

751 WEED STREET, LLC,	:	CONNECTICUT DEPARTMENT
W.E. PARTNERS, LLC,	:	OF HOUSING
51 MAIN STREET, LLC AND	:	
HILL STREET-72 LLC	:	
	:	STATE OF CONNECTICUT
v.	:	
	:	
CONNECTICUT DEPARTMENT OF	:	
HOUSING AND THE HON. SEILA	:	
MOSQUERA-BRUNO, COMMISSIONER	:	DECEMBER 20, 2024

**BRIEF OF 751 WEED STREET, LLC, W.E. PARTNERS, LLC, 51 MAIN STREET, LLC, AND HILL STREET-72, LLC, IN SUPPORT OF PETITION FOR DECLARATORY RULING REGARDING CONN. GEN. STAT. § 8-30g**  
**MORATORIUM PROCEDURE AND REQUIREMENTS**

By a revised Notice and Order dated November 21, 2024, the Department of Housing and Commissioner Seila Mosquera-Bruno have agreed to issue a declaratory ruling on two questions, more fully stated in the Order itself, Exhibit A, attached, but summarized as (1) whether applying for a four-year moratorium from § 8-30g requires the applicant municipality to provide evidence, for the residential units claimed for Housing Unit Equivalent (“HUE”) points, of ongoing compliance with applicable affordability requirements and limits; and (2) whether a municipality is exempted from deducting HUE points for affordable units that were demolished to make way for construction of the units now claimed for moratorium points by showing that the demolished units, if rebuilt today and subjected to current § 8-30g affordability standards, would not qualify as affordable dwelling units.

This Brief contains the answers and responses of the petitioners to these questions.

As the Department is aware, the petitioners are entities whose § 8-30g applications were denied by the New Canaan Planning and Zoning Commission in 2023, which denials have been

appealed to and are pending in Superior Court. Though these applications and appeals are ostensibly grandfathered from the moratorium granted to New Canaan in August 2024, the appeals are not over, and thus the petitioners have a substantial interest in the Department's response to these declaratory ruling issues.<sup>1</sup>

Although the Petition and this Brief focus primarily on New Canaan's June 2024 application and the Department's August 2024 approval, the questions raised here are, of course, applicable to all moratorium applications. In this regard, this Brief also discusses, as further examples, the recently-approved moratoria in Waterford and Orange, and an application by Fairfield that, as of the date of this Brief, is at the municipal review and comment stage.

In July 2024, in response to New Canaan's June 2024 revised moratorium application, the petitioners here filed a detailed comment addressing, in the specific New Canaan context, the two issues to be addressed here. That comment explained, first, that New Canaan's application did not contain evidence of ongoing compliance with affordability requirements, especially maximum household income and rent requirements, as required by General Statutes § 8-30g and its Regulations, and by § 8-30h. The petitioners spelled out errors, omissions, and inconsistencies between New Canaan's application and the applicable Affordability Plans, financing requirements, and website information about Millport and Canaan Parish as to which units are subject to which affordability rules, and whether each development has complied. The petitioners on July 8, 2024 requested the Department to compel the Town, the New Canaan Housing Authority, and Westmount Management (the Town's affordability Administrator) to produce proof of past and current compliance with affordability rules at both redevelopments before the Department evaluated the moratorium points claims. (Because Millport Phase II only opened in 2017, and Canaan Parish Phase I in 2021, this was not an onerous request.) It is our

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<sup>1</sup> As the Petition and Order reflect, the petitioners have requested that the Department invalidate the August 2024 New Canaan moratorium if it answers either declaratory ruling in a manner contrary to its moratorium approval. The moratorium statute and regulations specifically provide for such a challenge. In its Order, the Department has reserved this request for evaluation after its March 2025 ruling.

understanding that the Department did not request this information, even though the moratorium regulations authorize it to do so. The Town did not volunteer the information. See Exhibit B.

As to the statutorily-required deduction of points for affordable units that were demolished to enable the redevelopment of Millport and Canaan Parish, New Canaan's application asserted, without any statutory or regulatory basis, that it is exempt from the point deduction statute because the units demolished would not have qualified for moratorium points under current § 8-30g criteria if constructed today. We pointed out that this is not what the statute provides, and the Town's position is illogical and indefensible. The Department agreed with the Town, without explaining its statutory interpretation or responding to our comment and other similar ones received.

### **The § 8-30g Moratorium Process**

Section 8-30g was adopted in 1989, Public Act 89-311, effective July 1, 1990. In 2000, in Public Act 00-206, the General Assembly adopted the moratorium process, under which the Department grants a town "housing unit equivalent" points when it issues certificates of occupancy – not simply zoning approval – for units that either qualify as "assisted housing" (built with financial help from a government housing program), or a "set aside development" in which at least 30 percent of the residential units will be preserved for 40 years or more for low and moderate income households. See General Statutes § 8-30g(l)(4)(A). It is important to note that both Millport and Canaan Parish are assisted housing, not set-aside developments.

The moratorium rules were the recommendation of the 1999-2000 Second Blue Ribbon Commission on Affordable Housing, of which both undersigned counsel were members. In addition, in 2002, under contract to the Department of Housing, the undersigned (Attorney Hollister) drafted what became the moratorium regulations, codified at Conn. State Agency Regs. § 8-30g-6.

Section 8-30g is a remedial statute, adopted to assist property owners and low and moderate income households in overcoming exclusionary zoning regulations and onerous application processing requirements that result in denials of affordable housing proposals based on insubstantial, unproven, and/or pretextual reasons. As such, requirements for any exemption from § 8-30g, such as a moratorium, must be strictly construed against the applicant municipality. See e.g., *Kaufman v. Zoning Comm'n*, 232 Conn. 122, 139-40 (1995).

### **A Brief Chronology Of The Affordability Compliance Issue**

As noted, the moratorium statute and regulations were adopted in 2000 and 2002, respectively. Since then, 19 towns have received a moratorium, with six of these towns having received two.

Prior to 2019, the information submitted in support of moratorium applications, including with respect to affordability compliance and points deductions, varied, and the Department generally relied on and accepted summary statements from the Town Attorney, Town Planner, or some other town official that eligibility for the points claimed had been “verified.” Moreover, none of these applications was challenged by any property owner in the municipality. In this way, a practice was established of relying on otherwise unsupported claims of compliance with affordability and moratorium rules. Undoubtedly, the Department was also content to not shoulder a substantial administrative burden of reviewing applications for compliance.

The first challenge to a moratorium based on a lack of affordability compliance occurred in Westport in 2019. While Summit Saugatuck LLC was pursuing a 180 unit § 8-30g set-aside development, Westport applied for and obtained a moratorium. Summit uncovered Town files showing that Westport had not been monitoring affordability compliance prior to 2018, and had started to do so only in anticipation of filing a moratorium application in 2019. This effort coincided with the Town’s opposition to Summit’s development application. In addition, even though Summit’s zoning application, having been filed in November 2018, several months before the moratorium, was grandfathered, the possibility remained that a court might remand

the application to the Planning and Zoning Commission, which might then try to use the moratorium to block the application. In 2021, two years into the 2019 moratorium, Summit settled all land use matters with Westport and withdrew its moratorium challenge. Westport's moratorium continued, and expired in 2023.

The Westport application exposed the fact that representations of affordability compliance were being made to the Department without supporting evidence, and the Department was continuing to accept points claims even when not documented. Since the Westport matter, housing advocates have regularly filed comments with the Department that the moratorium statute and regulations require proof of ongoing affordability compliance, and the Department should not approve an application without such evidence. The New Canaan 2024 moratorium application and comments, and this petition, are a continuation of, and the result of, this issue.

#### **An Illustrative Chronology Of Affordability Non-Compliance In The New Canaan Application**

1. In May 2017, the Department granted New Canaan a four-year moratorium based on HUE points awarded for Avalon at New Canaan; the Schoolhouse Apartments; the New Canaan Group home; the Mill Apartments; and two (of then 33) newly-constructed units at Millport Apartments, 33 and 35 Millport Avenue. That application was unopposed. That 2017 moratorium expired in May 2021.

2. In July 2022, New Canaan applied for a second moratorium. Our office again submitted extensive comments, on August 30, 2022, pointing out that the revised application did not contain evidence of ongoing annual affordability compliance, and asserted an illegal basis for not deducting points for the demolished units.

3. In October 2022, the Department denied the July 2022 application. The denial, however, stated that the demolished units “would not have qualified for any housing unit equivalent points” had they been built in 2022.

4. In February 2024, the Town filed a revised moratorium application with the Department.

5. Our office filed an extensive comment on April 3, 2024, addressing the continuing failure to provide proof of ongoing compliance with affordability requirements and the illegal claim that no points needed to be deducted for demolished units.

6. In April 2024, our office, on behalf of our § 8-30g clients, filed a Freedom of Information Act request with the Town and the Housing Authority seeking documents that would prove whether the Housing Authority and its affordability Administrator had been complying with affordability requirements at Millport and Canaan Parish. Over the following eight weeks, the Housing Authority provided no documents proving compliance, and in fact provided several contradictory responses, thereby raising a variety of substantial questions about whether the Town even had such information, and if so, why it had not provided it to the Department.

7. In an April 26, 2024 email, New Canaan Town Planner Sarah Carey confirmed that “[The New Canaan Planning and Zoning Commission] has never received annual compliance reports [Section 8-30h reports] from the Housing Authority relating to Millport or Canaan Parish.”

8. In early May 2024, New Canaan Housing Authority Chair Scott Hobbs and Rick Ross of Westmount Management provided emails to the undersigned, asserting that Millport and Canaan Parish are compliant with applicable affordability requirements. However, they declined to produce any evidence of compliance.

9. Also in early May, Mr. Ross provided what he claimed was a list of monthly rents currently being charged to affordable unit tenants at Canaan Parish.

10. In a May 17, 2024 letter to the Department, copied to Mr. Hobbs, Mr. Ross, and Attorney Bamonte, we pointed out that the rents provided by Mr. Ross in his email did not

include a utility allowance as required by § 8-30g; did not appear to be based on the 2024 Connecticut statewide median income; and exceeded what is shown on the Canaan Parish website as current rents. We calculated that the Housing Authority's rents appeared to exceed § 8-30g limits by \$243 to \$327 per unit, per month.

11. In a May 21, 2024 letter, the Department denied the Town's February 2024 application due to an improper claim of "holdover" points (HUE points from a development claimed in the 2017 application). Regarding Millport, the Department's denial letter (p. 4) stated that the 22 units at Millport demolished in the redevelopment, when first occupied in the 1980s, were restricted to 80 percent of area median income, and if built today "would not have received any housing equivalent points because today units must meet the lesser of statewide or area median." Thus, the letter stated that the Town did not need to deduct points for 22 demolished units at Millport. The letter then stated the same conclusion for the 60 units demolished at Canaan Parish.

12. On June 18, Mr. Ross replied to the Department about our May 17 email about excessive non-compliant rents, stating that "We do not agree with the calculations in [our May 17 email]" at Canaan Parish, but providing no explanation as to why.

13. On June 18, we responded that, "It is time for Westmount and the Housing Authority to stop playing games."

14. In an email on June 24, Mr. Ross replied to our June 18 email. His email listed "2024 rents" at Canaan Parish that contradicted the development's website and the moratorium application. Attached to his email were various "regional HUD income limits" for 2024, but again no proof of compliance at Canaan Parish, just an unsupported assertion that, "We believe we are in compliance with both the Affordability Plan and the LIHTC [low income housing tax credit] program...."

15. On July 8, after an initial review of the Town’s final (June 18) revised application to the Department, we made a final, formal request to the Department to demand from the Town, for each affordable unit at Millport (2017-present) and Canaan Parish (2022-present), the calculation of qualifying income; the tenant household’s actual qualifying income; the maximum monthly rent and utility calculations; and what each household actually paid monthly in rent and utilities. We received no response.

### **Errors In New Canaan’s June 2024 Revised Moratorium Application**

The application contained three overarching errors that undermined the Town’s points claims:<sup>2</sup>

1. The application referred to Millport and Canaan Parish as § 8-30g “set aside” developments, when they are clearly “assisted housing.” This error raised a fundamental question about compliance reporting.

2. The Town stated that the 2024 statewide median income “for a family of four is \$133,184.” The correct amount was \$122,300.

3. The application contained a variety of “Income Limits,” ranging from 50 to 80 percent of “median income,” without any explanation of which amounts were being used currently at Millport or Canaan Parish, or any recognition that some of the limits shown on the application are for federal programs that have nothing to do with § 8-30g or Low Income Housing Tax Credits.

