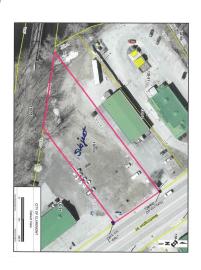
2020 Webinar Series





Retooling Your Zoning to Improve Housing Affordability and Supply

Presented by:

Stephen Buckley, Legal Services Counsel Natch Greyes, Municipal Services Counsel

February 26, 2020

Today's Presenters





Stephen Buckley Legal Services Counsel

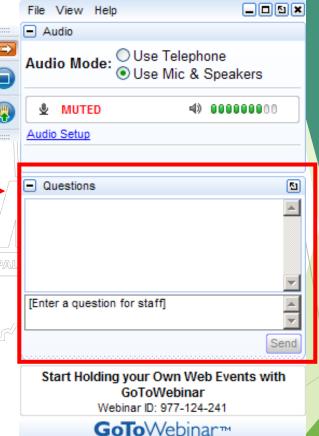
NEW HAMPSHIRE MUNICIPAL ASSOCIATION

Natch Greyes Municipal Services Counsel

How to Participate Today



- Open and close your panel
- Submit text questions
- Q&A addressed during the webinar session
- Pop quiz for your entertainment



The Problem

- Less than 2% of the housing stock in New Hampshire is available for sale or rent. National average is 7%.
- Median home price has climbed to a record \$315,000 in June 2019.
- Median gross rent for a two-bedroom apartment has jumped 20% in the past five years to \$1,347.
 - ▶ Vacancy rates in 9 of 10 counties is less than 1%.
- There simply isn't enough housing
 - Number of building permits issued for single-family homes illustrates: 12,273 in 1986, 7,002 in 2007 before the Great Recession and only 2,710 in 2018.
 - ▶ Population has grown by almost a quarter-million (247,206) since 1990.
 - ▶ Estimated that NH needs around 20k new housing units to meet current demand.



Housing Needs Assessment By Regional Planning Commission

RSA 36:47 II. For the purpose of assisting municipalities in complying with RSA 674:2, III(*l*), each regional planning commission shall compile a regional housing needs assessment, which shall include an assessment of the regional need for housing for persons and families of all levels of income. The regional housing needs assessment shall be updated every 5 years and made available to all municipalities in the planning region.



Southwest Region Planning Commission:

http://swrpc.org/files/Southwest_Housing_Plan_FINAL.pdf

Nashua Regional Planning Commission:

https://www.nashuarpc.org/files/6915/8143/9237/2019_Regional_Housing_Needs_Assessment.pdf

Rockingham Planning Commission:

https://www.therpc.org/application/files/6014/6100/8417/6_RMPHousing.pdf

Strafford Regional Planning Commission:

http://www.strafford.org/cmsAdmin/uploads/hna-full-draft-bcmedit13jan2015_finalforupload.pdf

Southern NH Planning Commission:

https://www.snhpc.org/sites/snhpc/files/uploads/housing_needs_analysis_2010.pdf

Central NH Regional Planning Commission:

http://cnhrpc.org/wp-content/uploads/2016/04/CNHRPC-Chapter-4-Housing-FINAL-4-11-16.pdf

Upper Valley Lake Sunapee Regional Planning Commission:

https://regionalplan.uvlsrpc.org/files/7014/7077/4797/Chapter2_Housing_Final.pdf

Lakes Region Planning Commission (found in Housing Chapter of the Lakes Region Plan 2015-2020): https://www.lakesrpc.org/ckfinder/userfiles/files/Misc/Lakes%20Region%20Plan%20Complete.pdf

North Country Council:

http://www.nccouncil.org/wpcontent/uploads/2015/04/NCCSCI_4A_HousingNeedsandEquity.pdf

Purpose of Workforce Housing Statute:

RSA 674:58-:61



Lack of workforce housing poses a threat to overall NH economy.



Balanced housing supply is a compelling public policy goal.



Workforce Housing statutes clarify requirement of Britton v. Chester, 134 N.H. 439 (1991).



Workforce Housing statutes not intended to create a statewide land use regulation or statewide zoning process.

RSA 674:59 - Workforce Housing **Opportunities:**

- Municipal land use ordinances and regulations shall provide reasonable and realistic opportunities for the development of workforce housing, including rental multi-family housing.
- A municipality shall allow workforce housing to be located in a majority, but not necessarily all, of the land area that is zoned to permit residential uses within the municipality
- This obligation may be satisfied by the adoption of inclusionary zoning as defined in RSA 674;21, IV(a).
- ✓ If a municipality's existing housing stock is sufficient to accommodate its fair share of the current and reasonably foreseeable regional need for such housing, the municipality shall be deemed to be in compliance with this subdivision and RSA 672:1, III-e.









