

## HOUSING OUTCOME DOCKET SURVEYS 2019-2020

### TIME FRAME:

This report reflects callers who were given advice from February 1, 2019 through January 31, 2020. This is an entire year of data, but it does not include any data from when the Governor's Executive Orders were enacted regarding COVID or when the court rules changed.

### PURPOSE:

We are doing this to demonstrate that we are meeting our goal of helping families and individuals experiencing eviction to resolve the issue or transition to new housing.

Our desired outcome was that 500 families and individuals will be able to resolve the eviction matter in a way that allows them to stay in the home, if financially and otherwise reasonable, or to have a "graceful exit" to new housing.

We did this by tracking the disposition of eviction defense cases using the Connecticut judicial website's docket information and analyzing whether families are able to stay in the home at the end of the eviction case, and if not, how long they have to transition to new housing.

### METHODOLOGY:

Advocates complete surveys after advising clients regarding evictions. We differentiate between advice given before the disposition of the eviction, and advice given post-judgment. For post-judgment advice, we track which post-judgment motion the advocate advised the caller to file: a Motion to Open Judgment, a Writ of Audita Querela, or other post-judgment motion.

The advocate, after advising a client, completes a survey, indicating what type of advice was given, what the legal reason is for the eviction, whether the client has any sort of housing subsidy, whether the client can afford to live in the apartment, and what kind of advice or help was given. The advocate also includes the docket number of the eviction.

Later, the docket numbers are entered into the Connecticut Judicial Website, and a second survey is completed. This survey captures the disposition of the eviction, or the decision on the post-judgment motion, and related information, including the court, the time of year, and the Judge, and relevant dates.

As of July 2020, more than 2400 surveys have been started: 876 disposition surveys and 1545 post-judgment surveys. Nearly 1800 surveys have both a Part 1 and a Part 2, meaning that there has been a conclusion to the disposition of the eviction, or there has been a ruling on the post-judgment motion the caller was advised to file. Due to the nature of the research, there will always be a larger number of Part 1 surveys than Part 2 surveys.

The data that we gather is downloaded from Survey Monkey to csv (comma separated values) documents. I (Eliza) have written a series of codes using the programming

language “R” that digest the data into a more usable format. One code matches up Part 1 and Part 2 surveys by docket number. The R program also calculates lengths of stays of execution, merges data into useful columns, and creates “dummy variables” that may help us understand which independent variables affect the outcomes the most.

### TYPES OF CASES TRACKED:

We track pre-judgment/disposition cases in one survey, and all post-judgment cases in another survey. For post-judgment, we track auditas, which are the bulk of our post-judgment calls, but also:

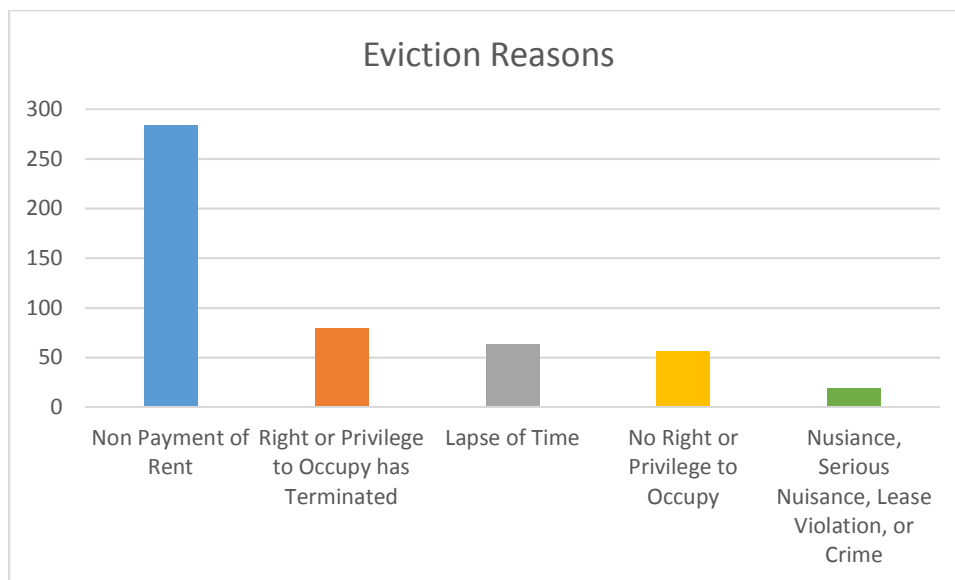
- Motion to Open
- Object to Execution
- Stay of Execution
- Claim of Exemption

