(203) 756-8074

872 Main Street
Willimantic, CT 06226
(860) 456-1761

AIDS Legal Network for Connecticut

999 Asylum Avenue
Hartford, CT 06105
(860) 541-5027 or 1-888-380-3646

This pamphlet was produced by the Legal Assistance Resource Center of CT in cooperation with Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services.

The information in this pamphlet is based on laws in CT as of November 2009. We hope that the information is helpful. It is not intended as legal advice for an individual situation. If you need further help and have not done so already, please call Statewide Legal Services (see above) or contact an attorney.

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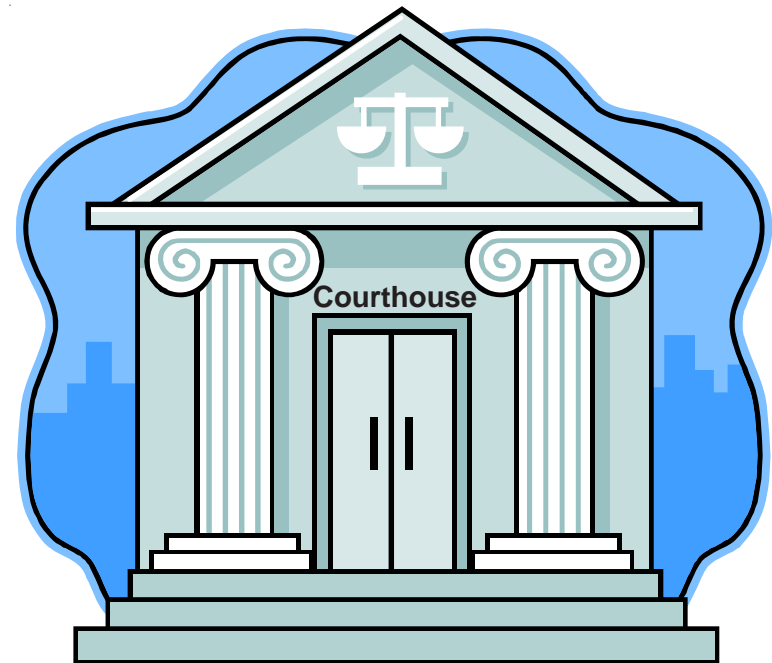
www.slscct.org
www.ghla.org
www.nhlegal.org
www.connlegalservices.org
www.larcc.org



Tenants' Rights:

Repairs

How to use the **Housing Code Enforcement Law** **(or Payment into Court)**



November 2009

Even if there are problems with the conditions of your apartment, **keep paying your rent!**

If you do not pay your rent (and pay it on time), you risk being evicted. The **first thing you should do is ask your landlord to make the necessary repairs.** If that doesn't work, keep paying your rent. You can try to get the repairs made and maybe get your rent money returned to you by bringing a housing code enforcement lawsuit.



Repairs Needed


What is a housing code enforcement lawsuit (payment into court)?

Connecticut law allows a tenant to file a lawsuit against the landlord if the landlord fails to make necessary repairs. It is up to your landlord to see that your apartment meets state and local fire, housing and health codes when you move in. Your landlord must also keep the apartment in good repair while you live there. You may sue your landlord if:

- there is peeling paint in your apartment
- the plumbing, electrical or heating systems don't work properly or
- your windows are broken.

(Also see the Legal Aid pamphlet, *Energy and Utility Problems with Landlords*).

If you file a lawsuit (sometimes called a "payment into court action"), you pay rent to the court clerk instead of the landlord. The judge can order the landlord to make the repairs. You can also ask the judge to refund all or some of the rent you have already paid because of the landlord's failure to repair. It is the judge's decision.

 **NOTE:** Even if *you* pay for heat and hot water, the landlord must keep the furnace or hot water heater working properly. He/she should also help you prevent rat and roach infestation and should provide you with a smoke detector.

What must I do before I file a lawsuit?

1 STEP 1: Ask your landlord to make repairs. You can do this either orally or in writing. If you do it orally, be sure you have a reliable witness with you. If you do it in writing, be sure to save a copy of your letter. If your landlord does **not** make repairs, continue to Step 2.

2 STEP 2: Contact the local housing code office or other appropriate municipal agency and make a complaint (see page 9). An inspector will come to your apartment. Make sure you show the inspector everything that needs to be fixed. Write down the inspector's name. **If you do not make an official complaint** to the code enforcement office or other agency, **the case cannot be filed** no matter how serious the problems in your apartment are.