"Workforce housing" (RSA 674: 58, IV)

- Housing for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the HUD zone in which the housing is located.
- "Workforce housing" also means rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the HUD zone in which the housing is located.

Developer claiming protections must declare in application the project is workforce housing

Procedure (RSA 674:60)

Creates a supplemental procedure to object to conditions of approval that make workforce housing dis-economic.

Approved workforce housing can have covenants to ensure workforce housing only sold or rented to households meeting workforce housing income guidelines

Appeals (RSA 674:61)



Workforce housing project denied or subject to onerous conditions can appeal to Superior Court



Hearing on the merits within 6 months



If court or referee rules in favor of the workforce housing project court retains continuing jurisdiction to permit project to proceed.



Court can award a builder's remedy

Determining What is Affordable

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- ▶ 2019 Workforce Housing Purchase and Rent Limits as published by NH Housing – handout
- ► Use the Municipalities by HUD Fair Market Rent Area handout to identify your community.
- Bow, is a Merrimack County Fair Market Rent Areas (Non-Metro): purchase price point between \$248,000 and \$293,000; rental price point is \$1,250/month.
- In Danville you would use the Lawrence MA-NH HMFA Area: purchase price point between \$273,000 and \$335,000; rental price point \$1,380.

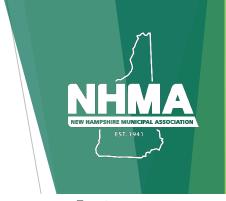
Meeting the Workforce Housing Challenge

NH Municipalities By HUD Fair Market Rent Area

Municipality Name	HUD Fair Market Rent Area Name				
Acworth	Sullivan Co., NH FMR Area				
Albany	Carroll Co., NH FMR Area				
Alexandria	Grafton Co., NH FMR Area				
Alenstown	Merrimack Co., NH FMR Area				
Alstead	Cheshire Co., NH FMR Area				
Alton	Belknap Co., NH FMR Area				
Amherst	Nashua, NH HMFA				
Andover	Merrimack Co., NH FMR Area				
Antrim	Hillsborough Co., NH (part) HMFA				
Ashland	Grafton Co., NH FMR Area				
Atkinson	Lawrence, MA-NH HMFA				
Atkinson & Gilmanton Grant	Coos Co., NH FMR Area				
Auburn	Western Rockingham Co., NH HMFA				
Bamstead	Belknap Co., NH FMR Area				
Barrington	Portsmouth-Rochester, NH HMFA				
Bartlett	Carroll Co., NH FMR Area				
Bath	Grafton Co., NH FMR Area				
Bean's Grant	Coos Co., NH FMR Area				
Bean's Purchase	Coos Co., NH FMR Area				
Bedford	Manchester, NH HMFA				
Belmont	Belknap Co., NH FMR Area				
Bennington	Hillsborough Co., NH (part) HMFA				
Benton	Grafton Co., NH FMR Area				
Berlin	Coos Co., NH FMR Area				
Bethlehem	Grafton Co., NH FMR Area				
Boscawen	Merrimack Co., NH FMR Area				
Bow	Merrimack Co., NH FMR Area				
Bradford	Merrimack Co., NH FMR Area				
Brentwood	Portsmouth-Rochester, NH HMFA				
Bridgewater	Grafton Co., NH FMR Area				
Bristol	Grafton Co., NH FMR Area				
Brookfield	Carroll Co., NH FMR Area				
Brookline	Nashua, NH HMFA				
Cambridge	Coos Co., NH FMR Area				
Campton	Grafton Co., NH FMR Area				
Canaan	Grafton Co., NH FMR Area				
Candia	Western Rockingham Co., NH HMFA				
Canterbury	Merrimack Co., NH FMR Area				
Carroll	Coos Co., NH FMR Area				
Center Harbor	Belknap Co., NH FMR Area				

