

# A TENANT'S GUIDE TO SUMMARY PROCESS

## **STEPS IN AN EVICTION ACTION**



State of Connecticut Judicial Branch  
Superior Court

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This material may be made available in an alternate format, or other assistance may be provided upon request by a qualified individual with a disability under the provisions of the Americans With Disabilities Act.

## APPEARANCE AND ANSWER

### INTRODUCTION

This pamphlet is designed to inform you of the basic steps in an eviction (summary process) action. It is not intended as a substitute for the advice of an attorney. The clerk's office is not responsible for any errors or omissions in this pamphlet. If you feel you need more information or assistance, you should either talk to an attorney or read the appropriate sections of the Connecticut General Statutes and Connecticut Practice Book.

After you are served with an eviction (summary process summons and complaint), the first step in representing yourself is to file a form known as an Appearance. This must be filed at the court clerk's office no later than 2 (two) days after the Return Date on your Court Summons. Your Appearance lists your name, address, telephone number and signature. By filing your Appearance, you have taken the first step to contest (challenge) the eviction case brought against you by your landlord. Your landlord is known as the Plaintiff, and you are known as the Defendant.

After completing your Appearance (see JD-CL-12 on page 11), you should then file an Answer to your landlord's complaint. The clerk's office will provide you with an Answer form. You must read each numbered paragraph of the landlord's complaint and circle your response on the Answer form ("Agree," "Disagree" or "Do Not Know"). (See JD-HM-5 on page 12.) There are also several Special Defenses listed on the Answer form. You must check any that apply to you and fill in the blanks, as appropriate. Additional comments may be written at the bottom of the form. Be sure to sign the form.

In addition to filing the original Answer with the court, you must also immediately mail a copy of it to your landlord or your landlord's attorney, if there is one. If you do not mail a copy, you may automatically lose the case. If you have claimed any Special Defenses, the landlord must file a Reply to them before a hearing is scheduled.

A trial before a judge will be scheduled in your case approximately 1 (one) week to 10 (ten) days after all pleadings have been filed. The clerk's office will notify you of the trial date by mailing you a Notice of Court Hearing.

In cases of nonpayment of rent only, if you file Special Defenses claiming that your dwelling unit has serious housing or health code violations, you may ask for an inspection of your dwelling unit by a Housing Mediator. Information obtained from this inspection will be used only for mediation purposes to enable the Housing Mediator to assist the parties in reaching a fair settlement (see discussion of Housing Mediator under Trials). You should arrange this inspection by calling the court at least five working days before your hearing.

## TRIALS

It is very important that you come to court on the trial date listed on the Notice of Court Hearing or you may lose your case by default. You must be at the court on time. Be sure to bring any witnesses, papers or receipts that you may have. This is very important or you may lose your case for lack of proof. If a witness will not come to court voluntarily, you may apply for a subpoena at the clerk's office. Please do so at least 2 (two) days before the scheduled hearing date. If a judge grants the application, a subpoena will be issued. The subpoena must be served on your witness at least 18 (eighteen) hours before your hearing date and time. The state marshal will charge you a fee to serve the subpoena.

On the day of your trial, your case will be called by the courtroom clerk. When your case is called, be sure to tell the clerk that you are present. After your case is called, you will meet with a Housing Mediator, who is a specially trained mediator, who will discuss the case with you and your landlord. The Housing Mediator will assist you and your landlord in working out a fair settlement. If you and your landlord agree on a settlement, the agreement will be reviewed by the judge. If it is approved by the judge, it will be entered on the record as a "Stipulated Judgment." You will be given a copy of this, which you should be sure to keep.

You are under no obligation to settle your case. If you do not work out an agreement, there will be a trial. The judge will hear the case and make a decision based on all of the evidence. The judge will either announce the decision in court or you will be notified by mail.

If you need an interpreter, you must contact the clerk's office at least 2 (two) days before any hearing date.

## JUDGMENTS

If the judge decides the case in your favor, after trial, you may remain in the premises. If you lose the case either because you did not appear on the trial date (by default) or, after a trial, you will have 5 (five) days to vacate the premises. The date of judgment, Sundays and legal holidays are not counted in this 5 (five) day period.

In cases of nonpayment of rent, you can apply to the court for up to 3 (three) additional months to stay in the premises if you cannot find another place to live. In order to receive more time, you must do both of the following within 5 (five) days from the date of judgment. The date of judgment, Sundays and legal holidays are not counted in this 5 (five) day period.

- A. Deposit with the court, in person, the full amount of the arrearage (back rent and/or use and occupancy) owed to your landlord. This can be paid only by certified check or money order payable to Clerk, Superior Court, or by cash.
- B. At the time you pay the full amount of the arrearage, you must also complete and file a Stay of Execution Application, which is a form that you may obtain from the clerk's office.

