

Committee Report

REGULAR CALENDAR

February 17, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Municipal and County Government to which was referred HB 586-FN-A-LOCAL,

AN ACT relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Marjorie Porter

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

| | |
|-------------------|--|
| Committee: | Municipal and County Government |
| Bill Number: | HB 586-FN-A-LOCAL |
| Title: | relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development. |
| Date: | February 17, 2021 |
| Consent Calendar: | REGULAR |
| Recommendation: | OUGHT TO PASS |

STATEMENT OF INTENT

In 2020, the Governor's Task Force on Housing proposed legislation to encourage the development of affordable housing within the state. Unfortunately, after extensive work by several House committees, the two amended companion bills died on the table due to the pandemic. This bill is the combined version of those amended bills. In amending last year's bills, the committees worked closely with all major stakeholders to make the provisions enabling rather than mandatory, and to maintain and enhance local control of development. HB 586 provides for free training materials for planning boards and zoning boards of appeals. It streamlines the appeals process, clarifies what can be incorporated in inclusionary zoning ordinances, and modifies the criteria for workforce housing. It permits municipal economic development and revitalization districts under RSA 162-K to be used to increase workforce housing and other residential development within a city or town, and increases the community revitalization tax relief incentive period for eligible housing projects under RSA 79-E. Finally, it establishes the New Hampshire housing champion certification program as an incentive for communities who seek to make housing a priority. This enabling legislation gives communities a toolbox of options to use if they so choose and maintains local control.

Vote 15-3.

Rep. Marjorie Porter
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Municipal and County Government

HB 586-FN-A-LOCAL, relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie Porter for the **Majority** of Municipal and County Government. In 2020, the Governor's Task Force on Housing proposed legislation to encourage the development of affordable housing within the state. Unfortunately, after extensive work by several House committees, the two amended companion bills died on the table due to the pandemic. This bill is the combined version of those amended bills. In amending last year's bills, the committees worked closely with all major stakeholders to make the provisions enabling rather than mandatory, and to maintain and enhance local control of development. HB 586 provides for free training materials for planning boards and zoning boards of appeals. It streamlines the appeals process, clarifies what can be incorporated in inclusionary zoning ordinances, and modifies the criteria for workforce housing. It permits municipal economic development and revitalization districts under RSA 162-K to be used to increase workforce housing and other residential development within a city or town, and increases the community revitalization tax relief incentive period for eligible housing projects under RSA 79-E. Finally, it establishes the New Hampshire housing champion certification program as an incentive for communities who seek to make housing a priority. This enabling legislation gives communities a toolbox of options to use if they so choose and maintains local control. **Vote 15-3.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

February 18, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Municipal and County Government to which was referred HB 586-FN-A-LOCAL,

AN ACT relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development. Having considered the same, and being unable to agree with the Majority, report with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Tony Piemonte

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

| | |
|-------------------|--|
| Committee: | Municipal and County Government |
| Bill Number: | HB 586-FN-A-LOCAL |
| Title: | relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development. |
| Date: | February 18, 2021 |
| Consent Calendar: | REGULAR |
| Recommendation: | INEXPEDIENT TO LEGISLATE |

STATEMENT OF INTENT

The minority of the committee believed, even after hours of testimony from two prior bills presented in 2020 that failed to pass and after hours in subcommittee meetings trying to combine them into HB 586-FN-A-LOCAL, that this bill made the pendulum swing further in favoring land developers. I am sure like in all beginnings you start off with good intentions. Unfortunately, this bill goes too far by adding 20 RSAs being added to the existing five TITLE LXVIV PLANNING AND ZONING, LOCAL LAND USE PLANNING AND REGULATORY POWERS Workforce Housing, New Hampshire Statutes CHAPTER 53-F: ENERGY AND CLEAN ENERGY DISTRICTS, TITLE LV PROCEEDINGS IN SPECIAL CASES CHAPTER 541-A ADMINISTRATIVE PROCEDURE ACT, and my all time favorite, TITLE V TAXATION CHAPTER 79-E COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE to name a few. There are 15 additional RSAs that have to be added. Consequently, it will grow this government bureaucracy bigger and expand regulations through RSAs if that happens. There is also a 16-member advisory board that will be appointed to round this out. I hope the free training that the planning boards will get from the Office of Strategic Initiatives also applies to the members of the Advisory Board, if needed. Of the many emails that I received, most were from small towns, and there were many questions about how this would affect them. There was one question that I was asked many times and that I could not answer. "How much is this going to cost?" Now the next step will be in finance and we will soon find out.

Rep. Tony Piemonte
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Municipal and County Government

HB 586-FN-A-LOCAL, relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development.
INEXPEDIENT TO LEGISLATE.

Rep. Tony Piemonte for the **Minority** of Municipal and County Government. The minority of the committee believed, even after hours of testimony from two prior bills presented in 2020 that failed to pass and after hours in subcommittee meetings trying to combine them into HB 586-FN-A-LOCAL, that this bill made the pendulum swing further in favoring land developers. I am sure like in all beginnings you start off with good intentions. Unfortunately, this bill goes too far by adding 20 RSAs being added to the existing five TITLE LXVIV PLANNING AND ZONING, LOCAL LAND USE PLANNING AND REGULATORY POWERES Workforce Housing, New Hampshire Statutes CHAPTER 53-F: ENERGY AND CLEAN ENERGY DISTRICTS, TITLE LV PROCEEDINGS IN SPECIAL CASES CHAPTER 541-A ADMINISTRATIVE PROCEDURE ACT, and my all time favorite, TITLE V TAXATION CHAPTER 79-E COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE to name a few. There are 15 additional RSAs that have to be added. Consequently, it will grow this government bureaucracy bigger and expand regulations through RSAs if that happens. There is also a 16-member advisory board that will be appointed to round this out. I hope the free training that the planning boards will get from the Office of Strategic Initiatives also applies to the members of the Advisory Board, if needed. Of the many emails that I received, most were from small towns, and there were many questions about how this would affect them. There was one question that I was asked many times and that I could not answer. "How much is this going to cost?" Now the next step will be in finance and we will soon find out.

Original: House Clerk

Cc: Committee Bill File

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 586-FN-A-LOCAL

BILL TITLE: relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development.

DATE: February 9, 2021

LOB ROOM: Hybrid

MOTIONS: RETAINED

Moved by Rep. Piemonte

Seconded by Rep. Melvin

Vote: 6-12

MOTIONS: OUGHT TO PASS

Moved by Rep. Porter

Seconded by Rep. Stavis

Vote: 15-3

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John MacDonald, Clerk



2021 SESSION

Municipal and County Government

Bill #: HB 586-FN-A-L Motion: OTP AM #: _____ Exec Session Date: 2/9/21

| <u>Members</u> | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|------------------------------|-------------|-------------|-----------|
| Dolan, Tom Chairman | 15 | | |
| Piemonte, Tony Vice Chairman | | 1 | |
| MacDonald, John T. Clerk | 1 | | |
| Tripp, Richard P. | 2 | | |
| Guthrie, Joseph A. | 3 | | |
| Lascelles, Richard W. | 4 | | |
| McBride, Everett P. | 5 | | |
| Melvin, Charles R. | | 2 | |
| Ayer, Paul F. | | | |
| Pauer, Diane | | 3 | |
| Porter, Marjorie A. | 6 | | |
| Treleaven, Susan GS | 7 | | |
| Gilman, Julie D. | 8 | | |
| Maggiore, Jim V. | 9 | | |
| Stavis, Laurel | 10 | | |
| Mangipudi, Latha D. | 11 | | |
| Vann, Ivy C. | 12 | | |
| Klee, Patricia S. | 13 | | |
| Gallager, Eric B. | 14 | | |
| TOTAL VOTE: | 15 | 3 | |



2021 SESSION

Municipal and County Government

Bill #: HB 586-FN-A-L Motion: RETAIN

AM #: _____

Exec Session Date: 2/9/21

| <u>Members</u> | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|------------------------------|-------------|-------------|-----------|
| Dolan, Tom Chairman | | 12 | |
| Piemonte, Tony Vice Chairman | 1 | | |
| MacDonald, John T. Clerk | 2 | | |
| Tripp, Richard P. | 3 | | |
| Guthrie, Joseph A. | 4 | | |
| Lascelles, Richard W. | | 1 | |
| McBride, Everett P. | | 2 | |
| Melvin, Charles R. | 5 | | |
| Ayer, Paul F. | | | |
| Pauer, Diane | 6 | | |
| Porter, Marjorie A. | | 3 | |
| Treleaven, Susan GS | | 4 | |
| Gilman, Julie D. | | 5 | |
| Maggiore, Jim V. | | 6 | |
| Stavis, Laurel | | 7 | |
| Mangipudi, Latha D. | | 8 | |
| Vann, Ivy C. | | 9 | |
| Klee, Patricia S. | | 10 | |
| Gallager, Eric B. | | 11 | |
| TOTAL VOTE: | 6 | 12 | |

Public Hearing

CarmHOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 586-FN-A-LOCAL

BILL TITLE: relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development.

DATE: February 1, 2021

LOB ROOM: Hybrid **Time Public Hearing Called to Order:** 10:05 a.m.

Time Adjourned: 10:55 a.m.

Committee Members: Reps. Dolan, Piemonte, J. MacDonald, Tripp, Guthrie, Lascelles, McBride, Melvin, Ayer, Pauer, Porter, Treleaven, Gilman, Maggiore, Stavis, Mangipudi, Vann, Klee and Gallager

Bill Sponsors:

Rep. Alexander Jr.

Rep. Lascelles

Rep. Burroughs

Rep. Umberger

Rep. Griffith

Sen. Hennessey

Sen. Perkins Kwoka

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Alexander - Prime sponsor of the bill. Governor's Task Force - policy recommendation. No mandate - strategic initiative - fee - transparency - limits time. Courts can take on appeals. Expands definition of work force housing - allows for inclusionary developments. Governor Sununu supports this bill. Numerous groups in support of the bill.

Ben Frost, Policy and Public Affairs, NH Housing Authority - Supports the bill, Housing development will work smoother in New Hampshire. Inclusionary zoning - inducement to build in affordable housing. More transparent process for developers.

Joseph Garruba - Concerned resident and a participant in local government. Problems with bill language. Seven most significant problems included in his written testimony along with other problems. Certain sections override local authority in zoning ordinances. Dramatically changes ordinances that voters have chosen for their local development. Time limits on planning and zoning boards is a problem. They need extra time to review proposals.

Rep. Mangipudi: How many people have signed up for the bill? ANS: 46 in support - 11 opposing - 3 neutral.

Rep. Maggiore: Any conflict with the appeals to the Superior Court? ANS: 120 days for appeals - two options for appeals concerning housing.

Rep. Lascelles - Co-sponsor of the bill. Proud supporter of bill.

Carmen Lorentz, Lakes Region Community Developers - Financial incentives are included with the bill. New tool in the tool box.

Rep. Gallagher: Age restricted housing and work force housing - differences between the (Ben Frost) age restricted housing. Exception to exemption to age discrimination. Work force housing - every municipality must target property based on earnings.

Rep. Porter: Are we seeing the amended version of the bill from last year? ANS: Yes, it is the same.

Aaron Penkacik - Opposes the bill. We value our property bill. Will reduce property value.

Margaret Byrnes, NH Municipal Association - Neutral on the bill. Happy with the amendment to the bill from last year.

***Harrison Kanzler, Director, The Mount Washington Valley Housing Coalition** - Written testimony. Fully support this legislation. Lack of employees, due to lack of housing. No where for people to live.

Taylor Caswell, Commissioner, Business and Economic Affairs - Co-chair of task force that brought up these issues. We need to bring a workforce to the state of New Hampshire. Connection to housing is needed to grow the economy.

Elissa Margolin, Housing Action NH - 80 organizations in New Hampshire. Proposals come from other study committee. High priority for work force retention.

Sara Holland, NH Association of REALTORS - Asking for support of bill. Fewer than 1500 homes for sale in New Hampshire. Three weeks and every home could be sold in New Hampshire. Important step in the right direction. Modest and practical approach in the bill.

Will Stewart, Stay Work Play NH - Need all the young people to stay in New Hampshire. Main reason to leave is the lack of affordable housing in NH. Bill will reduce housing costs in NH.

Richard Maynard - Lives in Stratham. Supports the bill. It is a step in the right direction.

Mark Decouteau, Financial Consulting - Section 7, increases the income of workforce housing to 120%. Amend the amount back to.

Allan Reetz, The Hanover Co-op - Nothing happens without employees. Boost in everything with an affordable place to live.

Molly Lunn Owen, 603 Forward - Member of the Manchester Planning Board. Supports the bill for the training abilities for planning boards.

Respectfully submitted,

Rep. John MacDonald
Clerk

House Remote Testify

Municipal and County Government Committee Testify List for Bill HB586 on 2021-02-01

Support: 60 Oppose: 24 Neutral: 3 Total to Testify: 17

Export to Excel

| <u>Name</u> | <u>City, State</u> <u>Email Address</u> | <u>Title</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> | <u>Non-Germane</u> | <u>Signed Up</u> |
|---------------------|--|------------------------|---|-----------------|-------------------|--------------------|--------------------|
| Frost, Ben | bfrost@nhhfa.org | State Agency Staff | New Hampshire Housing | Support | Yes (5m) | No | 1/31/2021 12:41 PM |
| Lunn Owen, Molly | molly@603forward.org | A Lobbyist | 603 Forward | Support | Yes (2m) | No | 2/1/2021 9:00 AM |
| Byrnes, Margaret | mbyrnes@nhmunicipal.org | A Lobbyist | NH Municipal Association | Neutral | Yes (2m) | No | 1/31/2021 8:57 AM |
| LeDoux, Mark | Markledoux@me.com | An Elected Official | Myself | Oppose | Yes (2m) | No | 2/1/2021 9:54 AM |
| Reetz, Allan | areetz@coopfoodstore.com | A Member of the Public | The Hanover Co-op...a local business | Support | Yes (0m) | No | 2/1/2021 9:50 AM |
| Berry, Elliott | eberry@nhla.org | A Lobbyist | NH Legal Assistance | Support | Yes (0m) | No | 2/1/2021 10:12 AM |
| Carley, Christopher | design@cncarley.com | A Member of the Public | Myself | Neutral | Yes (0m) | No | 1/31/2021 5:47 PM |
| Penkacik, Aaron | apenkacik@gmail.com | A Member of the Public | Myself | Oppose | Yes (0m) | No | 1/31/2021 6:16 PM |
| Alexander, Joe | Joe.Alexander@leg.state.nh.us | An Elected Official | Myself | Support | Yes (0m) | No | 1/21/2021 9:30 AM |
| Garruba, Joseph | jm002@garruba.com | A Member of the Public | Myself | Oppose | Yes (0m) | No | 1/26/2021 10:08 PM |
| Margolin, Elissa | elissa@housingactionnh.org | A Lobbyist | Housing Action NH | Support | Yes (0m) | No | 1/28/2021 11:06 AM |
| Alexander, Rep Joe | Joe.Alexander@leg.state.nh.us | An Elected Official | Myself | Support | Yes (0m) | No | 1/28/2021 3:57 PM |
| Lorentz, Carmen | clorentz@lrcommunitydevelopers.org | A Member of the Public | Lakes Region Community Developers | Support | Yes (0m) | No | 1/28/2021 2:03 PM |
| Kanzler, Harrison | harrison@mwvhc.org | A Member of the Public | The Mount Washington Valley Housing Coalition | Support | Yes (0m) | No | 1/28/2021 3:09 PM |
| Holland, Sara | sara@sarahollandco.com | A Member of the Public | NH Association of REALTORS | Support | Yes (0m) | No | 1/29/2021 12:53 PM |
| Caswell, Taylor | taylor.caswell@livefree.nh.gov | State Agency Staff | Business and Economic Affairs | Support | Yes (0m) | No | 1/29/2021 1:00 PM |
| Stewart, Will | will@stayworkplay.org | A Lobbyist | Stay Work Play NH | Support | Yes (0m) | No | 1/29/2021 2:35 PM |
| Sununu - cje, | governorsununu@nh.gov | An Elected Official | Executive Branch | Support | No | No | 1/29/2021 3:20 PM |