For the year that encompasses this report (advice received between February 1, 2019 and January 31, 2020), there were 346 pre-judgment eviction cases. We advised 360 callers in this time period; 346 went to a conclusion (96%)

The reasons for eviction are as follows:

- Non Payment is in 82% of cases.
- Other “fault” reasons are No Right or Privilege to Occupy (16%); Lease Violation, Nuisance, Serious Nuisance or Crime (5.7%)
- Non-fault reasons are Lapse of Time (18.5%), and Right or Privilege to Occupy has Terminated (23%)

Since landlords can plead more than one count of eviction, these numbers will not add up to 100%.



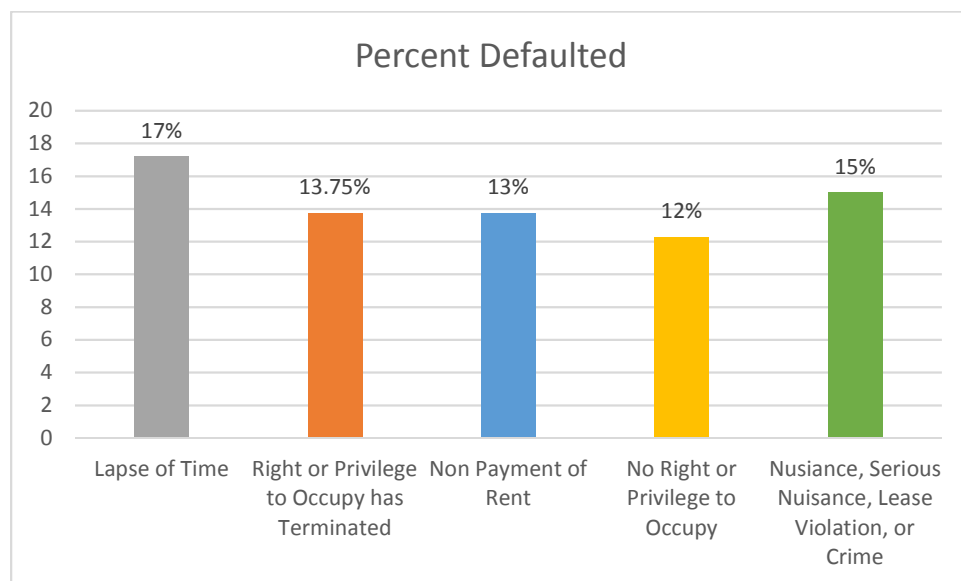
## DEFAULTS:

Thirteen percent of all cases went to default judgment. For non-fault reasons:

- 17% of Lapse of Time cases defaulted (11 of 64)
- 13.75% of Right or Privilege to Occupy has Terminated cases defaulted (11 of 80)<sup>1</sup>

For fault reasons:

- 13% of non-payment cases defaulted (39 of 284)
- 12% of No right or Privilege to Occupy cases defaulted (7 of 57)
- 15% of Lease Violation, Nuisance, Serious Nuisance or Crime cases defaulted (3 of 20)



## AVERAGE NUMBER OF WEEKS FROM RETURNS OF SERVICE ON SUMMONS (THE CLIENT SERVED) TO FINAL DISPOSITION:

We don't have data on when the summons were served; we do have the date the case was filed, which is at least two days before the return date. The average number of weeks from the date the case was filed to final disposition is 6.2 weeks or 44 days.