3 STEP 3: If the problems have not been fixed within 21 days after you filed an official complaint, you can file a case in court.

How do I file a housing code enforcement lawsuit?

Fill out two forms called the *Notice of Suit* (#JD-HM-19) and the *Complaint* (#JD-HM-35). (See pages 7 & 8.) You can get the forms at your local Legal Aid office, at the Housing Court Clerk's office in the district where you live, and on the state of CT Judicial website (www.jud.ct.gov).

If you cannot afford to pay for the filing fee or other fees, also fill out an *Application for Waiver of Fees* form (# [JD-FM-75](#)). On the web site look under "Forms" then "Family."

Take the completed forms to the Housing Court Clerk's Office and give them to the clerk. You will need to pay a \$25 filing fee (or ask for a fee waiver).

❑ If you have not paid your rent for the current month, bring your rent money with you. Bring cash or a money order. The clerk will not take a personal check. Until the case is over, you will pay your rent to the court. It will be up to the judge to decide what happens to the rent you pay. You can't just change your mind and get your money back. Once you start the process, you must go along with whatever the judge decides.



Warning: Be sure to keep making your rent payments into court for as long as your case takes. If your case takes more than a month and you do not make the next payment, the court can dismiss (throw out) your case without deciding anything about the repairs.

What happens next?

The court clerk will send the lawsuit to your landlord by certified mail. If your landlord does not sign for or does not pick up the certified letter, you will have to pay a marshal to deliver the papers for you. **If you cannot afford to pay the marshal**, ask the court to have the marshal's fee waived. The clerk can tell you how to contact a marshal. The clerk will usually schedule a *hearing date* within two weeks after the landlord gets notice of the suit.



The clerk will also send a copy of the lawsuit to the code inspector who inspected your apartment.

How do I prepare for the hearing?

✓ A hearing gives you a chance to go to court and tell the judge about the repairs that need to be made at your home. Think about what you want to say to the judge. You should also tell the judge how you have been injured or inconvenienced by your landlord's failure to make repairs.

✓ Make sure the official who inspected your home comes to the hearing. When you get the notice from the court clerk telling you when your hearing date is scheduled, ask the clerk to issue a subpoena requiring the code inspector to come to the hearing and to bring a copy of his or her report. Ask the clerk for instructions about how to give the official the subpoena. There is a fee to have the subpoena served. If you cannot afford to pay, you should ask the court clerk to have the fee waived. You may also ask others to come to court to testify about the defects in your home. You may bring pictures of the defects or problems with you.

✓ Make sure you continue to pay your rent to the clerk every month when it is due or the judge can dismiss your case.

✓ Instead of telling the judge about the problems with your apartment, you may be asked to meet with a "housing specialist" first. The housing specialist will talk to both you and your landlord to see if you can reach an agreement. For example, the housing specialist may help you and your landlord set up a schedule of repairs. If you and your landlord cannot reach an agreement with the help of the housing specialist that you are both satisfied with, you can still go talk to the judge.

What happens at the hearing?

You will be sworn in as a witness. Tell the judge what is wrong with the apartment and what repairs need to be made. You should also tell the judge if you have asked your landlord for repairs. If you do not have a smoke detector in your apartment, tell the judge as well. You can then ask the code inspector to testify and submit the inspection report to the judge.

You should ask the judge to order your landlord to make repairs. You may also ask the judge to refund the rent you paid while the problems were being ignored by your landlord. You may ask the judge to order your landlord to pay you money for damage to your belongings.



What happens after the hearing?

After your initial hearing, the judge may ask you and the landlord to return to court to report on the repair work that was ordered. Be sure to check with the court clerk about your next court date.

If the repairs have not been completed, you should tell the court. If your landlord has not made the court-ordered repairs, the court has the power to appoint someone else (called a receiver) to use the rent money to do the repairs.

At any time during your lawsuit, you may talk to your landlord (or to his/her lawyer) and agree to a repair schedule. **If you do, the schedule should be in writing and filed with the court.**



Where does the money go that I paid into court?

When the repairs are done and the lawsuit is over, the distribution of the rent money that you paid into court will be decided by the judge (or by an agreement you make with the landlord). If the judge is making the decision, you should be sure to tell the judge why you think you are entitled to the money. The judge can decide to:

- give **you** all or part of the money you paid into court,
- or -
- give **the landlord** all or part of the money you paid into court.

Can my landlord evict me if I file a lawsuit?