| | | | | | | | |
|----------------------|------------------------------------|------------------------|--------------|---------|----|----|-------------------|
| Governor Christopher | | | | | | | |
| Stapleton, Walter | waltstapleton@comcast.net | An Elected Official | Myself | Support | No | No | 1/29/2021 4:13 PM |
| Brown, Ellie | ejb.615@gmail.com | A Member of the Public | Myself | Support | No | No | 1/29/2021 5:00 PM |
| Harrold, Benjamin | benjaminharrold@gmail.com | A Member of the Public | Myself | Support | No | No | 1/29/2021 7:36 PM |
| Grossi, Anne | adgrossi7982@gmail.com | A Member of the Public | Myself | Support | No | No | 1/29/2021 9:51 PM |
| McWilliams, Rebecca | rebecca.mcwilliams@leg.state.nh.us | An Elected Official | Merrimack 27 | Support | No | No | 1/22/2021 4:01 PM |
| Dutton, Richard | r7dutton@gmail.com | A Member of the Public | Myself | Support | No | No | 1/30/2021 9:02 AM |
| Homola, Susan | susan.homola@leg.state.nh.us | An Elected Official | Myself | Oppose | No | No | 1/30/2021 9:26 AM |
| Flockhart, Eileen | hartflock@comcast.net | A Member of the Public | Myself | Support | No | No | 1/30/2021 1:02 PM |
| Gould, Rep. Linda | lgouldr@myfairpoint.net | An Elected Official | Myself | Oppose | No | No | 1/30/2021 3:56 PM |
| Moore, Susan | susan.moore.franconia@gmail.com | A Member of the Public | Myself | Support | No | No | 1/30/2021 4:21 PM |
| Tourigny, Robert | rtourigny@nwsnh.org | A Member of the Public | Myself | Support | No | No | 1/29/2021 1:26 PM |
| Almy, Susan | susan.almy@comcast.net | An Elected Official | Myself | Support | No | No | 1/29/2021 1:46 PM |
| Cloutier, John | jocloutier@comcast.net | An Elected Official | Myself | Support | No | No | 1/29/2021 2:18 PM |
| Cloutier, Rep. John | jocloutier@comcast.net | An Elected Official | Myself | Support | No | No | 1/29/2021 2:21 PM |
| Tentarelli, Liz | LWV@kenliz.net | A Member of the Public | Myself | Support | No | No | 1/28/2021 3:12 PM |
| Affeldt, Rosemary | rosemary.affeldt@comcast.net | A Member of the Public | Myself | Support | No | No | 1/28/2021 3:54 PM |
| Blais, Vanessa | bessblais@gmail.com | A Member of the Public | Myself | Support | No | No | 1/28/2021 2:14 PM |
| Termini, Marcella | marcellatermini@gmail.com | A Member of the Public | Myself | Support | No | No | 1/28/2021 2:49 PM |
| Sargent, Sean | SeanSargent8@gmail.com | A Member of the Public | Myself | Support | No | No | 1/28/2021 6:26 PM |
| Fordey, Nicole | nikkif610@gmail.com | A Member of the Public | Myself | Support | No | No | 1/28/2021 8:50 PM |
| Harrold, Kristina | kristinalharrold@gmail.com | A Member of the Public | Myself | Support | No | No | 1/29/2021 3:38 PM |
| Gugliucci, Nicole | nicoleegugliucci@gmail.com | A Member of the Public | Myself | Support | No | No | 1/29/2021 8:06 AM |
| MaLossi Kerbyson, | fpgcdirector@gmail.com | A Member of the | Myself | Support | No | No | 1/29/2021 9:08 AM |

| | | | | | | | |
|--------------------------------|--------------------------------------|------------------------|--|---------|----|----|--------------------|
| Liane | | Public | | | | | |
| Byron, Janine | packratt63@hotmail.com | A Member of the Public | Myself | Oppose | No | No | 1/29/2021 10:12 AM |
| Kiess, Mike | michael@vitalcommunities.org | A Member of the Public | Myself | Support | No | No | 1/29/2021 10:41 AM |
| Schaick, Erin | eschaick@catchhousing.org | A Member of the Public | Myself | Support | No | No | 1/29/2021 10:51 AM |
| Stevenson, Carolyn | cspaddler@myfairpoint.net | A Member of the Public | Myself | Support | No | No | 1/29/2021 10:51 AM |
| Savard, Stephanie | ssavard@nhceh.org | A Member of the Public | NH Coalition to End Homelessness | Support | No | No | 1/29/2021 11:15 AM |
| Hodgetts, Noah | noah.hodgetts@osi.nh.gov | State Agency Staff | NH Office of Strategic Initiatives | Neutral | No | No | 1/28/2021 11:26 AM |
| Maynard, Richard | maynardrick@outlook.com | A Member of the Public | Myself | Support | No | No | 1/28/2021 1:45 PM |
| true, chris | true03873@comcast.net | An Elected Official | Myself | Oppose | No | No | 1/28/2021 10:36 AM |
| Perkins Kwoka, Senator Rebecca | rebecca.perkinskwoka@leg.state.nh.us | An Elected Official | Myself (SD 21) | Support | No | No | 1/21/2021 11:07 AM |
| Hennessey, Erin | erin.hennessey@leg.state.nh.us | An Elected Official | SD1 | Support | No | No | 1/21/2021 2:15 PM |
| Belanger, Hon Jim | Jim.Blngr@gmail.com | A Member of the Public | Myself | Oppose | No | No | 1/26/2021 11:09 AM |
| Coates, Nik | townadmin@townofbristolnh.org | A Member of the Public | Town of Bristol | Support | No | No | 1/31/2021 8:36 PM |
| Rathbun, Eric | ericrathbun@gmail.com | A Member of the Public | Myself | Support | No | No | 1/31/2021 10:25 PM |
| See, Alvin | absee@4Liberty.net | A Member of the Public | Myself | Oppose | No | No | 1/31/2021 11:25 PM |
| Therriault, Mary | Therriault.mary@yahoo.com | A Member of the Public | Myself | Oppose | No | No | 2/1/2021 7:07 AM |
| Schmidt, Rep Jan | tesha4@gmail.com | An Elected Official | Myself | Support | No | No | 2/1/2021 7:46 AM |
| Juvet, David | djuvet@biaofnh.com | A Lobbyist | Business & Industry Association | Support | No | No | 2/1/2021 7:57 AM |
| King, Mark | mark.king@leg.state.nh.us | An Elected Official | Myself | Support | No | No | 2/1/2021 8:46 AM |
| Duran, Carrie | carriemartinduran@gmail.com | A Member of the Public | Myself | Support | No | No | 2/1/2021 8:59 AM |
| Skelton, Mike | mikes@manchester-chamber.org | A Member of the Public | Mike Skelton, President and CEO Greater Manchester Chamber of Commerce | Support | No | No | 2/1/2021 9:07 AM |
| Staub, Kathy | kstaub@comcast.net | A Member of the Public | Myself | Support | No | No | 2/1/2021 9:15 AM |
| Le Doux, Amiee | Joellestuffmail@gmail.com | A Member of the Public | Myself | Oppose | No | No | 2/1/2021 9:31 AM |

| | | | | | | | |
|------------------------|------------------------------|------------------------|---|---------|----|----|--------------------|
| Radke, Lori | administration@hollisnh.org | A Member of the Public | Town of Hollis | Oppose | No | No | 2/1/2021 9:32 AM |
| Pollack, Ari | pollack@gcglaw.com | A Lobbyist | NH Homebuilders | Support | No | No | 2/1/2021 9:36 AM |
| Roscoe, Loran | Roscoe197320@gmail.com | A Member of the Public | Myself | Oppose | No | No | 2/1/2021 9:50 AM |
| Dewey, Karen | pkdewey@comcast.net | A Member of the Public | Myself | Support | No | No | 1/31/2021 1:23 PM |
| Maguire, Jeff | jpmaguire7@gmail.com | A Member of the Public | Myself | Support | No | No | 1/31/2021 1:25 PM |
| Farnum, Michael | michael.farnum@gmail.com | A Member of the Public | Myself | Oppose | No | No | 1/31/2021 1:36 PM |
| Oxenham, Lee | leeoxenham@comcast.net | An Elected Official | Sullivan Co., District 1 | Support | No | No | 1/31/2021 5:31 PM |
| Booras, Efstathia | ebooras@Gmail.com | An Elected Official | Constituents | Support | No | No | 2/1/2021 10:17 AM |
| Le Doux, Jean-Marc | sendthejunk@me.com | A Member of the Public | Myself | Oppose | No | No | 2/1/2021 10:18 AM |
| Longtin, Mark | mark@longtin.org | A Member of the Public | Myself | Oppose | No | No | 2/1/2021 10:43 AM |
| Dutzy, Sherry | sherry.dutzy@leg.state.nh.us | An Elected Official | Myself | Support | No | No | 2/1/2021 10:44 AM |
| Voruz, Tim | tvoruz@gmail.com | A Member of the Public | Myself | Oppose | No | No | 2/1/2021 11:13 AM |
| Voruz, Sherry | svoruz@gmail.com | A Member of the Public | Myself | Oppose | No | No | 2/1/2021 11:13 AM |
| Plomp, Catharina | catharinaplomp@gmail.com | A Member of the Public | Myself | Support | No | No | 2/1/2021 12:23 PM |
| Booras, Hon. Efstathia | EBooras@gmail.com | An Elected Official | Constituents | Support | No | No | 2/1/2021 2:02 PM |
| Hubert, Fred | fhubert67@yahoo.com | A Member of the Public | Myself | Oppose | No | No | 2/1/2021 2:12 PM |
| Bartlett, Rep Christy | christydbartlett@gmail.com | An Elected Official | Merrimack 19 | Support | No | No | 2/2/2021 8:12 AM |
| Walker, Peter | de395@charter.net | A Member of the Public | Myself | Oppose | No | No | 2/2/2021 2:58 PM |
| Fogarty, Maggie | mfogarty@afsc.org | A Lobbyist | American Friends Service Committee - NH | Support | No | No | 2/3/2021 7:23 AM |
| DeJoie, Stacie | stacie.dejoie@gmail.com | A Member of the Public | Myself | Oppose | No | No | 2/1/2021 9:51 AM |
| Feder, Marsha | marshafeder@gmail.com | A Member of the Public | Myself | Support | No | No | 1/31/2021 10:11 AM |
| MacMillan, Josephine | Jozmac51@gmail.com | A Member of the Public | Myself | Oppose | No | No | 1/31/2021 11:24 AM |
| Hubacker, Kelsey | kelshubie@gmail.com | A Member of the Public | Myself | Oppose | No | No | 2/1/2021 9:57 AM |

Hubacker, Neil

hubacker.neil@gmail.com

A Member of the
Public

Myself

Oppose No

No

2/1/2021 9:59 AM

Testimony

Archived: Thursday, April 22, 2021 9:33:02 AM
From: [s.howe](#)
Sent: Friday, January 29, 2021 1:32:11 PM
To: [~House Municipal and County Govt](#)
Subject: HB586
Importance: Normal

As a citizen and resident of Hollis NH, I oppose HB 586. Local control is the best control.
Thank you.

Sharon M Howe
155 Nartoff Rd.
Hollis, NH. 03049

Sent from my Galaxy

Archived: Thursday, April 22, 2021 9:33:02 AM
From: [Ari Pollack](#)
Sent: Monday, February 1, 2021 9:45:24 AM
To: ~House Municipal and County Govt
Cc: HCS
Subject: HB586
Importance: Normal

Dear Members of the Municipal and County Government Committee:

I am providing this e-mail of support for **HB586** on behalf of the NH Homebuilders Association.

The Homebuilders have long been supportive of the development of affordable housing in New Hampshire. As a supportive stakeholder of last Session's housing-related bills, the Homebuilders likewise offer their support for this year's consolidated bill, **HB586**.

Training for local land use board members, efficient appeal processes, and the availability of fee-shifting for prevailing parties in time-consuming appeals, are all favorable policies in the pursuit of developing of more and efficient housing. Simply put, these concepts will all developers bring much needed projects to market. As is often said, "time kills all deals", so the ability to receive and hold important land use approvals is critical to the timing and success of land development projects.

The ability to raise and utility TIF funds for residential development infrastructure is likewise very beneficial.

Thank you for your consideration. Please do not hesitate to reach out with any questions you may have for the NH Homebuilders Association.

Sincerely,

Ari Pollack, Esq.
Land Use Attorney and Registered Lobbyist
pollack@gcglaw.com

Ari B. Pollack, Esq.

603.228.1181

800.528.1181



<http://www.gcglaw.com>

Gallagher, Callahan & Gartrell, P.C.
A multidisciplinary law firm
214 N. Main Street
Concord, New Hampshire 03301

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from disclosure. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify Ari B. Pollack by calling 1.800.528.1181, or by email to pollack@gcglaw.com.

Archived: Thursday, April 22, 2021 9:33:02 AM

From: [sandy](#)

Sent: Tuesday, February 2, 2021 5:32:39 PM

To: ~House Municipal and County Govt

Subject: HB586

Importance: Normal

Please defeat. This is not good for Bedford homeowners:

This bill only benefits cronies of the Governor by giving them tax deferments

- This bill will destroy the NH advantage whereby we have more jobs than people
- This bill places a burden on the middle class, single-family homeowner in that it takes money from the tax base to reward the developers as well as pay for the low income housing
- This bill will enable the state to be FLOODED WITH HIGH DENSITY HOUSING, APARTMENT BUILDINGS where they are not wanted.

A concerned voter,

Sandra Bell

Sent from Xfinity Connect Application

Archived: Thursday, April 22, 2021 9:33:02 AM
From: [Brian Nolen](#)
Sent: Wednesday, February 3, 2021 7:41:02 AM
To: [~House Municipal and County Govt](#)
Subject: HB586 - A bad idea for NH
Importance: Normal

As a lifelong resident of NH, I strongly oppose recommendation of HB586. I'm opposed to this type of growth, which I think would have a dramatically negative effect on our beautiful state.

Thanks

Brian Nolen

51 Rundlett Hill Road

Bedford, NH 03110

Archived: Thursday, April 22, 2021 9:33:02 AM
From: [Partins](#)
Sent: Wednesday, February 3, 2021 4:20:10 PM
To: [~House Municipal and County Govt](#)
Subject: HB586
Importance: Normal

Hello,

I am opposed to HB5886. Please do NOT pass this. We live in Hollis and want to maintain our rural character!

Thank you,

Terri Partin

193 Wheeler Road, Hollis, NH

Archived: Thursday, April 22, 2021 9:33:02 AM
From: Bryan Williams
Sent: Wednesday, February 3, 2021 4:58:35 PM
To: ~House Municipal and County Govt
Subject: Please Vote HB 586 ITL
Importance: Normal

Hi,

I oppose HB586 entitled "relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development" - it is very bad legislation for NH and NH citizens. We do not need an unaccountable Housing Appeals Board that has the power to override local zoning decisions. The ramifications of such a law would be far-reaching and disastrous - a flood of low cost housing will devastate property values and throw the rental market into disarray. The flood of people to occupy these housing units will compete with our citizens for available jobs, put the schools in a bind with a massive influx of new students, and place the other infrastructure of our towns under stress for which they were not designed.

This is a horrible idea which needs to die a quick ITL death.

Thank you for your time.

Regards,

Bryan Williams
36 Lynx Way
Manchester, NH 03109

"Light the Lamp - not the Rat!! Light the Lamp - not the Rat!!!"
<http://www.youtube.com/watch?v=-qyE2cbplGc>

Archived: Thursday, April 22, 2021 9:33:02 AM
From: [Trish Carew](#)
Sent: Thursday, February 4, 2021 7:47:34 AM
To: [~House Municipal and County Govt](#)
Subject: HB586
Importance: Normal

To Whom it May Concern,

I am a Hollis, NH resident and I OPPOSE this bill!

Please consider the natural beauty of New Hampshire and the farm towns such as Hollis when voting on this bill.

**Thank you,
Patricia Carew
4 Winterberry Way
Hollis, NH 03049
978-726-0995**

Archived: Thursday, April 22, 2021 9:33:02 AM
From: James Herkel
Sent: Thursday, February 4, 2021 8:41:48 AM
To: ~House Municipal and County Govt
Subject: Opposition to HB586
Importance: Normal

Attn: NH House Municipal and County Gov't Committee,

I'm a resident of Hollis, a retired Air Force Chief Master Sergeant, and a disabled veteran.

I own property, pay taxes, contribute to my community, and financially support multiple charitable organizations including the USO, St. Jude Children's Hospital, and the American Red Cross. I also actively participate in our Federal, State, and local democratic processes.

I have reviewed HB586 and have grave concerns I'd ask to be considered for the executive discussion scheduled for Feb 8, 2021.

First, special interests and lobbyists in Concord have absolutely no business supporting legislation that is inconsequential to them and their property value and their own lifestyles.

While the proposed legislation contains a significant amount of distracting 'junk,' my principle concern is not simply the erosion of zoning laws but the blatant override - which is the clear intent of this bill. Specifically, high-density population projects - one of which is in progress less than 1/4 mile from my home, is just bad for the community.

I moved to Hollis in October of 2019 for a professional opportunity in Bedford, MA. I chose to live in NH despite the commute because NH still generally seems to follow the constitution as opposed to MA - and the state tax situation is highly desired.

I urge the committee to dismiss this bill and support my right against local zoning control on February 8th.

Very respectfully,

James Herkel
Hollis, NH

Archived: Thursday, April 22, 2021 9:33:02 AM
From: [Amiee Le Doux](#)
Sent: Friday, February 5, 2021 3:09:05 PM
To: [~House Municipal and County Govt](#)
Subject: HB586
Importance: Normal

Hello there,

As a younger resident of Hollis NH and an active voter, I am appalled at the legislation HB586. Since you as a committee work for me the citizen I ask that you vote down this bill and properly represent me.

Thank you,
Amiee

Sent from ProtonMail Mobile

Archived: Thursday, April 22, 2021 9:33:03 AM
From: Josey MacMillan
Sent: Saturday, February 6, 2021 7:15:41 AM
To: ~House Municipal and County Govt
Subject: Fwd: HB586 -Targeted at Destroying Local Zoning C
Importance: Normal

Richard MacMillan
Josephine MacMillan
51 Worcester Road
Hollis, NH

Feb. 2021

To Whom it May Concern:

Regarding HB586

We are against this bill mandating that workforce housing density must match retirement community density.

Hollis is fast becoming overly developed now. We must keep zoning authority in the hand of our Planning Board, Select Board and Zoning Board of Adjustment.

It should be elected and town appointed dedicated citizens that continue to make decisions for their town. They know best what is in the interest of their community. This bill is more government overreach.

Our roads, schools, town services and basic infrastructure will be negatively impacted. Please send a letter to the House Municipal and County Government Committee opposing this state takeover and testify in Concord in defense of our right local Zoning Control.

Thank you,

Richard MacMillan. Member of the Hollis Zoning Board of Adjustment for 12 years.