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<sup>2</sup> As noted, in November 2024, we emailed Michael Santoro and Laura Watson to confirm that all of the affordability information submitted by New Canaan in support of its June 2024 application was published on the Department’s website, and the Department did not receive or consider any other information that was not published. Mr. Santoro confirmed this understanding. See Exhibit B.



## **Substantial Questions About Affordability Compliance At Millport<sup>3</sup>**

Our review of the pending June 2024 application therefore uncovered a slew of substantial questions about whether maximum income and maximum monthly payments were being properly administered at Millport and claimed for HUE points.

1. As noted, neither the Administrator nor the Housing Authority had ever filed an annual compliance statement with the Planning and Zoning Commission as required by General Statutes § 8-30h and Millport's 2015 Affordability Plan.

2. A document entitled "Compliance Certificate Affidavit Pursuant to Sec. 8-30h," which was dated May 23, 2024 and sworn to by Mr. Ross of Westmount as "Compliance Manager," did not remotely comply with General Statutes § 8-30h because it was not filed in January as a report on the prior year; it said nothing about the time period or years that it supposedly covered; it incorrectly referred to Millport as a "set-aside" development; it directed the reader to "See detailed information on the attached sheet," but the following pages were only copies of zoning approvals and financing documents, not compliance documents; and it stated that, "I have ascertained to the best of my knowledge that the required income limits for tenants have been met," with no supporting documents.

3. The application referred to affordable rents being established by financing documents at "Area Median Gross Income in the federal regulation," which is defined as "[income] determined under Section 8...." It then referred to the requirement of the 2015 Affordability Plan that all apartments at Millport will "meet or exceed" the criteria for affordable housing as defined in...General Statutes § 8-30g(a)." Nowhere in the application, however, was it stated what "Area Median Gross Income" is [a term not used in § 8-30g], where it can be found, or how it compares to Connecticut's statewide median income used in § 8-30g

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<sup>3</sup> Millport was first occupied in 2015 (Phase I) and 2017 (Phase II).

calculations – which are not adjusted to conform to Section 8 limits. Moreover, the income limit charts did not contain any numbers labeled “Area Median Gross Income.”

4. The application listed and attached excerpts from various financing documents, affordability restrictions, financing agreements, and recorded covenants. What the application did not explain was which income and rent limits were applicable to which units; how the limits in the documents compared to § 8-30g rules; and thus whether Millport had been and remains in compliance.

5. The application contained a Rental Assistance Demonstration Use Agreement, governing Section 8-assisted units at Millport. It specified that “[rents] must not exceed 30 percent of 80 median income for an appropriately sized unit,” but the application contained no information about the qualifying incomes or maximum rents required by this agreement; how they compared to § 8-30g; or whether Millport was in compliance.

6. The application contained what appeared to be a further Section 8 agreement, referring to a monthly rent subsidy of \$219 per unit for 18 units, but again provided no compliance information.

7. The application contained specific rules for Section 8 units at Millport. It referred to “certifications” about compliance that must be provided to HUD, but no copies of any such were filed in support of the application.

8. The application contained “Monthly HAP Contract Rents” for 18 units, ranging from \$614 to \$959 per month, but no information about compliance.

9. The application contained an “Extended Low-Income Housing Commitment” by the Millport owner entity, stating that 40 percent or more of the units were committed to “individuals [not households] whose income” is 60% or less of “area median gross income.” Again, the application did not explain “area median gross income” or provide any compliance

information. This restriction also contradicted the Millport points claim, which included 33 units at 80 percent of statewide median income.

10. The application contained a Land Use Restriction Agreement in which the “Borrower” [the Housing Authority] agreed to submit monthly reports with, among other things, current monthly and gross rent; the “percentage of occupied Units occupied by each category...of Qualified Tenants,”; and “Area Gross Median Income.” But the application did not provide any information on this compliance, even though these records apparently exist.

11. The application contained a Declaration of Land Use Restrictive Covenant that included a long list of affordability requirements for the 40 units at Millport Phase II, with specifications of maximum income levels and rents that did not remotely align with the Town’s points claims, but again were not accompanied by compliance information.

#### **Substantial Questions About Affordability Compliance At Canaan Parish<sup>4</sup>**

1. As with Millport, the Canaan Parish financing documents identified qualifying income as “area median gross income within the meaning of the [federal] Code...,” but with no citation to any federal statute or regulation; no statement of what “area median gross income” is or where it is used in the application; and no comparison to the Connecticut Statewide median income, which the application expressly cited as the basis of its points claims.

2. The application contained another “Compliance Certificate Affidavit Pursuant to Sec. 8-30h” of the General Statutes. It was dated 5/23/24, and signed by Mr. Ross of Westmount Management. On its face, it was not compliant with § 8-30h, which requires filing in January, providing reporting on the prior year. There was no supporting documentation as to qualifying income, actual incomes, maximum rent or utilities, or actual charges. The affidavit incorrectly called Canaan Parish a “set-aside” development. The affidavit was at most a one-day, point-in-time snapshot, not a look back at prior years, much less to the start of occupancy at Canaan

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<sup>4</sup> Canaan Parish was first occupied in October 2021.

Parish in 2021. The last sentence of the affidavit was Mr. Ross's claim that he "[ascertained] to the best of my knowledge that the required income limits for tenants have been met," but he provided no data or proof and he said nothing about rents.

3. The 2018 Affordability Plan for Canaan Parish said that the maximum monthly payment [which is rent plus utilities] shall not exceed "the amount that will preserve such units as defined in General Statutes § 8-30g." The application contained no explanation as to the Town or Westmount's interpretation of what income limits this imposed, and was especially concerning due to the incorrect, prior reference to Canaan Parish being a set-aside development.

4. The Affordability Plan contained the § 8-30h annual reporting requirement, which, as explained earlier, the Town Planner has conceded has not occurred.

5. The Affordability Plan provided that the Administrator "shall not allow to be recorded ...any...restriction or covenant that will or may conflict with any obligation or procedure stated in this Plan." The application, however, contained a variety of conflicts between the Plan and financing requirements.

6. The application contained a Section 8 Use Agreement. It stated that "new tenants must have income at or below 80 percent of the area median income (AMI)." In addition, the Owner confirmed that it will not execute any agreement with "contradictory" provisions, yet the Affordability Plan and the Section 8 agreement were in conflict.

7. The application contained a Regulatory Agreement regarding the Town's issuance of revenue bonds. The definition of "Low Income Unit" referred to "median gross income for the area" but the application contained no proof of compliance with this provision.

8. This Agreement further required the Housing Authority, as borrower, to "obtain, complete and maintain on file Income Certifications for each Low Income Tenant," including an annual certification after occupancy starts. The borrower agreed to provide such information as may be required to "the State." Subsection (d) required detailed income verification. Subsection

(e) required the Housing Authority to maintain (for six years) records of total affordable units, the rent charged, and annual income verifications. None of this appeared in the application.

9. The application contained an extended Low Income Housing Commitment. Section II(e) referred to “not less than 100% of the Units” being occupied by “Qualified Persons,” which was defined as an individual or family with income “not exceeding 60 percent of area median gross income” and provided that up to 20 units may have income not exceeding 50 percent, or up to 80 units at 80 percent. This schedule did not align with the Affordability Plan or the HUE points claim.

10. The application contained a “Canaan Parish § 8-30g Income Limits Commitment” by the Housing Authority, which “confirms the Affordability Plan,” and commits to 15 percent of units [not “at least” – the exact percent] rented at “60 percent of median income” (stated in the next paragraph to be the statewide median), and the remaining 85 percent “at 80 percent of median.” This Commitment also did not align with the HUE points claims, which showed 25 percent of units at 60 percent and 75 percent of units at 80 percent.

11. As documented in our May 17, 2024 letter to the Department and Mr. Hobbs and Mr. Ross, the rents being charged at Canaan Parish as of June 2024 exceeded both what was shown on the website and correct 2024 § 8-30g calculations. Westmount and the Housing Authority disputed this, but consistently refused to provide documentation.

In summary, despite these numerous, egregious failures to provide compliance information, the Department in August 2024 granted New Canaan a second moratorium. See Exhibit C.

### **Recently Approved And Locally Pending Applications**

In 2024, the Department approved a moratorium application filed by the Town of Orange. Our office filed a comment, Exhibit D attached, pointing out that the application, which reached back 30 years for some of the HUE points claimed, did not contain any § 8-30h reports

or information about ongoing compliance, even for the most recently approved developments. (In our comment, we noted that we had contacted Orange’s Town Attorney to alert him to the need for evidence of affordability compliance, and he responded that he would try to obtain it, but apparently was unable to do so.)

The Department also approved an application by the Town of Waterford in 2024. That application, at least, included current year compliance information from the managers of two of the five developments claimed for points, but no § 8-30h reports or other, earlier affordability compliance information.

As of the date of this Brief, the Town of Fairfield has filed an application that is pending at the local level, and we assume will be transmitted soon for Department review. An extensive review and comment is not appropriate until formal submission, but the local application does not appear to have any § 8-30h reports or any ongoing compliance information. For each development for which points are claimed, the Town has only provided a HUE points calculation, information on the subject property from appraisal files, and a copy of affordability plans or recorded restrictions.

It is evident from these most recent applications that towns applying for moratoria believe that the Department regards compliance with § 8-30h as not mandatory, including for moratorium applications, and evidence of ongoing affordability compliance as unnecessary.

**Towns Must Submit Evidence Of On-Going Affordability Compliance  
To Receive Moratorium Points**

*There is no more important evidence that a town seeking a moratorium from § 8-30g must provide than evidence of ongoing compliance with affordability requirements.*

General Statutes § 8-30h mandates that owners of affordable housing developments containing rental units must “provide annual certification [by January 31] to the commission that the development continues to be in compliance with the covenants and deed restrictions required under” § 8-30g. *The requirement is mandatory, and failure to certify and file puts the*

*development out of compliance with § 8-30g. Section 8-30h provides the municipality with the right to “inspect the income statements of the tenants of the restricted units” so as to verify the development’s continuing compliance. (This statute also includes a mandatory, corrective requirement if a development is out of compliance – rental of the next available unit to an income-eligible household “until the development is in compliance.”) Section 8-30h thereby directs that the municipality, through its planning or zoning commission, has an ongoing oversight obligation.*

*A town’s failure to comply with 8-30h with respect to any development should preclude it from counting that development in an application for a moratorium. Put another way, a municipality should not be awarded moratorium points if it has ignored its obligation to ensure that units approved as affordable have in fact been rented to qualifying households, and that § 8-30g compliant rents and utility allowances have been charged to those households.*

Ongoing compliance is required by other parts of the § 8-30g statute and state regulations. State Regulations § 8-30g-6(c)(2) requires a letter from the town attorney opining that the application complies with state law “as in effect on the day the application is submitted.” This provision at least clearly requires evidence that as of the application date, § 8-30h annual reports have been filed and verified. Second, Regulations § 8-30g-6(c)(6) requires certification that certificates of occupancy for claimed units are "currently in effect," which also requires evidence of ongoing compliance since the start of occupancy, not just at a recent or past point in time. Third, Regulations § 8-30g-6(c)(7) instructs that a municipality, when applying for a § 8-30g moratorium, must certify that it “has identified and deducted, or otherwise excluded from the total [HUE] points claimed, all units that as a result of action by the municipality, municipal housing authority, or municipal agency, *no longer qualify*, as of the date of submission of the application, as providing [HUE] points,” (emphasis added). This too implies a look back as to affordability.

It is important to note that proof of ongoing compliance is a burden which can be easily met by assuring that annual § 8-30h certifications are filed, and their accuracy verified at that time.

Section 8-30h reports are routinely filed by § 8-30g developers and administrators across the State. Two examples are attached, as Exhibits E and F.

In petitioning for a declaratory ruling that moratorium applications must be supported by proof of ongoing compliance, we are mindful of the Department of Housing's administrative capacity and workload. In this regard, we propose the following for declaratory ruling purposes:

1. Section 8-30g is a remedial statute, and a moratorium application seeks an exemption from the statute. It is indisputable as a matter of law that the moratorium statute and regulations must be strictly construed against a municipal applicant.

2. Obviously, the Department's granting of moratorium applications in the past without proof of affordability compliance is no reason to approve non-compliant applications going forward.

3. In this petition, the Department is being asked to clarify existing law, not devise new prospective-only rules.

4. At a minimum, the Department should rule that a town's failure to receive and review § 8-30g reports regarding a specific development categorically disqualifies that development from being a basis for HUE points. Section 8-30h has been part of § 8-30g since 1995.

5. In addition to annual § 8-30h reports, a municipal moratorium application must contain current/past data showing, for each unit for which points are claimed:

- a. calculation of qualifying household income for each unit;
- b. statement of the tenant's actual qualifying income (which under § 8-30h may be reported without identifying personal information or FOIA disclosure);



- c. calculation of maximum monthly rent and utility payment required by § 8-30g or an assisted housing program or agreement(s); and
- d. statement of actual rent and utility allowance charged to the tenant.