No! As long as you pay your rent to the court clerk every month, your landlord cannot evict you for not paying rent. Be sure to pay your rent to the clerk each month within 9 days after it is due. If your landlord sends you an eviction notice after you file a payment into court lawsuit, you have a good defense against eviction. See the Legal Aid pamphlets:

- *The Eviction Process - Before the Judge Decides*
- *The Eviction Process - After the Judge Decides.*

Can I file a lawsuit if the landlord has started an eviction action?

If your landlord has already given you a *Notice to Quit*, you may not be able to file a case. However, **if you have received a *Notice to Quit*, you should:**

- ✓ Talk to a lawyer before filing your payment into court action.
- ✓ Don't give up. Housing code violations in your apartment may give you a defense to the eviction.
- ✓ Call your local housing code office right away and ask for an inspection. But if possible, don't wait to get the eviction papers -- file a payment into court case before this happens.

NOTICE OF SUIT
HOUSING CODE ENFORCEMENT
 JD-HM-19 Rev. 8-99
 C.G.S. § 47a-14h

STATE OF CONNECTICUT
SUPERIOR COURT
 HOUSING SESSION
 www.jud.ct.gov



COURT <input type="checkbox"/> Judicial District <input type="checkbox"/> Housing Session <input type="checkbox"/> G.A. No. _____	AT (Town in which writ is returnable) (Gen. Stat. 51-346, 51-349)	TELEPHONE NO.
ADDRESS OF CLERK OF COURT WHERE HEARING IS TO BE HELD		

PARTIES	NAME AND ADDRESS OF EACH PARTY AND AGENCY (Individual names: Last, First, Middle Initial)	TELEPHONE NO.
FIRST NAMED PLAINTIFF (Tenant)		
Additional Plaintiff (Tenant)		
FIRST NAMED DEFENDANT (Landlord)		
Additional Defendant (Landlord)		
AGENCY		

LIST OF ADDITIONAL PARTIES IS ATTACHED

NOTICE TO DEFENDANT (LANDLORD)

- You are being sued.
- The complaint attached to these papers states the claim that each Plaintiff (Tenant) is making against you in this lawsuit.
- To respond to this, wait for a notice of hearing to be mailed to you, and then you must appear for the hearing at the Address of Court, on the date and at the time listed on that notice. You or your attorney should also file an Appearance on or before that time.
- If you do not appear for your hearing, orders may be entered against you by default.
- All parties should be present with any witnesses or evidence they intend to offer.
- Your tenant will now be paying the rent into court.
- You may NOT commence a Summary Process (Eviction) Action for nonpayment of rent while this case is pending, so long as the tenant continues to deposit the rent with the court.

AMOUNT OF RENT	<input type="checkbox"/> Monthly <input type="checkbox"/> Weekly	DATE RENT DUE
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- You may counterclaim and request an order from the court compelling your tenant to comply with the duties under C.G.S. § 47a-11, (Tenant's Responsibilities).
- The clerk is not permitted to give any legal advice in connection with any lawsuit.
- The clerk is not responsible in any way for any errors or omissions regarding this matter.
- If you have questions about this action, you should consult an attorney promptly.

DATE	SIGNED (Sign and "x" proper box) <input type="checkbox"/> Commissioner of Superior Court <input type="checkbox"/> Assistant Clerk	TYPE IN NAME OF PERSON SIGNING AT LEFT
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FOR THE PLAINTIFFS PLEASE ENTER THE APPEARANCE OF:

NAME OF ATTORNEY OR LAW FIRM (Name of plaintiff if pro se)	
TELEPHONE NO.	JURIS NO. (If attorney or law firm)
ADDRESS OF ATTORNEY OR LAW FIRM	

FOR COURT USE	
RECEIPT NO.	<input type="checkbox"/> NO FEE
FILE DATE	
DOCKET NO. HC -	

COMPLAINT - HOUSING
CODE ENFORCEMENT
 JD-HM-35 (Old JD-CV-28) Rev. 4-01
 C.G.S. § 47a-14h

CONNECTICUT SUPERIOR COURT
HOUSING SESSION
 www.jud.ct.gov

INSTRUCTIONS

- Type or print legibly and firmly with a ball point pen. Sign original and conform copies.
- File all copies with the clerk of the court accompanied by form JD-HM-19, "Notice of Suit - Housing Code Enforcement" and the entry fee, or a request for waiver of such fee.
- A hearing will be scheduled not more than fourteen (14) days after the filing of the complaint, or the return of service (made by the clerk), whichever is later. If there is no return of service, the plaintiff will be responsible for service.