Josephine MacMillan

Archived: Thursday, April 22, 2021 9:33:03 AM
From: [David Werner](#)
Sent: Saturday, February 6, 2021 7:31:18 AM
To: [~House Municipal and County Govt](#)
Subject: Hb586
Importance: Normal

Good day! Hope all are well. Please vote no on this bill. Local planning and control of housing is vital to the democratic way of life New Hampshire has enjoyed since its founding . Indeed, fighting for local control of government was the basic inspiration of patriots of 1776. Developers whose motive is profit seem inspired to destroy that Fundamental aspect of the granite state. Please don't destroy local control in favor of technocrat regional planning boards. Thank you !

Archived: Thursday, April 22, 2021 9:33:03 AM
From: [Werner Niebel](#)
Sent: Sunday, February 7, 2021 8:55:40 AM
To: [~House Municipal and County Govt](#)
Subject: HB586
Importance: Normal

Members of the Committee,

I am writing to ask that you reject HB586. This bill removes local authority in our town. I am strongly opposed to this bill.

Regards,

Werner Niebel
Hollis, NH

Archived: Thursday, April 22, 2021 9:33:03 AM
From: KATHRYN RUBIN
Sent: Sunday, February 7, 2021 11:48:37 PM
To: ~House Municipal and County Govt
Subject: New Hampshire House Bill #586 (HB586)
Importance: Normal

Memo to Members of the Municipal and County Government Committee:

I am writing to voice my opposition to Bill HB586. I have recently become a resident of Hollis, and one of the main reasons that I purchased acres of land and built a house in the town was the fact that important decisions affecting the town and its residents were made by local officials and specific boards, often made up of citizen volunteers. This bill would reduce or remove the authority of our local officials and boards to make decisions about development and would replace this authority with unelected boards or committees at the state level who may or may not understand and appreciate the rural character and other specific aspects of the town.

Many Hollis residents have discussed the serious flaws in this bill, e.g., the mandating of specific types and quantities of housing developments, the redistribution of taxation in the state, the effective weakening of local governments. This bill would make fundamental changes to our existing and successful local zoning authority. As I understand this bill there are no positive outcomes for the residents of Hollis, only negative and possibly detrimental ones, and therefore I respectfully ask that the Committee ensures that this bill does not become New Hampshire law.

Sincerely,
Kay Rubin
30 Worcester Road
Hollis, NH

Archived: Thursday, April 22, 2021 9:33:03 AM
From: Pamela P. Hicks
Sent: Monday, February 8, 2021 8:56:43 AM
To: ~House Municipal and County Govt
Subject: VOTE NO HB586
Importance: Normal

HB586 will remove local control, residents will be forced to subsidize increased school enrollments and school expansions with their tax dollars, the builders go unchecked and maximize building projects to make as much money as possible, and realtors have more inventory to sell and make commissions. Housing restrictions are removed leaving towns with no ability to maintain local character. Residents are put at a significant, impossible for most due to financial constraints, with having to put up a bond to challenge developers who are abutters. None of this benefits the towns. These are our towns and our tax dollars.

- **HB586 REMOVES** the authority of Hollis's Planning Board and Select Board to extend the review of large high density projects. It imposes a deadline on Zoning Board Actions.
- **HB586 CREATES** an unaccountable State commission to distribute tax breaks to developers in New Hampshire.
- **HB586 REQUIRES** abutters to put up a bond just to challenge the approval of a development in court.

The state has no right to impose this on us. **DO NOT REMOVE OUR LOCAL CONTROL.**

Pam Hicks
Hollis, NH

Archived: Thursday, April 22, 2021 9:33:03 AM

From: T

Sent: Sunday, January 31, 2021 10:47:09 PM

To: ~House Municipal and County Govt

Subject: HB586 Issues

Importance: Normal

Attachments:

[HB586 letter Signed.pdf](#)  [HB586 letter.docx](#) 

Sue,

I am asking that you send a letter to the House Municipal and County Government Committee opposing this state takeover and to also testify in Concord in defense of our right to local zoning control. I've attached a letter for the House Municipal and County Government Committee. The hearing for HB586 is 2-1 at 10AM.

I attached the word doc for your use.

Sincerely,

Tim Voruz

19 Broad St

Hollis, NH 03049

(603)400-9044

Archived: Thursday, April 22, 2021 9:33:03 AM

From: [jm002](#)

Sent: Monday, February 1, 2021 1:11:38 AM

To: ~House Municipal and County Govt

Subject: Written Testimony for HB586 Hearing to be conducted at 10 AM on 2-1-21

Importance: Normal


Attachments:

[HB586 Written Testimony.pdf](#) 

Members of the House Municipal and County Government Committee

Please find my written testimony opposing HB586 attached. Please confirm your receipt since this is a large .pdf I'm concerned that it will be caught by a firewall.

Regards,
Joseph Garruba
603-685-3394


Archived: Thursday, April 22, 2021 9:33:03 AM
From: [Ellms, Christopher](#)
Sent: Monday, February 1, 2021 8:31:17 AM
To: ~House Municipal and County Govt
Subject: Governor Sununu letter in support of HB 586
Importance: Normal
Attachments:
[Governor Sununu letter re hb586.pdf](#) 

Dear Members of the Municipal and County Government Committee,

Attached, please find a letter from Governor Chris Sununu in support of House Bill 586.

Best,
Chris Ellms

Christopher Ellms Jr. | Legislative Director
Office of Governor Christopher T. Sununu
(603) 271-8773 | Christopher.Ellms@nh.gov

Archived: Thursday, April 22, 2021 9:33:03 AM
From: [Harrison Kanzler](#)
Sent: Monday, February 1, 2021 8:55:45 AM
To: ~House Municipal and County Govt
Subject: Written Testimony in Support of HB 586
Importance: Normal
Attachments:
[HB586 Testimony.pdf](#) 

Dear Committee Members,

Good Morning! Attached please find written testimony from the Mount Washington Valley Housing Coalition regarding HB586. I will also be speaking in support of the bill so if you have any questions I am happy to answer them at that time, via email, or phone at 603-986-0401.

Thank you,

Harrison Kanzler
Executive Director
MWVHC

"Strengthening Community & Economy by Advocating and Promoting Affordable Housing"

Archived: Thursday, April 22, 2021 9:33:03 AM

From: [Molly Lunn Owen](#)

Sent: Wednesday, February 3, 2021 10:45:50 PM

To: ~House Municipal and County Govt

Subject: Written testimony, HB 586

Importance: Normal

Attachments:

[Testimony in support of HB586_Molly Lunn Owen_February 2021.pdf](#) 

Dear Chairman Dolan and committee members,

Please find, attached, my written testimony to accompany my spoken testimony on Monday in support of HB 586.

Many thanks,
Molly

--

Molly Lunn Owen

Executive Director, [603 Forward](#)

molly@603forward.org

(781) 789-1168

Archived: Thursday, April 22, 2021 9:33:03 AM

From: [David Petry](#)

Sent: Saturday, February 6, 2021 7:52:09 AM

To: ~House Municipal and County Govt

Cc: [Mark LeDoux](#); moseleywj@gmail.com; Julie Le Doux ; imtrying@me.com

Subject: HB 586 - Concerns from the BOS Chair and Vice Chair

Importance: High

Attachments:

[Hollis HB 586 Concerns from Chair and Vice Chair of BOS 2-5-21\[2817\].pdf](#) 

To the Chair of the Municipal and County Government Committee and fellow committee members,

Please find attached the concerns of the Town of Hollis Board of Selectmen Chairman and Vice Chairman.

If you have further questions, please email or call me - David Petry Vice Chair of the Hollis Board of Selectmen and Ex Officio of the Town of Hollis Planning Board.

Sincerely,

David Petry

603-582-7419

Dpetry7419@charter.net

Sent from [Mail](#) for Windows 10

Archived: Thursday, April 22, 2021 9:33:03 AM

From: [Christine Fajardo](#)

Sent: Monday, February 8, 2021 9:06:13 AM

To: ~[House Municipal and County Govt](#)

Subject: Written Testimony in Support of HB586

Importance: Normal

Attachments:

[Support of HB 586_ Workforce Housing - Google Docs.pdf](#) 

To: Chairman Dolan and committee members
House Municipal and County Government committee

From: Christine Fajardo
Resident, Ward 4 Manchester
215.287.8022

Re: In Support of HB 586

Please accept my written testimony in **support of HB 586**, a bill that will help to address New Hampshire's affordable housing shortage and make home ownership accessible to more people—particularly those who stand to make an important contribution to our state's economy.

I'm writing from the perspective of a homeowner who was lucky enough to find an affordable home just as inventory was beginning to hit an all-time low. Since buying our home four years ago, my husband and I have observed several of our peers—professional 30- and 40-somethings with dual incomes—struggle to find any options where they can settle down and call home. As a result, they're either stuck renting or they're looking in other surrounding states. This loss of an important demographic stands to create long-term and lasting impacts on our state, most notably from an economic perspective.

As a member of this critical demographic—young, educated, professional, dual-income households—I can attest first-hand to the important contributions my husband and I made as homeowners here in New Hampshire. Since moving into our "fixer upper" four years ago, we've hired a plumber to upgrade and bring our house to code; an HVAC company to maintain our aging heating and cooling systems, and to install a mini-split system on our second floor; a stone mason to lay a custom flowerbed and repair our foundation; a chimney repair company, and an electrician. By investing in a home, we've become a critical part of our local economy by investing in the local job market. Not to mention, the increased tax revenue we generate for Manchester as we continue to improve our home and drive up its value.

But owning a home in New Hampshire is not the end of our contributions. Because we live here, we spend our disposable income here, too. And not just here in Manchester—all across the state. We're avid outdoors people—we camp in NH's state parks and private campgrounds; we stay overnight at local BnB's and hotels when we hike the Whites in winter; we patronize local cafés and shops as we ride our bikes along the seacoast. We love taking advantage of all the resources NH offers us, but it's a mutually beneficial relationship—NH reaps the rewards from residents like us and should prioritize investing in infrastructure that will attract and enable more people like us.

When housing inventory is low and rents go up, disposable income goes down. When people who are lucky enough to be in a position to buy but can't, a bottleneck is created and crowds out would-be renters. This impacts our state's diversity, impedes the pipeline for a younger workforce, and puts prospective residents in a position where they don't even consider NH as a viable option; leading them to invest in other states. This is not just a loss for NH today...it's a long-term loss with far-reaching impacts.

By supporting HB 586, you'd be making a critical, long-term investment in a key demographic and in New Hampshire itself.

Thank you, Mr. Chair and committee, for your attention. I urge you to support HB 586.

Respectfully,

Christine Fajardo
Manchester, Ward 4
christine@mono-graphic.com
215.287.8022

31 January 2021

To Members of the New Hampshire House Municipal and County Government Committee

Re: Concerns related to House Bill 586

I want to take this opportunity to share with you concerns that I have regarding the proposed amendments contained in HB 586 which is titled an Act relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development.

The proposed bill amends RSA 673:3-a to require training allow training and testing of appointed planning and zoning board members. This training could be provided by biased pro development organizations who present a one sided version of land use law. It is not reasonable for this legislature to promote training of planning and zoning board members. There is presently no training requirement to serve in other elected or appointed positions including the state legislature. Imposing additional education requirements on volunteer members of local boards will be counterproductive. The volunteer nature of our government officials is something that sets New Hampshire apart from other states and serves to promote open and efficient government. Raising the bar for participation in planning and zoning boards is not a means to improve governance.

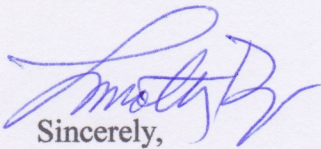
With the addition of paragraph (b) to RSA 674:21 II. this bill increases the housing density of all types of housing in a municipality to match the density set for Housing for Older Persons. This would effectively override the votes of local residents who chose a density for Housing for Older Persons in their ordinance. The density for Housing for Older Persons in local zoning ordinance is often many times the density of single family developments. By forcing this density to apply to all of a municipalities housing stock, this bill would destroy the rural character of New Hampshire towns. This rural character is one of New Hampshire's unique strengths which will quickly be lost if this bill passes.

By amending RSA 676:3,I the bill provides for **automatic reversal** of planning board decisions by the superior court if specific findings of fact are not included. Overturning the wisdom of local planning board members based on legal technicalities is not in the spirit of good governance. Decisions about local development are best made at the local level. This has been the tradition in New Hampshire and it has worked well for the state. There is no justification for overturning the history of success we have enjoyed.

Amendments in this bill to RSA 676:4 I (c) eliminate the authority of the selectmen to authorize a 40-day extension for the planning board's review of a project. This authority is critical because as a project proceeds through the planning process during design review there are often significant changes made to a project. Without the ability of the selectmen to extend the review period, developers could make late changes to a project. Those late changes would not have time to be properly reviewed and the public will not have time to review and comment on them as due process requires.

By adding subdivision 677:20 Fee shifting and posting of bond, this bill would force an appealing party to post a bond to indemnify the developer of damages should the court decide to pay such. This bond would serve as an insurmountable obstacle preventing many abutter appeals from even being filed at all. How could the legislature support this addition considering it will modify the right of all to equal justice under the law. In essence, the proposed bond would be a means of preventing middle class abutters from accessing the courts with the same ease that wealthy developers do.

Often the justification for these drastic changes is presented as a lack of affordable housing for working families. There are other means of addressing this concern without trampling on the authority of towns to regulate local zoning. I would like to see targeted tax relief for recent home buyers. The tax relief could be tied to the purchase or construction of a new home. Such a program would address the desire to attract and retain young workers and it would not force unwelcome changes on New Hampshire towns. High density development is not an appropriate solution for New Hampshire's suburbs and should not be forced upon the residents by state government. Considering the fundamental issues, I'm requesting that you vote this legislation as inexpedient to legislate. I realize there is considerable pressure to address this issue, but passing a rushed solution or amending this huge conglomerate bill will do more harm than good.



Sincerely,

Tim Voruz
19 Broad Street
Hollis, NH 03049

31 January 2021

To Members of the New Hampshire House Municipal and County Government Committee

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Sincerely,

Tim Voruz
19 Broad Street
Hollis, NH 03049



To the Members of the House Committee on Municipal and County Government,

I write to you today in support of HB586. The Board of the Mount Washington Valley Housing Coalition has been watching the legislation that makes up HB586 with interest and supports the bill in its current form.

The Mount Washington Valley, like many other regions of our State, is suffering from a housing crisis. This crisis is brought on by a variety of factors, so we are well aware that there is not one catch-all solution. We feel that HB586 brings multiple tools to bear against this crisis and provides for broad enough strokes that none of these tools are specifically geared to any one community, but are useful to many communities around the State.

The bipartisan nature of this bill, as well as its previous vetting processes have made it something that many communities will be able to put into action to begin the process of solving their housing issues. These issues in the Mount Washington Valley have hit a tipping point. The housing crisis is not just impacting would be residents, it is starting to impact our businesses. Our schools, hospital, and various tourist destinations are all in need of new employees and have all seen job offers rejected due to lack of housing for the would be employee.

There are various tools made available to New Hampshire communities in this bill. The increased training materials for planning board members would be put to great use in rural communities around the State. Further the opening up of economic incentive programs to include affordable housing could lead to the creation of more locally focused housing units in areas where the real estate market has separated itself from the local economy. While these are only select pieces of this legislation, we feel that they would be of great use to our communities, and we do support the bill in its entirety.

Thank you for your time,

Harrison Kanzler
Executive Director
Mount Washington Valley Housing Coalition

Joseph Garruba
28 Winchester Dr.
Hollis, NH 03049
January 30, 2020

To: Members of the Municipal and County Government
Committee

Re: 20 Important Reasons to Vote HB586 as Inexpedient to
Legislate:

Contents

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Purpose

I’m writing this review as a concerned resident and contributor to local government. I have spent the last 5 years engrossed in local planning matters and ZBA cases. I have taken the Office of Strategic Initiatives provided training for planning board members and presented many arguments at local ZBA and Planning Board meetings. I see the disadvantage that local residents are presented with when opposing a well-funded, and legally represented developers at a local board. I am not an expert by profession, but my experience provides important insight into this bill. I have reviewed the proposed language of HB586 and find significant problems with much of the language. I have identified 20 specific problematic items for which I have included the marked up language of HB586 and my own explanation of the problems related to the specific change. I can’t overstate the problems that this bill presents to local town boards and residents. Please review each item below and consider your vote on this bill while remembering that local resident abutters are already at a huge disadvantage when opposing high density development

1. Training: Amend RSA 673:3-a

Proposed Language

1 Local Land Use Boards; Training. Amend RSA 673:3-a to read as follows:

673:3-a Training. ~~[Within the first year of assuming office, a new]~~ Any member of a zoning board of adjustment or planning board may complete training offered by the office of strategic initiatives *or another organization that provides similar training covering the processes, procedures, regulations, and statutes related to the board on which the member serves.* ~~[The office of strategic initiatives may provide this training, which may be designed in a variety of formats including, but not limited to, web-based, distance learning, traditional classroom style, or self study.]~~ *The office of strategic initiatives shall develop standard self-training materials and corresponding tests for zoning boards of adjustment and planning boards which shall be provided to members free of charge. The office of strategic initiatives may provide other types of training, which may be designed in a variety of formats including, but not limited to, web-based, distance learning, or traditional classroom style. For purposes of this section, the term "member" includes regular and alternate members of zoning boards of adjustment and planning boards.*

Response

Training is a distraction added to this bill to consume discussion time in committee. The training aspects of this bill are important and deserve strong opposition, but there are many other aspects of this bill which are more consequential and more damaging to the state. The other concerns are the key aspect of this bill and they deserve the utmost scrutiny

- a. Who will the training be offered by? How will the training to be reviewed to ensure that the rights of citizens and municipalities are not being underplayed in favor of development interests like the New Hampshire Housing Finance Authority? I have taken the current OSI training for planning board members and I found a bias in the information presented in favor of development.
- b. What is the reason to develop tests? The tests are not mandatory. It seems that the likely beneficiary of this provision is developer's land use lawyers who will use a board's lack of testing as an argument to overturn denials of large development projects
- c. There is no test to become a State Representative. It would be very hypocritical to impose a test on Planning board members, but not on yourselves don' you think?