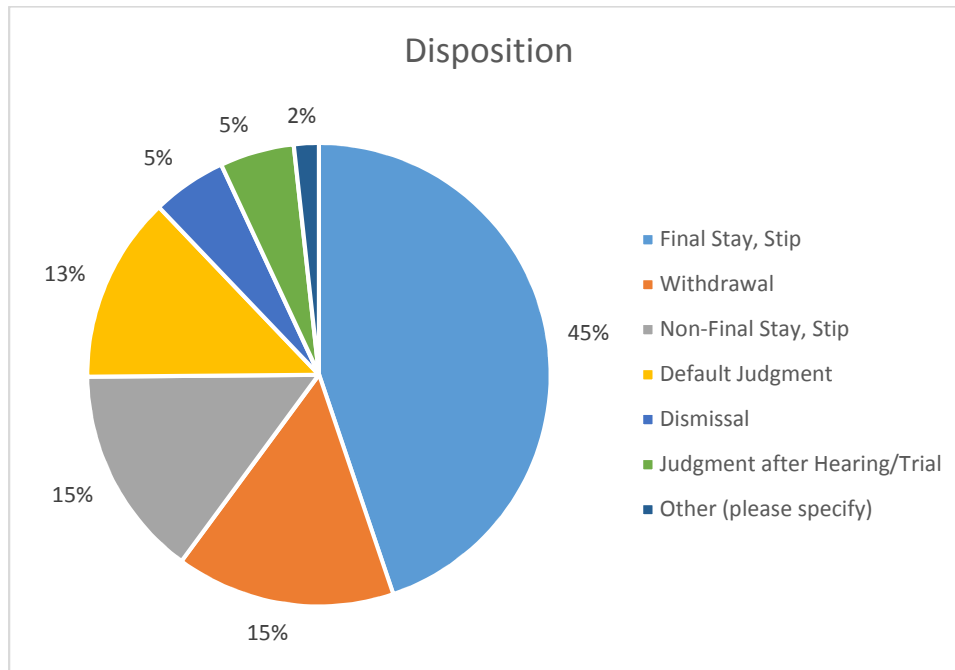
## TYPES OF DISPOSITIONS:

- 155 stipulations with final stay (44%)
- 53 withdrawals (15%)
- 51 stipulations with non-final stay (15%)

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<sup>1</sup> Note that these may be the same 11 cases, since LOT and ROPT are often pleaded together

- 45 defaults (13%)
- 18 dismissals (5%)
- 18 trials (5%)
- 6 other (2%)



### STIPULATIONS—Non-Final Stay:

51 stipulations with non-final stay. We are not measuring whether it's a payment plan or not, although our experience tells us nearly all are.

### STIPULATIONS—Final Stay:

There were 155 stipulations with final stay. The median number of days is 46. 143 of the 155 cases had a stay of less than 100 days. 12 have stays of more than 100 days, with the longest being 720.

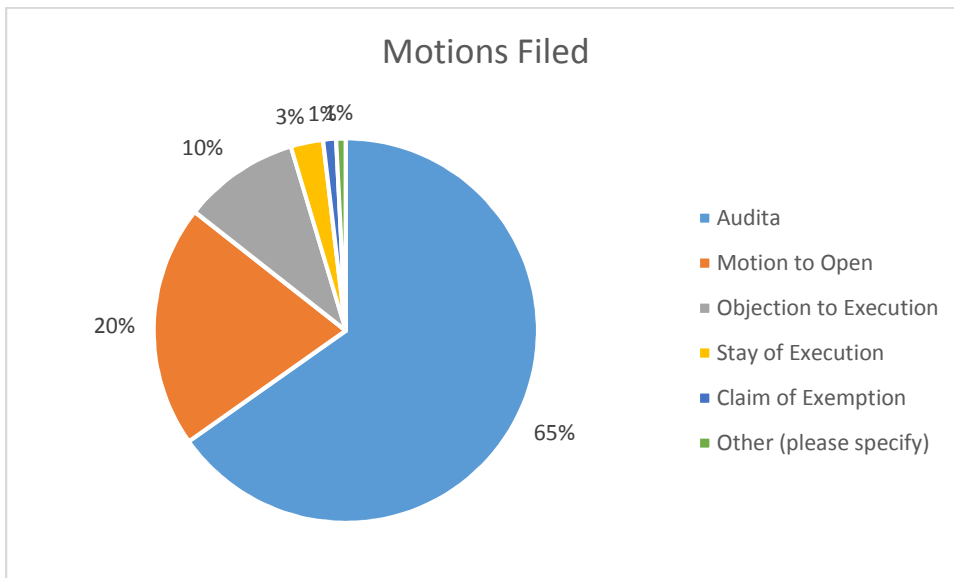
We are not measuring conditions for final stays, but from our other work in the housing unit, we've seen that most final stays do not have a payment requirement, with the exception of very long stays.

