

# A TENANT'S GUIDE TO SUMMARY PROCESS

## **STEPS IN AN EVICTION ACTION**



State of Connecticut Judicial Branch  
Superior Court

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation, in accordance with the ADA, contact a Judicial Branch employee or an ADA contact person listed at [www.jud.ct.gov/ada/](http://www.jud.ct.gov/ada/).

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## 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 talk to an attorney or read the appropriate sections of the Connecticut General Statutes and Connecticut Practice Book.

## APPEARANCE AND ANSWER

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 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 filling out your Appearance form (see JD-CL-12 on page 12), you should then file an Answer to your landlord's complaint. The clerk's office will give you an Answer form. You must read each numbered paragraph of the landlord's complaint and check off your response on the Answer form ("Agree," "Disagree" or "Do Not Know"). (See JD-HM-5 on page 13.) 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 checked any Special Defenses, the landlord must file a Reply to them before a trial is scheduled.

A trial before a judge will be scheduled in your case approximately 1 week to 10 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.

## **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 days before the scheduled trial date. If a judge grants the application, a subpoena will be issued. The subpoena must be served on your witness at least 18 hours before your trial 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 announced by the courtroom clerk. When your case is called, be sure to tell the clerk that you are there. After your case is called, you will meet with a Housing Mediator who will discuss the case with you and your landlord. The Housing Mediator will help you and your landlord work 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 days before any hearing date.

## JUDGMENTS

If the judge decides the case for you, after trial, you may stay in the premises. If you lose the case either because you did not come to court on the trial date (by default) or, after a trial, you will have 5 days to leave the premises. The date of judgment, Sundays and legal holidays are not counted in this 5 day period.

In cases of nonpayment of rent, you can apply to the court to stay in the premises for up to 3 more months if you cannot find another place to live. In order to receive more time, you must do both of the following within 5 days from the date of judgment. The date of judgment, Sundays and legal holidays are not counted in this 5 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 fill out and file a Stay of Execution Application, which is a form that you may get 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 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 months, will be decided by the judge.

If you do not move voluntarily when your Stay of Execution period runs out, 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 3rd 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 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 get an attorney by contacting a Lawyer Referral Service office, or, if you qualify, a Legal Aid Office. (See page 7 for a listing of these services.)

**Note:** Only the clerk's offices of the Housing Sessions are authorized to help parties who are representing themselves. (Section 51-52(d) of the Connecticut General Statutes.)

## 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</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
<p>AIDS Legal Network</p>	(860) 541-5000 1-888-380-3646

**LAWYER REFERRAL  
SERVICE OFFICES**

<b>LOCATION</b>	<b>TELEPHONE</b>
Fairfield County	(203) 335-4116
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

LOCATION	TELEPHONE
<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. 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

**JUDICIAL DISTRICT  
COURT LOCATIONS HANDLING  
HOUSING MATTERS**

<b>LOCATION (J.D.)</b>	<b>TELEPHONE</b>
<b>Judicial District at Danbury</b> 146 White Street Danbury, CT 06810	Tel: (203) 207-8600 Fax: (203) 207-8642
<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 Norwich</b> 1 Courthouse Square Norwich, CT 06360	Tel: (860) 887-3515 Fax: (860) 887-8643
<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. 9-13  
P.B. §§ 3-1 thru 3-6, 3-8, 10-13, 25A-2

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

Instructions — See Back/Page 2  
ADA Notice — See Back/Page 2

**Notice To Self-Represented Parties**

A self-represented party is a person who represents himself or herself. If you are a self-represented party and you filed an appearance before and you have since changed your address, you must let the court and all attorneys and self-represented parties of record know that you have changed your address by checking the box below:

I am filing this appearance to let the court and all attorneys and self-represented parties of record know that I have changed my address. My new address is below.

Return date
Docket number

**Name of case** (Full name of Plaintiff vs. Full name of Defendant)

<input type="checkbox"/> Judicial District	<input type="checkbox"/> Housing Session	<input type="checkbox"/> Small Claims	<input type="checkbox"/> Geographic Area number _____	Address of Court (Number, street, town and zip code)
Scheduled Court date (Criminal/Motor Vehicle Matters)				

**Please Enter the Appearance of**

Name of self-represented party (See "Notice to Self-Represented Parties" at top), or name of official, firm, professional corporation, or individual attorney	Juris number of attorney or firm attorney
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<b>Mailing Address</b> (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, also 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 has already filed an appearance for the party or parties "x'd" above, put an "x" in box 1 or 2 below:

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

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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**Certification**

I certify that a copy of this document was mailed or delivered electronically or non-electronically on (date) \_\_\_\_\_ to all attorneys and self-represented parties of record and that written consent for electronic delivery was received from all attorneys and self-represented parties receiving electronic delivery.

Name and address of each party and attorney that copy was mailed or delivered to*	For Court Use Only
Signed (Signature of filer)	Print or type name of person signing
Date signed	Telephone number

\*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.