2. Fixing the fees associated with development: Amend RSA 673:16

Proposed Language

2 New Paragraph; Local Land Use Boards; Staff; Finances. Amend RSA 673:16 by inserting after paragraph II the following new paragraph:

III. Any fee which a city or town imposes on an applicant pursuant to this title shall be published in a location accessible to the public during normal business hours. Any fee not published in accordance with this paragraph at the time an applicant submits an application shall be considered waived for purposes of that application. A city or town may comply with the requirements of this section by publicly posting a list of fees at the city or town hall or by publishing a list of fees on the city or town's Internet website.

Response

This is an unreasonable addition. How are special engineering reports addressed? It is not possible to have a set fee because each property and parcel is unique. The true scope of necessary studies and reports only becomes apparent after the process has been reviewed and discussed by the public. For a large complicated development this can take many months. In addition, engineering studies and reports vary widely in scope and cost depending on each project. What is the intent of this paragraph? What problem is it trying to solve? I'm sure developers complain about the uncertainty of costs, but those uncertainties are necessary to ensure that all projects receive the correct amount of attention commensurate with their scope and unique to the land that is to be developed.

3. Allowing Workforce housing the same density benefits as Housing For Older Persons: Amend RSA 674:21, II

Proposed Language

(b) If a municipality allows an increased density, reduced lot size, expedited approval, or other dimensional or procedural incentive under this section for the development of housing for older persons, as defined and regulated pursuant to RSA 354-A:15, it shall allow the same incentive for the development of workforce housing as defined in RSA 674:58, IV. Beginning July 1, 2022, incentives established for housing for older persons shall be deemed applicable to workforce housing development, regardless of whether a local land use ordinance or regulation specifically provides for their application to workforce housing development.

Response

This section overrides local zoning ordinances which currently allow retirement housing often at much greater density than single family homes. Town residents carefully considered the fiscal impacts of allowing retirement homes at these high densities when they voted to include retirement communities in their ordinances. Municipal budgets are based on these calculations. It is well known that most local taxes are allotted to local schools and retirement communities do not increase those costs nearly as much as workforce housing developments. How could members of these committee see fit to override the efforts and votes of local residents, knowing the likely outcome will be huge budget gaps for local municipalities. This bill seeks to override the restrictions and impose tremendous costs town residents. This is an unreasonable override of local authority and I request that you vote this bill as Inexpedient to legislate as a result.

4. Requiring the production of Workforce Housing: Amend RSA 674:21, IV(a)

Proposed Language

(a) "Inclusionary zoning" means land use control regulations which require a property owner to produce, as part of a development which meets certain characteristics, housing units which are affordable to persons or families of low and moderate income or provide a voluntary incentive or benefit to a property owner in order to induce the property owner to produce housing units which are affordable to persons or families of low and moderate income. Inclusionary zoning includes, but is not limited to, density bonuses, growth control

Response

This is a **FUNDAMENTAL** change. Here the definition of Inclusionary zoning is being amended to allow regulations which **REQUIRE** a property owner to produce low income housing. In my opinion this is one of the most consequential proposed changes. Local ordinances based on this clause would likely be unconstitutional since requiring a land owner to produce price controlled housing represents a forced taking of land. How could this be justified? We need to respect the rights of property owners and the rights of citizens which are exercised by their adoption of local zoning ordinance. Here again I am asking members of this committee to vote this bill inexpedient to legislate. It is not reasonable for the committee to endorse the language as written which is a serious violation of the rights of land owners and residents alike.

5. Requiring that zoning ordinances enable the Planning board to waive local requirements: Amend RSA 674:21, IV(a)

Proposed Language

exemptions, and a streamlined application process. *Inclusionary zoning ordinances shall include standards that do not reduce the economic viability of developments in comparison to developments that do not require housing affordability. Such ordinances shall also enable the planning board to waive or modify in individual cases any standards that are demonstrated by an applicant to render a development economically infeasible.*

Response:

This section forces towns to provide for waivers of their local zoning ordinance. Why would representatives of towns in this state consider degrading local zoning authority? Local planning board proceedings will just be for show when it comes to inclusionary zoning (High Density Development) since Planning boards will no longer be legally supported in denying claims for not complying with town wide standards like requirement for underground utilities or rural buffer zones. These are just examples of the requirements that many towns have chosen to enact to protect their natural environment or rural character. Another such local requirement is a 100-foot buffer around wetlands. Consider a requirement for sidewalks or underground storm water drains. Any developer could claim these are financial burdens to meet. Why should this committee weaken the authority of local planning boards to manage the development of land. That is the very purpose of those boards. Do members of this committee feel that the state legislature is in a better position to decide these matters? Please do not allow developers to control the requirements of development forcing homogenization of the entire state. Local Planning board authority is important as such I recommend that this bill be voted as inexpedient to legislate to be sure it is preserved.

6. Providing for Automatic Reversal of land use boards: Amend RSA 676:3, I

Proposed Language

I. The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. *The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.* If the application is not approved, the board shall provide the applicant with written

Response

This section provides for the reversal of local planning decisions in court. These decisions are currently afforded deference by the courts. This a blow to the finality of a local denial. This bill would allow local denials to be overturned on the subjective determination of the courts which presently defer on matters of judgement to local land use boards. Why would committee members support **automatic reversal** of local land use boards? Is there a problem with the present operation of our judicial system? I'm asking each member to vote this bill as inexpedient to legislate if only to protect the decisions of the land use boards in your own towns? Do you think those board members do a poor job? Should their decisions be automatically reversed on technicalities? I suggest that you seek their input on this bill before considering to pass a bill to reduce their authority.

7. Add a time limit to Zoning board actions: Amend RSA 674:33

Proposed Language

6 New Paragraph; Powers of Zoning Board of Adjustment. Amend RSA 674:33 by inserting after paragraph VII the following new paragraph:

VIII. Upon receipt of any application for action pursuant to this section, the zoning board of adjustment shall begin formal consideration and shall approve or disapprove such application within 90 days of the date of receipt, provided that the applicant may waive this requirement and consent to such extension as may be mutually agreeable. If a zoning board of adjustment determines that it lacks sufficient information to make a final decision on an application, the board may, in its discretion, deny the application without prejudice, in which case the applicant may submit a new application for the same or substantially similar request for relief.

Response

Here the bill imposes a new time deadline on the ZBA were none existed before. Strict time deadlines are not appropriate or fair. The size and scope of development proposals varies widely. 90 days might be reasonable for an application to develop a single house lot, but often times applications are presented for 50 or more units at a time. These applications often include complicated engineering challenges like roads and bridges as well as storm water systems. It is reasonable and fair to allow the Zoning board enough time to review and adjudicate these applications accordingly. Developers claim this cost and uncertainty is a burden, but it is justified to allow local zoning boards to make informed and carefully considered decisions. If this bill becomes law, the quality of local zoning board decisions will surely suffer. Do you think reducing the time allotment will result is better decisions? How could that be?

Strict time limits may be unconstitutional under the equal protections clause of the constitution. All development applications are unique in size scope and land being developed. Why should the developer of 100 units receive only 90 days of scrutiny of their application when the developer of 1 unit receives the same. At a minimum these time limits should be based on housing units produced since a 100-unit development involves much more engineering review and has a much bigger impact on the town it is sited in.

Currently once an application is heard and denied at the ZBA, it cannot be brought again (for 5 years I believe). This new provision will allow developers to continually bring the same project back to the ZBA many times. This is an unreasonable burden on the abutters and town residents who will be stuck fighting developments multiple times. This provision is also sure to clog up local zoning board agendas with repeat cases. Again, we see a benefit to developers at the expense of town residents and another blow to local Zoning board authority. Please do not allow this bill to become law.

8. Definition of workforce housing: Amend RSA 674:58, IV

Proposed language

IV. "Workforce housing" means housing which is intended for sale and which is affordable to a household with an income of no more than ~~100~~ **120** percent of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. "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 metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. Housing developments that exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, **or are subject to age restrictions**, shall not constitute workforce housing for the purposes of this subdivision.

Response

Here the definition of Workforce housing is being adjusted in a confusing manner. The definition of non-rental housing is being moved to 120% of the median income for a family of four, but the definition of rental housing remains at 60% of the median income for a family of three. By diverging these two standards, Workforce housing advocates can claim that workforce housing is not low income housing, but the reality of the proposed bill language is that rental housing is low income housing and it will benefit from all of the provisions of this bill including the language enabling zoning ordinances to REQUIRE it. Why would the state need to promote the development of housing at 120% of the median income? New housing which may be sold at higher prices causes availability of housing at the target price range as residents trade up. The state certainly does not need to provide **new** housing at these price protected levels. Southern New Hampshire is currently experiencing a building boom and there is no need to incentivize housing at 120% of the median income. Please vote this Bill as inexpedient to legislate. It is intentionally conflating separate sections of the housing market needlessly.

9. Imposing Time limits on Planning Board Procedures: Amend RSA 676:4, I(c)

Proposed Language

8 Planning Board; Board's Procedures on Plats. Amend RSA 676:4, I(c) to read as follows:

(c)(1) The board shall, at the next regular meeting or within 30 days following the delivery of the application, for which notice can be given in accordance with the requirements of subparagraph (b), determine if a submitted application is complete according to the board's regulation and shall vote upon its acceptance. Upon determination by the board that a submitted application is incomplete according to the board's regulations, the board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete. Upon determination by the board that a submitted application is complete according to the board's regulations, the board shall begin formal consideration and shall act to approve, conditionally approve as provided in subparagraph (i), or disapprove within 65 days, subject to extension or waiver as provided in subparagraph (f). ~~[Upon failure of the board to approve, conditionally approve, or disapprove the application, the selectmen or city council shall, upon request of the applicant, immediately issue an order directing the board to act on the application within 30 days.]~~ ***If the board determines that it lacks sufficient information to make a final decision on an application, the board may, in its discretion, deny the application without prejudice, in which case the applicant may resubmit the same or a substantially similar application.*** If the planning board does not act on the application within that ~~[80-day]~~ ***65-day*** time period, then ~~[within 40 days of the issuance of the order,]~~ the selectmen or city council shall certify on the applicant's application that the plat is approved pursuant to this paragraph~~[-unless within those 40 days the selectmen or city council has~~

9 Planning Board; Board's Procedures on Plats. Amend RSA 676:4, I(f) to read as follows:

(f) ~~[The planning board may apply to the selectmen or city council for an extension not to exceed an additional 90 days before acting to approve or disapprove an application.]~~ The applicant may waive the requirement for planning board action within the time periods specified in subparagraph (c) and consent to such extension as may be mutually agreeable.

Response

Here the bill removes the ability of the planning board and the select board to extend the duration of the review of a development proposal. Strict time deadlines are not appropriate or fair. The size and scope of development proposals varies widely. 65 days might be reasonable for an application to develop a single house lot, but often times applications are presented for 50 or more units at a time. These applications often include complicated engineering challenges like road and bridges as well as storm water systems. It is reasonable and fair to allow the Planning board enough time to review and adjudicate these applications accordingly. Developers claim this cost and uncertainty is a burden, but it is justified to allow local planning boards to make informed and carefully considered decisions. If this bill becomes law, the quality of local planning board decisions will surely suffer. Do you think reducing the time allotment will result in better decisions? How could that be? Have you consulted with your local planning board members? Do they want their authority diminished?

Strict time limits may be unconstitutional under the equal protections clause of the constitution. All development applications are unique in size scope and land being developed. Why should the developer of 100 units receive only 65 days of scrutiny of their application when the developer of 1 unit receives the same? At a minimum these time limits should be based on housing units produced since a 100-unit development involves much more engineering review and has a much bigger impact on the town it is sited in.

Currently once an application is heard and denied at local planning boards, appeals are possible to the Housing Appeals Board, and further to superior court. This new provision will allow developers to continually bring the same project back to the planning board many times. This is an unreasonable burden on the abutters and town residents who will be stuck fighting developments multiple times. This provision is also sure to clog up local planning board agendas with repeat cases. Again, we see a benefit to developers at the expense of town residents and another blow to local Zoning board authority. Please do not allow this bill to become law.

10. Removing the courts ability to uphold local zoning ordinance: Amend RSA 676:4, I(c)

Proposed Language

(2) Failure of the selectmen or city council to ~~[issue an order to the planning board under subparagraph (i), or to]~~ certify approval of the plat upon the planning board's failure to ~~[comply with the order;]~~ **act within the required time period** shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application ~~[if the court determines that the proposal complies with existing subdivision regulations and zoning or other ordinances]~~. **The superior court shall act upon such a petition within 30 days.** If the court determines that the failure of the selectmen or the city council to act was not justified, the court may order the municipality to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

Response

By removing the court's authority to review compliance with the zoning ordinance that town residents enacted this bill shows blatant disregard for the ordinances that voters approve. Why prevent the court from confirming that the proposal meets the ordinance that voters approved? How can this be justified? Essentially this is saying that if a technical deadline passes, then it does not matter if the proposal is compliant? Does allowing non-compliant developments in this manner sound like a good idea? Would you want to be an abutter in that situation? Please vote this Bill as inexpedient to legislate to protect the local zoning ordinances of your town.

11. Directing the Superior and Supreme Courts Calendar: Amend RSA 677:15, IV-V

Proposed Language

10 Planning and Zoning; Rehearing and Appeal Procedures; Court Review. Amend RSA 677:15, IV-V to read as follows:

IV. ~~[The court shall give any hearing under this section priority on the court calendar.]~~ **Whenever an appeal to the superior court is initiated under this section, the court shall give the appeal priority on its calendar and shall issue a final decision within 120 days of the date upon which a certiorari order was delivered to the planning board pursuant to paragraph II. If the court stays an appeal pursuant to subparagraph I(b), then it shall issue a decision within 120 days of final resolution of all matters before the board of adjustment.**

V. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the court is persuaded by the balance of probabilities, on the evidence before it, that said decision is unreasonable. Costs shall not be allowed against the municipality unless it shall appear to the court that the planning board acted in bad faith or with malice in making the decision appealed from.

VI. **Whenever an appeal to the supreme court is initiated after superior court review, the court shall give the appeal priority on its calendar and shall issue a final decision within 90 days of the date upon which a certiorari order was delivered to the planning board.**

11 Planning and Zoning; Rehearing and Appeal Procedures; Priority. Amend RSA 677:5 to read as follows:

677:5 Priority. ~~[Any hearing by the superior court upon an appeal under RSA 677:4 shall be given priority on the court calendar.]~~ **Whenever an appeal to the superior court is initiated under RSA 677:4, the court shall give the appeal priority on its calendar and shall issue a final decision with 120 days of the date upon which the petition was served on the zoning board of adjustment or local legislative body.**

Response

Why should developers have an expedited path through the courts? There are many important cases to be heard, housing development is low on the list of priorities compared to crime and other matters. Is it legal for the legislature as a coequal branch of government to dictate procedures within the purview of the Judicial branch? I propose that there are many other concerns that should have a higher priority than housing development. I hope members of this committee can see that dictating the courts schedule is unwise in the least. Please vote this bill as inexpedient to legislate.

12. Imposing costs on abutters to access the judicial system: Amend RSA 677

Proposed Language

677:20 Fee Shifting and Posting of Bond.

I. Whenever an appeal to the superior court is initiated under this chapter, the court may in its discretion require the person or persons appealing to file a bond with sufficient surety for such a sum as shall be fixed by the court to indemnify and save harmless the person or persons in whose favor the decision was rendered from damages and costs which he or she may sustain in case the decision being appealed is affirmed.

Response

A bond would be required to access justice in the courts. The spoils of development will always provide sufficient profits to provide for such a bond but the lowly abutters and town residents cannot easily afford such costs and cannot count on density bonuses to defray costs of fighting a development. Do you think it is right to force an abutter to put up a bond just to appeal a decision that may have been wrongly decided? What problem is this trying to solve? This seems to me to be a means that will allow monied development interests preferential treatment over middle class abutters. As residents, we are all abutters. Do you think this is fair? Please vote this bill as inexpedient to legislate. You might be an abutter whose access to the courts is diminished by it.

13. Different standard of justice applied to developer's vs planning boards: Amend RSA 677

Proposed Language

II. In any appeal initiated under this chapter the court may, subject to the provisions of this paragraph or any other provision of law, award attorney's fees and costs to the prevailing party. Costs and attorney's fees shall not be allowed against a local land use board unless it shall appear to the court that the board, in making the decision from which the appeal arose, acted with gross negligence, in bad faith, or with malice. Costs and attorney's fees shall not be allowed against the party appealing from the decision of a local land use board unless it shall appear to the court that said party acted in bad faith or with malice in appealing to court.

Response

This language applies a different standard of justice to developers than to Planning Boards. Notice that developers are free of the consideration of **gross negligence**. It seems to me that the intent of this language is to provide a lever that lawyers will use against Planning Boards. Here again, why would you consider reducing the authority of your local planning board? Have you seen problems with their decisions? Have you seen them issuing decisions that are grossly negligent? Please act to defend local zoning authority and vote this bill as inexpedient to legislate.