Municipality Name	HUD Fair Market Rent Area Name				
Chandler's Purchase	Coos Co., NH FMR Area				
Charlestown	Sullivan Co., NH FMR Area				
Chatham	Carroll Co., NH FMR Area				
Chester	Lawrence, MA-NH HMFA				
Chesterfield	Cheshire Co., NH FMR Area				
Chichester	Merrimack Co., NH FMR Area				
Claremont	Sullivan Co., NH FMR Area				
Clarksville	Coos Co., NH FMR Area				
Colebrook	Coos Co., NH FMR Area				
Columbia	Coos Co., NH FMR Area				
Concord	Merrimack Co., NH FMR Area				
Conway	Carroll Co., NH FMR Area				
Cornish	Sullivan Co., NH FMR Area				
Crawford's Purchase	Coos Co., NH FMR Area				
Croydon	Sullivan Co., NH FMR Area				
Cutt's Grant	Coos Co., NH FMR Area				
Dalton	Coos Co., NH FMR Area				
Danbury	Merrimack Co., NH FMR Area				
Danville	Lawrence, MA-NH HMFA				
Deerfield	Western Rockingham Co., NH HMFA				
Deering	Hillsborough Co., NH (part) HMFA				
Derry	Lawrence, MA-NH HMFA				
Dix's Grant	Coos Co., NH FMR Area				
Dixville Township	Coos Co., NH FMR Area				
Dorchester	Grafton Co., NH FMR Area				
Dover	Portsmouth-Rochester, NH HMFA				
Dublin	Cheshire Co., NH FMR Area				
Dummer	Coos Co., NH FMR Area				
Dunbarton	Merrimack Co., NH FMR Area				
Durham	Portsmouth-Rochester, NH HMFA				
East Kingston	Portsmouth-Rochester, NH HMFA				
Easton	Grafton Co., NH FMR Area				
Eaton	Carroll Co., NH FMR Area				
Effingham	Carroll Co., NH FMR Area				
Ellsworth	Grafton Co., NH FMR Area				
Enfield	Grafton Co., NH FMR Area				
Epping	Portsmouth-Rochester, NH HMFA				
Epsom	Merrimack Co., NH FMR Area				
ЕптоІ	Coos Co., NH FMR Area				
Erving's Location	Coos Co., NH FMR Area				



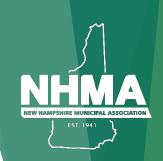


Ownership

Renters

	80% of 2019 HUD Median Area income Family of four		100% of 2019 HUD Median Area Income Family of four		60% of 2019 HUD Median Area income Adjusted for a family of three	
	Income	Estimated Maximum Affordable Purchase Price ¹	Income	Estimated Maximum Affordable Purchase Price ¹	Income	Estimated Maximum Affordable Monthly Rent ²
HUD Metropolitan Fair Market Rent Areas (IMFA):					
Boston-Cambridge-Quincy MA-NH	\$90,640	\$303,000	\$113,300	\$397,000	\$61,180	\$1,530
Hillsborough Co. NH (Part)	\$71,760	\$24,000	\$89,700	\$278,500	\$48,440	\$1,210
Lawrence, MA-NH	\$81,680	\$273,000	\$102,100	\$335,000	\$55,130	\$1,380
Manchester, NH	\$70,880	\$237,000	\$88,600	\$293,000	\$47,840	\$1,200
Nashua, NH	\$82,320	\$275,000	\$102,900	\$336,500	\$55,570	\$1,390
Portsmouth-Rochester, NH	\$75,440	\$252,000	\$94,300	\$312,500	\$50,920	\$1,270
Western Rockingham Co, NH	\$87,600	\$292,500	\$109,500	\$363,000	\$59,130	\$1,480
County Fair Market Rent Areas (Non Metro)	:					
Belknap County	\$62,240	\$208,000	\$77,800	\$263,500	\$42,010	\$1,050
Carroll County	\$55,040	\$184,000	\$68,800	\$248,000	\$37,150	\$930
Cheshire County	\$61,840	\$206,500	\$77,300	\$233,000	\$41,740	\$1,040
Coos County	\$48,960	\$163,500	\$61,200	\$182,500	\$33,050	\$830
Grafton County	\$71,920	\$240,500	\$89,900	\$292,000	\$48,550	\$1,210
Merrimack County	\$74,160	\$248,000	\$92,700	\$293,500	\$50,060	\$1,250
Sullivan County	\$58,880	\$196,500	\$73,600	\$221,500	\$39,740	\$990

General Observations*



It is actually unnecessary for a community to identify what its fair share responsibility is. As long as the municipality is providing realistic and reasonable opportunities for the development of workforce housing, the question of fair share is irrelevant. A fair share analysis is necessary only if and when a community wishes to claim that it is exempt from providing reasonable and realistic opportunities forthe development of new workforce housing.

^{*}From Meeting the Workforce Housing Challenge: A Guidebook for New Hampshire Municipalities, NH Housing, June 2010.

