

Marin, Carolina

From: Giovanna Shay <GShay@ghla.org>
Sent: Friday, February 4, 2022 2:05 PM
To: Del Ciampo, Joseph
Cc: Rafie Podolsky; Rules Committee
Subject: Rules Committee Meeting 2/7 - Supplement to Legal Services Eviction Records Proposal
Attachments: Supplement_Legal_Services_Comment_Proposed_PB_Eviction_Records_2021_023_2.4.22.pdf

Dear Attorney Del Ciampo and Rules Committee staff,

[Rules Committee – Supplement in Support of Legal Services Proposal Regarding Eviction Records # 2021-023 – For Meeting Monday February 7th](#)

Good afternoon. Attached is a brief supplement to the legal services proposal to the Rules Committee, #2021-023 regarding eviction records. Would you please circulate to members of the Committee for the Monday afternoon meeting?

Thank you so much. Have a good weekend.

Sincerely,

Giovanna Shay
Litigation & Advocacy Director
Greater Hartford Legal Aid
860-541-5061

From: Del Ciampo, Joseph <Joseph.DelCiampo@jud.ct.gov>
Sent: Wednesday, January 26, 2022 8:43 AM
To: Giovanna Shay <GShay@ghla.org>
Cc: Rafie Podolsky <RPodolsky@ctlegal.org>; Rules Committee <RulesCommittee@jud.ct.gov>; Marin, Carolina <Carolina.Romanauskas@jud.ct.gov>; Deak, Patrick <Patrick.Deak@jud.ct.gov>
Subject: Meeting of the Judges' Advisory Committee on E-Filing; Proposal from Legal Services re: Eviction Records

[CAUTION] External Sender:

Good morning, Attorney Shay,

The Advisory Committee meeting notice has been posted at: https://jud.ct.gov/Committees/judges_advisory/default.htm and provides that the meeting is open to the public. Please email Patrick Deak at patrick.deak@jud.ct.gov to inquire about the logistics of attending the meeting and whether public comment will be allowed.

Thank you.

Joseph J. Del Ciampo
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From: Giovanna Shay <GShay@ghla.org>

Sent: Friday, January 21, 2022 2:13 PM

To: Del Ciampo, Joseph <Joseph.DelCiampo@jud.ct.gov>

Cc: Rafie Podolsky <RPodolsky@ctlegal.org>; Rules Committee <RulesCommittee@jud.ct.gov>; Marin, Carolina <Carolina.Romanauskas@jud.ct.gov>

Subject: RE: Proposal from Legal Services for Rules Committee re: Eviction Records RC ID # 2021-023

Attorney Del Ciampo,

Would it be appropriate for a representative or two of legal services to observe the Judges Advisory Committee meeting on January 31st, and/or for one of us to be prepared to answer questions from the Committee about the legal services proposal regarding eviction records?

Please let us know. Thanks, and have a good weekend.

Best,

Giovanna Shay
Litigation & Advocacy Director
Greater Hartford Legal Aid
860-541-5061



VIA ELECTRONIC MAIL

February 4, 2021

Rules Committee of the Superior Court
Attn: Joseph J. Del Ciampo, Counsel
P.O. Box 150474
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RulesCommittee@jud.ct.gov

Re: Supplement to Legal Services Proposal to Amend Practice Book §§ 7-10 and 7-11 concerning the retention and destruction of summary process records (# 2021-023)

Dear Members of the Rules Committee:

We write to submit this supplement to our proposal #2021-023 to amend sections of the Practice Book regarding the time for retention and destruction of summary process records, attached for ease of reference as Appendix A. This proposal was considered at the Rules Committee meeting in December 2021 and referred to the Office of Chief Court Administrator and the Judges' Advisory Committee on Efiling for Comment.

At the January 31, 2022 meeting of the Judges' Advisory Committee on Efiling, that Committee, Chaired by Chief Court Administrator, Judge Carroll, decided to refer the proposal back to the Rules Committee with a note that it is a policy proposal unsuited to the Judges' Advisory Committee on Efiling, which, unlike the Rules Committee, does not have a mechanism for public hearing. The Advisory Committee suggested that the issue raised either be taken up by the Rules Committee itself or referred to the legislature.

We agree with the Judges' Advisory Committee on Efiling that this is a policy proposal, and we believe it should be addressed by the Rules Committee. The policy set out in Practice Book §§ 7-10 and 7-11 is a Judicial Branch policy, which can be amended by this Committee. The Judicial Branch need not await direction from the General Assembly to act. The policies in question were set by the Judicial Branch and can be changed by the Judicial Branch. In the area of summary process, the length of time that records remain available has real impact. Information about eviction cases is particularly sensitive, because it can be misread or misused to harm families' chances to secure safe and adequate housing.

We also wish to make the Rules Committee aware that on February 8, 2022, the CT Data Collaborative and CT Fair Housing Center plan to release a report on the disparate impact of eviction filings on women of color in Connecticut, <https://www.aurorafoundation.org/eviction-crisis>. We want to alert the Committee to this report because it is so relevant to our proposal and coincides so closely in time with the Rules Committee's February meeting. From what we understand, the CT Data Collaborative/CT Fair Housing Center report further demonstrates the potential for the misuse of eviction filing data to have a disparate economic impact on families of color, and particularly women of color.

We thank the Rules Committee for its continued attention to this proposal.

Respectfully submitted,

/s/Giovanna Shay

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APPENDIX A – PROPOSED AMENDMENT TO THE CONNECTICUT PRACTICE BOOK

The undersigned respectfully propose the following amendments to Practice Book §§ 7-10 and 7-11:

Sec. 7-10. Retention and Destruction of Files and Records; Withdrawals, Dismissals, Satisfactions of Judgment The files in all civil, family and juvenile actions, including ~~summary process and~~ small claims, which, before a final judgment has been rendered on the issues, have been terminated by the filing of a withdrawal or by a judgment of dismissal or nonsuit when the issues have not been resolved on the merits or upon motion by any party or the court, or in which judgment for money damages only has been rendered and a full satisfaction of such judgment has been filed, may be destroyed upon the expiration of one year after such termination or the rendition of such judgment, except that all internet records and identifying information concerning summary process actions terminated by the filing of a withdrawal, by a judgment of dismissal or nonsuit, or by a judgment for the defendant, shall be removed from the Connecticut Judicial Branch web site as quickly as is administratively feasible, but in any event not later than 30 days following disposition, or earlier by order of the court.

Sec. 7-11. —Judgments on the Merits— Stripping and Retention

* * *

(d) The following is a schedule which sets forth when a file may be stripped and the length of time the file shall be retained. The time periods indicated herein shall run from the date judgment is rendered, except receivership actions or actions for injunctive relief, which shall run from the date of the termination of the receivership or injunction.

* * *

(6) Landlord/Tenant -Summary process [3 years] 1 year, or earlier by order of the court, except that all internet records and identifying information concerning summary process actions subject to earlier removal pursuant to Section 7-10 shall be removed in accordance with that section.

Sec. 7-11A (New) – Updating of summary process records

Any person or entity purchasing bulk summary process records from the Judicial Branch for commercial purposes, including but not limited to consumer reporting and tenant screening entities, shall agree to disclose only the most recent version of such records.