14. Defining “Public Use” as private land development: Amend RSA 162-K:2, IX

Proposed Language

IX-a. “Public use” means:

- (a)(1) The possession, occupation, and enjoyment of real property by the general public or governmental entities[;].
 - (2) The acquisition of any interest in real property necessary to the function of a public or private utility or common carrier either through deed of sale or lease[;].
 - (3) The acquisition of real property to remove structures beyond repair, public nuisances, structures unfit for human habitation or use, and abandoned property when such structures or property constitute a menace to health and safety[~~and~~].
 - (4) Private use that occupies an incidental area within a public use; provided, that no real property shall be condemned solely for the purpose of facilitating such incidental private use.
 - (5) The acquisition of real property to construct housing units which meet the definition of workforce housing contained in RSA 674:58, IV, whether or not such construction results from private development or private commercial enterprise.**
 - (b) Except as provided in subparagraphs (a)(2), [~~and~~] (4), **and (5)** of this paragraph, public use shall not include the public benefits resulting from private economic development and private commercial enterprise, including increased tax revenues and increased employment opportunities.
- 14 Municipal Economic Development and Revitalization Districts; District Establishment and Development Programs; Authority to Acquire, Construct, and Promote Residential Development and Housing Stock. Amend RSA 162-K:6, III(h) and (i) to read as follows:
- (h) Lease all or portions of basements, ground and second floors of the public buildings constructed in the district; [~~and~~]
 - (i) Negotiate the sale or lease of property for private development if the development is consistent with the development program for the district; **and**
 - (j) Acquire, construct, reconstruct, improve, alter, extend, operate, maintain or promote residential developments aimed at increasing the available housing stock within the municipality.**

Response

Item (5) redefines the construction of private houses as public use!!! I have avoided hyperbole in responding to each change of HB586 but the term crony capitalism seems to fit this well. Will you allow this to become the law of the land? Do you think tax breaks should be provided to private developers? How will the administration of this redistributions of taxes be fairly controlled? Has anyone justified why such drastic changes are needed. I can't understand how the state offering tax breaks to private developers can be fair to residents of towns and municipalities who have paid those taxes. Please vote this bill as inexpedient to legislate to prevent the state govt. from having a role redistributing wealth to private developers of high density housing!

15. Extending the duration of tax breaks to private developers: Amend RSA 79-E:5, II

Proposed Language

II. The governing body may, in its discretion, add up to an additional [2] 4 years of tax relief for a project that results in new residential units and up to [4] **an additional 8** years for a project that includes [~~affordable~~] housing **that meets the definition of workforce housing in RSA 674:58, IV, and up to additional 8 years for a project that includes residential units located on the second story or higher of a downtown building. For purposes of this paragraph, the term downtown shall be defined by the governing body.**

Response

Here again the bill provides more tax breaks to urbanize town centers by adding low income housing. Historic town centers deserve preservation, not urbanization. Allowing the duration of tax breaks to be extended increases the influence of State govt. in local land use decisions and increases redistribution of taxation in a way that unfairly promotes urbanization in New Hampshire. There is no cause to promote urbanization. Residents should be free to choose the type of community they want to live in without the state artificially pushing towns to urbanize. Please vote this bill as inexpedient to legislate to defend the small towns in New Hampshire!

16. Office of Strategic Initiatives to develop a certification program: Amend RSA 4-C

Proposed Language

4-C:38 New Hampshire Housing Champion Certification.

I. The office of strategic initiatives shall develop a New Hampshire housing champion certification program for all qualifying municipalities. The office of strategic initiatives shall adopt rules to establish qualifications and procedures for a municipality to earn the New Hampshire housing champion certification. The procedure for a municipality to earn the New Hampshire housing champion certification shall be based on a scoring system.

Response

Why would such authority be delegated to unelected bureaucrats? The Legislature's role is to write the laws. Allowing unelected officials at Office of Strategic Initiatives to decide on how millions of dollars of tax breaks will be apportioned is irresponsible. Why should the legislature delegate its authority? This proposal is primed for corruption. If the legislature feels such a system is necessary, it should propose and enact one as law. In that way at least the process would be conducted by elected officials accountable to the people. Please vote this bill inexpedient to legislate if only to preserve your own authority as elected state representatives. It is your duty to determine the distribution of taxation, not the unelected OSI.

17. What preferential treatment will be afforded for urbanizing? Amend RSA 4-C

Proposed Language

II. The New Hampshire housing champion certification program shall be voluntary. Each municipality shall have the option, in its sole discretion, to apply to the office of strategic initiatives to receive the New Hampshire housing champion certification. In exchange for housing champion certification, a municipality shall receive preferential access to state resources including, but not limited to, discretionary state infrastructure funds, as available.

Response

Why should the OSI be put in charge of determining preferential access to state resources? How could this be fair to rural towns that choose not to urbanize? This language of this bill sets up a resource allocation battle between rural towns and cities. Is that what you want to promote? Shouldn't all of the state have access to taxation? Please vote this bill as inexpedient to legislate to preserve unity of the state's rural towns and cities.

18. Just complying with the law is not enough to get access to deserved tax revenue: Amend RSA 4-C

Proposed Language

III. Qualifications to receive the New Hampshire housing champion certification shall include, but are not limited to:

(a) Adoption of such land use regulations and ordinances which the office of strategic initiatives determines to be necessary to promote the development of workforce housing, as that term is defined in RSA 674:58, and other types of housing necessary for the economic development of the state. In this paragraph, "land use regulations and ordinances" shall include, but are not limited to, innovative land use controls described in RSA 674:21.

Response

Here again, the bill provides the OSI the ability to determine a municipality's access to its justly deserved tax revenue. The language even provides that OSI can determine that a municipality must go above and beyond the requirements of the Workforce housing law in order to receive the preferential treatment and tax breaks. What justifies giving this authority to the OSI? Why not clearly spell out the requirement in the bill? Allowing the requirements to be open ended like this will allow the "goal posts" to be changed perpetually in the future and set by the unelected members of the OSI. Do you think that is good legislation? Shouldn't the power to distribute taxes be exercised only by elected officials accountable to the voters? That is a fundamental principal of our government. Please vote this bill as inexpedient to legislate to protect the fundamental principles of our state government.

19. Training material proposed are likely to be one sided in favor of development:

Amend RSA 4-C

Proposed Language

(c) Training of planning board and zoning board of adjustment members using training materials and programs, including online materials and programs, provided by the office of strategic initiatives pursuant to RSA 673:3-a; or training materials and programs, including online materials and programs, provided by the New Hampshire Municipal Association, that cover the processes, procedures, regulations, and statutes related to the board on which the member serves; or any other training materials and programs, including online materials and programs, approved by the office of strategic initiatives, that cover the processes, procedures, regulations, and statutes related to the board on which the member serves.

Response

Requiring training by the OSI or other origination will result is the opportunity for one sided presentation in favor of development. In addition, it will be a conflict of interest for the OSI to both administer the distribution of taxes and to provide training to municipalities. Requiring training of land use board members will further serve to concentrate undue power in the OSA and will be a blow to the integrity of the state and local governments. Please vote this bill as inexpedient to legislate in order to preserve integrity of govt. and to prevent the conflict of interest is would instantiate.

20. A mostly unelected board with no representation from residents or

Municipalities Amend RSA 4-C

Proposed Language

V. There is hereby established the New Hampshire housing champion certification program advisory board. The advisory board shall review and approve proposed rules, and any amendments thereto, used by the office of strategic initiatives to administer the housing champion certification program and shall advise the office regarding ongoing program administration. The advisory board shall consist of:

- (a) One member of the senate, appointed by the senate president.
- (b) Two members of the house of representatives, at least one of whom shall be a member of the municipal and county government committee, appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of business and economic affairs, or designee.
- (d) The executive director of the business finance authority, or designee.
- (e) The executive director of the New Hampshire housing finance authority, or designee.
- (f) The executive director of the community development finance authority, or designee.
- (g) The executive director of the state commission for human rights, or designee.
- (h) One member appointed by each of the following entities:
 - (1) The New Hampshire Municipal Association.
 - (2) The New Hampshire Association of Regional Planning Commissions.
 - (3) Housing Action New Hampshire.
 - (4) Clean Energy New Hampshire.
 - (5) The Home Builders and Remodelers Association of New Hampshire.
 - (6) The New Hampshire Association of Realtors.
 - (7) The New Hampshire Planners Association.
 - (8) Plan New Hampshire.

Response

Here the bill instantiates an almost completely unelected board greatly insulated from the voters of the state. Notice there are no members representing the interests of towns or their residents? Do you think this will be a fair way to distribute your tax dollars? The authority to make decisions related to the distribution of taxes should reside in the elected state legislature. Why would you consider voting this authority to the likes of Home Builders associations, Realtors and New Hampshire Housing Finance Authority? Here again, I can only describe this as the legalization of crony capitalism. Do you want you voting record to show that you support this? Please vote this bill as inexpedient to legislate to protect fair government in New Hampshire.

Conclusion

HB586 is a seriously flawed Bill. It is the conglomeration of HB1629 and HB1632 brought back nearly word for word from 2020. The language was written prior to the pandemic. As we have seen there have been significant forces leading to development in New Hampshire as a result of the pandemic. Southern New Hampshire is currently experiencing a building boom. Development throughout the state has picked up. This development naturally leads to more housing in all price ranges as residents trade up. The wording of this bill is not adapted to the current situation we face in New Hampshire

As I have pointed out above HB586 reduces the authority of Local Planning Boards, Zoning Boards, and Select Boards. In every case the changes are beneficial to developers at the expense of local residents, abutters and municipal officials. New Hampshire's strength is the participatory nature of local residents who work to better their towns. Removing local authority will disincentivize participation and will serve to homogenize towns throughout the state. This can only be considered a negative. Weakening local governments will irrevocably change New Hampshire government for the worse

Placing authority in unelected boards and agencies at the state level is the opposite of representative government and will only serve to promote corruption and abuse. It is important that taxation distribution concerns remain the authority of the state legislature.

HB586 codifies the redistribution of taxation from rural communities to urban and urbanizing ones which will most likely get the "Housing Champion" designation. This type of wealth redistribution is not just and will serve to promote a division between cities and rural towns

Please consider the efforts of local residents to shape their towns. This model had worked well for New Hampshire for many years, please vote this inappropriate, holdover omnibus housing bill as inexpedient to legislate to protect New Hampshire and its residents

Feel free to reach out to me with questions and comments

Regards,

Joseph Garruba
Jm002@garruba.com
603-685-3394

Archived: Friday, February 5, 2021 11:58:08 AM

From: [Stephen Day](#)

Sent: Friday, February 5, 2021 8:23:19 AM

To: ~House Municipal and County Govt

Subject: HB586

Importance: Normal

I strongly oppose this bill. Towns should be able to set their own zoning policies not the state. Stephen Day a long time Hollis resident.
Sent from my iPad

February 5, 2021

House Municipal and County Government Committee

State Capitol

Concord, New Hampshire

Dear Members of the Committee,

We are the Chairperson and Vice-Chair of the Hollis Select Board. Both of us have been involved as Ex Officio members of the Hollis Planning Board for several years, and are well-versed in the requirements for even-handed evaluations of plans submitted for consideration by private land-owners for the development of various residential and commercial enterprises.

The proposals embodied in HB586 are an affront to self-governance, a principle enshrined in the Constitution of the State of New Hampshire. For example, the requirement for 'educating' the members of the Planning Board or Zoning Board of Adjustment, which are appointed citizens from each community by the governing board, e.g., Selectmen, suggests that regular citizens from all walks of life are incompetent to discharge their statutory obligations under current RSA requirements. The current structure allows for remedies for land-owners who believe that the Planning Board did not follow current laws or local regulations, namely through appeal to the ZBA or to Superior Courts, which are the final arbiter of the legality of their decision-making processes and outcomes.

To require members appointed by governing authorities in each municipality to undergo a training, even though said training will be offered free of charge, is akin to requiring a license of some sort to permit the faithful discharge of their mandate under State and local laws. The bias of the proposed law seems to inculcate the stated ambition of making more municipalities receptive to workforce housing, which may not be entirely suitable for the panorama of smaller communities in the state of New Hampshire. To suggest that all towns need to deploy a segment of their land use to work force housing apparently fails to take into consideration the burden associated with presumed increased requirements for safety personnel, e.g., fire, police, ambulance and DPW employees, not to mention the potential economic impacts on public education infrastructure.

The text of the proposed bill has the following analytical language as well which gives pause for concern:

The Judicial Branch indicates over the last 2 years, it has received 25-30 planning board appeals and 27-45 zoning board appeals. There are a number of existing laws, in addition to Constitutional requirements, that require expedited review or have deadlines by which a decision is required. Adding additional cases with compressed time frames may necessitate additional resources to fulfill these requirements. Changes implemented effective 60 days after passage rather than the traditional January 1st of the following year pursuant to RSA 14:9-a will affect the Branch's ability to make changes collectively from all legislation. This may result in duplicative efforts and expenditures for training of

judges and staff, updating databases, modifying forms and changes to the e-filing system. The overall impact on expenditures is indeterminable.

In a state with over 1.3 million residents, it seems implausible to suggest that 30 planning board appeals and 45 ZBA appeals would present an undue burden on the judiciary, specifically tasked with administration of the principles of fairness espoused in the State Constitution, especially when considering this caseload is spread over a two year period.

Of further concern is the following proposed language in the statute under consideration:

*Failure of the selectmen or city council to ~~[issue an order to the planning board under subparagraph (1), or to]~~ certify approval of the plat upon the planning board's failure to ~~[comply with the order,]~~ **act within the required time period** shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application ~~[if the court determines that the proposal complies with existing subdivision regulations and zoning or other ordinances].~~ **The superior court shall act upon such a petition within 30 days.** If the court determines that the failure of the selectmen or the city council to act was not justified, the court may order the municipality to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.*

Reading this paragraph there seems to be a judicial over-reach present. If a complicated submission fails the requirements established by the municipality for being considered complete, there is always an opportunity afforded the applicant to remedy the proposals to seek compliance, seek waivers of certain local ordinances (e.g. cut and fill provisions), or withdraw the deficient application and resubmit a remedied plan. If a matter is deemed upon further reflection by the planning board to remain deficient, the applicant still retains the right to seek legal redress in Superior court proceedings. The aforementioned paragraph suggests that if for whatever reason the planning board is not able to meet or render a ruling in a timely manner (presumably within 65 days from submission), that there is an automatic remedy to the applicant to plead before Superior Court, and that should the Court deem that the 'failure to act by the Selectmen or the City Council was unjustified' itself a question of fact, the Court may order the municipality to pay reasonable costs, etc., incurred in securing such order.

Finally, the establishment of the New Hampshire Housing Champion Certification apparently seeks to establish a scoring system for a municipality to 'volunteer' for this status, allowing for an apparent advantage to municipalities as evidenced by the following statement in the proposed law: *In exchange for housing champion certification, a municipality shall receive preferential access to state resources including, but not limited to, discretionary state infrastructure funds, as available.*

How is this consistent with equal protection under the law?

The qualifications for achieving this status are listed as:

(a) Adoption of such land use regulations and ordinances which the office of strategic initiatives determines to be necessary to promote the development of workforce housing, as that term is defined in RSA 674:58, and other types of housing necessary for the economic development of the state. In this paragraph, "land use regulations and ordinances" shall include, but are not limited to, innovative land use controls described in RSA 674:21.

(b) Adoption of financial tools that incentivize the development of workforce housing, including adoption of the community revitalization tax relief incentive program under RSA 79-E and establishment of municipal economic development and revitalization districts under RSA 162-K.

(c) Training of planning board and zoning board of adjustment members using training materials and programs, including online materials and programs, provided by the office of strategic initiatives pursuant to RSA 673:3-a; or training materials and programs, including online materials and programs, provided by the New Hampshire Municipal Association, that cover the processes, procedures, regulations, and statutes related to the board on which the member serves; or any other training materials and programs, including online materials and programs, approved by the office of strategic initiatives, that cover the processes, procedures, regulations, and statutes related to the board on which the member serves.

(d) Adoption of energy efficiency residential building standards, pursuant to RSA 674:51, or adoption of an energy efficiency and clean energy district, pursuant to RSA 53-F.

For those towns and municipalities that have established master plans with an emphasis on maintaining rural character while also seeking to adapt certain areas for workforce housing, such as Hollis has done, this carrot and stick approach to fostering higher density and redevelopment seems to miss the mark. While there is ample evidence that rehabilitating areas of high density communities such as Manchester, Concord and Nashua would be well-served by this potential approach to ‘redevelopment’, the language seems to be an overreach in smaller communities. Hollis has been a pioneer in adoption of energy efficiency for example, but is not well suited for high-density housing due to the inherent restrictions associated with aquifer protection, wildlife corridor protection and the regional traffic management requirements. Our protection of natural resources and historical artifacts, our dedication to maintaining rural character, our concern about regional wastewater management and our recent approval of workforce housing development in a suitable area on the outskirts of our community are testament to exemplary oversight by our competent members of the various Boards charged with oversight of land use.

Sincerely,

Mark A. Le Doux

Chairman – Board of Selectmen

Town of Hollis, NH

David Petry

Vice-Chairman

Archived: Friday, February 5, 2021 11:57:21 AM
From: [Martha Goodwine](#)
Sent: Friday, February 5, 2021 11:27:15 AM
To: ~House Municipal and County Govt
Subject: NH HB 586
Importance: Normal

Please do not support this bill!

For towns like Hollis, passing of this bill will destroy our local zoning authority and make it impossible to maintain the rural, farm and agriculture vistas that we Hollis citizens moved here for.

Please, please do not support this bill!

Thank you,

Martha Goodwine

February 07, 2021

To: Chairman Dolan and committee members
House Municipal and County Government committee

From: Christine Fajardo
Resident, Ward 4 Manchester
215.287.8022

Re: In Support of HB 586

Please accept my written testimony in **support of HB 586**, a bill that will help to address New Hampshire's affordable housing shortage and make home ownership accessible to more people—particularly those who stand to make an important contribution to our state's economy.