Hollis Approach

- Grant increased density for qualifying workforce housing by Planning Board Conditional Use Permit:
- As noted in Section C, as well as specified in other sections of the zoning ordinance, workforce housing developments are a permitted use through a Planning Board approved Conditional Use Permit (CUP) process in the following zoning districts: Agricultural and Business; Residential and Agricultural; Town Center, as well as in the Multi-family Overlay Zone, provided that the workforce housing criteria outlined in Section XVIII and elsewhere in the zoning ordinance are met. Residential unit densities shall be permitted to increase so as to afford a reasonable and realistic opportunity for the development of workforce housing units.
- Provided that adequate assurances of continued affordability through deed restriction, restrictive covenant or other contractual arrangement.



New London Approach

- ► Through a conditional use permit process the Planning Board may approve one or more incentives if the applicant demonstrates that the Town's land use ordinances and regulations induce a cost prohibitive project.
- Possible incentives; Density Bonus, Lot Size Reduction, Road Frontage Reduction, Setback Reduction, Open Space Reduction, Waiver of Application Fees.
- ▶ Developer must provide assurances of continued affordability.



North Hampton Approach

- Inclusionary Housing Ordinance in force if the Planning Board has found that the percentage of housing units in the Town of North Hampton's housing stock that meet standards for workforce housing does not equal or exceed the Town's "Fair Share" of workforce housing.
- Planning Board grants Conditional Use Permit under RSA 674:21.
- A site plan or subdivision plan that proposes to guarantee a percentage of workforce housing units that is equal to or greater than the Town's "Development Fair Share" of workforce housing may be granted relief by the Planning Board from the minimum lot size, frontage, front-yard, side-yard and rear-yard setback requirements in the underlying district.
- Density Bonus: Minimum Lot Size

Single Family: 1/3 acre of contiguous upland

Duplex: 1/2 acre of contiguous upland

Multi-Family: 1 acre of contiguous upland, 1/4 acre for

each additional unit > 5

Assurances of Continued Affordability



Accessory Dwelling Unit Flexibility:



Provided the property owner delivers adequate assurances of continued affordability:

- ✓ Permit detached accessory dwelling units?
- ✓ Allow ADU's to exceed 750 square feet in size?
- ✓ Don't require owner occupancy of either the primary or accessory unit?
- Don't impose aesthetic continuity requirements?
- Don't limit the number of bedrooms?

General Guidance

- Increasing density for workforce housing developments but consistent with NHDES standards that suggest a minimum lot area of between 30,000 square feet and 90,000 square feet.
- Modify zoning ordinances to permit multi-family dwellings (5 units or more).
- Modify Design & Construction Standards for Subdivision Roads American Association of State Highway and Transportation Official's (AASHTO) suggests that most low volume (under 400 vehicles per day) residential streets should have a minimum paved width of 18 to 20 feet, but it is common for local subdivision regulations to require 24 feet or more of paved street width.



General Guidance (cont.)

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- ► Reduce minimum frontage requirements. With roads costing anywhere from \$200 \$600 a linear foot, this can result in significant cost savings.
- Adopt regulations allowing homes to be built on back lots with reduced road frontage requirements.
- Reduce minimum yard and setback requirements.
- Waive or reduce impact fees for qualifying projects.



A HANDBOOK FOR SUSTAINABLE DEVELOPMENT



COMPILED BY

New Hampshire Department of Environmental Services

New Hampshire Association of Regional Planning Commissions

New Hampshire Office of Energy and Planning

New Hampshire Local Government Center



Office of Strategic Initiative: Innovative Land Use Planning Techniques: A Handbook for Sustainable Development

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Chapter 1.9 Inclusionary Zoning Complete Chapter:

https://www.des.nh.gov/repp/documents/ilupt_chpt_1.9.pdf

Ordinance Template Only:

https://www.des.nh.gov/repp/documents/ilupt_chpt_1.9_ord_only.doc

Upcoming Webinar





REGISTER TODAY!

Upcoming Webinar





REGISTER TODAY!



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Upcoming Workshops

Free to Members

FREE workshops for veteran and new municipal officials and employees of NHMA member municipalities.

Presented by NHMA's Legal Services attorneys, these workshops provide municipal officials with tools and information to effectively serve their communities. Topics will include the Right-to-Know Law, ethics and conflicts, effective meetings, town governance, municipal roads, budget and finance, and more. Ample time allowed for questions, answers, and discussion. Attendees will receive a complimentary copy of NHMA's 2020 edition of the publication, Knowing the Territory

DATES AND LOCATIONS



020 Local Officials Workshops

9:00 am — 4:00 pm Registration begins at 8:30 am Continental breakfast will be provided.

Tuesday, April 7: Concord (NHMA Offices) Tuesday, April 21: Newington (Town Hall) Tuesday, May 19: Peterborough (Community Center) Thursday, May 28: Sugar Hill (The Meeting House)

Registration Now Open!