6. For a conventional set-aside development, with uniform income, rent, and utility limits, this information should not be difficult to compile and submit with a moratorium application. As the Millport and Canaan Parish applications amply demonstrate, where a development is assisted housing and a variety of financing agreements can result in a variety of income, rent, and utility limits, the applicant municipality must take on the burden of proving unit-by-unit compliance. Again, this should not be an onerous burden, because *at least at Millport and Canaan Parish, the financing documents and agreements themselves require the owner/borrower/affordability administrator to provide this information to lenders anyway*, so a town preparing a moratorium application only needs to collect existing information, not create it from scratch.

7. It is next important to emphasize that once a town, as applicant, compiles and submits this information with a verification that it has verified compliance, the Department should be entitled to rely on that, as opposed to verifying each number. *What a town should not be permitted to do, especially with an assisted housing development with more complex financing and affordability commitments, is submit a verification without supporting proof of compliance.*

#### **Requirement Of General Statute § 8-30g(l)(8) To Deduct Points For Demolished Units**

General Statutes § 8-30g(l)(B)(8) states that HUE points shall be “[subtracted] applying the formula in subdivision (6) of this subsection [the list of HUE points awarded for various unit types and maximum rent restrictions], for any affordable dwelling unit which, on or after July 1, 1990, was affected by any action taken by a municipality which caused such dwelling unit to cease being counted as an affordable dwelling unit.”

New Canaan’s application argued that because the units that were demolished at Millport and Canaan Parish were restricted to 80 percent of area median income, instead of the later-adopted standard of the lesser of area or statewide median, the demolished units would not qualify today as “affordable dwelling units” as that phrase is used in General Statutes § 8-30g(l)(8). In its August 2024 grant of New Canaan’s application, the Department agreed with this position. See Exhibit C.

The fundamental flaws in this argument and the Department’s acceptance of it are that (1) each demolished unit at Millport and Canaan Parish, before demolition, was classified by the Department of Housing as an affordable dwelling unit, because each was listed on the State’s Ten Percent List, compiled annually under General Statute § 8-30g(k); (2) the Department has always “grandfathered” completed affordable units from later statutory amendments, counting them as affordable *based on the rules in effect when the units were completed*; and (3) neither the statute nor the regulations remotely suggests the Department’s interpretation.

In May 2024, our office emailed Mr. Santoro and Ms. Watson, seeking confirmation that the units that were demolished in the redevelopment of Millport (22 units) and Canaan Parish (60 units) had been listed as “affordable dwelling units” on the Department’s § 8-30g Ten Percent List at least since the year 2000. In reply, Mr. Santoro provided that confirmation, attached as Exhibit G, confirming that each of the demolished units at Millport and Canaan Parish was listed on the Ten Percent List.

When § 8-30g was adopted by Public Act 89-311, effective July 1, 1990, one criteria for inclusion on the Ten Percent List was any unit rented at 80 percent of area median income. Exhibit H, attached. On this basis, the Department listed the 22 units at Millport and 60 units at Canaan Parish, which necessarily means that the Department treated them as “affordable dwelling units.” In addition, when the legislature, in 1995, redefined “median income” in § 8-30g to mean the lesser of statewide or area median income, *the Department did not remove the 80-percent-of-area-median units at Millport or Canaan Parish from the Ten Percent List as no*

*longer compliant with affordability standards; the Department gave only prospective effect to amended standards compliant with affordability standards.* See Exhibits I and J, the 1994 and 1998 Ten Percent Lists. The Department *grandfathered* these units. The Town, of course, also continued to claim them as affordable units. Indeed, if the Department's practice during the past 34 years had been to retroactively apply amended statutory standards to previously completed units, then every post-1990 substantive amendment to § 8-30g affordability requirements would have prompted the Department to purge the Ten Percent List of all now-not-compliant units. It has never done so.

The deduction provision has only two requirements: an affordable dwelling unit, and demolition due to action by the Town. The statute makes no exception based on the level of affordability of the demolished units, and under no principle of statutory interpretation can such an exception be added or implied, especially to a remedial statute.

The upshot here is that the Department has never evaluated or characterized affordable units by whether they meet current affordability standards, and there is no justification for importing such a rule into the points deduction provision of the moratorium statute.

The next issue is the meaning, in the deduction provision, of the reference to “applying the formula in subdivision (6) of this subsection,” which is the list of moratorium point values. Neither the deduction provision (§ 8) nor subdivision § 6 [the points list] was enacted until the year 2000, but § 8 clearly directs deduction for demolition of affordable units existing on or after July 1, 1990, and subdivision § 6, subsection (B) contains an assignment of points for exactly what the units at Millport and Canaan Parish were before they were demolished: “Family units restricted to persons and families whose income is equal to or less than 80 percent of the median income shall be awarded...one and one-half points if a rental unit.” Again, the fact that median income was redefined in 1995 to be the lesser of area or statewide median, years after the units at Millport and Canaan Parish were completed and counted by the Town and the Department as affordable dwelling units, did not disqualify them as affordable dwelling units. Thus, when they

were demolished by action of the Town in 2015-16 at Millport and 2018 at Canaan Parish, point deductions were required: 22 units times 1.5 (33 points) should have been deducted from Millport, and 60 units times 1.5 (90 points) from Canaan Parish. In this declaratory ruling, the Department should disavow the New Canaan ruling and clarify the deduction provision.

### **Items For Inclusion In The Record Of This Petition**

In addition to this Brief and its exhibits, the petitioners ask that the following items from the Departments files be part of the record:

1. New Canaan's two 2024 moratorium applications, including all published notices; copies of electronic and written communications between the Department and New Canaan and its representatives; and our July 25, 2024 comment on New Canaan's application with its attached exhibits.
2. A copy of the Orange and Waterford 2024 moratorium applications.

### **Conclusion**

The purpose of § 8-30g as a remedial statute is to assist with the approvals of set-aside and assisted housing developments by providing a process and standards for judicial review of zoning and planning commission denials of applications. In 1999-2000, the legislature adopted the moratorium system to provide "relief" to towns that had not only approved but overseen the construction and occupancy of affordable units. But § 8-30g and the moratorium system plainly include and necessarily require municipal oversight, monitoring, and enforcement, which are expressed in both § 8-30h and the several provisions in § 8-30g and the moratorium statutes and § 8-30g regulations that command keeping tabs on affordability compliance in occupied developments. It simply cannot be that the legislature spelled out detailed affordability requirements without imposing a compliance obligation. It further cannot be that the legislature intended to grant an exemption from § 8-30g, a remedial statute, by awarding moratoria to municipalities that have ignored their compliance obligations and have, and have had, no idea if affordable unit occupants actually qualified for tenancy and have been paying compliant amounts for rent and utilities. Respectfully, in its recent moratorium approvals, the Department has been

shirking a core obligation of its mission and undermining key purposes of § 8-30g. It should answer both declaratory ruling questions to correct past practice and restore critical aspects of § 8-30g.

PETITIONERS,  
751 WEED STREET, LLC,  
W.E. PARTNERS, LLC, AND  
51 MAIN STREET, LLC

By: /s/ Timothy S. Hollister  
Timothy S. Hollister  
[thollister@hinckleyallen.com](mailto:thollister@hinckleyallen.com)  
Hinckley, Allen & Snyder, LLP  
20 Church Street, 18<sup>th</sup> Floor  
Hartford, CT 06103  
Tel: (860) 331-2823  
Fax: (860) 278-3802  
Juris No. 428858

PETITIONER,  
HILL STREET-72 LLC

By: /s/ Christopher J. Smith  
Christopher J. Smith  
[csmith@alterpearson.com](mailto:csmith@alterpearson.com)  
Alter & Pearson, LLC  
701 Hebron Avenue  
P.O. Box 1530  
Glastonbury, CT 06033  
Tel: (860) 652-4020  
Fax: (860) 652-4022  
Juris No. 403940

CERTIFICATION

I hereby certify that the foregoing Stipulation was sent via electronic delivery this 20<sup>th</sup> day of December 2024, to all parties listed below, and written consent for electronic delivery has been received from all parties.

Nicholas Bamonte, Esq.  
[nbamonte@berchemmoses.com](mailto:nbamonte@berchemmoses.com)  
Berchem Moses  
1221 Post Road East  
Westport, CT 06880

*/s/ Timothy S. Hollister*  
Timothy S. Hollister  
Commissioner of the Superior Court

751 WEED STREET, LLC, : CONNECTICUT DEPARTMENT  
W.E. PARTNERS, LLC, : OF HOUSING  
51 MAIN STREET, LLC AND :  
HILL STREET-72 LLC :  
 : STATE OF CONNECTICUT  
v. :  
 :  
CONNECTICUT DEPARTMENT OF :  
HOUSING AND THE HON. SEILA :  
MOSQUERA-BRUNO, COMMISSIONER : DECEMBER 20, 2024

**APPENDIX TO BRIEF OF 751 WEED STREET, LLC, W.E. PARTNERS,  
LLC, 51 MAIN STREET, LLC, AND HILL STREET-72, LLC, IN SUPPORT  
OF PETITION FOR DECLARATORY RULING  
REGARDING CONN. GEN. STAT. § 8-30g  
MORATORIUM PROCEDURE AND REQUIREMENTS**

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# **Exhibit A**

**STATE OF CONNECTICUT  
DEPARTMENT OF HOUSING**

In the Matter of: )  
)  
Town of New Canaan August 19, 2024 )  
Certificate of Affordable Housing Project )  
Completion/Moratorium Application )  
Pursuant to C.G.S. § 8-30g )  
)

**REVISED**  
November 21, 2024

**NOTICE AND ORDER**

On September 13, 2024, 751 Weed Street, LLC, W.E. Partners, LLC, 51 Main Street LLC and Hill Street-72 LLC (collectively, the “Petitioners”), filed a Petition for Declaratory Ruling (the “Petition”) with the State of Connecticut, Department of Housing (“DOH”), pursuant to Section 4-176 of the Connecticut General Statutes (“CGS”).<sup>1</sup>

Upon review of the Petition, it is ordered that:

- 1) The Department of Housing will issue a declaratory ruling limited to the following question(s):<sup>2</sup>
  - Does CGS Section 8-30g and its associated Regulations require the Town of New Canaan (the “Town”) in its application for a Certificate of Affordable Housing Project Completion (aka “a Moratorium”) to provide DOH with evidence (the “Evidence”) of continuous compliance, from initial occupancy to the present, for each dwelling unit at Millport and Canaan Parish in order to claim associated Housing Unit Equivalent points; such Evidence to consist of:
    - The maximum household income for that unit;
    - The actual income of the tenant household;
    - The maximum monthly rent and utility allowance for each unit; and
    - The actual rent and utility allowance charged to and paid by the household?
  - What is the legal basis for the finding that, pursuant to CGS Section 8-30g(1)(8), units demolished at the Millport Apartments and Canaan Parish would not have received any housing equivalent points had they been rebuilt subject to the original affordability restrictions?

---

<sup>1</sup> Although the Petition is dated September 10, 2024 it was not received by DOH by mail or electronically until September 13, 2024.

<sup>2</sup> The Petition also seeks a Declaratory Ruling as to the following Question 2: “In support of its moratorium application, did the Department demand and did New Canaan provide for each claimed unit the information listed in Question 1 above, and otherwise answer the substantial questions for each development set forth on pp. 10-15 of the July 25 letter?” CGS Section 4-176 provides that a declaratory ruling may be sought “as to the validity of any regulation, or the applicability to specified circumstances of a provision of the general statutes, a regulation, or a final decision on a matter within the jurisdiction of the agency.” Question 2 does not pose a request that falls within the scope of CGS Section 4-176(a) but rather, is a request for information. Accordingly, Question 2 cannot be considered in the context of the declaratory ruling.

- 2) Written submissions of additional evidence and/or written legal argument in connection with the questions enumerated in Item 1 of this order may be submitted to DOH by close of business on Friday, December 23, 2024.
- 3) Written submissions should be sent by e-mail to [randi.pincus@ct.gov](mailto:randi.pincus@ct.gov) or by mail to:  
  
Randi Pincus, Staff Attorney  
State of Connecticut Department of Housing  
505 Hudson Street- 2<sup>nd</sup> Floor  
Hartford, CT 06106
- 4) The Petitioners are designated as parties in this proceeding. Any other persons or entities seeking party or intervenor status shall submit a petition for designation to DOH and send copies thereof by mail or electronically to the parties, by close of business on Friday, December 16, 2024.
- 5) DOH shall post notice of the petition and this order on its website at [www.ct.gov/doh](http://www.ct.gov/doh).
- 6) DOH shall issue the declaratory ruling referenced in Item 1 of this order no later than March 7, 2025.
- 7) DOH may make such orders, including modifications to this order, as are necessary for the proper conduct of these proceedings.
- 8) DOH will take any action it deems necessary and appropriate, in its sole discretion, related to the Town's Moratorium based on the declaratory ruling to be issued in accordance with this Notice and Order.