A court hearing will then be scheduled on the Stay of Execution Application. You will be notified of the date and time of hearing either immediately or by mail. At the hearing, the exact amount of additional time you may stay in the premises, up to a maximum of 3 (three) months, will be decided by the judge.

In cases of termination of lease by lapse of time ("without cause eviction") or when a previous right or privilege to occupy has terminated, you have the right to apply for more time to stay in the premises if you cannot find another place to live. You must personally come to the court to file a Stay of Execution Application. A court hearing will then be scheduled. You will be notified of the date and time of hearing either immediately or by mail.

At the hearing, the exact amount of additional time, up to a maximum of 6 (six) months, will be decided by the judge.

If you do not move voluntarily when your Stay of Execution period expires, or if you have violated its conditions, the court may issue an Execution for Possession to your landlord. This applies both to Stays of Execution ordered by the judge and those worked out through an Agreement of the Parties.

If you violate a condition of either type of Stay of Execution by not making a required payment, the landlord or landlord's attorney must file an affidavit and send a copy to you before an execution can be issued.

If you disagree with the landlord's affidavit, you must go to the clerk's office immediately to file an objection. If you do nothing, an execution will issue on the third business day after the filing of the affidavit. Your belongings may then be physically removed by the state marshal and delivered to a place where they will be stored. If your belongings are removed and stored, and you do not reclaim them and pay the storage expenses within 15 (fifteen days), those belongings may be sold by the town.

## **LEGAL AID AND LAWYER REFERRAL**

If you feel you need additional assistance, legal advice or representation, you should contact an attorney. You may obtain an attorney by contacting a Lawyer Referral Service office, or, if you qualify, a Legal Aid Office. (See page 6 for a listing of these services.)

## LEGAL AID OFFICES

AGENCY	TELEPHONE
<p>For initial screening of requests for legal assistance from legal aid programs in Connecticut:</p> <p style="text-align: center;"><b>STATEWIDE LEGAL SERVICES, INC.</b>  <b>(860) 344-0380</b>                      (Hartford, Central Connecticut, Middletown Areas)  <b>1-800-453-3320</b>                      (All Other Regions)</p>	
<p><b>Greater Hartford Legal Assistance</b>  <i>Hartford Office:</i></p>	(860) 541-5000
<p><b>New Haven Legal Assistance, Association, Inc.</b>  <i>New Haven Office:</i></p>	(203) 946-4811
<p><b>Connecticut Legal Services, Inc.</b>  <i>Regional Offices:</i>                      Bridgeport                      New Britain                      New London                      Stamford                      Waterbury                      Willimantic  <i>Satellite Locations:</i>                      Danbury                      Meriden/Middletown                      Norwalk                      Norwich                      Rockville                      Torrington</p>	(203) 336-3851 (860) 225-8678 (860) 447-0323 (203) 348-9216 (203) 756-8074 (860) 456-1761  1-800-541-8909 (860) 225-8678 (203) 348-9216 (860) 447-0323 1-800-413-7796 1-800-413-7797
AIDS Legal Network	(860) 541-5000 1-888-380-3646

## LAWYER REFERRAL SERVICE OFFICES

LOCATION	TELEPHONE
Fairfield County	1-800-972-9628
Hartford, Litchfield, Middlesex, Tolland and Windham Counties	(860) 525-6052
New Haven County	(203) 562-5750
New London County	(860) 889-9384 M/W/F

**SUPERIOR COURT  
HOUSING SESSION LOCATIONS**

<b>LOCATION</b>	<b>TELEPHONE</b>
<b>Fairfield Judicial District</b> Superior Court - Housing Session 1061 Main Street Bridgeport, CT 06604	Tel: (203) 579-6936 Fax: (203) 579-7291
<b>Hartford Judicial District</b> Superior Court - Housing Session 80 Washington Street Hartford, CT 06106	Tel: (860) 756-7920 Fax: (860) 756-7925
<b>New Britain Judicial District</b> Superior Court - Housing Session 20 Franklin Square, Room 211 New Britain, CT 06051	Tel: (860) 515-5130 Fax: (860) 515-5138
<b>New Haven Judicial District</b> Superior Court - Housing Session 121 Elm Street New Haven, CT 06510	Tel: (203) 789-7937 Fax: (203) 773-6795
<b>Stamford/Norwalk Judicial District</b> Superior Court - Housing Session 17 Belden Avenue Norwalk, CT 06850	Tel: (203) 846-4332 Fax: (203) 750-0881
<b>Waterbury Judicial District</b> Superior Court - Housing Session 300 Grand Street Waterbury, CT 06702	Tel: (203) 591-3310 Fax: (203) 596-4080