I'm writing from the perspective of a homeowner who was lucky enough to find an affordable home just as inventory was beginning to hit an all-time low. Since buying our home four years ago, my husband and I have observed several of our peers—professional 30- and 40-somethings with dual incomes—struggle to find any options where they can settle down and call home. As a result, they're either stuck renting or they're looking in other surrounding states. This loss of an important demographic stands to create long-term and lasting impacts on our state, most notably from an economic perspective.

As a member of this critical demographic—young, educated, professional, dual-income households—I can attest first-hand to the important contributions my husband and I made as homeowners here in New Hampshire. Since moving into our “fixer upper” four years ago, we've hired a plumber to upgrade and bring our house to code; an HVAC company to maintain our aging heating and cooling systems, and to install a mini-split system on our second floor; a stone mason to lay a custom flowerbed and repair our foundation; a chimney repair company, and an electrician. By investing in a home, we've become a critical part of our local economy by investing in the local job market. Not to mention, the increased tax revenue we generate for Manchester as we continue to improve our home and drive up its value.

But owning a home in New Hampshire is not the end of our contributions. Because we live here, we spend our disposable income here, too. And not just here in Manchester—all across the state. We're avid outdoors people—we camp in NH's state parks and private campgrounds; we stay overnight at local BnB's and hotels when we hike the Whites in winter; we patronize local cafés and shops as we ride our bikes along the seacoast. We love taking advantage of all the resources NH offers us, but it's a mutually beneficial relationship—NH reaps the rewards from residents like us and should prioritize investing in infrastructure that will attract and enable more people like us.

When housing inventory is low and rents go up, disposable income goes down. When people who are lucky enough to be in a position to buy but can't, a bottleneck is created and crowds out would-be renters. This impacts our state's diversity, impedes the pipeline for a younger workforce, and puts prospective residents in a position where they don't even consider NH as a viable option; leading them to invest in other states. This is not just a loss for NH today...it's a long-term loss with far-reaching impacts. By supporting HB 586, you'd be making a critical, long-term investment in a key demographic and in New Hampshire itself.

Thank you, Mr. Chair and committee, for your attention. I urge you to support HB 586.

Respectfully,

Christine Fajardo
Manchester, Ward 4
christine@mono-graphic.com
215.287.8022

Date: February 3, 2021

To: Chairman Dolan and committee members. House Municipal and County Government committee. HouseMunicipalandCountyGovt@leg.state.nh.us.

From: Molly Lunn Owen, Executive Director, 603 Forward. Molly@603forward.org. Manchester. (781) 789-1168.

Re: In Support of HB 586

I am writing to respectfully urge the committee to **support HB 586**, a bill that would provide training for New Hampshire zoning and planning boards and important incentives for workforce housing development.

I speak to the challenge of finding housing in New Hampshire from both a personal perspective and a professional one. I'm a new mom to a chubby 9-month-old. My husband is an engineer at BAE and a Navy submariner and I direct a small nonprofit. While we are proud to have saved for a down payment, there are almost no homes available. As home prices rise and availability falls, we remain renters, taking a valuable rental spot from another deserving family who doesn't benefit from the resources we've accumulated to buy a home or the benefits available to us as a military family.

We have good friends with a similarly chubby new baby, and these friends have been looking unsuccessfully for a home they can afford to buy for over a year. Our friends plan to leave New Hampshire for the Midwest as they cannot find a home they can afford given their salaries (and student loan debt incurred) as a public school math teacher and physical therapist.

I was appointed as an alternate to the Manchester planning board last December. I'm proud to serve, but I'm also frustrated that many towns and cities, like Manchester, have trouble filling these important volunteer positions to make decisions around land use. The lack of professional planning staff in most towns and a lack of training resources are enormous barriers to entry to new, needed perspectives to assist with the work of these committees.

I serve as Executive Director for 603 Forward, a small nonprofit where I engage in issue advocacy on behalf of working-age New Hampshire residents. In my professional work I speak with young people every day who care about and are deeply affected by the cost of housing in New Hampshire and are eager to give back by serving on land use boards. HB 586 would help young people like my family, our friends, and the young people I represent to both serve our communities in New Hampshire and afford to *live in* New Hampshire.

Thank you, Mr. Chair and committee, for your attention. I urge you to support HB 586.

Respectfully yours,

Molly Lunn Owen

Manchester, NH
molly@603forward.org or molly.lunn.owen@gmail.com
(781) 789-1168



STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

CHRISTOPHER T. SUNUNU
Governor

February 1, 2021

Dear Members of the House Municipal and County Government Committee,

In 2019, I put together a taskforce of state officials, housing experts, and community stakeholders to make recommendations to improve New Hampshire's housing crisis. The taskforce developed recommendations that led to last year's HB 1629 and HB 1632. The House Municipal and County Government Committee worked hard to improve on those recommendations, fine-tuning the legislation and adding insights to ensure that our New Hampshire tradition of local control would be protected. Prior to the pandemic, these bills represented one of the best opportunities in years to advance New Hampshire's housing situation in a substantive, bipartisan way. House Bill 586 is the continuation of those two bills and this Committee's effort. House Bill 586 will:

- Expand access to quality training for our local planning board and zoning board members, without mandates.
- Protect property rights by ensuring a planning and zoning process that improves predictability and balance.
- Accelerate investment in workforce housing for those municipalities who choose to do so.

Many States choose the path of top-down mandates and burdensome regulations. That is not the New Hampshire way. House Bill 586 embraces our traditions of local control and individual property rights, empowering municipalities to help attract the workforce that makes our economy thrive. I ask you to pass House Bill 586 to keep New Hampshire's economy the envy of our neighboring states and the entire country. If we do nothing to address our State's housing issues, we will be telling our New Hampshire businesses and workers that we are not listening to their needs.

Thank you for your continued hard work for your constituents and for the State of New Hampshire. My office stands ready to provide assistance in any way that is helpful.

Sincerely,

A handwritten signature in blue ink that reads "Chitoh T. Sununu".

Christopher T. Sununu
Governor



February 1, 2021

Hanover Co-op Supports HB 586

I'm Allan Reetz of Plainfield. As a long-time employee of the Hanover Co-op -- New Hampshire's largest independent grocery store business -- I want to express our support and appreciation for House Bill 586. This is sensible legislation.

As a homegrown business founded 1936, the Hanover Co-op includes three full-service supermarkets, a community market, two auto service centers and a large production kitchen. It's an \$85 million business. But nothing happens without our 350 employees. And in this time of Covid, they kept the food flowing to local residents.

Our business is also an employment launching pad – be it for local high school students getting their first job bagging groceries, or others like my Plainfield neighbor Randy who has been working for the Hanover Co-op for 45 years. Careers start here and grow here. But, the lack of affordable housing ranks among our biggest concerns and business threats.

We are not newcomers to housing advocacy. We've stood behind thoughtful solutions since the 1970s.

The long deliberation that helped craft bill HB 586 produced reasonable guidelines and toolbox resources.

Our business is doing everything it can to help with employee healthcare, training, and an average starting wage of \$14 an hour. But solving the affordable housing crisis – and I do mean *crisis* – is a problem bigger than any business alone can tackle.

If our essential workers – who are truly essential community members – can afford to own or rent a home here in New Hampshire – every other aspect of living here gets a boost. Job creation. Healthcare. Day-care. Education. Transportation... fill in blank... It all works better with an affordable place to live.

Thank you for the opportunity to share these remarks. I sincerely appreciate your work on this urgent matter.

Nourish. Cultivate. Cooperate.

Archived: Friday, February 5, 2021 12:00:10 PM
From: [CINDY ROBBINS](#)
Sent: Thursday, February 4, 2021 7:46:11 PM
To: [~House Municipal and County Govt](#)
Subject: HB 586
Importance: Normal

I firmly oppose this bill now in our state legislature. Please vote NO against this bill.

Cindy Robbins-Tsao
10 French Mill Rd
Hollis, Nh 03049

Archived: Thursday, April 22, 2021 9:40:39 AM
From: [JANE A AITKEN](#)
Sent: Monday, January 25, 2021 8:40:17 PM
To: ~House Municipal and County Govt
Subject: HB 586 Testimony for February 1 - Please enter into the record
Importance: Normal

To the House Municipal and County Government Committee:

On February 1, 2021 please enter this testimony into your records as OPPOSITION to HB 586.

If possible, read it aloud at your Feb 1 hearing.

I am speaking for myself and a group I founded whose membership is 1300+.

Our group's mission is to preserve the small town flavor, property values, and quality of life in Bedford which is by choice predominantly a community of single family homes.

There are many towns in NH that are similar to Bedford. **They too oppose the Governor's efforts to enact Obama's AFFH at the local level. They too will be harmed by it. [But the Governor publicly attacked us.](#)**

In 2019 Bedford passed new zoning laws (basically reinforcing existing laws) and changed our Master Plan to reflect the wishes of the residents. The residents would like to preserve the small town flavor, property values, and dominance of the single-family housing unit.

What does HB 586 do?

HB 586 is the reincarnation of two bills (HB 1629 and HB 1632) which were part of Governor Sununu's plan to introduce more apartment buildings in to NH. The bills sought to retrain zoning boards in the philosophy of 'new urbanism' and to give taxpayer funded perks to developers whose projects qualify as such. [We have read in depth the details of the Governor's plan](#) and have come to the conclusion that zoning boards will be brainwashed into this way of thinking by being offered this 'free' training from special interest groups comprised of developers and others pushing this type of housing, along with unaccountable, unelected regional boards.

HB 1629 and HB 1632 both failed last term due to being unable to be funded because of lack of tax revenue to the state cause by COVID. This is proof that it will COST the taxpayers, most of whom will NOT benefit from HB 586.

Who benefits from HB 586?

- This plan **maximizes the profits of already wealthy developers** who are given perks at the expense of the majority of the middle-class single family homeowners, those who provide the majority of the tax base.
- **A few 'workforce' individuals** who otherwise could not afford to live in some NH towns that are already built up and are established by single-family homes.
- Despite the plan's description, **it does not 'enhance' local control but interferes with it.**
<http://bedfordresidents.com/bra/wp-content/uploads/2019/10/recommendations-housing-shortage-faq.pdf>

In particular, and to be blunt, the residents of NH did not move here to live in a sea of apartment buildings. Bedford does not wish to be turned into a Derry or Londonderry. Tearing down single family homes to put apartment buildings in their place is not a wise thing to do in ANY town in NH. Thinking back to when many of us were starting out in our careers, we did not expect the government to provide us with a way to live in places we could not already afford ourselves. We are here because we worked toward that goal.

California shot down a similar bill because it would have been **"a form of bureaucratic overreach that essentially would have stripped local governments' ability to enact their own zoning laws, consolidating that power in Sacramento"**.

<http://bedfordresidents.com/bra/2020/02/09/californians-rightly-nixed-the-governors-density-bill/>

Even California shot down a similar bill because it would have been **"a form of bureaucratic overreach that essentially would have stripped local governments' ability to enact their own zoning laws, consolidating that power in Sacramento"**.

<http://bedfordresidents.com/bra/2020/02/09/californians-rightly-nixed-the-governors-density-bill/>

Bottom line is, it is not the government's purview to provide housing for millennials or anyone else, and especially not at the expense of taxpayers who gain nothing from it and who may even suffer the loss of their property's value.

What is even worse is having to listen to developer friends of the Governor brag they have him 'in their pockets' which makes it clear that he is approving of this plan for their benefit and nothing more. Some of these

developers are part of special interest groups pushing this type of development because they would benefit from it. This is a clearly a conflict of interest!

Why not just send our local elected boards to the Soviet Union to find out how the Bolsheviks took control of housing? Because that is exactly what this is – government central planning, Russian-style, overseen by regional unelected entities and private special interests. Where is this allowed in our State Constitution?

Consider these questions. How constitutional is it for the state to:

- mandate or manage housing in any way?
- create unelected, unaccountable boards to override local town rules?
- allow unelected, unaccountable private foundations and lobbies to direct training for zoning and planning boards?
- mandate time limits in which local boards must accept or reject projects?
- attempt to attract millennials or any other particular demographic, over another – discrimination ?
- use our tax dollars to help businesses and reward developers to flood us with housing that will raise the taxes of the single-family homeowners in the community?

As it is now, some homeowners are on the verge of being unable to afford to live in their homes. Increased taxes caused by this massive plan will contribute to making it harder to keep their homes, while padding the pockets of the wealthy. **Making us all dependent on the government is not a solution! It will make home ownership even more difficult.**

The High Density Delusion

<http://bedfordresidents.com/bra/2020/01/20/the-high-density-delusion/>

NH's economy has always been stronger than most other states with a good job market. Better to have too many jobs than workers, than too many workers for the available jobs. **Contrary to what Sununu says, it is not the state's job to make sure you can 'live where you work' or 'walk to work'. This is crony capitalism, or worse yet, the state forcing 'equality', a very socialistic approach.**

AND THE EXACT SAME THING AS OBAMA'S AFFH!

If you need more information on this situation please do not hesitate to call me at 472-7488

Jane Aitken, Founder
Bedford Residents Association

UL editorials and other articles regarding the push for 'density' in NH:

Nix the 'appeals board': It's not the way to address housing

https://www.unionleader.com/opinion/editorials/nix-the-appeals-board-it-s-not-the-way-to/article_bb76d4d8-ed05-53bf-b71d-d1fbbfff6a81.html

Nix the housing board: Issue shouldn't be in state budget

https://www.unionleader.com/opinion/editorials/nix-the-housing-board-issue-shouldn-t-be-in-state/article_57808433-e353-5e00-9935-82df35c6b643.html

The dangers of density

<http://bedfordresidents.com/bra/2020/06/25/how-density-is-a-danger/>

Sununu says density is dangerous

<http://bedfordresidents.com/bra/2020/04/19/its-the-density-stupid/>

California Nixes Density Bill

<http://bedfordresidents.com/bra/2020/02/09/californians-rightly-nixed-the-governors-density-bill/>

Archived: Thursday, April 22, 2021 9:40:40 AM
From: Paul Smith
Sent: Tuesday, January 26, 2021 10:36:50 AM
To: ~House Municipal and County Govt
Subject: Help Save NH Defeat HB 586
Importance: Normal

Caution! This sender may be impersonating someone in your organization or a well known brand.

Stop HB 586 !!!

This bill will DESTROY any and all freedoms of any and all citizens of The Granite State. In case you are not familiar with this bill you can read it at the link that I have provided for you to read and understand.

http://www.gencourt.state.nh.us/bill_status/billText.aspx?sy=2021&id=515&txtFormat=html

Thank you for your time.

Paul Sedlewicz
417 Route 9a
Spofford, New Hampshire
03462
7620406
I VOTE!

Archived: Thursday, April 22, 2021 9:40:40 AM
From: Donna Beatrice
Sent: Tuesday, January 26, 2021 7:04:16 PM
To: ~House Municipal and County Govt
Subject: HB 586
Importance: Normal

Good Morning,

We are writing to you to express our concern against HB 586. We moved here to NH from MA to escape the politics and overcrowding in the city we called home.

We are adamantly against HB 586. It will ruin NH. Those who are serving are serving at the will of the people. The people are speaking here and saying NO to HB 586.

Please hear our voices.

Live Free or Die

Blessings!
Donna and John Beatrice

Archived: Thursday, April 22, 2021 9:40:40 AM

From: [Ron](#)

Sent: Tuesday, January 26, 2021 8:16:08 PM

To: [~House Municipal and County Govt](#)

Subject: HB 586

Importance: Normal

Dear committee members

I am writing to you regarding the pending bill HB 586. I have read thru this bill and am concerned that it does not benefit tax paying citizens. I am a resident of Carroll County and do not believe the provisions contained in the bill benefit the quality of life we all cherish in the state. It appears this bill has too much influence from special interest and am urging you to vote no

Thank you for your consideration

Ron Canney

[Sent from Yahoo Mail on Android](#)

Archived: Thursday, April 22, 2021 9:40:40 AM
From: [Anthony Amato](#)
Sent: Wednesday, January 27, 2021 8:44:18 PM
To: [~House Municipal and County Govt](#)
Subject: HB 586
Importance: Normal

I want to see 586 soundly defeated.

Archived: Thursday, April 22, 2021 9:40:40 AM
From: tedmarv@juno.com
Sent: Wednesday, January 27, 2021 10:52:54 PM
To: ~House Municipal and County Govt
Subject: HB 586
Importance: Normal

Please vote against this. It is evil. Thank you.

Sincerely,

Ted Maravelias
Windham, NH
603-770-8072.

Top News - [Sponsored By Newser](#)

- [2nd Officer Takes His Own Life After Capitol Attack](#)
- [Proud Boys Leader Was 'Prolific' Police Informant](#)
- [Philadelphia Cuts Ties With 'Whiz Kid's' Vaccine Startup](#)

Archived: Thursday, April 22, 2021 9:40:40 AM
From: pprescottjan@aol.com
Sent: Thursday, January 28, 2021 8:15:56 AM
To: ~House Municipal and County Govt
Subject: HB 586
Importance: Normal

Please defeat

Archived: Thursday, April 22, 2021 9:40:40 AM

From: [Laliberte, Mark](#)

Sent: Friday, January 29, 2021 1:04:11 PM

To: ~House Municipal and County Govt

Cc: [Ryan, Hilary](#)

Subject: Commissioner Caswell testifying on HB 586 (Monday, Feb. 1 at 10:00 a.m.)