---

Seila Mosquera-Bruno  
Commissioner

# **Exhibit B**

## Hollister, Timothy S.

---

**From:** Santoro, Michael C <Michael.Santoro@ct.gov>  
**Sent:** Thursday, November 21, 2024 12:35 PM  
**To:** Hollister, Timothy S.; Watson, Laura  
**Subject:** New Canaan moratorium application

### EXTERNAL EMAIL

---

Tim:

All of the materials received from the Town pursuant to the New Canaan moratorium were posted at the time of application review, including all comments received during the process. NO additional materials were received or considered as part of the review.

Hope you are doing well. Have a Happy Holiday.

Please continue to Social Distance and Wear a Mask when Indoors.

Michael C. Santoro  
Director, Office of Policy, Research and Housing Support  
Department of Housing  
505 Hudson Street  
Hartford, CT 06106-7106

860-706-5741 (fax)  
860-270-8171



please don't print this e-mail unless you really need it!

---

**From:** Hollister, Timothy S. <thollister@hinckleyallen.com>  
**Sent:** Wednesday, November 20, 2024 9:27 AM  
**To:** Santoro, Michael C <Michael.Santoro@ct.gov>; Watson, Laura <Laura.Watson@ct.gov>  
**Subject:** New Canaan moratorium application

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good morning Michael and Laura. As you probably know the Department has agreed to issue a declaratory ruling on two questions relating to the New Canaan moratorium. I am writing to ask what I hope is a simple factual question: New Canaan submitted its revised application in June 2024, which the Department published online, and my office commented on in a July 25 letter. Among other things our letter commented on the lack of information about annual compliance with the various affordability requirements applicable to the Millport and Canaan Parish units that were claimed for HUE points. My question is, did New Canaan submit to the Department any information about affordability compliance that was not part of the June 2024 submission and not published on the DOH website? I assume not, but

want to confirm that in the June 2024 application itself contained all of the information that the Town submitted and the Department used when reviewing the application. Thanks.

**Timothy S. Hollister**

*Partner*

---

Hinckley Allen  
20 Church Street  
Hartford, CT 06103-1221  
p: 860-331-2823 | f: 860-278-3802  
c: 860-558-1512  
thollister@hinckleyallen.com

# Exhibit C



**Ned Lamont**  
Governor

# STATE OF CONNECTICUT DEPARTMENT OF HOUSING



**Seila Mosquera-Bruno**  
Commissioner

August 19, 2024

Dionna Carlson  
First Selectman  
Town of New Canaan  
77 Main Street  
New Canaan, CT 06840

RE: Certificate of Affordable Housing  
Moratorium Application under Section 8-30g CGS (New Canaan #2 2024)

Dear First Selectman Carlson:

In accordance with Section 8-30g of the Connecticut General Statutes and the applicable Regulations of Connecticut State Agencies under Sections 8-30g-1 through 8-30g-11, inclusive, the Department of Housing (“DOH”) has reviewed the June 20, 2024, request for issuance of a Certificate of Affordable Housing, pursuant to receipt of a Moratorium of Applicability.

In accordance with those regulations, a notice of receipt of a Completed Application was published in the Connecticut Law Journal initiating a 30-day period whereby DOH sought public review and input into this application (June 25, 2024-July 25, 2024). Comments were received during this time period from Connecticut Legal Services and Hinkley Allen and were taken into consideration.

DOH staff has reviewed the materials provided and has determined that the Town of New Canaan does meet the requirements for receipt of a Certificate of Affordable Housing Project Completion as submitted. A copy of the DOH HUE review is attached for your reference.

As a result of these findings, I have ordered the publication of a Notice of Issuance of a State Certificate of Affordable Housing on the next publication date of the Connecticut Law Journal. This entitles the Town of New Canaan to a Moratorium of Applicability commencing on the date of publication. Under the law, this Moratorium of Applicability shall remain in force and effect for a four-year period unless earlier revoked in accordance with the law.

I would like to take this opportunity to thank you and the Town of New Canaan for continuing to address the affordable housing needs in your community. Should you or your staff have any questions with regard to this notification, please do not hesitate to contact Michael Santoro by email at [Michael.Santoro@ct.gov](mailto:Michael.Santoro@ct.gov) or Laura Watson at [Laura.Watson@ct.gov](mailto:Laura.Watson@ct.gov).

Sincerely,

Digitally signed by Seila Mosquera-Bruno  
Date: 2024.08.19 11:03:40 -04'00'

Seila Mosquera-Bruno  
Commissioner





Ned Lamont  
Governor

# STATE OF CONNECTICUT DEPARTMENT OF HOUSING



Seila Mosquera-Bruno  
Commissioner

To: The File  
From: Laura Watson  
Date: August 14, 2024  
RE: New Canaan Moratorium Application: Calculation of housing unit-equivalent points ("HUE" or "HUEs" or "Points") for the June 20,2024 Application (September 18, 2024 – 90 days)

### Calculation of HUE Points

Restriction:	80% AMI	\$180,500 AMI <u>X 0.80</u> \$144,400
	60% AMI	\$180,500 AMI <u>X 0.60</u> \$108,300
	50% AMI=	\$180,500 AMI <u>X 0.50</u> \$90,250
	25% AMI=	\$180,500 AMI <u>X 0.25</u> \$45,125

HUEs	80% of SMI	80% of \$122,300 = \$97,840
	60% of SMI	60% of \$122,300 = \$73,380
	40% of SMI	40% of \$122,300 = \$48,920

Under Connecticut General Statutes ("CGS") Section 8-30g(l)(7), "Points shall be awarded only for dwelling units which (A) were newly-constructed units in an affordable housing development, as that term was defined at the time of the affordable housing application, for which a certificate of occupancy was issued after July 1, 1990, (B) newly subjected after July 1, 1990, to deeds containing covenants or restrictions which require that, for at least the duration required by subsection (a) of this section for set-aside developments on the date when such covenants or restrictions took effect, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as affordable housing for persons or families whose income does not exceed eighty percent of median income. . ."

Prior to Public Act ("PA") 95-280, 20% of the dwelling units in an Affordable Housing Development had to be deed restricted and remain affordable for at least 20 years.

The definition of a set-aside development did not exist prior to June 1, 2000, but the interpretation is that any project which would have been eligible to use CGS 8-30g under the definition at the time it was



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Governor

## STATE OF CONNECTICUT DEPARTMENT OF HOUSING



**Seila Mosquera-Bruno**  
Commissioner

originally proposed should be considered a set-aside development, and treated as such. For projects where the application for such development was filed after July 6, 1995, the set-aside development (which adheres to PA 95-280) shall be awarded .25 points per each market rate unit (as indicated in PA 00-206). For projects where the application was filed before July 6, 1995 (and after July 1, 1990), a set-aside development containing family units which are rental units shall be awarded additional points equal to twenty-two percent of the total points awarded to such development.

PA 95-280 (for applications received on or after July 6, 1995) defines “Affordable Housing Development” as a proposed housing development (A) which is assisted housing or (B) in which not less than 25% of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that such dwelling units be sold or rented at, or below, prices which will preserve the units as affordable housing, as defined in CGS 8-39a, for persons and families whose income is less than or equal to 80% of the area median income or 80% of the state median income, whichever is less, for at least thirty years after the initial occupation of the proposed development.

PA 99-261 (which took effect on June 29, 1999) states “Affordable Housing Development” means a proposed housing development (A) which is assisted housing or (B) in which not less than 25% of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that, for at least thirty years after the initial occupation of the proposed development, such dwelling units shall be sold or rented at or below, prices which will preserve the units as affordable housing. Of the dwelling units conveyed by deeds containing covenants or restrictions, a number of dwelling units equal to not less than ten percent of all dwelling units in the development shall be sold or rented to persons and families whose income is less than or equal to sixty percent of the area median income or sixty percent of the state median income, whichever is less, and the remainder of the dwelling units conveyed by deeds containing covenants or restrictions shall be sold or rented to persons and families whose income is less than or equal to eighty percent of the area median income or eighty percent of the state median income, whichever is less.”

PA 00-206 (As of June 1, 2000) “Set-aside Development” means a development in which not less than thirty percent of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that, for at least forty years after the initial occupation of the proposed development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty percent or less of their annual income, where such income is less than or equal to eighty percent of the median income. In a set-aside development, of the dwelling units conveyed by deeds containing covenants or restrictions, a number of dwelling units equal to not less than 15% of all dwelling units in the development shall be sold or rented to persons and families whose income is less than or equal to 60% of the median income and the remainder of the dwelling units conveyed by deeds containing covenants or restrictions shall be sold or rented to persons/families whose income is less than or equal to 80% median income.

PA 17-170, Section 1 (Effective July 24, 2017) (6) For the purposes of this subsection, housing unit-equivalent points shall be determined by the commissioner as follows: (A) No points shall be awarded



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DEPARTMENT OF HOUSING**



**Seila Mosquera-Bruno**  
Commissioner

for a unit unless its occupancy is restricted to persons and families whose income is equal to or less than eighty per cent of the median income, except that unrestricted units in a set-aside development shall be awarded one-fourth point each. (B) Family units restricted to persons and families whose income is equal to or less than eighty per cent of the median income shall be awarded one point if an ownership unit and one and one-half points if a rental unit. (C) Family units restricted to persons and families whose income is equal to or less than sixty per cent of the median income shall be awarded one and one-half points if an ownership unit and two points if a rental unit. (D) Family units restricted to persons and families whose income is equal to or less than forty per cent of the median income shall be awarded two points if an ownership unit and two and one-half points if a rental unit. (E) Restricted family units containing at least three bedrooms shall be awarded an additional one-fourth point. (F) Elderly units restricted to persons and families whose income is equal to or less than eighty per cent of the median income shall be awarded one-half point. (F) (G) If at least sixty per cent of the total restricted units submitted by a municipality as part of an application for a certificate of affordable housing project completion are family units, any elderly units submitted within such application shall be awarded an additional one-half point. (H) Restricted family units located within an approved incentive housing development, as defined in section 8–13m, as amended by this act, shall be awarded an additional one-fourth point. (I) A set-aside development containing family units which are rental units shall be awarded additional points equal to twenty-two per cent of the total points awarded to such development, provided the application for such development was filed with the commission prior to July 6, 1995. (J) A mobile manufactured home in a resident-owned mobile manufactured home park shall be awarded points as follows: One and one-half points when occupied by persons and families with an income equal to or less than eighty per cent of the median income; two points when occupied by persons and families with an income equal to or less than sixty per cent of the median income; and one-fourth point for the remaining units.

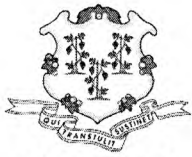
PA 17-170, Section 4 (Effective October 1, 2022) the following sections within subsection (6) were **repealed**: (E) Restricted family units containing at least three bedrooms shall be awarded an additional one-fourth point.

(G) If at least sixty per cent of the total restricted units submitted by a municipality as part of an application for a certificate of affordable housing project completion are family units, any elderly units submitted within such application shall be awarded an additional one-half point. (H) Restricted family units located within an approved incentive housing development, as defined in section 8–13m, as amended by this act, shall be awarded an additional one-fourth point.

In accordance with Public Act 24-143, Section 22, effective June 6, 2024 , CGS Section 8-30g (l)(3) has been repealed and replaced with the following “(3) Eligible units completed before a moratorium has begun, but that were not counted toward establishing eligibility for such moratorium, may be counted toward establishing eligibility for a subsequent moratorium. Eligible units completed after a moratorium has begun may be counted toward establishing eligibility for a subsequent moratorium.”

