

**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?

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<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.



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Seila Mosquera-Bruno  
Commissioner