**GEOGRAPHICAL AREA  
COURT LOCATIONS HANDLING  
HOUSING MATTERS**

<b>LOCATION (G.A.)</b>	<b>TELEPHONE</b>
<b>G.A. 3</b> 146 White Street Danbury, CT 06810	Tel: (203) 207-8600 Fax: (203) 207-8666
<b>G.A. 5</b> 106 Elizabeth Street Derby, CT 06418	Tel: (203) 735-7438 Fax: (203) 735-2047
<b>G.A. 10</b> 112 Broad Street New London, CT 06320	Tel: (860) 443-8343 Fax: (860) 437-1168
<b>G.A. 11</b> 120 School Street Danielson, CT 06239	Tel: (860) 779-8480 Fax: (860) 779-8488
<b>G.A. 18</b> 80 Doyle Road P.O. Box 667 Bantam, CT 06750	Tel: (860) 567-3942 Fax: (860) 567-3934
<b>G.A. 21</b> 1 Courthouse Square Norwich, CT 06360	Tel: (860) 889-7338 Fax: (860) 885-0509

## JUDICIAL DISTRICT COURT LOCATIONS HANDLING HOUSING MATTERS

LOCATION (J.D.)	TELEPHONE
<b>Judicial District at Meriden</b> 54 West Main Street Meriden, CT 06451	Tel: (203) 238-6666 Fax: (203) 238-6322
<b>Judicial District at Middlesex</b> 1 Court Street Middletown, CT 06457-3374	Tel: (860) 343-6400 Fax: (860) 343-6423
<b>Judicial District at Tolland</b> 69 Brooklyn Street Rockville, CT 06066	Tel: (860) 896-4920 Fax: (860) 875-0777

### APPEARANCE

JD-CL-12 Rev. 7/10  
P.B. §§ 3-1 thru 3-6, 3-8, 10-13, 25A-2

STATE OF CONNECTICUT

**SUPERIOR COURT**

www.jud.ct.gov

#### NOTICE TO SELF-REPRESENTED PARTIES (PRO SE)

**A self-represented party is a person who represents himself or herself. You must let the Clerk's Office know if you change your address by filling out this form.**

#### Instructions — See Back/Page 2

Docket number	Note: If you are a self-represented party and you filed an appearance before and you are filing this only to let the court know that you have changed your address, check the box below:  <input type="checkbox"/> I am filing this appearance only to let the court know that I have changed my address. My new address is below.
Return date	
Scheduled court date (Criminal/Motor Vehicle Matters)	Name of case (Plaintiff vs. Defendant)
<input type="checkbox"/> Judicial District <input type="checkbox"/> Housing Session <input type="checkbox"/> Geographic Area <input type="checkbox"/> Small Claims	Address of court (Number, street, town, zip code)

#### Please Enter the Appearance of

Juris number of attorney or firm	Name of self-represented party (See "Notice to Self-Represented Parties" at top), or name of official, firm, professional corporation, or individual attorney		
Mailing Address (Number, street) (Notice to attorneys and law firms - The address to which papers will be mailed from the court is the one registered or affiliated with your juris number. That address cannot be changed in this form.)		Post office box	Telephone number (Area code first)
City/town	State	Zip code	Fax number (Area code first)    E-mail address

in the case named above for: ("x" one of the following parties; if this is a Family Matters case, indicate the scope of your appearance)

- The Plaintiff (includes the person suing another person).
- All Plaintiffs.
- The following Plaintiff(s) only: \_\_\_\_\_
- The Defendant (includes the person being sued or charged with a crime).
- The Defendant for the purpose of the bail hearing only (in criminal and motor vehicle cases only).
- All Defendants.
- The following Defendant(s) only: \_\_\_\_\_
- Other (Specify): \_\_\_\_\_
- This is a Family Matters case and my appearance is for: ("x" one or both)
  - matters in the Family Division of the Superior Court   
  Title IV-D Child Support matters

Note: If other counsel or a self-represented party have already filed an appearance for the party or parties "x'd" above, put an "x" in 1 of these 2 boxes:

- This appearance is in place of the appearance of the attorney or firm or self-represented party on file (P.B. Sec. 3-8) **OR** \_\_\_\_\_ (Name and Juris Number)
- This appearance is in addition to an appearance already on file.