**HUE Points are calculated as follows:**

Market-rate unit in set-aside development = .25 pts



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**STATE OF CONNECTICUT  
DEPARTMENT OF HOUSING**



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Commissioner

Elderly unit @ 80% SMI or less = .50 pts

Owned family unit @ 80% SMI or less = 1.0 pts

Owned family unit @ 60% SMI or less = 1.5 pts

Owned family unit @ 40% SMI or less = 2.0 pts

Rented family unit @ 80% SMI or less = 1.5 pts

Rented family unit @ 60% SMI or less = 2.0 pts

Rented family unit @ 40% SMI or less = 2.5 pts

Mobile Manufactured Home in a resident-owned park @ 80% SMI or less = 1.5 pts

Mobile Manufactured Home in a resident-owned park @ 60% SMI or less = 2.0 pts

Market-rate within the Mobile Manufactured Home resident-owned park = 0.25

**Bonus Housing Unit – Equivalent Points**

Additional points equal to twenty-two percent of the total points awarded to such development, provided the application for such development was filed with the commission prior to July 6, 1995

**A. Millport Apartments – 59 Millport Avenue (Bldg. 3 – 20 units) and 61 Millport Avenue (Bldg. 4- 20 units)**

In 2015, the New Canaan Planning & Zoning Commission approved the tear-down of the 22 Millport apartments, in six buildings that dated from the 1980s and the construction of 73 new affordable dwellings units in four buildings. This property is owned by the Housing Authority of New Canaan (HANC) and includes an additional parcel at 33 Millport Avenue that contained a two-family house that was purchased by HANC and merged with the adjoining land. This 73- unit 8-30g development was originally approved by the Planning and Zoning Commission in 2015 (Deed Restriction/Affordability Plan filing info: Phase 1: Notice of Ground Lease – Vol 950 / Pgs 297-303; Open-end Leasehold Mortgage Deed – Vol 950 / Pgs 503-525; Phase 2: Open-End Leasehold Mortgage Deed – Vol 973 / Pgs 951- 967; Recorded Covenant: Phase 1: Land Use Restriction Agreement – Vol 950 Pgs 312-335; Phase 2: Land Use Restriction Agreement - Vol 973/ Pgs 694-716; Financing/ Assistance Agreement: Phase 1: ELIHC with CHFA – Vol 950 / Pgs 304-311; Phase 2: ELIHC with CHFA – Vol / Pgs) and is comprised of 100% affordable units for at least 40 years (Millport Avenue New Canaan, Connecticut Affordability Plan Phase II/73 Apartment Homes Revised Submission, Draft January 2015, Page 2, references the income limits under 8-30g and the 40-year affordability period).

The construction took place in two phases. Phase I, completed in 2016, involved the construction of thirty-three units spread between two buildings at 33 and 35 Millport Avenue. ***This application only refers to Phase II which involves two buildings, 59 Millport Avenue (Building 3) and 61 Millport Avenue***



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**(Building 4).** The financing for the second phase at 59 and 61 Millport Avenue (40 new units) is referred to as “Phase II.” Each building respectively contains 20 units and both buildings were completed in 2018. In the approval and financing documents, the addresses of this development vary. The documents refer to 57 and 65 Millport as well as the addresses listed above. Due to numerous lot mergers required for this project, there have been address changes as the project reached completion. The two buildings are currently identified by the US Postal Service as 59 and 61 Millport, respectively. Certificate of Occupancy for 59 Millport Avenue (Building 3) was issued on 2/14/2018 and the Certificate of Occupancy for 61 Millport Avenue (Building 4) was issued on 3/28/2018. Person or entity responsible for compliance: Westmount Management, 36 Park Place, Branford, CT 06405.

According to the materials provided, the twenty units at 59 Millport Avenue and the twenty units at 61 Millport Avenue were constructed after New Canaan’s initial Certificate of Affordable Housing Completion was issued on June 6, 2017 and are therefore eligible for consideration.

This development falls under PA 00-206 (As of June 1, 2000) - “Set-aside Development” means a development in which not less than thirty percent of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that, for at least forty years after the initial occupation of the proposed development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty percent or less of their annual income, where such income is less than or equal to eighty percent of the median income. In a Set-aside Development, of the dwelling units conveyed by deeds containing covenants or restrictions, a number of dwelling units equal to not less than 15% of all dwelling units in the development shall be sold or rented to persons and families whose income is less than or equal to 60% of the median income and the remainder of the dwelling units conveyed by deeds containing covenants or restrictions shall be sold or rented to persons/families whose income is less than or equal to 80% median income.

“The lesser of test” as per PA 95-280 (effective July 6, 1995) did exist when the project was first proposed and should be applied relative to consideration for calculating HUE points. The CHFA Low Income Housing Tax Credit (LIHTC) recorded documents reference all units being at 60% AMI. However, the recorded deed restrictions (Open-End leasehold Mortgage Deed Vol 950/Pgs 503—525) and Open End Leasehold Mortgage Deed Vol 950/Pgs 951-967) reference the Millport Avenue New Canaan, Connecticut Affordability Plan Phase II/73 Apartment Homes Revised Submission Draft January 2015, Page 2, under which 15% of the 73 units are to be rented to households who are equal to or less than 60% of the median income as defined in 8-30g-1(10) of the Regulations of Connecticut State Agencies. All other units will be rented to households who are equal to or less than 80% of the median income as defined in 8-30g-1(10) of the Regulations of Connecticut State Agencies, thereby requiring utilization of the “lesser of state or median income” test which requires utilizing state median income in this case.

Income eligibility for the 40 units being claimed is as follows, in accordance with the ELIHC recorded in Volume 973 Page 722 of the Land Records of the Town of New Canaan and in documentation provided by the town:



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DEPARTMENT OF HOUSING**



**Seila Mosquera-Bruno**  
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# of Units	# of Bedrooms	SMI Affordability	HUE's Per Unit	Total HUE's
17	1	80% of SMI	1.5	25.5
12	2	80% of SMI	1.5	18.0
4	3	80% of SMI	1.5	6.0
1	1	40% of SMI	2.5	2.5
4	2	40% of SMI	2.5	10.0
2	3	40% of SMI	2.5	5.0
<b>40 total units</b>			<b>TOTAL</b>	<b>67</b>

**Total HUE points = 67 pts**

**CGS 8-30g(l)(8)** states that “Points shall be subtracted, applying the formula in subdivision (6) of this subsection, for any affordable dwelling unit which, on or after July 1, 1990, was affected by any action taken by a municipality which caused such dwelling unit to cease being counted as an affordable dwelling unit.” In 2015, the New Canaan Planning and Zoning Commission approved the tear-down of 22 of the Millport apartments, in six buildings that dated from the 1980s and construction of 73 new affordable dwelling units in four buildings. This property is owned by the HANC and includes an additional parcel at 33 Millport Avenue that contained a two-family house that was purchased by HANC and merged with the adjoining land.

The construction took place in two phases. Phase 1 in 2016 included the first two structures at 33 Millport Avenue (18 units) and 35 Millport Avenue (15 units) and was included in their first application for a Certificate of Affordable Housing Project Completion. Phase II involved the second two buildings, 59 Millport Avenue, and 61 Millport Avenue each contain 20 units and were completed in 2018.

Thirty-three (33) new units were constructed as part of Phase 1, which again was used in the initial application for a Certificate of Affordable Housing Project Completion. Twenty-two (22) units were demolished as part of that initial Phase 1.

**CGS 8-30g(l)(8)** states that that “Points shall be subtracted, applying the formula in subdivision (6) of this subsection, for any affordable dwelling unit which, on or after July 1, 1990, was affected by any action taken by a municipality which caused such dwelling unit to cease being counted as an affordable dwelling unit.”

The units that were demolished were restricted to households at or below 80% of Area Median Income. According to the formula in subdivision (6) of **CGS 8-30g(l)**, the demolished units would not have qualified for any housing unit equivalent points because the definition of ‘median income’ set forth in **CGS 8-30g(a)(7)** states, in relevant part, that median income is “the lesser of the state median income or the area median income for the area in which the municipality containing the affordable housing development is located. . .”. In this community, the definition of ‘median income’ requires the use of the state median income. Consequently, if the units had been rebuilt subject to the original affordability



**Ned Lamont**  
Governor

**STATE OF CONNECTICUT  
DEPARTMENT OF HOUSING**



**Seila Mosquera-Bruno**  
Commissioner

restriction, 80% of Area Median Income, they would not have received any housing equivalent points under the formula.

Units Demolished:

# of Units	AMI Affordability	SMI Equivalent	HUE's Per Unit	Total HUE's Deducted
22	80% of AMI	Not Equivalent	0.0	0.0
			TOTAL	0.0

**Total HUEs for units claimed at Millport Apartments less HUEs to be subtracted under the formula: 67 HUEs minus 0.0 HUEs = Total HUEs for claimed units at Millport Apartments = 67 HUEs**

**Compliance Certification Affidavit signed 5/23/2024 for Millport Apartments Phase II – 59 & 61 Millport Avenue in regard to Connecticut General statutes Sec 8-30h. Annual certification of continuing compliance with affordability requirements.** Certification was made that the forty (40) units in the 100% “set -aside” development are restricted under an Affordability Plan filed in the Office of the Planning and Zoning Department, that the units are restricted in compliance with that Plan for a period of 40 years form the date of the issuance of the Certificate of Occupancy for each of the units, and that, therefore, the development continues to be in compliance with the restrictions required under Connecticut General Statutes Section 8-30g. Compliance certification letter dated June 20, 2024 signed by Nicholas R. Bamonte received.

**B. Canaan Parish – 186 Lakeview Avenue**

This 100-unit 8-30g development was originally approved by a special permit on September 17, 2018 by the New Canaan Planning and Zoning Commission for the demolition of 60 existing units and construction of 100 new units of multi-family housing at 186 Lakeview Ave., New Canaan, CT, which approval is filed in the New Canaan Land Records in Volume 992, Page 481. This approval ties the development to Canaan Parish Lakeview Avenue, New Canaan, Connecticut Affordability Plan for Canaan Parish Redevelopment, July 2018, Submitted by Canaan Parish Redevelopment, LLC to the New Canaan Planning and Zoning Commission, (Deed Restriction/Affordability Plan filing info: Affordability Plan – Vol 1052 / Pgs 176-200). The HANC Resolution 21-01 Canaan Parish 8-30g Income Limits Commitment (Book 1052 page176) further clarifies the median income intention in the Canaan Parish Lakeview Avenue, New Canaan, Connecticut Affordability Plan for Canaan Parish Redevelopment, July 2018, Submitted by Canaan Parish Redevelopment, LLC to the New Canaan Planning and Zoning Commission, Page 2.

Building 1, containing 60 Section 8 project-based assisted rental units was completed in October 2021. Building 2, containing 40 additional affordable units was completed in June of 2023. The permanent



Ned Lamont  
Governor

## STATE OF CONNECTICUT DEPARTMENT OF HOUSING



Seila Mosquera-Bruno  
Commissioner

Certificate of Occupancy was granted for both buildings on June 8, 2023. ***This 2024 application claims only those units in Building 1, 60 units.***

This development falls under PA 00-206 (As of June 1, 2000) - "Set-aside Development" means a development in which not less than thirty percent of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that, for at least forty years after the initial occupation of the proposed development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty percent or less of their annual income, where such income is less than or equal to eighty percent of the median income. In a Set-aside Development, of the dwelling units conveyed by deeds containing covenants or restrictions, a number of dwelling units equal to not less than 15% of all dwelling units in the development shall be sold or rented to persons and families whose income is less than or equal to 60% of the median income and the remainder of the dwelling units conveyed by deeds containing covenants or restrictions shall be sold or rented to persons/families whose income is less than or equal to 80% median income.

"The lesser of test" as per PA 95-280 (effective July 6, 1995) did exist when the project was first proposed and should be applied relative to consideration for calculating HUE points. The *Housing Authority of the Town of New Canaan Resolution 21-01 Canaan Parish 8-30g Income limits Commitment* was filed in Book 1052 Page 176 on 10/12/2021 reiterating conformance of the Affordability Plan with CGS 8-30g with 15% (15 out of 100 units) being rented to persons and families whose income is less than or equal to 60% of the median income, and the remainder of the units being rented to persons and families whose income is less than or equal to 80% of the median income and that the restriction is for no less than 40 years. It also acknowledges that "median income" pursuant to CGS 8-30g(a)(7) is defined as "the lesser of the state median income or the area median income for the areas in which the municipality containing the affordable housing development is located, as determined by the United States Department of Housing and Urban Development."

The chart below details income eligibility for the 60 units in Building #1, in accordance with documentation provided by the town.

# of Units	# of Bedrooms	SMI Affordability	HUE's Per Unit	Total HUE's
16	1	80% of SMI	1.5	24
28	2	80% of SMI	1.5	42
1	3	80% of SMI	1.5	1.5
4	1	60% of SMI	2.0	8
4	2	60% of SMI	2.0	8
7	3	60% of SMI	2.0	14
<b>60 total units</b>			<b>TOTAL</b>	<b>97.5</b>

**Total HUE points = 97.5**





**Ned Lamont**  
Governor

**STATE OF CONNECTICUT  
DEPARTMENT OF HOUSING**



**Seila Mosquera-Bruno**  
Commissioner

**CGS 8-30g(l)(8) does apply** and states “Points shall be subtracted, applying the formula in subdivision (6) of this subsection, for any affordable dwelling unit which on or after July 1, 1990, was affected by any action taken by a municipality which caused such dwelling unit to cease being counted as an affordable dwelling unit.”