## Instructions

1. Type or print.
2. **For Criminal and Motor Vehicle cases:** Fill out the form, including the certification section at the bottom of the form. File the original with the clerk. Mail or deliver a copy of the appearance to the prosecutor. (*Sections 3-4(d) and 3-5 of the Connecticut Practice Book*)
3. **For Civil , Eviction (Summary Process), and Small Claims cases:** Fill out the form, including the certification section at the bottom of the form. File the original with the clerk. Mail or deliver a copy to all counsel and self-represented parties of record. If a party who has been defaulted for failure to appear files an appearance before the entry of judgment after default, the default will automatically be set aside by the clerk. (*Sections 3-4(a), 3-4(b), 3-5 and 17-20 of the Connecticut Practice Book*)
4. **For Family cases:** Fill out the form, including the certification section at the bottom of the form. In addition to selecting plaintiff or defendant, indicate the scope of your appearance. File the original with the clerk. Mail or deliver a copy to all counsel and self-represented parties of record. (*Sections 3-4(a) and 3-5 of the Connecticut Practice Book*)
5. **For Juvenile cases:** Do not use this form. Use form JD-JM-13 Appearance, Juvenile Matters.
6. **For Self-represented parties who have changed their address after filing an appearance:** Check the box at the top of the other side or page 1 of this form. Fill out the form, including your new address in the Mailing Address section of this form. Fill out the certification section at the bottom of the form. File the original with the clerk. Mail or deliver a copy to all counsel and self-represented parties of record or, in a criminal case, to the prosecutor.

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JD-CL-12 (Back/Page 2) Rev. 9-13

### ADA NOTICE

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

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

JD-HM-5 Rev. 4-15  
C.G.S. §§ 47a-4a, 47a-5, 47a-7, 47a-20, 47a-20e, 47a-23c, 47a-33, 47a-57, 49-31p

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** (Facts that show the court that the plaintiff has no legal right to what the plaintiff has requested in this case.)

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

- a.  All rent has been paid to my landlord.
- b.  Rent was offered to my landlord on (date): \_\_\_\_\_ which was before the date I received the Notice to Quit.
- c.  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 (Section 47a-7(a) of the Connecticut General Statutes). List violations below.

- d.  I notified  my landlord,  Housing Code,  the Health Department, or  the Building Department of the violations listed in number 3 above on (date): \_\_\_\_\_
- e.  This eviction is being brought because I contacted  my landlord or  public officials or agencies to complain about my apartment (Sections 47a-20 and 47a-33 of the Connecticut General Statutes).
- f.  I filed a rent increase complaint with the Fair Rent Commission on (date): \_\_\_\_\_
- g.  I live in a building or complex with 5 units or more or in a mobile manufactured home park **and**
- I have a physical or mental disability, or
  - I am 62 years old or older, or
  - my spouse, sibling, parent or grandparent is 62 years old or older and permanently lives with me, or
  - my spouse, sibling, parent or grandparent has a physical or mental disability and permanently lives with me.

(Section 47a-23a of the Connecticut General Statutes.)

- h.  (See Notice on back/page 2 of this form) This eviction was brought after a foreclosure action, and
- I have a written lease that is still in effect or
  - I never received a 90 day letter (notice) before the notice to quit was delivered (served).

Additional Information:

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

I certify that a copy of this document was mailed or delivered electronically or non-electronically on (date) \_\_\_\_\_ to all attorneys and self-represented parties of record and that written consent for electronic delivery was received from all attorneys and self-represented parties receiving electronic delivery.

Name and address of each party and attorney that copy was mailed or delivered to\*

\*If necessary, attach additional sheet or sheets with name and address which the copy was mailed or delivered to. (Use form JD-CV-67, Continuation of Parties)

Signed (Individual attorney or self-represented party)	Print or type name of person signing
Mailing address	Telephone number

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

form continued

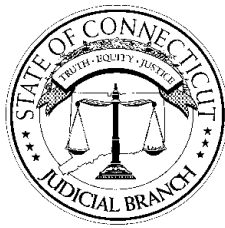
## Notice

### Connecticut General Statutes Section 49-31p provides:

- (a) In the case of any foreclosure on a federally-related mortgage loan or on any dwelling or residential real property that has a return date on or after July 13, 2011, but not later than December 31, 2017, any immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to
- (1) the provision, by such successor in interest, of a notice to vacate to any bona fide tenant not less than 90 days before the effective date of such notice; and
  - (2) the rights of any bona fide tenant, as of the date absolute title vests in such successor in interest
    - (A) under any bona fide lease entered into before such date to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90-day notice under subdivision (1) of this subsection; or
    - (B) without a lease or with a lease terminable at will under state law, subject to the receipt by the tenant of the 90-day notice under subdivision (1) of this subsection
- except that nothing under this section shall affect the requirements for termination of any federally subsidized or state-subsidized tenancy or of any state or local law that provides longer time periods or other additional protections for tenants.
- (b) For purposes of this section, a lease or tenancy shall be considered bona fide only if (1) the mortgagor or the child, spouse, or parent of the mortgagor under the contract is not the tenant, (2) the lease or tenancy was the result of an arms-length transaction, and (3) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property or the unit's rent is reduced or subsidized due to a federal, state or local subsidy.
- (c) For purposes of this section, the term "federally-related mortgage loan" has the same meaning as in 12 USC 2602(1), the Real Estate Settlement Procedures Act of 1974. For purposes of this section, the date of a notice of foreclosure shall be deemed to be the date on which complete title to a property is transferred to a successor entity or person as a result of an order of a court or pursuant to provisions in a mortgage, deed of trust or security deed.

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## NOTES



[www.jud.ct.gov](http://www.jud.ct.gov)