**and, I agree to accept papers (service) electronically in this case under Practice Book Section 10-13**     Yes     No

Signed (Individual attorney or self-represented party)	Name of person signing at left (Print or type)	Date signed
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<b>Certification</b> This certification has to be filled out only in eviction cases; for "in place of" appearances; in criminal cases; and in small claims matters.  <b>I certify that I mailed or delivered a copy of this Appearance form to:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> All counsel and self-represented parties of record as listed below and on any additional sheet(s). (For evictions (P.B. Sec. 3-5(a)), criminal actions (P.B. Sec. 3-5(c)) and small claims matters)</li> <li><input type="checkbox"/> Counsel or the party whose appearance is to be replaced as listed below and on additional sheet(s). (For appearances in place of another attorney or firm (P.B. Sec. 3-8))</li> </ul>	For Court use only
Signed (Individual attorney or self-represented party)	Date copies mailed or delivered
Name of each party copy was mailed or delivered to *	Address which copy was mailed or delivered to

\* If necessary, attach an additional sheet or sheets with the name of each party and the address which the copy was mailed or delivered to.

**APPEARANCE**



**SUMMARY PROCESS (EVICTION)  
ANSWER TO COMPLAINT**

JD-HM-5 Rev. 1-10  
C.G.S. Sec. 47a-4a, 47a-5, 47a-7, 47a-20, 47a-23c, 47a-33, 47a-57

STATE OF CONNECTICUT  
**SUPERIOR COURT**  
www.jud.ct.gov

Docket number
Return date

Name of Plaintiff(s) (Landlord(s))	Name of Defendant(s) (Tenant(s))
<input type="checkbox"/> Judicial District <input type="checkbox"/> Housing Session <input type="checkbox"/> Geographical Area Number _____ at: _____	
Address of Court (Number, street, and town)	

**Section 1 — Summary Process (Eviction) Answer**

(This section does not apply to Special Defenses below)

For EACH numbered paragraph of the landlord's Complaint, please "x" whether you Agree, Disagree or Do Not Know.

- |                                   |                                   |                                      |                                   |                                   |                                      |
|-----------------------------------|-----------------------------------|--------------------------------------|-----------------------------------|-----------------------------------|--------------------------------------|
| 1. Agree <input type="checkbox"/> | Disagree <input type="checkbox"/> | Do Not Know <input type="checkbox"/> | 5. Agree <input type="checkbox"/> | Disagree <input type="checkbox"/> | Do Not Know <input type="checkbox"/> |
| 2. Agree <input type="checkbox"/> | Disagree <input type="checkbox"/> | Do Not Know <input type="checkbox"/> | 6. Agree <input type="checkbox"/> | Disagree <input type="checkbox"/> | Do Not Know <input type="checkbox"/> |
| 3. Agree <input type="checkbox"/> | Disagree <input type="checkbox"/> | Do Not Know <input type="checkbox"/> | 7. Agree <input type="checkbox"/> | Disagree <input type="checkbox"/> | Do Not Know <input type="checkbox"/> |
| 4. Agree <input type="checkbox"/> | Disagree <input type="checkbox"/> | Do Not Know <input type="checkbox"/> | 8. Agree <input type="checkbox"/> | Disagree <input type="checkbox"/> | Do Not Know <input type="checkbox"/> |

**Section 2 — Special Defenses**

"x" the boxes next to the statements below that apply to you and fill in the information requested.

1. All rent has been paid to my landlord.
2. Rent was offered to my landlord on (date): \_\_\_\_\_ which was before the date I received the Notice to Quit.
3. No rent is due, under Connecticut Law (section 47a-4a of the Connecticut General Statutes) because there are housing or health code violations in violation of Connecticut Law (C.G.S. Sec. 47a-7(a)). *List violations below.*
- 
4. I notified  my landlord,  Housing Code,  the Health Department, or  the Building Department of the violations listed in number 3 above on (date): \_\_\_\_\_
5. This eviction is being brought because I contacted  my landlord or  public officials or agencies to complain about my apartment (C.G.S. Sec. 47a-20 and 47a-33).
6. I filed a rent increase complaint with the Fair Rent Commission on (date): \_\_\_\_\_
7. I am  blind,  physically disabled,  62 years of age or older or permanently live with a spouse, sibling, grandparent or parent who is 62 years of age or older AND live in a building or complex of 5 or more units or reside in a mobile manufactured home park (C.G.S. Sec. 47a-23c).

Additional Information:

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**Defendant's (Tenant's) Certification**

I certify that this answer is true to the best of my knowledge and that a copy was mailed or delivered to all counsel and self-represented parties of record on:		Date copy or copies mailed or delivered
Signed (Attorney or self-represented party)		Address (Number, street, town, and zip code)
Name of each party that answer was mailed or delivered to and address which answer was mailed or delivered to*		

\* If necessary, attach additional sheet with names of each party that answer was mailed or delivered to and the address which the answer was mailed or delivered to.

**Distribution:** Original - Court File    Copy 1 - Plaintiff (Landlord) or Attorney    Copy 2 - Defendant (Tenant)

**NOTES**

## NOTES