The units that were demolished were restricted to households at or below 80% of Area Median Income. According to the formula in subdivision (6) of C. G. S. 8-30g(l), these units would not have qualified for any housing unit equivalent points because the definition of ‘median income’ requires the use of the State Median Income in this community. So, if the units had been rebuilt to the same affordability, 80% of Area Median Income, they would not have received any housing equivalent points under the formula.

Units Demolished:

# of Units	AMI Affordability	SMI Equivalent	HUE’s Per Unit	Total HUE’s Deducted
60	80% of AMI	Not Equivalent	0.0	0.0
			TOTAL	0.0

**Total HUE pts for units claimed at Canaan Parish less HUEs to be subtracted under the formula. 80.5 HUEs minus 0.0 HUEs = Total HUE’s for claimed units at Canaan Parish = 80.5 HUE Points**

**Compliance Certification Affidavit signed 5/23/2024 for Canaan Parish – 186 Lakeview Avenue Buildings 1 & 2 in regard to Connecticut General statutes Sec 8-30h. Annual certification of continuing compliance with affordability requirements.** Certification was made that one hundred (100) units in the 100% affordable “set-aside” development are restricted under an Affordability Plan filed in the office of the Planning & Zoning Department, that the unit are restricted in compliance with the Plan for a period 40 years from the date of the issuance of the Certificate of Occupancy for each of the units, and that, therefore, the development continues to be in compliance with the restrictions required under Connecticut General Statutes Section 8-30g. Compliance certification letter dated June 20, 2024 signed by Nicholas R. Bamonte received.



**Ned Lamont**  
Governor

**STATE OF CONNECTICUT  
DEPARTMENT OF HOUSING**



**Seila Mosquera-Bruno**  
Commissioner

PROJECT NAME	HUE POINTS
Millport Apartments	67.0
Canaan Parish	97.5
<b>Total</b>	<b>164.5</b>

New Canaan needs a minimum of 150.04 HUEs (per the latest census numbers 2020: 7,502 dwelling units x 2% = 150 points for New Canaan). Documentation was provided for HUE points totaling 164.5 total HUE points. The Town on New Canaan requested that DOH only consider the minimum number of its and associated HUE points necessary to award the Certificate as required by law; as a result, 150 housing unit equivalent points will be used for this application. That leaves 14.5 housing unit equivalent points which may be used toward a future application.

# Exhibit D



20 Church Street  
Hartford, CT 06103  
p: 860-725-6200 f: 860-278-3802  
hinckleyallen.com

**Timothy S. Hollister**  
**(860) 331-2823 (Direct)**  
**(860) 558-1512 (Cell)**  
[thollister@hinckleyallen.com](mailto:thollister@hinckleyallen.com)

June 28, 2024

**Via Email/PDF to Mr. Santoro and Ms. Watson,**  
**with two hard copies hand-delivered to Ms. Watson**

The Hon. Seila Mosquera-Bruno, Commissioner  
Connecticut Department of Housing  
505 Hudson Street  
Hartford, CT 06106-7106

Michael Santoro, Director  
Policy Research and Housing Support  
Department of Housing  
505 Hudson Street  
Hartford, CT 06106-7106

Laura Watson, Agent  
Department of Housing  
505 Hudson Street  
Hartford, CT 06106-7106

**Re: Comment On Town Of Orange's 2024 Revised Application For Certificate Of Affordable Housing Completion and § 8-30g Moratorium**

Dear Commissioner Mosquera-Bruno, Mr. Santoro, and Ms. Watson:

We are writing to comment on the Town of Orange's April 30, 2024 application for a § 8-30g moratorium.

The application is accompanied by deeds and affordability plans, but does not contain evidence of annual, ongoing compliance with maximum household income and rent requirements, as required by § 8-30g and its regulations and by General Statutes § 8-30h. My office has been in contact with Orange's Town Attorney Vincent Marino about this concern. Attorney Marino advised that Town officials are attempting to locate compliance reports, but we have not seen any and assume they have not yet been provided to the Department. It is, of course, essential to the moratorium process that the municipality prove that rents have been properly calculated and qualifying incomes verified, not just that the units were approved and built.

### **The § 8-30g Moratorium Process**

Section 8-30g includes a number of requirements for an application for a Certificate of Affordable Housing Completion. See General Statutes § 8-30g(1)(4)(B). These requirements include: (a) a complete application that allows town residents, and then DOH and the public, to understand and verify all point total claims; and (b) evidence of on-going, annual compliance during residential occupancy with maximum household income and maximum rent or sales prices.

Section 8-30g is a remedial statute, adopted to assist property owners in overcoming exclusionary zoning regulations and onerous application processing requirements that result in denials of affordable housing proposals based on insubstantial, unproven, and/or pretextual reasons. As such, requirements for any exemption from § 8-30g, such as a moratorium application, must be strictly construed. *See, e.g., Kaufman v. Zoning Comm'n*, 232 Conn. 122, 139-40 (1995).

### **The Town Has Not Submitted Evidence Of On-Going Affordability Compliance Required To Receive Moratorium Points**

Numerous statutory and regulatory provisions require proof of continuing compliance with affordability plan oversight, administration, and enforcement obligations.

General Statutes § 8-30h mandates that owners of affordable housing developments containing rental units “provide annual certification [by January 31] to the commission that the development continues to be in compliance with the covenants and deed restrictions required under” § 8-30g. The requirement is mandatory, and failure to certify would put the development out of compliance with § 8-30g. Section 8-30h provides the municipality with the right to “inspect the income statements of the tenants of the restricted units” so as to verify the development’s continuing compliance. This statute also includes a mandatory corrective requirement if a development is out of compliance – rental of the next available unit to an income-eligible household “until the development is in compliance.” Section 8-30h thereby assumes that the municipality has the capacity and attends to its obligation to confirm that “the development is in compliance.” The municipality, therefore, has an ongoing oversight obligation.

The failure of a development to comply with 8-30h would itself put the development out of compliance with the requirements for an “affordable housing development,” and should preclude the municipality from counting that development in an application for a moratorium.

Ongoing compliance is also required by other parts of the § 8-30g statute and state regulations. State Regulations § 8-30g-6(c)(2) requires a letter from the town attorney opining that the application complies with state law “as in effect on the day the application is submitted.” This provision clearly requires evidence that as of the application date, § 8-30h annual reports have been filed and verified. Second, Regulations § 8-30g-6(c)(6) requires certification that certificates of occupancy for claimed units are “currently in effect,” which also requires evidence

of on-going compliance since the start of occupancy, not just at a past point in time. Third, Regulations § 8-30g-6(c)(7) instructs that a municipality, when applying for an § 8-30g moratorium, must certify that it "has identified and deducted, or otherwise excluded from the total [HUE] points claimed, all units that as a result of action by the municipality, municipal housing authority, or municipal agency, no longer qualify, as of the date of submission of the application, as providing [HUE] points." This too implies a look back and enforcement. Fourth, Regulations § 8-30g-6(f)(3) requires, as one way to provide evidence of currently enforceable affordability obligations, a § 8-30h compliance report if developments are less than one year old.

It is important to note that proof of ongoing compliance is a burden which can be easily met by assuring that annual certifications are filed and verified.

The Town's moratorium application, therefore, is incomplete at this time for failure to provide proof of ongoing compliance with income and rent limits.

**There Is No Need For The Department To Address  
Holdover Points In This Application**

Orange's application claims ample points for a moratorium but does not rely on *per se* holdover points or request the Department to take a position about future moratoria. There is no reason for the Department to consider holdover points in this application, or suggest whether the Town may use points collected since 1990 for a future moratorium. Such an application is not before the Department at this time. Moreover, the 2024 statutory amendment regarding holdover points is clearly prospective only, and inapplicable to this application.

**Conclusion**

Every town that qualifies for a moratorium under the rules and regulations should be granted one, but this application, at this time, requires additional information.

Thank you.

Very truly yours,



Timothy S. Hollister

TSH:afz

cc: Town Attorney Vincent Marino  
Town Planner Jack Demerjian

# Exhibit E

## Whispering Pines

BIN #	Unit	# Bed	R	Move-in Lease Date	Certification Date	Tenant Name	# Hsld	Cert Income	W/Sheet Income	Rent	U/A	Gross Rent	Elig yna?	Comp yn?	Comments
CT9801001	41	1	R	10/8/2021	10/1/2023	Hansen	1	\$43,588.80	\$43,588.80	\$1,110.00	\$145.00	\$1,255.00	Yes	Yes	No issues.
CT9801001	54	1		12/1/2023	12/1/2023	Hansen	1	\$37,963.43	\$37,963.43	\$1,146.00	\$145.00	\$1,291.00	Yes	Yes	No issues.
CT9801002	67	2	R	9/16/2022	9/1/2023	Zionts	1	\$34,707.49	\$34,707.68	\$1,280.00	\$148.00	\$1,428.00	Yes	Yes	No issues.
CT9801002	69	2		7/1/2023	7/1/2023	Johnson	1	\$47,559.96	\$47,559.96	\$1,359.00	\$148.00	\$1,507.00	Yes	Yes	PROCEDURAL ISSUE: 1. The third page of the TIC with the extra three assets was not provided. They were verified and recorded on the calculation sheet. Going forward, always provide this page.
CT9801002	73	2	R	5/1/2022	5/1/2024	Cataldi	1	\$24,000.00	\$24,000.00	\$1,330.00	\$148.00	\$1,478.00	Yes	Yes	No issues.
CT9801003	78	1	R	10/1/2020	10/1/2023	LaProvidenza	1	\$27,804.00	\$27,804.00	\$910.00	\$145.00	\$1,055.00	Yes	Yes	PROCEDURAL ISSUE: 1. There were blanks on the top of the Self-Cert. Do not leave any blanks on this form.
CT9801003	79	2	R	10/1/2021	10/1/2023	Eldaracher	2	\$50,376.72	\$50,376.72	\$1,280.00	\$148.00	\$1,428.00	Yes	Yes	PROCEDURAL ISSUE: 1. There were blanks on the top of the Self-Cert. Do not leave any blanks on this form.
CT9801003	80	1	R	4/1/2022	4/1/2024	Stuenkel	1	\$30,172.08	\$30,712.08	\$1,155.00	\$145.00	\$1,300.00	Yes	Yes	No issues.
CT9801003	81	2	R	3/20/2023	3/20/2024	Soulier	2	\$39,332.68	\$39,332.68	\$1,436.00	\$148.00	\$1,584.00	Yes	Yes	No issues.
CT9801003	87	2	R	4/1/2023	4/1/2024	Moss	1	\$28,583.04	\$28,583.04	\$1,436.00	\$148.00	\$1,584.00	Yes	Yes	PROCEDURAL ISSUE: 1. TIC signed late on 4/4/2024.
CT9801003	88	2	R	5/1/2023	5/1/2024	Carter	1	\$37,368.22	\$37,368.22	\$1,436.00	\$148.00	\$1,584.00	Yes	Yes	No issues.



# Exhibit F



# Exhibit G

**Zocco, Annamaria F.**

---

**From:** Hollister, Timothy S.  
**Sent:** Wednesday, June 5, 2024 3:43 PM  
**To:** Zocco, Annamaria F.  
**Subject:** FW: Orange - Letter of Completeness - New Canaan Request

Please print thanks

**From:** Santoro, Michael C <Michael.Santoro@ct.gov>  
**Sent:** Wednesday, June 5, 2024 12:27 PM  
**To:** Hollister, Timothy S. <thollister@hinckleyallen.com>; Watson, Laura <Laura.Watson@ct.gov>  
**Cc:** Howe, Carrie-Anne M. <chowe@hinckleyallen.com>  
**Subject:** Orange - Letter of Completeness - New Canaan Request

**EXTERNAL EMAIL**

---

Attorney Hollister:

Throughout that period, units at Millport and Canaan Parish were counted on the Affordable Appeals 10% Exempt List.

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Millport Apartments	18	18	18	18	18	18	18	18	18	18	18	18	18	40	40	40	40	40	
Canaan Parish	60	60	60	60	60	60	60	60	60	60	60	60	60	60	60	60	60	60	60

Please continue to Social Distance and Wear a Mask when Indoors.

