

**STATE OF CONNECTICUT
DEPARTMENT OF HOUSING**

In the Matter of:)	
)	
Town of New Canaan)	
Certificate of Affordable Housing)	
Completion/Moratorium Application)	February 17, 2023
Pursuant to C.G.S. § 8-30g)	
)	

PETITION FOR PARTY STATUS

Pursuant to Section 4-176(d) of the Connecticut General Statutes, and the Department of Housing’s January 31, 2023 Notice and Order, Hill Street-72 LLC (“Petitioner”) hereby petitions to be made a party in the above-captioned Petition for Declaratory Ruling (the “Petition”).

I. Factual Background and Procedural History.

The party petitioning for party status is a Delaware limited liability company with a business and mailing address of c/o Arnold M. Karp, Member, 16 Cross Street, New Canaan, Connecticut 06840-4831. Petitioner owns real properties located in New Canaan, Connecticut, for which a residential development application compliant with Section 8-30g of the Connecticut General Statutes (“Section 8-30g application”) is pending before the Planning and Zoning Commission of the Town of New Canaan. The Petitioner is the proposed developer / applicant concerning the Section 8-30g application. The Petitioner also has an application pending before the Inland Wetlands Commission of the Town of New Canaan concerning the residential development that is the subject of the Section 8-30g application.

The Town of New Canaan appealed the decision of the Department of Housing (“Department”), dated October 18, 2022, denying the issuance of a Certificate of Affordable Housing Project Completion to the Town.

By a Notice and Order dated January 31, 2023, the Department notified potentially interested parties that on December 2, 2022, the Town of New Canaan filed a Petition for a Declaratory Ruling with the Department, citing Section 4-176 of the Connecticut General Statutes, asking for a declaratory ruling limited to the following questions:

1. Does Section 8-30g(1)(3) of the Connecticut General Statutes preclude [the Department] from awarding housing unit-equivalent points for dwelling units that were completed before the effective date of a prior moratorium toward establishing eligibility for a subsequent moratorium?
2. Is the Town [of New Canaan] currently eligible for a Certificate of Affordable Housing Project Completion, aka Moratorium?

Pursuant to Paragraph 4 of the Department’s Notice and Order, persons or entities seeking party status shall submit a petition for designation of party status to the Department and send copies thereof by mail or electronically to the parties, at least five business days prior to March 1, 2023. Therefore, this Petition is timely.

II. The Petitioner’s Legal Rights, Duties or Privileges Will Be Specifically Affected By The Department’s Proceeding.

The Petitioner is a necessary and indispensable party to the Petition. Pursuant to Section 4-176(d) of the Connecticut General Statutes, “If the agency finds that a timely petition to become a party or to intervene has been filed,....the agency: (1) May grant a person status as a party if the agency finds that the petition states facts demonstrating that the petitioner’s legal rights, duties or privileges shall be specifically affected by the agency proceeding....”

Although the Petitioner's Section 8-30g application is currently grandfathered from a moratorium, the Town could seek to impose a granted moratorium at some future proceeding concerning the Section 8-30g application, such as a remand from the court system. Specifically, there are two examples as to how the Town's request for declaratory ruling may adversely impact the Petitioner. First, a denial of the Petitioner's pending Section 8-30g application could proceed to Superior Court on appeal and result in a remand to the Commission for site plan changes, at which time the Town's Planning and Zoning Commission could raise a granted moratorium as a defense or obstacle. Second, in a court appeal under Section 8-30g, the Town's Planning and Zoning Commission would undoubtedly raise a granted moratorium as a fact relevant to Section 8-30g's requirement that the Commission balance its denial reasons against the Town's need for affordable housing. Therefore, the Petitioner has a direct and substantial interest in the outcome of this action concerning the Town's request for a declaratory ruling.

The Petitioner also advises the Department that if the Petitioner is granted party status, the Petitioner will seek a modest extension of time within which to file substantive comments on the two petition issues.

III. Conclusion:

For the aforementioned reasons, the Petitioner respectfully requests that it be granted party status to enable Petitioner to protect its substantial legal interests that may be adversely impacted by a decision on the requested declaratory ruling.

PETITIONER, HILL STREET-72 LLC

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CERTIFICATION

This is to certify that a copy of the foregoing was mailed or electronically delivered on February 17, 2023 to all counsel and self-represented parties of record and that written consent for electronic delivery was received from all counsel and self-represented parties of record who were electronically served.

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/s/ Christopher J. Smith
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Commissioner of the Superior Court