Importance: Normal

Good afternoon,

BEA Commissioner Taylor Caswell will be testifying in support of HB 586 on Monday, Feb 1, at 10:00. He is signed up already within the system. I was wondering if it is possible for him to testify first. Thanks! - Mark

Mark Laliberte

Business Resource Specialist

NH Department of Business and Economic Affairs (BEA)

100 N Main St.; Concord, NH 03301

O: 603.271.6351

C: 603.419.0176

[LinkedIn profile](#)

BEA's COVID-19 PAGE: www.nheconomy.com/covid19



Archived: Thursday, April 22, 2021 9:40:40 AM
From: ccarley@cncarley.com
Sent: Sunday, January 31, 2021 6:59:45 PM
To: ~House Municipal and County Govt
Subject: HB 5861
Importance: Normal

Members of the Committee:

I write concerning the provision requiring that the rationale for all ZBA decisions be distributed in writing to the appellants immediately following the board's decision.

My interest in this bill arises from my long experience as a member and chair of the Concord ZBA, although I speak only for myself and not for the City or other members of the board.

I believe that the provision would benefit from some adjustment.

At present, all zoning boards of appeals keep official minutes and most, if not all, record their meetings. The board members' views and findings of fact on each case become public during the discussion phase of each hearing and are recorded. This information is later issued as minutes, which are reviewed, amended if necessary, and formally adopted by vote of the board, typically at a later meeting.

The proposed 586 requirement would require staff in each city or town to write up an additional summary, secure its approval by the board, and distribute the result to the interested parties. In the majority of cases, which are not contested after the fact, this work would be redundant and unneeded.

I suggest the following alternative:

- Require that a board approved summary of the board's rationale be provided upon request by any interested party within some reasonable time after the request.
- Delete the requirement that a judge automatically remand the case back to the board if the summary has not been issued.

I believe that the suggested changes would eliminate unnecessary paper work and procedure while providing appellants with relevant information when it is actually needed. It would also give the court the opportunity to hear the case and act or to ask for clarification at its discretion, rather than introducing another rule into the process.

Thank you for your attention.

Christopher N. Carley, AIA
C.N. Carley Associates, Architects and Planners
4 Vernon Street
Concord, NH 03301
tel: 603.228.3815
www.cncarley.com

Archived: Thursday, April 22, 2021 9:40:40 AM
From: [Mary Lou Ward](#)
Sent: Sunday, January 31, 2021 9:26:31 PM
To: [~House Municipal and County Govt](#)
Subject: HB 586
Importance: Normal

I believe in our town's right to local zoning control!
Mary Lou Ward
Hollis, NH

Archived: Thursday, April 22, 2021 9:40:40 AM
From: [Julie Ledoux](#)
Sent: Monday, February 1, 2021 9:23:09 AM
To: [~House Municipal and County Govt](#)
Subject: OPPOSE HB 586
Importance: Normal

Dear Committee Members,

We OPPOSE HB 586

We OPPOSE to any attempt to mandate types of housing in our towns.

WE OPPOSE any attempt limit, interfere with or remove LOCAL zoning authority from New Hampshire towns and cities.

The best government is LOCAL.

This is a centralizing power grab.

We do not want any statewide commission to distribute tax breaks to developers.

The people who actually live in the towns should continue to have the right to decide what is best for their citizens and zone accordingly.

Julie, Mark, Jean-Marc and Amiee Le Doux
64 Dow Road
Hollis, NH

Archived: Thursday, April 22, 2021 9:40:40 AM
From: Peter Kujawski
Sent: Tuesday, February 2, 2021 1:41:08 PM
To: ~House Municipal and County Govt
Subject: HB 586
Importance: Normal

Dear House, Municipal and County Government Committee,

I am writing you to defeat HB 586 in your committee. Why? This bill only benefits developers by giving them tax deferments. We have several developers in our Town of Bedford, who time and time again violate zoning laws enacted by the town or seemingly get around the laws anytime they feel like to put in high density housing that doesn't fit the town in places where is not zoned. This bill will significantly and negatively affect the NH advantage. This bill places a burden on the middle class, single-family homeowner, It takes money from the tax base to reward the developers as well as pay for the low income housing. Moreover, this bill will enable the state to be flooded with high density housing and apartment buildings where they are not wanted. Just take a ride down I293 where the old Macy's used to be. Look at the eyesore that was built and ask yourself if that medium rise apartment building fits in with the architecture of the surrounding buildings or the culture of Bedford.

Please defeat this bill and the HB 288 so that developers like the selfish ones we have in Bedford cannot ride roughshod over local zoning decisions like they have tried with the travesty behind Shorty's on Rt 101 (knocking down mature forests that were not even on their property for an apartment complex).

Thank you for your valuable time.

Sincerely,

Pete Kujawski
Colonel, US Army (ret.)
603 289-6001
petekujaws@comcast.net

Archived: Thursday, April 22, 2021 9:40:40 AM
From: Peter Kujawski
Sent: Tuesday, February 2, 2021 1:53:17 PM
To: ~House Municipal and County Govt
Subject: Re: HB 586
Importance: Normal

Committee:

Please disregard my previous message.

Please allow me one correction.

The word support was inadvertently left out before "HB288". It is corrected below.

Thank you.

Pete Kujawski
603 289-6001
petekujaws@comcast.net

From: Pete Kujawski <petekujaws@comcast.net>
Date: Tuesday, February 2, 2021 at 1:40 PM
To: <HouseMunicipalandCountyGovt@leg.state.nh.us>
Subject: HB 586

Dear House, Municipal and County Government Committee,

I am writing you to defeat HB 586 in your committee. Why? This bill only benefits developers by giving them tax deferments. We have several developers in our Town of Bedford, who time and time again violate zoning laws enacted by the town or seemingly get around the laws anytime they feel like to put in high density housing that doesn't fit the town in places where is not zoned. This bill will significantly and negatively affect the NH advantage. This bill places a burden on the middle class, single-family homeowner, It takes money from the tax base to reward the developers as well as pay for the low income housing. Moreover, this bill will enable the state to be flooded with high density housing and apartment buildings where they are not wanted. Just take a ride down I293 where the old Macy's used to be. Look at the eyesore that was built and ask yourself if that medium rise apartment building fits in with the architecture of the surrounding buildings or the culture of Bedford.

Please defeat this bill and support the HB 288 so that developers like the selfish ones we have in Bedford cannot ride roughshod over local zoning decisions like they have tried with the travesty behind Shorty's on Rt 101 (knocking down mature forests that were not even on their property for an apartment complex).

Thank you for your valuable time.

Sincerely,

Pete Kujawski
Colonel, US Army (ret.)
603 289-6001

petekujaws@comcast.net

Archived: Thursday, April 22, 2021 9:40:40 AM

From: [Jim McConnell](#)

Sent: Tuesday, February 2, 2021 2:27:36 PM

To: [~House Municipal and County Govt](#)

Subject: ITL HB 586

Importance: Normal

Please ITL HB 586.

I served on Swanzey's Planning Board for a number of years and found it representative of the town's thinking and run very much the way a rural Planning Board should operate. Changing the rules to favor politically connected developers is not the way to go.

Jim McConnell
42 Monadnock Highway
North Swanzey, NH 03431

Sent from my iPad

Archived: Thursday, April 22, 2021 9:40:40 AM
From: [Ifoxter](#)
Sent: Wednesday, February 3, 2021 1:39:31 PM
To: [~House Municipal and County Govt](#)
Subject: HB 586 - reject
Importance: Normal

Our zoning boards do not need education. Or re-education.

Terry Cox
Webster


Archived: Thursday, April 22, 2021 9:40:40 AM
From: [Matt Ide](#)
Sent: Friday, February 5, 2021 11:52:20 AM
To: ~House Municipal and County Govt
Subject: HB 586 - No
Importance: Normal

Hello,

I am writing to voice my support AGAINST this bill. I do not like how it removes local control and moves it to the state. I strongly believe local planning boards should decide these issues.

Sincerely,

Matt Ide
Hollis, NH
[Cloud Technology Advisors](#)
Easily Evaluate, Compare, & Procure Voice & Data Services
C: 603-440-8607 O: 603-821-4090 x203

View my profile on 

Archived: Thursday, April 22, 2021 9:40:40 AM
From: [John Ferlins](#)
Sent: Friday, February 5, 2021 3:47:33 PM
To: [~House Municipal and County Govt](#)
Subject: HB 586
Importance: Normal

Please do not pass this bill. It will allow unwanted development which will negatively impact the rural character of Hollis and increase the need for town services to serve unwanted higher density. Most Hollis residents highly value our rural character as has been shown in previous polls. That means controlled development, i.e. controlled by residents.

HB 586 appears to strip our local town officials of their authority over our zoning ordinances in favor of outside interests. As Hollis residents, we prefer to continue governing our own zoning without interference.

Respectfully,
John Ferlins
88 Dow Road
Hollis, NH 03049

Archived: Thursday, April 22, 2021 9:40:40 AM
From: Josey MacMillan
Sent: Saturday, February 6, 2021 7:27:05 AM
To: ~House Municipal and County Govt; Susan Homola
Subject: HB 586 do not support
Importance: Normal

Stop giving our tax payers dollars to developers so they can line their pockets while ruining our small town living. Work force housing may be necessary in some parts of the country but not here in these already over stressed and over taxed communities. This is about more government control as bureaucracy continues to spin out of control.

Josephine MacMillan
Richard MacMillan

Archived: Thursday, April 22, 2021 9:40:40 AM
From: [K Sheffert](#)
Sent: Sunday, February 7, 2021 1:37:13 AM
To: [~House Municipal and County Govt](#)
Subject: HB 586 ITL please
Importance: Normal

Please ITL HB 586 a Developer dream for easy money.

Instead, demand Congress to stop passing legislation with zero way to pay it off. Congress just passed a \$1.9 Trillion bill and no way to pay for it. And NH is trying to compete with that somehow?

The Federal Reserve is buying the notes on top of the Foreclosure bust. Where people lost their homes and \$14 to 21 Trillion in wealth and Congress or Concord didn't lift a finger to prevent the foreclosure mess.

Concord missed an NH resident paying his mortgage to their bank and then the bank sold the note to others. And never told them and lost \$90K in payments.

So the Federal Government messed over people with the foreclosures and now Concord Government wants to try their hand at messing with the housing market to somehow make up for not stopping the Banks and mortgage companies' foreclosures.

[Andrew Cuomo and Fannie and Freddie | The Village Voice](#)

[Andrew Cuomo and Fannie and Freddie | The Village Voice](#)

[There are as many starting points for the mortgage meltdown as there are fears about how far it has yet to go, b...](#)

Sincerely
Ken Sheffert
Hampton NH

Archived: Thursday, April 22, 2021 9:40:40 AM
From: KATHRYN RUBIN
Sent: Sunday, February 7, 2021 11:48:37 PM
To: ~House Municipal and County Govt
Subject: New Hampshire House Bill #586 (HB586)
Importance: Normal

Memo to Members of the Municipal and County Government Committee:

I am writing to voice my opposition to Bill HB586. I have recently become a resident of Hollis, and one of the main reasons that I purchased acres of land and built a house in the town was the fact that important decisions affecting the town and its residents were made by local officials and specific boards, often made up of citizen volunteers. This bill would reduce or remove the authority of our local officials and boards to make decisions about development and would replace this authority with unelected boards or committees at the state level who may or may not understand and appreciate the rural character and other specific aspects of the town.

Many Hollis residents have discussed the serious flaws in this bill, e.g., the mandating of specific types and quantities of housing developments, the redistribution of taxation in the state, the effective weakening of local governments. This bill would make fundamental changes to our existing and successful local zoning authority. As I understand this bill there are no positive outcomes for the residents of Hollis, only negative and possibly detrimental ones, and therefore I respectfully ask that the Committee ensures that this bill does not become New Hampshire law.

Sincerely,
Kay Rubin
30 Worcester Road
Hollis, NH

Archived: Thursday, April 22, 2021 9:40:41 AM
From: Janet Hicks
Sent: Monday, February 8, 2021 2:35:30 PM
To: ~House Municipal and County Govt
Subject: HB 586
Importance: Normal

To Those Whom We Have Elected to Represent US,

*Please vote "NO" on HB 586. It will ruin the rural character of
our beautiful towns here in NH, our schools will create even greater expenses for our
taxpayers,
we will lose all control ----- need I say more!!*

Please do the right thing and vote "NO."

Thank you,

*Janet Hicks
16 N. Pepperell Rd
Hollis, NH 03049
603-860-7535*

Archived: Thursday, April 22, 2021 9:40:41 AM
From: [thomas browne](#)
Sent: Monday, February 8, 2021 10:10:45 PM
To: [~House Municipal and County Govt](#)
Subject: HB 586
Importance: Normal

Please stop developers from destroy small town living in New Hampshire!

You must ITL HB 586

Thank you,

Tom and Linda Browne
Bedford, NH

603 512 4570

Archived: Thursday, April 22, 2021 9:40:41 AM
From: JANE A AITKEN
Sent: Saturday, February 13, 2021 2:48:34 PM
To: ~House Municipal and County Govt; NH House Communications
Subject: PLEASE OPPOSE THESE BILLS
Importance: Normal

Please OPPOSE these bills:

HB 586
HB 132
HB 189
HB 154

DETAILS:

HB 586 - Would encourage high density urbanism and reward developers with our tax dollars.

- *In our opinion, the state has NO right to mandate towns to build certain types of housing*
- *In our opinion, the state has NO right to re-educate zoning and planning boards into the philosophy of 'new urbanism'*
- *This redistribution-of-the-wealth scheme has been proven to increase and draw from the taxes of the middle class single-family homeowners to reward wealthy developers*
- *This equalization scheme will flood NH with apartment buildings in places they are not appropriate, putting further pressure on town services such as schools, police, fire, and EMT*
- *Basically this is the same thing as Obama's AFFH. WHY is it being promoted by a Republican Governor and other Republicans.*
- *This bill would be the end of the NH Advantage. NH's low density is what protected us from the worst effects of the pandemic, in the Governor's own words*
- *We are against the URBANIZATION of NH in this manner as it takes away local control*

HB 132 - Would prohibit any local zoning ordinance from "requir[ing] more than a one half acre lot for single family housing where such housing does not use a well for its water source and does not disperse liquid from a black water septic tank into the ground of the lot."

- *The state has no right to control local zoning.*

HB 189 - Would require every municipality to allow up to three accessory dwelling units (ADUs) on any single-family dwelling unit in all zoning districts that permit single-family dwellings. We currently allow ONE in Bedford.

- *Four units qualifies as an APARTMENT BUILDING. What a way to sneak in urbanization of NH!*

HB 154 - Would provide even MORE incentives to developers taken from your tax dollars. "This bill enables municipalities to offer community revitalization tax incentives for the construction of

additional housing in designated areas. The bill also revises the criteria for assistance from the affordable housing fund administered by the housing finance authority.’

- See HB 586 for objections to HB 154

Do not hesitate to call if you have questions.

Jane Aitken

Bedford Residents Assn

Bedford NH 03110

603-472-7488

Archived: Thursday, April 22, 2021 9:40:41 AM
From: [Stephen Clough](#)
Sent: Saturday, February 13, 2021 3:46:23 PM
To: [NH House Communications](#); [~House Municipal and County Govt](#)
Cc: [JANE A AITKEN](#)
Subject: I Strongly Oppose the following Bills!!
Importance: Normal

HB 586:

- *In my opinion, the state has NO right to mandate towns to build certain types of housing*
- *In my opinion, the state has NO right to re-educate zoning and planning boards into the philosophy of 'new urbanism'*
- *This redistribution-of-the-wealth scheme has been proven to increase and draw from the taxes of the middle class single-family homeowners to reward wealthy developers*
- *This equalization scheme will flood NH with apartment buildings in places they are not appropriate, putting further pressure on town services such as schools, police, fire, and EMT*
- *- This bill would be the end of the NH Advantage. NH's low density is what protected us from the worst effects of the pandemic, in the Governor's own words*
- *I am against the URBANIZATION of NH in this manner as it takes away local control*

HB 189:'

HB 189 would require every municipality to allow up to three accessory dwelling units (ADUs) on any single-family dwelling unit in all zoning districts that permit single-family dwellings. We currently allow ONE in Bedford. Since ADUs are not supposed to be publicly rented, why would THREE be needed?

I strongly OPPOSE THIS BILL!

HB 132

HB 132 would prohibit any local zoning ordinance from "requir[ing] more than a one half acre lot for single family housing where such housing does not use a well for its water source and does not disperse liquid from a black water septic tank into the ground of the lot."

I STRONGLY OPPOSE HB 132 before the Executive Session on 02/18/2021:

OPPOSE SB 86-FN

SB 86 is "AN ACT adopting omnibus legislation relative to planning and zoning".

This bill would take MORE taxpayer money to urbanize New Hampshire!

Key Point: "Planning for and encouraging higher density, compact development and allowing for the infrastructure needed to support such development."

I STRONGLY OPPOSE SB 86 !!!!!

HB 288

I AM STRONGLY IN FAVOR OF THIS BILL THAT would REPEAL the Housing Appeals Board. The HAB allows developers to ride roughshod over all local town board decisions. This includes ANY BOARD.

WORSE....IT HAS MEMBERS THAT ARE THEMSELVES DEVELOPERS.....WHO REPRESENT A
BLATANT CONFLICT OF INTEREST.....LITERALLY THE FOX WATCHING THE HENHOUSE!!!

I THEREFORE STRONGLY SUPPORT HB 288:

Archived: Thursday, April 22, 2021 9:40:41 AM
From: sampnh@aol.com
Sent: Wednesday, February 17, 2021 2:18:17 PM
To: ~House Municipal and County Govt
Subject: HB 586
Importance: Normal

Dear Committee,

I'am writing in regard to HB 586.