No Registration Fee.

To register online, please visit www.nhmunicipal.org and click on the Calendar of Events.

Questions?

NHMAregistrations@nhmunicipal.org

12:00 noon -1:00 pm

LUNCH ON YOUR OWN

Please call 800.852.3358, ext. 3350 or email Time provided for attendees to get lunch!











REGISTER TODAY!

Upcoming Workshops

How Does the Select Board grant permission for use and repair of a Class VI Road?

What can we do about Postal Service Vehicles causing ruts in road shoulders?

What are the rules governing CDL licensing for municipal employees?

Join NHMA Legal Services Counsel Stephen Buckley and Municipal Services Counsel Natch Greyes for the answers to these questions — and many more! The attorneys will discuss the designation and management of Class VI roads, including how and when building permits can issued under RSA 674-81, granting permission for use of Class VI roads by OHRV's and snow-mobiles, and allowing abutting property owners to undertake private repairs. This workshop will also cover management of local highway construction, repair and maintenance through the office of an elected or appointed road agent or expert agent, and the requirement of CDL licensing for municipal highway employees. This workshop will also provide a review of the local regulation of highways by the select board including, parking, street numbers, street names, weight limits, mailbox location, as well as driveway regulation by the planning board.

Cost: \$65.00*

*dose not includ publication

Attendees receive 2020 supplement to the 2015 edition of A Hard Road to Travel.



A HARD ROAD TO TRAVEL

New Hampshire Law of Local Highways, Streets, and Trails

Friday, April 17, 2020

9:00 a.m. — 12:30 p.m. Registration at 8:30 a.m.

NHMA Offices 25 Triangle Park Drive Concord, NH

Online pre-registration required one week prior. Space is limited.

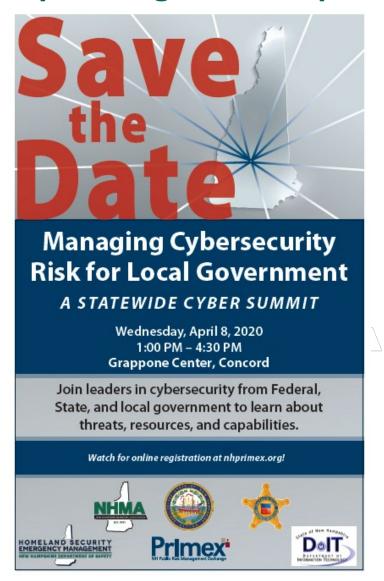
Questions? Call 800.852.3358, ext. 3350, or email NHMAregistrations@nhmunicipal.org NHAMPSHIRE MUNICIPAL ASSOCIATION

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Hot Topics in Road Law—A New & Improved Hard Road to Travel Workshop



Upcoming Workshops







REGISTER TODAY!

Upcoming Workshops



BACK BY POPULAR DEMAND!

Terry Knowles, formerly with the New Hampshire Charitable Trusts Division at the Attorney General's Office, is coming out of retirement to explain the duties, responsibilities, and reporting requirements of municipal trustees and how these trustees interact with other municipal officials.

TENTATIVE AGENDA

9:00 am - 9:15 am:

Introduction to Charitable Trusts Division Tom Donovan, Director, Attorney Generals Office

9:15 am - 10:45 am:

A Little Help From My Friends Terry Knowles, Emeritus Assistant Director

10:45 am - 11:00 am: Break

11:00 am - 12:15 pm: Governance and Right-to-Know Law Stephen Buckley and Natch Greyes NH Municipal Association

12:15 pm - 1:00 pm: Lunch

1:00 pm - 2:00 pm:

Breakout sessions with Cemetery Trustee and Trustees of Trust Funds representatives

2:00 pm - 2:15 pm: Break

2:15 pm - 3:30 pm: Trust Fund Administration

Jamie Dow

NH Department of Revenue Administration

REGISTRATION FEE

\$65 per person

(includes continental breakfast and lunch)

WHEN

Wednesday, June 10, 2020 9:00 am—3:00 pm

WHERE

NHMA Offices 25 Triangle Park Drive Concord, NH 03301

CONTACT INFO

Ashley Methot
Events Coordinator
25 Triangle Park Drive
Concord, NH 03301
603.230.3340
amethot@nhmunicipal.org

FOR ADDITIONAL DETAILS VISIT

www.nhmunicipal.org

REGISTRATION OPENS EARLY APRIL 2020





for joining us today!



NHMA'S MISSION

Through the collective power of cities and towns, NHMA promotes effective municipal government by providing education, training, advocacy and legal services.