### POST JUDGMENT MOTIONS:

For the year that this report spans, we had 444 total post-judgment calls that received advice.

#### Motions filed:

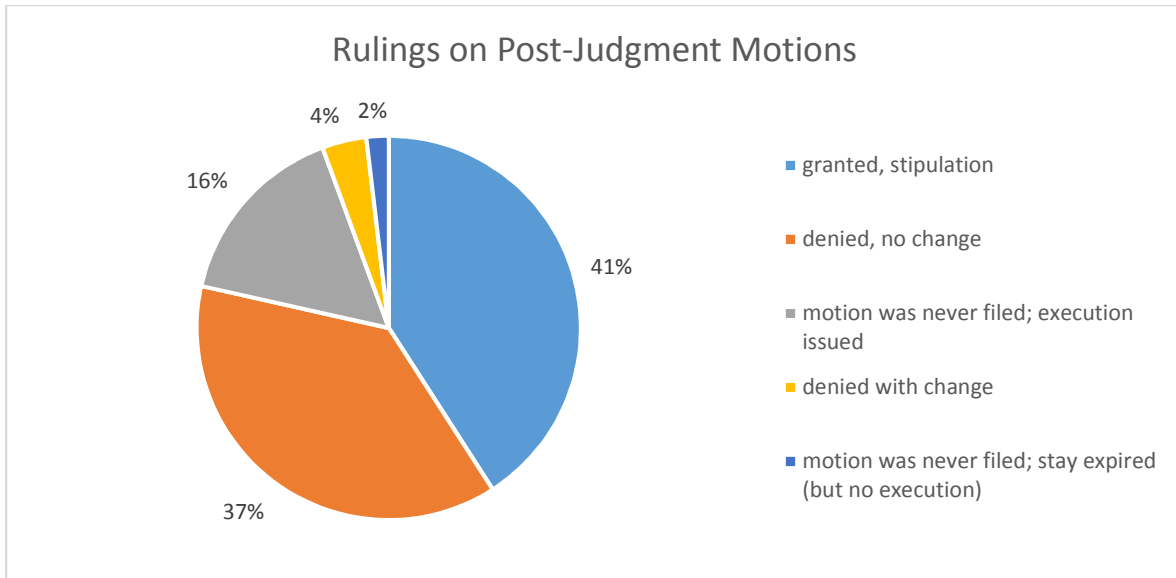
- 240 Auditas
- 75 Motions to Open
- 36 Objections to Execution
- 10 Stays of Execution
- 4 Claims of Exemption
- 3 Other



#### POST-JUDGMENT RULINGS:

There were dispositions by the court in 356 of the 444 cases, which is 80%.

- 175 motions were granted by the judge or there was a stipulation by the parties without a ruling (39% of the 444)
- 161 motions were denied by the judge with no change to the judgment (36%)
- 16 motions were denied, but the judge sua sponte made a change to the judgment (3.6%)
- 68 motions were never filed and execution issued (15%)
- 8 motions were never filed, but execution did not issue and the underlying stay expired (1.8%)



For the 175 that were granted or when there is a stipulation, 110 had new stays of execution. There is a median of 52 days from the day the motion is filed by our client to the expiration of the stay of execution.