

Steering Committee
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By way of introduction, we, the members of the Steering Committee of NH CAN (New Haven Citizens' Action Network), represent a grass roots organization concerned about our local government's accountability to its constituency and about its fiscal responsibility to its taxpayers.

We are seeking an advisory opinion as to the question of how the Hatch Act may or may not affect Mr. Sergio Rodriguez, a person we believe to be, directly or indirectly, an employee of the New Haven Housing Authority (NHHA). Mr. Rodriguez simultaneously holds the partisan elected position of Alderperson for Ward 26 on New Haven's Board of Aldermen (BOA), an arm of New Haven's government which votes on issues affecting the NHHA and its projects. Mr. Rodriguez is currently Chair of the powerful BOA's Finance Committee.

We had been under the impression that Mr. Rodriguez was seeking a different position in our city's government because questions about the Hatch Act had been raised. Since he is actively involved with actions of the NH Housing Authority and is seeking another term as Alderman for the 26th Ward, we are compelled to seek clarification of this matter.

Therefore, please accept this letter as a formal request for an advisory opinion concerning the Hatch Act restrictions on employees of municipal agencies or their sub-contractors running for public office in partisan elections.

Mr. Rodriguez claims he is exempt from the Hatch Act because as Community Services Manager for the Homes at Monterey Development in Dixwell "his salary is not paid using HUD funds but through an endowment established by the development team for Monterey¹."

It is our understanding that the project administered by Mr. Rodriguez is part of a HUD initiative. New Haven Housing Authority receives Federal and State funding.

- "Monterey Homes ... replaced housing projects in the late 1990s as part of a Housing and Urban Development initiative²."
- The "Department of Housing and Urban Development's HOPE VI program... funded the new Monterey Place development in the city's Dixwell neighborhood."³

¹ Eleven Democratic Candidates...", New Haven Register, 8 August 2008

² Yaledailynews.com, Published: Thursday, April 8, 2004, Dixwell entrance to renovate: University, city firm team up to restyle house, clean property, Kendra Locke, Staff Reporter

- “The 35-acre Monterey Place is located on the site of the former Elm Haven public housing project. In 1993, the U.S. Department of Housing and Urban Development awarded the city of New Haven a \$45 million HOPE VI grant to transform the existing 848-unit Elm Haven complex into a new mixed-income community.”⁴
- “Housing developments, such as Monterey Place (above), are one component of Yale’s recent presence in the Dixwell neighborhood.”⁵ New Haven’s Board of Aldermen, unanimously voted for the sale of the land to Yale.

Mr. Rodriguez is running in the September 11, 2007 primary as endorsed Democratic candidate in his Ward. If he wins that election he will run as a Democrat in the general election for his current seat on the Board of Alderman.

We look forward to your prompt opinion on this matter.

Most sincerely,

Mona Berman
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³ DeStefano speaks for municipalities, New Haven register, Joseph Straw, Register Washington Bureau, 11/25/2003, http://www.nhregister.com/site/news.cfm?newsid=10565530&BRD=1281&PAG=461&dept_id=7576&rfti=6

⁴ The Commercial Record, New Haven Housing Project Receives Architects’ Award, June 20, 2003, http://www.commercialrecord.com/reprints/CR_reprint_sample.pdf

⁵ The Yale Herald, How Yale won the hearts and minds of Dixwell: Murmurs of two new residential colleges emerge from Yale’s successful courtship., Marie Diamond, OCTOBER 27, 2006 VOL. XLII, NO. 8, <http://www.yaleherald.com/article.php?Article=4969>