NAME OF CASE

COMPLAINT

- The plaintiff is a tenant in the building at _____
(Street address, apt. # or floor, town)
- The defendant is the landlord of that building.
- The parties entered into an oral/written lease for the term of one month/week/year.
- The rent for the apartment is \$ _____ per month/week, and it is due on the _____ day of each month/week.
Rent of \$ _____ for the current month/week has been paid to my landlord.
- On (date) _____, the tenant made a complaint about the premises to _____
This was at least 21 days before filing this action.
(Name of municipal agency/Comm. of Consumer Protection)
- The plaintiff has not been served with a notice to quit based on nonpayment of rent prior to institution of this action, and has not been served with a notice to quit based on any other ground prior to making the complaint to the appropriate municipal agency or to the Commissioner of Consumer Protection.
- The landlord has failed to perform his/her legal duty to maintain the premises under § 47a-7 (Landlord's Responsibilities) of the General Statutes. The violations are the following:

CONTINUATION OF COMPLAINT ATTACHED AND MADE A PART HEREOF.

THE TENANT REQUESTS:

- An order requiring the landlord promptly to make repairs and to perform his/her other legal duties under local, state and federal law.
- An order appointing a receiver to collect rents and to use the money to correct conditions in the property which violate local, state, or federal law.
- An order staying other proceedings concerning the same property.
- An award of money damages, which may include a retroactive abatement of rent payable into court pursuant to 47a-14h(h) of the General Statutes.
- Such other relief in law or equity as the court may deem proper.

The undersigned, being duly sworn, deposes and says that the above claims are true.

SIGNED (Plaintiff)	TYPE IN NAME OF PERSON SIGNING AT LEFT	TITLE OF PERSON SIGNING
SUBSCRIBED AND SWORN TO BEFORE ME ON (Date)	SIGNED (Asst. Clerk, Notary, Comm. of Sup. Ct.)	

MILITARY SERVICE AFFIDAVIT

The undersigned deposes and says:

- that the defendant(s) is(are) in the military or naval service of the United States.
- that the undersigned is unable to determine whether or not the defendant(s) in this action are in the military or naval service of the United States.
- that no defendant in this action is in the military or naval service of the United States, and that, to the personal knowledge of the undersigned (state facts showing defendant is not in such service):

SIGNATURE AND TITLE X

SUBSCRIBED AND SWORN TO BEFORE ME ON (Date)	SIGNED (Asst. Clerk, Notary, Comm. of Sup. Ct.)
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DISTRIBUTION: ORIGINAL - Court File COPY 1 - Defendant COPY 2 - Housing code enforcement agency COPY 3 - Plaintiff

How do I contact my local Code Enforcement Office?

To find out where to direct your complaint, you should telephone the municipal office responsible for enforcing your town's housing code. If your town is not listed below, call your Town Clerk for more information. If your town has no housing code office, contact the local health department. (Look under your town in the blue section of the phone book).

Ansonia (203) 881-3255

Beacon Falls (203) 881-3255

Bridgeport (203) 576-7072

Bristol (860) 584-6100

Colchester (860) 537-7284

Danbury (203) 797-4625

Derby (203) 881-3255

East Hartford (860) 291-7340

Enfield (860) 253-6386

Fairfield (203) 256-3020

Groton (860) 446-5982

Hamden (203) 287-2530

Hartford (860) 757-9210

Manchester (860) 647-3052

Meriden (203) 630-4092

Middletown (860) 344-3477

Naugatuck (203) 881-3255

New Britain (860) 826-3383

New Haven (203) 946-8386

New London (860) 447-5240

Norwalk (203) 854-7776

Norwich (860) 823-3763

Seymour (203) 881-3255

Shelton (203) 924-1555

Stamford (203) 977-4366

Torrington (860) 489-2245

Vernon (860) 870-3650

Wallingford (203) 294-2005

Waterbury (203) 574-6780

West Hartford (860) 561-7900

West Haven (203) 934-5788

Windham (860) 465-3039

Connecticut Housing Courts

Superior Court - Housing Session

1061 Main Street
Bridgeport, CT 06604
(203-579-6936)

80 Washington Street
Hartford, CT 06106
(860-756-7920)

20 Franklin Square, Room 211
New Britain, CT 06051
(860-515-5130)

121 Elm Street
New Haven, CT 06510
(203-789-7937)

17 Belden Avenue
Norwalk, CT 06850
(203-846-4332)

300 Grand Street
Waterbury, CT 06702
(203-591-3310)