Michael C. Santoro  
Director, Office of Policy, Research and Housing Support  
Department of Housing  
505 Hudson Street  
Hartford, CT 06106-7106

# Exhibit H

1989 Conn. Legis. Serv. P. A. 89-311

CONNECTICUT

Public Acts

1989 January Regular Session

Additions are indicated by <<+ UPPERCASE +>>

Deletions by <<- Lowercase ->>

P.A.NO. 89-311

S.H.B.NO. 7270

AFFORDABLE HOUSING DEVELOPMENTS—APPEALS—ZONING

AN ACT ESTABLISHING A STATE AFFORDABLE HOUSING LAND USE APPEALS PROCEDURE AND CONCERNING THE EFFECT OF CHANGES IN ZONING OR INLAND WETLANDS REGULATIONS ON PREVIOUSLY FILED APPLICATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (a) As used in this section: (1) "Affordable housing development" means a proposed housing development (A) which is assisted housing or (B) in which not less than twenty per cent of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that such dwelling units be sold or rented at, or below, prices which will preserve the units as affordable housing, as defined in section 8-39a of the general statutes, for persons and families whose income is less than or equal to eighty per cent of the area median income, for at least twenty years after the initial occupation of the proposed development; (2) "affordable housing application" means any application made to a commission in connection with an affordable housing development by a person who proposes to develop such affordable housing; (3) "assisted housing" means housing which is receiving, or will receive, financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing, and any housing occupied by persons receiving rental assistance under chapter 138a of the general statutes or section 1437f of title 42 of the United States Code; (4) "commission" means a zoning commission, planning commission, planning and zoning commission, zoning board of appeals or municipal agency exercising zoning or planning authority; and (5) "municipality" means any town, city or borough, whether consolidated or unconsolidated.

(b) Any person whose affordable housing application is denied or is approved with restrictions which have a substantial adverse impact on the viability of the affordable housing development or the degree of affordability of the affordable dwelling units, specified in subparagraph (B) of subdivision (1) of subsection (a) of this section, contained in the affordable housing development, may appeal such decision pursuant to the procedures of this section. Such appeal shall be filed within the time period for filing appeals as set forth in sections 8-8, 8-9, 8-28, 8-30, or 8-30a of the general statutes, as applicable, and shall be made returnable to the superior court for the judicial district of Hartford-New Britain. Affordable housing appeals shall be heard by a judge assigned by the chief court administrator to hear such appeals. To the extent practicable, efforts shall be made to assign such cases to a small number of judges so that a consistent body of expertise can be developed. Appeals taken pursuant to this subsection shall be privileged cases to be heard by the court as soon after the return day as is practicable. Except as otherwise provided in this section, appeals involving an affordable housing application shall proceed in conformance with the provisions of said sections 8-8, 8-9, 8-28, 8-30, or 8-30a, as applicable.

(c) Upon an appeal taken under subsection (b) of this section, the burden shall be on the commission to prove, based upon the evidence in the record compiled before such commission that (1) the decision from which such appeal is taken and the reasons cited for such decision are supported by sufficient evidence in the record; (2) the decision is necessary to protect substantial public interests in health, safety, or other matters which the commission may legally consider; (3) such public interests

clearly outweigh the need for affordable housing; and (4) such public interests cannot be protected by reasonable changes to the affordable housing development. If the commission does not satisfy its burden of proof under this subsection, the court shall wholly or partly revise, modify, remand or reverse the decision from which the appeal was taken in a manner consistent with the evidence in the record before it.

(d) Following a decision by a commission to reject an affordable housing application or to approve an application with restrictions which have a substantial adverse impact on the viability of the affordable housing development or the degree of affordability of the affordable dwelling units, the applicant may, within the period for filing an appeal of such decision, submit to the commission a proposed modification of its proposal responding to some or all of the objections or restrictions articulated by the commission, which shall be treated as an amendment to the original proposal. The filing of such a proposed modification shall stay the period for filing an appeal from the decision of the commission on the original application. The commission may hold a public hearing and shall render a decision on the proposed modification within forty-five days of the receipt of such proposed modification. The commission shall issue notice of its decision as provided by law. Failure of the commission to render a decision within said forty-five days shall constitute a rejection of the proposed modification. Within the time period for filing an appeal on the proposed modification as set forth in sections 8-8, 8-9, 8-28, 8-30, or 8-30a of the general statutes, as applicable, the applicant may appeal the commission's decision on the original application and the proposed modification in the manner set forth in this section. Nothing in this subsection shall be construed to limit the right of an applicant to appeal the original decision of the commission in the manner set forth in this section without submitting a proposed modification or to limit the issues which may be raised in any appeal under this section.

(e) Nothing in this section shall be deemed to preclude any right of appeal under the provisions of sections 8-8, 8-9, 8-28, 8-30, or 8-30a of the general statutes.

(f) Notwithstanding the provisions of subsections (a) to (e), inclusive, of this section, the affordable housing appeals procedure established under this section shall not be available if the real property which is the subject of the application is located in a municipality in which at least ten per cent of all dwelling units in the municipality are (1) assisted housing or (2) currently financed by Connecticut Housing Finance Authority mortgages or (3) subject to deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as affordable housing, as defined in section 8-39a of the general statutes, for persons and families whose income is less than or equal to eighty per cent of the area median income. The commissioner of housing shall, pursuant to regulations adopted under the provisions of chapter 54 of the general statutes, promulgate a list of municipalities which satisfy the criteria contained in this subsection and shall update such list not less than annually.

(g) Notwithstanding the provisions of subsections (a) to (e), inclusive, of this section, the affordable housing appeals procedure shall not be applicable to an affordable housing application filed with a commission during the one-year period after a certification of affordable housing project completion issued by the commissioner of housing is published in the Connecticut Law Journal. The commissioner of housing shall issue a certification of affordable housing project completion for the purposes of this subsection upon finding that (1) the municipality has completed an initial eligible housing development or developments pursuant to section 8-336f or sections 8-386 and 8-387 of the general statutes which create affordable dwelling units equal to at least one per cent of all dwelling units in the municipality and (2) the municipality is actively involved in the Connecticut housing partnership program or the regional fair housing compact pilot program under said sections. The affordable housing appeals procedure shall be applicable to affordable housing applications filed with a commission after such one-year period, except as otherwise provided in subsection (f) of this section.

Sec. 2. (NEW) (a) An application filed with a zoning commission, planning and zoning commission, zoning board of appeals or agency exercising zoning authority of a town, city or borough which is in conformance with the applicable zoning regulations as of the time of filing shall not be required to comply with, nor shall it be disapproved for the reason that it does not comply with, any change in the zoning regulations or the boundaries of zoning districts of such town, city or borough taking effect after the filing of such application.

(b) An application for a building permit or certificate of occupancy filed with the building official of a city, town or borough prior to the adoption of zoning regulations by such city, town or borough in accordance with chapter 124 of the general statutes shall not be required to comply with, nor shall it be disapproved for the reason that it does not comply with, such zoning regulations.

Sec. 3. (NEW) An application filed with an inland wetlands agency which is in conformance with the applicable inland wetlands regulations as of the date of the decision of such agency with respect to such application shall not be required thereafter to comply with any change in inland wetlands regulations or boundaries taking effect on or after the date of such decision and any appeal from the decision of such agency with respect to such application shall not be dismissed by the superior court on the grounds that such a change has taken effect on or after the date of such decision.

Sec. 4. This act shall take effect October 1, 1989, except that section 1 of this act shall take effect July 1, 1990.

Approved June 29, 1989.

CT LEGIS P. A. 89-311

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End of Document

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# Exhibit I



STATE OF CONNECTICUT  
DEPARTMENT OF HOUSING

WELL P. WEICKER, JR.  
GOVERNOR

HENRY S. SCHERER, JR.  
COMMISSIONER

To: All Interested Parties  
From: Patricia Downs, Director of Policy and Planning  
Date: April 12, 1994  
Subject: Affordable Housing Appeals Procedure  
Percentages of Assisted Housing Units

The current list of percentages of assisted housing by municipalities is attached.

The units counted for this list are: (1) assisted housing units - housing which is receiving financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing which was occupied by September 30, 1993, and any housing occupied by persons receiving rental assistance under Chapter 138a or Section 142f of Title 42 of the United States Code; (2) **Ownership Housing** - currently financed by Connecticut Housing Finance Authority mortgages or (3) **Deed Restricted Property** - deeds containing covenants or restrictions which require that such dwelling units be sold or rented at or below prices which will preserve the units as affordable housing, as defined in Section 8-39a, for persons and families whose incomes are less than or equal to eighty percent of the area median income.

Some municipalities may notice a change in the total number of family and elderly assisted housing rental units. These changes were caused by (1) towns indicating that projects were double counted, (2) a shift in the number of family/elderly Section 8 certificates/vouchers, and (3) shifts in the geographic location of Rental Assistance certificates. For future lists, DOH has requested from HUD clarification of the Section 8 family/elderly certificates and vouchers because of the difficulty in ensuring the consistency of data received from a variety of sources. Some towns provide a breakdown of the Section 8 family/elderly certificates and vouchers and the breakdowns do not remain the same from year to year. Other towns do not provide breakdowns. These inconsistencies do not affect the totals, but make it difficult to distinguish between the number of family and elderly units.

The 1993 Estimated Housing Units column has been updated by using the 1990 Census and adding the number of building permits issued since the Census was taken. It should be noted that because not all permits issued become units, some municipalities may notice decreases in the total number of units as permit figures are revised from one year to the next.

If you have any questions about this information, please call Gail Perotti at 566-4180.

Deaf and hearing impaired individuals may use a TDD by calling 566-4180. Questions, concerns, complaints, or requests for information in alternative formats must be directed to Marcia Bonitto, ADA (504) Coordinator at 566-5315. Department of Housing programs are administered in a nondiscriminatory manner, consistent with equal employment opportunities, affirmative action, and fair housing requirements.

AFFORDABLE HOUSING APPEALS PROCEDURE LIST

1993 Est.            Assisted Rental    C H F A    Deed  
Housing Units Family    Elderly    Mortgages    Restricted Percentages

TOWNS WHICH ARE EXEMPT UNDER SECTION 1(f) OF P.A. 89-311

Ansonia	7,616	940	164	132		16.23%
Bloomfield	7,995	215	406	286		11.34%
Bridgeport	56,930	7,087	3,380	2,068	42	22.09%
Bristol	25,310	1,262	993	869	24	12.44%
Brooklyn	2,464	102	109	57		10.88%
East Hartford	21,357	1,665	872	653		14.94%
East Windsor	4,151	370	124	77		13.76%
Enfield	16,734	847	377	748	7	11.83%
Groton	16,784	2,745	489	312		21.13%
Hartford	56,081	13,044	3,257	1,733		32.16%
Manchester	22,006	1,555	393	596		11.56%
Meriden	24,888	2,069	838	869		15.17%
Middletown	18,424	2,130	796	393		18.01%
Naugatuck	12,158	500	326	391		10.01%
New Britain	32,315	3,135	1,201	1,001		16.52%
New Haven	54,228	7,993	4,179	1,715	60	25.72%
New London	11,962	1,188	577	369		17.84%
Norwich	16,508	1,307	835	494		15.97%
Plainfield	5,449	219	175	181		10.55%
Putnam	3,826	277	225	63		14.77%
Stamford	44,947	3,911	1,626	395		13.20%
Torrington	15,445	710	509	516		11.23%
Vernon	12,788	1,229	570	279		16.25%
Waterbury	47,548	4,875	2,027	1,921		18.56%
Winchester	5,129	336	166	101		11.76%
Windham	8,772	1,304	427	167	13	21.79%

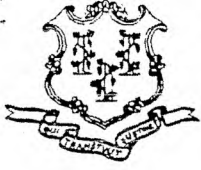
TOWNS WHICH ARE NOT EXEMPT UNDER SECTION 1(F) OF P.A. 89-311

Andover	1,023	0	24	35		5.77%
Ashford	1,655	1	0	37		2.30%
Avon	5,841	2	39	17		0.99%
Barkhamsted	1,373	14	0	21		2.55%
Beacon Falls	2,063	4	0	25		1.41%
Berlin	6,481	7	70	81		2.44%
Bethany	1,645	1	0	5		0.36%
Bethel	6,512	36	124	92		3.87%
Bethlehem	1,304	0	24	4		2.15%
Bolton	1,741	2	0	27		1.67%
Bozrah	900	1	0	18		2.11%
Branford	13,336	157	172	102		3.23%
Bridgewater	755	0	0	1		0.13%
Brookfield	5,470	1	35	58		1.72%
Burlington	2,576	18	0	26		1.71%
Canaan	593	5	0	6		1.85%
Canterbury	1,607	53	24	37		7.09%
Canton	3,370	7	114	29		4.45%
Chaplin	813	3	0	9		1.48%
Cheshire	8,859	20	148	39		2.34%
Chester	1,442	1	23	11		2.43%
Clinton	5,489	18	78	58		2.81%
Colchester	4,557	40	88	102		5.05%

