

*Twila Williams, Administratrix (Estate of Tiana N.A. Black) v. Housing Authority of the City of Bridgeport Et. Al. (SC19570)*

The plaintiff, as the administratrix of the decedents' estate, brought this claim forward following the death of four family members. Their deaths came as a result of a fire in the Bridgeport public housing complex in which they lived. The plaintiff brought this action against several Bridgeport officials alleging that the cause of the decedents' deaths was the defendants' failure to inspect the smoke detection equipment in the complex. The plaintiff alleges that the defendants failed to fulfill their statutorily required duty to conduct a fire safety inspection of the apartment. The plaintiff further alleged that the defendants knew or should have known that the apartment did not meet the statutory fire safety standards by virtue of the absence of a fire escape and inadequate smoke detectors.

The defendants filed a motion for summary judgement, claiming they had no notice of the defects in the apartment complex and therefore they had municipal immunity from liability for the decedents' deaths. The plaintiff, in response, claimed that the defendants, in failing to conduct any inspections which would have put them on notice of the defects, acted with reckless disregard for the health and safety of the residents of the apartment complex. The trial court found in favor of the defendants and granted their motion for summary judgement. The trial court determined that statute §52-557n(b)(8) gave the defendants immunity from liability due to the plaintiff's failure to adequately establish a genuine issue in regard to both the notice exception and the reckless disregard exception to the statute. The trial court ruled that because the defendants did not have the requisite knowledge of the dangerous conditions of the complex, the plaintiff failed to show that the defendants' conducts would constitute recklessness sufficient to overcome municipal immunity pursuant to §52-557n(b)(8).

One week prior to the trial court granting the defendants' motion for summary judgement, the plaintiff deposed the Bridgeport fire chief. During said deposition, the fire chief conceded that the fire department was statutorily mandated to conduct annual inspections of the complex and that the fire department had failed to do so, claiming that they lacked the necessary resources. Based on this deposition, the plaintiff filed a motion for reconsideration which the court denied and render judgment in favor of the defendants. The plaintiff subsequently appealed the trial court's decision. The Appellate Court reversed the decision of the trial court, finding that there was a genuine issue of material fact. The defendants appealed to the Supreme Court.

The issue brought before the Court in the appeal is whether there is a genuine issue of material fact in regard to whether the defendants' failure to inspect the apartment complex, as they were statutorily required to do, constituted a reckless disregard for the health or safety of the decedents under §52-557n(b)(8). The Court determined that, although neither of the lower courts accurately applied the standard which governs the reckless disregard exception to municipal immunity, the Appellate Court properly determined that there was a genuine issue of material fact such that granting the defendants' motion for summary judgement was improper.

The Court first noted in their reasoning that "the municipal liability statute carves out two distinct exceptions to municipal immunity for failure to inspect: when a political subdivision has notice of a violation or hazard, and when it demonstrates a reckless disregard for health or safety under all the relevant circumstances." The Court reasoned was unpersuaded by either of the lower courts' interpretations of §52-557n(b)(8).

The Court first noted that the Appellate Court failed to properly address the term "under all the relevant circumstances" found in the statute. The Court interpreted this phrase to mean that the courts are meant to view the statute broadly. Accordingly, the Court found that the lower

courts applied the exception too narrowly and failed to consider the broad range of factors which would have been relevant to determining if the failure to inspect constituted recklessness. The Court articulated some of those factors, including “how frequently inspections are required to be conducted; the nature and severity of the threat to health or safety that the inspection is intended to identify or thwart; whether, and how frequently, threats of that sort have come to pass in the past, either at the location in question or at similar locations; whether the premises involved featured any unique or atypical susceptibilities to risk; the reasons why the inspection was not conducted . . . ,” among other factors. The Court determined that many of those factors, as set forth in the record, when construed in the light most favorable to the plaintiff, could support a finding that the defendants acted with a reckless disregard for the decedents’ health and safety, therefore raising a genuine issue of material fact. Because a jury could reasonably find, based on the deposition of the fire chief and other proof submitted in opposition to the defendants’ motion for summary judgement, that the conduct of the defendants constituted reckless disregard. The plaintiff therefore met her burden of establishing a genuine issue of material fact sufficient to render summary judgment inappropriate in this case.

The Court next addressed the Appellate Court’s finding that the legislative history of §52-557n(b)(8) provides no clarification regarding the meaning of the reckless disregard exception. Contrary to the lower court’s finding, the Court found that legislative debates regarding the statute articulate the legislature’s intent for the trier of fact to answer the question of whether a violation of statutory obligations constitutes reckless disregard sufficient to trigger the exception to municipal immunity. The Court therefore found that “when a defendant’s conduct represents more than mere ‘momentary thoughtlessness or inadvertence,’ whether it

rises to the level of ‘reckless or wanton misconduct on any given state of facts [ordinarily] is a question of fact for the jury.’”

The Court next addressed the Appellate Courts use of common law for guidance on the meaning of “reckless disregard.” Under the common law, reckless disregard is established when a person ignores a substantial risk of harm. The Court found that adopting the common law standard for reckless disregard would “effectively eliminate the distinction between negligence and recklessness that has long been a cornerstone of our public liability/immunity law.”

Additionally, the Court sought to resolve the issue of “whether the risk disregarded must be substantial not only in its impact or consequence but also in its likelihood” in order to constitute reckless disregard. The Court determined that a municipal defendant can be found to have acted with reckless disregard when it is clear that the failure to conduct an inspection may result in severe harm, even if the eventuality of that harm occurring is unlikely. The Court found that making such a determination should be left to a jury.

The Court ultimately affirmed the decision of the Appellate Court and remanded the case to the lower court for further proceedings.