AFFORDABLE HOUSING APPEALS PROCEDURE LIST

	1993 Est. Housing Units	Assisted Rental Family	Rental Elderly	C H F A Mortgages	Deed Restricted	Percentages
Colebrook	632	1	0	12		2.06%
Columbia	1,832	0	24	35		3.22%
Cornwall	855	0	0	2		0.23%
Coventry	4,128	4	80	184		6.49%
Cromwell	5,155	2	147	94		4.71%
Danbury	26,258	1,128	963	404	24	9.59%
Darien	6,709	53	30	1		1.25%
Deep River	1,839	8	26	17		2.77%
Derby	5,330	261	167	40		8.78%
Durham	2,053	0	24	21		2.19%
East Granby	1,759	0	72	23		5.40%
East Haddam	3,484	2	36	52		2.58%
East Hampton	4,351	4	70	74		3.40%
East Haven	10,846	320	120	330		7.10%
East Lyme	7,049	95	94	98		4.07%
Eastford	636	0	0	3		0.47%
Easton	2,278	0	0	0		0.00%
Ellington	4,674	217	42	139		8.52%
Essex	2,789	2	36	20		2.08%
Fairfield	20,417	140	223	52		2.03%
Farmington	8,966	169	131	54	6	4.02%
Franklin	683	1	0	12		1.90%
Glastonbury	11,432	247	307	73		5.48%
Goshen	1,326	0	0	4		0.30%
Granby	3,584	18	81	23		3.40%
Greenwich	23,718	519	513	2	33	4.50%
Griswold	4,296	79	60	166		7.10%
Guilford	7,969	19	90	21		1.63%
Haddam	2,679	2	22	14		1.42%
Hamden	22,776	862	561	247	2	7.34%
Hampton	621	0	0	9		1.45%
Hartland	709	12	0	7		2.68%
Harwinton	1,917	0	20	19		2.03%
Hebron	2,655	2	25	45		2.71%
Kent	1,452	5	24	4		2.27%
Killingly	6,665	265	165	89		7.79%
Killingworth	1,995	1	0	2		0.15%
Lebanon	2,541	2	24	51		3.03%
Ledyard	5,318	9	30	239		5.23%
Lisbon	1,439	2	0	69		4.93%
Litchfield	3,513	21	78	17		3.30%
Lyme	1,029	0	0	5		0.49%
Madison	6,798	1	90	5		1.41%
Mansfield	5,311	123	144	69		6.33%
Marlborough	1,970	1	0	22		1.17%
Middlebury	2,394	0	0	13		0.54%
Middlefield	1,620	0	30	18		2.96%
Milford	20,704	252	471	182		4.37%
Monroe	5,824	1	30	13		0.76%
Montville	6,546	16	80	291		5.91%
Morris	1,119	0	20	3		2.06%
New Canaan	6,990	94	0	0		1.34%
New Fairfield	5,193	0	0	54		1.04%
New Hartford	2,389	6	0	28		1.42%
New Milford	9,733	37	102	147		2.94%

# Exhibit J



State of Connecticut  
Department of Economic  
and Community Development  
505 Hudson Street  
Hartford, CT 06106

TO: All Interested Parties

FROM: Patricia Downs, Executive Director *Patricia Downs*  
Program Planning and Evaluation

DATE: May 1, 1998

SUBJECT: Affordable Housing Appeals Procedure  
Percentages of Assisted Housing Units

The current list of percentages of assisted housing by municipalities is attached.

The units counted for this list are: (1) Assisted Housing Units-housing which is receiving financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing which was occupied or under construction by September 30, 1997, and any housing occupied by persons receiving rental assistance under Chapter 138a of the Connecticut General Statutes ( State Rental Assistance) or Section 142f of Title 42 of the United States Code (Section 8); (2) Ownership Housing - currently financed by Connecticut Housing Finance Authority and/or Farmer's Home Administration mortgages or (3) Deed Restricted Properties- deeds containing covenants or restrictions which require that such dwelling units be sold or rented at or below prices which will preserve the units as affordable housing as defined in C.G.S. 8-39a for persons and families whose incomes are less than or equal to eighty percent of area median income.

Changes in the number of units counted toward the ten percent are caused by several factors including the relocation of households using Section 8 or RAP certificates, the expiration of deed restrictions or refinancing of mortgages, demolition of buildings and the addition of units completed or under construction during the 1996-1997 program year.

These data come from different sources and programs, federal, state and local which make it difficult for the state to ensure complete accuracy. Of particular importance to data accuracy is local administrative review of and input on the street addresses of units and projects, and information on deed restricted units. The response to requests for this information varies widely from community to community.



An Affirmative Action/Equal Opportunity Employer



The 1997 Estimated Housing Units column has been updated by using the 1990 Census and adding the number of building permits issued since the Census was taken. It should be noted that, because not all permits issued become dwelling units, some municipalities may notice decreases in the total number of units as permit figures are revised from one year to the next. In 1996, the Census Bureau eliminated the demolition category on the reporting forms. However, this year, DECD requested that each municipality report demolitions for the time period in question and this information has been included in the total count.

If you have any questions or wish to discuss this information, please call Sandy Bergin at 860-270-8163.

Department of Economic and Community Development programs are administered in a nondiscriminatory manner, consistent with equal employment opportunities, affirmative action, and fair housing requirements. Questions, concerns, complaints, or requests for information in alternative formats must be directed to Marcia Bonnitto, ADA coordinator, at 860-270-8025.

AFFORDABLE HOUSING APPEALS PROCEDURE LIST

TOWN	1997 EST. HOUSING UNITS	GOVERNMENTALLY ASSISTED UNITS	CHFA/FmHA MORTGAGES	DEED RESTRICTED	TOTAL ASSISTED	PERCENT
Towns which are exempt under Section 8-30g CGS						
Ansonia	7,695	1,046	165		1,211	15.74%
Bloomfield	8,063	837	305		1,142	14.16%
Bridgeport	56,057	10,573	1,900	15	12,488	22.28%
Bristol	25,715	2,391	981		3,372	13.11%
Brooklyn	2,551	278	83		361	14.15%
Colchester	5,110	485	122		607	11.88%
Danbury	26,671	2,215	560	24	2,799	10.49%
East Hartford	21,363	2,698	883		3,581	16.76%
East Windsor	4,315	588	101	14	703	16.29%
Enfield	16,909	1,264	855		2,119	12.53%
Groton	16,995	3,265	383		3,648	21.47%
Hartford	55,871	18,190	1,603		19,793	35.57%
Killingly	6,823	640	240		880	12.90%
Manchester	22,531	1,814	842		2,656	11.79%
Meriden	24,805	3,506	1,096		4,702	18.96%
Middletown	18,875	3,010	509		3,519	18.64%
Naugatuck	12,373	861	376		1,237	10.00%
New Britain	32,175	4,662	1,123		5,785	17.98%
New Haven	54,290	14,328	1,517	142	16,087	29.63%
New London	11,942	1,811	413		2,224	18.62%
Norwalk	32,810	3,088	484	406	3,978	12.12%
Norwich	16,564	2,506	488		2,994	18.08%
Plainfield	5,600	468	282		750	13.39%
Putnam	3,874	743	106		849	21.92%
Stamford	45,828	6,329	404	104	6,837	14.92%
Torrington	15,709	1,382	563		1,945	12.38%
Vernon	12,842	2,248	396	96	2,740	21.34%
Waterbury	47,854	7,420	2,137		9,557	20.05%
West Haven	22,806	1,729	650		2,379	10.43%
Winchester	5,150	513	102		615	11.94%
Windsor	8,806	1,821	260		2,081	23.63%
Towns which are not exempt under Section 8-30g CGS						
Andover	1,104	26	35		62	5.62%
Ashford	1,706	38	52		90	5.28%
Avon	6,088	39	31		70	1.15%
Barkhamsted	1,424	5	21		26	1.83%
Beacon Falls	2,132	4	32		36	1.69%
Berlin	6,755	84	92		176	2.61%
Bethany	1,742	0	3		3	0.17%
Bethel	6,649	166	122		288	4.33%
Bethlehem	1,350	24	2		26	1.93%
Bolton	1,822	2	27		29	1.59%
Bozrah	933	2	22		24	2.57%
Branford	13,560	317	153		470	3.47%
Bridgewater	787	0	2		2	0.25%
Brookfield	5,643	39	79		118	2.09%
Burlington	2,778	18	40		58	2.09%
Canaan	604	6	8		14	2.32%
Canterbury	1,686	77	57		134	7.95%
Canton	3,465	133	38		171	4.94%
Chaplin	842	7	19		26	3.09%
Cheshire	9,328	166	73		239	2.56%
Chester	1,511	25	15		40	2.65%
Clinton	5,621	97	70		167	2.97%
Colebrook	655	1	7		8	1.22%
Columbia	1,926	24	43		67	3.48%
Cornwall	875	25	2		27	3.09%
East Granby	4,354	100	187	20	307	7.05%
East Wallingford	5,294	159	132		291	5.50%
Lariden	6,806	83	4		87	1.28%
Deep River	1,895	40	24		64	3.38%
Derby	5,392	397	68		465	8.62%



AFFORDABLE HOUSING APPEALS PROCEDURE LIST

TOWN	1997 EST. HOUSING UNITS	GOVERNMENTALLY ASSISTED UNITS	CHFA/FmHA MORTGAGES	DEED RESTRICTED	TOTAL ASSISTED	PERCENT
Durham	2,198	25	21		46	2.09%
East Granby	1,850	74	20		94	5.08%
East Haddam	3,682	41	41		82	2.23%
East Hampton	4,489	76	75		151	3.36%
East Haven	11,265	480	416		896	7.95%
East Lyme	7,349	224	100		324	4.41%
Eastford	670	1	8		9	1.34%
Easton	2,387	0	0		0	0.00%
Ellington	4,872	254	141		395	8.11%
Essex	2,891	38	15		53	1.83%
Fairfield	20,862	364	70	55	489	2.34%
Farmington	9,428	368	123	6	497	5.27%
Franklin	691	1	16		17	2.46%
Glastonbury	12,036	612	118	128	858	7.13%
Goshen	1,383	0	4		4	0.29%
Granby	3,796	105	40	4	149	3.93%
Greenwich	24,008	1,205	6	12	1,223	5.09%
Griswold	4,511	163	186		349	7.74%
Guilford	8,363	124	33		157	1.86%
Haddam	2,785	25	14		39	1.40%
Hamden	23,025	1,237	446		1,683	7.31%
Hampton	654	1	14		15	2.29%
Hartland	764	12	7		19	2.49%
Harwinton	1,993	26	26		52	2.61%
Hebron	2,870	34	53		87	3.03%
Kent	1,513	31	9		40	2.64%
Killingworth	2,191	1	6		7	0.32%
Lebanon	2,667	38	61		99	3.71%
Ledyard	5,461	43	232		275	5.04%
Lisbon	1,520	5	77		82	5.39%
Litchfield	3,667	139	23	20	182	4.96%
Lyme	1,071	0	2	4	6	0.56%
Madison	7,175	91	19	18	128	1.78%
Madisonville	5,371	329	77		406	7.56%
Middlebury	2,062	25	33		58	2.81%
Middlefield	2,485	152	18		170	6.84%
Milford	1,677	30	22		52	3.10%
Milford	21,383	710	320	7	1,037	4.85%
Monroe	6,256	30	17		47	0.75%
Montville	6,714	107	290		397	5.91%
Morris	1,143	20	6		26	2.27%
New Canaan	7,133	201	2		203	2.85%
New Fairfield	5,415	0	63		63	1.16%
New Hartford	2,496	8	27		35	1.40%
New Milford	10,169	161	188		349	3.43%
Newington	11,963	342	375		717	5.99%
Newtown	8,360	130	38		168	2.01%
Norfolk	920	33	1		34	3.70%
North Branford	4,985	63	65		128	2.57%
North Canaan	1,492	96	3		99	6.64%
North Haven	8,632	138	78		216	2.50%
North Stonington	1,989	0	27		27	1.36%
Old Lyme	4,636	29	20		49	1.06%
Old Saybrook	5,276	63	39		102	1.93%
Orange	4,710	87	11		98	2.08%
Oxford	3,269	37	10		47	1.44%
Plainville	7,650	359	354	32	745	9.74%
Plymouth	4,748	109	194		303	6.38%
Pomfret	1,427	33	17		50	3.50%
Portland	3,460	181	48		229	6.62%
Preston	1,812	40	40		80	4.42%
Prospect	2,890	0	25		25	0.87%
Redding	3,112	0	0		0	0.00%
Ridgefield	8,620	145	14		159	1.84%
Ridgefield	7,631	239	123		362	4.74%
Salisbury	970	3	0		3	0.31%
Salem	1,392	0	24		24	1.72%
Salisbury	2,540	21	3		24	0.94%