I have been a resident of my town since 1962. During that time, I have seen my Town grow larger, build it's own High School and count on it's local Town Boards and residents to determine how the Town should grow and what should be built where and how big. HB 586 is an insult to local Town Government and residents. Zoning and other Town Boards do not need to be reeducated in the so called " New Urbanism Philosophy". And, the State does not need to give perks, financial help or incentives to developers, so, they can ride rough shod over Local Town Boards and Government.

The State should not pass Legislation that would usurp Local Town desires or control. This is not the New Hampshire way. The people deserve the right to decide what goes on in their individual communities. Please ITL HB 586.

Thank you,

Sam Phillips
4 Ruth Street
Bedford, NH

Archived: Thursday, April 22, 2021 9:40:45 AM
From: Ryan Hvizda
Sent: Monday, February 22, 2021 5:46:18 PM
To: ~House Municipal and County Govt
Subject: I support HB 586
Importance: Normal

Good evening -

I live and own two properties on Washington Street downtown Concord, NH directly across from the new emergency homeless shelter in a former Church.

My team of three Realtors currently have over 51 clients signed into buyer agency agreements that represent over 20 million dollars in real estate. Last year we represented 116 buyers and sellers over 12 months totally 30 million in volume. This weekend my agents wrote 7 offers for 7 different buyers and not one was accepted due to the competitive nature of this extreme housing crisis.

I am a landlord and interface regularly in the rental market, and understand how the below 1% vacancy rate has allowed landlords to increase rental amounts while not maintaining their buildings. I also was flooded with applicants when both of my units came up for rent.


I believe that young people would serve on planning and zoning boards if they knew there was some baseline of education or training that would be provided. I also think that a baseline of education is important for those that currently serve as well. I have sat through one too many planning and zoning board meetings where it's obvious that members do not fully understand the code and regulations they are to interpret.

I also think we need to do whatever we can to meet the housing need, as soon as possible.

I support HB 586 because it helps address all of the housing problems I have first hand experience in multiple areas on a personal and professional level. There has been a housing crisis in NH for years and it's only gotten worse and the effects of it will impact NH and it's citizens for years to come if we do not make efforts to increase incentives for affordable housing development.

Thank you for considering my experience while deciding on whether to move this bill forward.

Ryan Hvizda
11 Washington St
Concord, NH 03301





Ryan Hvizda, Realtor

www.hvizdateam.com

Keller Williams Realty Metropolitan

Main Line: 603-557-6661 Office: 603-232-8282x6675



Referrals are the heart of my business. A personal referral is the best compliment you can give me. Have friends or family outside NH or anywhere in the world? I can find them a great agent too!

Please review this [Agency Relationships Disclosure](#) prior to our first meeting.

Archived: Thursday, April 22, 2021 9:40:45 AM
From: Robert Tourigny
Sent: Friday, January 29, 2021 5:18:05 PM
To: ~House Municipal and County Govt
Subject: HB 586
Importance: Normal
Attachments:
HB 586.pdf ;

Chairman Dolan and the members of the House Municipal and County Government committee, I am unable to attend the virtual hearing on Monday, but I would like to submit this written testimony in support of HB 586 for training & procedures for planning and zoning boards, and financial investments and incentives for affordable housing development.

Thank you.
Robert

Robert Tourigny
Executive Director



Physical Address:

801 Elm Street, Manchester, NH 03101

Mailing Address:

P.O. Box 3968, Manchester, NH 03105

P: 603.626.4663 x. 1700

F: 603.623.8011

rtourigny@nwsnh.org

www.nwsnh.org

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Archived: Thursday, April 22, 2021 9:40:45 AM
From: Ben Frost
Sent: Sunday, January 31, 2021 12:44:15 PM
To: ~House Municipal and County Govt
Subject: HB 586 - Letter from New Hampshire Housing
Importance: Normal
Attachments:
[HB 586 NHHFA Letter to Chairman Dolan \(02-01-21\).pdf](#)

Chairman Dolan and Committee Members:

Please find attached a letter of support for this bill from New Hampshire Housing Executive Director Dean Christon.

I plan to testify, and I look forward to your questions.

Thank you,

Ben

~~~~~  
**Benjamin D. Frost, Esq., AICP**  
Managing Director, Policy and Public Affairs  
New Hampshire Housing Finance Authority  
(603) 310-9361  
[bfrost@nhhfa.org](mailto:bfrost@nhhfa.org) | [www.nhhfa.org](http://www.nhhfa.org)

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-----

**Archived:** Thursday, April 22, 2021 9:40:45 AM

**From:** [Allan Reetz](#)

**Sent:** Monday, February 1, 2021 9:57:31 AM

**To:** ~House Municipal and County Govt

**Subject:** Testimony in favor of HB 586

**Importance:** Normal

**Attachments:**


[Hanover Coop\\_HB 586 Testimony LH 2\\_1\\_21.pdf](#) 

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Please see the attached PDF

Allan Reetz

Hanover Co-op Food Stores & auto Service Centers

**Archived:** Thursday, April 22, 2021 9:40:45 AM  
**From:** John MacDonald  
**Sent:** Monday, February 1, 2021 12:19:35 PM  
**To:** Heather Goley; Tom Dolan; Tony Piemonte  
**Subject:** Fwd: HB 586  
**Importance:** Normal  
**Attachments:**  
[HB 586 Testimony.pdf](#) 

---

For your reference and the record.  
John

Sent from my iPhone

Begin forwarded message:

**From:** Sarah Wrightsman <Director@seacoastwhc.org>  
**Date:** February 1, 2021 at 11:14:30 AM EST  
**To:** John MacDonald <John.MacDonald@leg.state.nh.us>  
**Subject:** HB 586

Hello John,

I am submitting my written testimony in support of HB 586 for the committee – thank you!

Best,  
Sarah

Sarah Wrightsman  
Executive Director  
Workforce Housing Coalition of the Greater Seacoast  
57 Main Street  
Raymond, NH 03077  
603.842.5682

[Facebook](#) | [Website](#) | [Twitter](#) | [LinkedIn](#) | [Newsletter](#)



February 1, 2021

The Honorable Thomas Dolan, Chair  
House Municipal and County Government Committee  
Legislative Office Building, Room 301  
Concord, NH 03301

***Subject: HB 586-FN-A-Local – relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development***

Dear Chairman Dolan:

I am writing to express the strong support of New Hampshire Housing for HB 586. As you know, this legislation is the combination of two bills from the 2020 session, HB 1629 and HB 1632, which were both based on the recommendations of a housing task force created in 2019 by Governor Sununu. Both bills received strong bi-partisan support in your committee last year and were passed by the House. Amendments recommended last year by your committee and by the unanimous vote of the House Ways and Means Committee have been incorporated into this year's legislation.

New Hampshire's housing market is increasingly unable to meet the needs of our citizens to find adequate housing in the communities where they want to live and work. The supply of housing is simply not keeping pace with demand, and this is making housing more expensive and difficult to obtain. Our statewide rental vacancy rate is a critically low 1.8%, far below the 5% we consider to indicate a balanced market. The cost of renting a 2-bedroom apartment has increased 20% in the past 5 years, and renter incomes continue to fall behind.

For homebuyers, the median price to purchase an existing home was about \$323,000 in 2020, a 13% increase from the 2019 median, while the new home median purchase price was \$410,000. But very few new homes are being built and the inventory of homes for sale is critically low, with homes typically selling in less than one month on the market. It is estimated that New Hampshire currently experiences a shortage of between 15,000 and 20,000 homes to rent or buy just to meet current demand. Without addressing this problem, New Hampshire risks the prospect of limits to future economic growth as workers look elsewhere for employment because of our high housing costs.

This lack of housing supply is partly a reflection of the difficulty faced by property owners and developers in some communities as they have put forth proposals to create new housing. In many communities, particularly in smaller ones without professional planning staff, local land use board members lack formal training and knowledge of the laws they have been appointed or

**NEW HAMPSHIRE HOUSING FINANCE AUTHORITY**

32 Constitution Drive, Bedford, NH 03110  
Mail: PO Box 5087, Manchester, NH 03108

603.472.8623  
NHHFA.org



elected to administer. The result is often an unpredictable process, inconsistent decisions, and unnecessary appeals that are costly to both applicants and municipalities.

HB 586 seeks to address this problem and create a more consistent and transparent process for hosting development. This will be done by establishing resources and improving the training opportunities for local board members. The bill also improves the local regulatory process by requiring planning boards and zoning boards to make written findings of fact in support of their decisions, by requiring transparency in all development-related fees, and by establishing clear deadlines for board action on applications. HB 586 enables municipalities, in certain cases, to require the construction of affordable housing as part of a larger market-rate development, and it clarifies and expands the definition of workforce housing. It also improves the court review process by establishing a deadline for court appeals of local land use board decisions, and by allowing the court to require bonds to discourage frivolous appeals.

Additionally, HB 586 will help to foster housing solutions by providing a series of financial incentives for workforce housing development that would benefit both municipalities and developers. This includes expansion of the tax increment finance district statute to include housing development, and enhancement of the community revitalization tax relief incentive regarding the creation of new housing units. HB 586 also establishes the “Housing Champion” certification, a voluntary program for municipalities that would give them preferential access to discretionary state funding.

HB 586 provides a strong package of incentives and requirements to help address the state’s housing shortage. We respectfully urge your committee to recommend HB 586 “ought to pass.”

Thank you for the opportunity to provide testimony to your committee. The staff of New Hampshire Housing will be happy to provide any additional information that your committee may require.

Sincerely,

DocuSigned by:



83A73FB7E66647C...

Dean J. Christon  
Executive Director

cc: Committee members



February 1, 2021

To: New Hampshire House of Representatives, Municipal and County Government  
Subject: HB 586

Dear Chair Dolan and Members of the Committee,

I am writing on behalf of the Workforce Housing Coalition of the Greater Seacoast in strong support of HB 586. The Coalition works across the greater seacoast region of the state educating and engaging communities and municipalities to advance diverse housing options.

Often the opposition we face are rooted in pervasive myths and misperceptions about workforce housing. The data are clear: workforce housing is not more expensive for taxpayers than age-restricted housing and workforce housing does not cause property values to decline. We would be happy to share resources with the committee on these topics and many of these resources can be found on our website under the "Resources" tab.

If passed HB 586 would not only support our work advancing diverse housing options in smaller communities that need support by providing additional training for planning and zoning board members, but it would also reward communities that have already embraced the state and region's need for housing affordability and supply via the housing champion certificate, as well as providing financial resources for all New Hampshire communities. We firmly believe every New Hampshire community can take steps to solve the state's housing crisis and this bill allows the flexibility for each community to tackle this issue in a way that works for them.

I won't spend time on the data as I know this committee has heard from many others the extent of the crisis in New Hampshire, but I will close by reminding all of us that it isn't housing that makes up our neighborhoods – it's people. New Hampshire needs a range of housing types at a range of price points to support a diverse and vibrant people infrastructure. Folks who live in workforce housing includes folks who work in manufacturing, entry level bankers, paralegals, medical and veterinary technicians, schoolteachers, police officers, librarians, firefighters, postal workers, nonprofit professionals, and many, many others.

Thank you,  
Sarah Wrightsman

Executive Director  
Workforce Housing Coalition of the Greater Seacoast

**Archived:** Friday, February 5, 2021 11:59:42 AM  
**From:** [Kelly MacDonald](#)  
**Sent:** Thursday, February 4, 2021 9:27:06 PM  
**To:** [~House Municipal and County Govt](#)  
**Subject:** HB 586  
**Importance:** Normal

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Hello,

I am writing to request you vote against this bill for the protection of homeowners within the state. The idea that developers can override local interests makes no sense and is archaic and far reaching. As a resident of Bedford, NH for over 45 years and has watched the local officials disregard the residents of the town in favor of the developers I can tell you it cuts to the wick. Upon being surveyed, the residents asked for two things, more sidewalks and open spaces. The result is a commercial venture on open farm land @ 1/4 mile from the historic district that includes workforce housing and boutique commercial enterprises. As an Environmental Policy major this decision seems short sighted and only benefitting the developer. Local interests are what keeps families invested in their community. Why would a family leave if the town is reflective of their values? Please, I am asking you, vote against HB 586 and give the taxpayers of a particular town the respect by allowing them to govern with their interests in mind, not the developers.

With appreciation,  
Kelly MacDonald



Bill as  
Introduced

HB 586-FN-A-LOCAL - AS INTRODUCED

2021 SESSION

21-0511

11/10

HOUSE BILL **586-FN-A-LOCAL**

AN ACT relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development.

SPONSORS: Rep. Alexander Jr., Hills. 6; Rep. Lascelles, Hills. 20; Rep. Burroughs, Carr. 1; Rep. Umberger, Carr. 2; Rep. Griffith, Hills. 18; Sen. Hennessey, Dist 1; Sen. Perkins Kwoka, Dist 21

COMMITTEE: Municipal and County Government

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ANALYSIS

This bill:

I. Provides for free training materials for members of a zoning board of adjustment or planning board.

II. Modifies the appeals process for zoning decisions.

III. Provides for fee shifting and posting of bond in appeals to superior court from decisions of boards of adjustment.

IV. Permits municipal economic development and revitalization districts in RSA 162-K to be used to increase workforce housing and other residential development within the municipality.

V. Increases the community revitalization tax relief incentive period for eligible housing projects under RSA 79-E.

VI. Establishes the New Hampshire housing champion certification program in the office of strategic initiatives.

-----

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Local Land Use Boards; Training. Amend RSA 673:3-a to read as follows:

2 673:3-a Training. [~~Within the first year of assuming office, a new~~] **Any** member of a zoning  
3 board of adjustment or planning board may complete training offered by the office of strategic  
4 initiatives **or another organization that provides similar training covering the processes,**  
5 **procedures, regulations, and statutes related to the board on which the member serves.**  
6 [~~The office of strategic initiatives may provide this training, which may be designed in a variety of~~  
7 ~~formats including, but not limited to, web-based, distance learning, traditional classroom style, or~~  
8 ~~self study.~~] **The office of strategic initiatives shall develop standard self-training materials**  
9 **and corresponding tests for zoning boards of adjustment and planning boards which shall**  
10 **be provided to members free of charge. The office of strategic initiatives may provide other**  
11 **types of training, which may be designed in a variety of formats including, but not limited**  
12 **to, web-based, distance learning, or traditional classroom style. For purposes of this**  
13 **section, the term "member" includes regular and alternate members of zoning boards of**  
14 **adjustment and planning boards.**

15 2 New Paragraph; Local Land Use Boards; Staff; Finances. Amend RSA 673:16 by inserting  
16 after paragraph II the following new paragraph:

17 III. Any fee which a city or town imposes on an applicant pursuant to this title shall be  
18 published in a location accessible to the public during normal business hours. Any fee not published  
19 in accordance with this paragraph at the time an applicant submits an application shall be  
20 considered waived for purposes of that application. A city or town may comply with the  
21 requirements of this section by publicly posting a list of fees at the city or town hall or by publishing  
22 a list of fees on the city or town's Internet website.

23 3 Local Land Use Planning and Regulatory Powers; Innovative Land Use Controls. Amend RSA  
24 674:21, II to read as follows:

25 II.(a) An innovative land use control adopted under RSA 674:16 may be required when  
26 supported by the master plan and shall contain within it the standards which shall guide the person  
27 or board which administers the ordinance. An innovative land use control ordinance may provide for  
28 administration, including the granting of conditional or special use permits, by the planning board,  
29 board of selectmen, zoning board of adjustment, or such other person or board as the ordinance may  
30 designate. If the administration of the innovative provisions of the ordinance is not vested in the

1 planning board, any proposal submitted under this section shall be reviewed by the planning board  
2 prior to final consideration by the administrator. In such a case, the planning board shall set forth  
3 its comments on the proposal in writing and the administrator shall, to the extent that the planning  
4 board's comments are not directly incorporated into its decision, set forth its findings and decisions  
5 on the planning board's comments.

6 ***(b) If a municipality allows an increased density, reduced lot size, expedited***  
7 ***approval, or other dimensional or procedural incentive under this section for the***  
8 ***development of housing for older persons, as defined and regulated pursuant to RSA 354-***  
9 ***A:15, it shall allow the same incentive for the development of workforce housing as defined***  
10 ***in RSA 674:58, IV. Beginning July 1, 2022, incentives established for housing for older***  
11 ***persons shall be deemed applicable to workforce housing development, regardless of***  
12 ***whether a local land use ordinance or regulation specifically provides for their***  
13 ***application to workforce housing development.***

14 4 Local Land Use Planning and Regulator Powers; Innovative Land Use Controls. Amend RSA  
15 674:21, IV(a) to read as follows:

16 (a) "Inclusionary zoning" means land use control regulations which ***require a property***  
17 ***owner to produce, as part of a development which meets certain characteristics, housing***  
18 ***units which are affordable to persons or families of low and moderate income or*** provide a  
19 voluntary incentive or benefit to a property owner in order to induce the property owner to produce  
20 housing units which are affordable to persons or families of low and moderate income. Inclusionary  
21 zoning includes, but is not limited to, density bonuses, growth control exemptions, and a streamlined  
22 application process. ***Inclusionary zoning ordinances shall include standards that do not***  
23 ***reduce the economic viability of developments in comparison to developments that do not***  
24 ***require housing affordability. Such ordinances shall also enable the planning board to***  
25 ***waive or modify in individual cases any standards that are demonstrated by an applicant***  
26 ***to render a development economically infeasible.***

27 5 Planning and Zoning; Administrative and Enforcement Procedures; Issuance of Decision.  
28 Amend RSA 676:3, I to read as follows:

29 I. The local land use board shall issue a final written decision which either approves or  
30 disapproves an application for a local permit and make a copy of the decision available to the  
31 applicant. ***The decision shall include specific written findings of fact that support the***  
32 ***decision. Failure of the board to make specific written findings of fact supporting a***  
33 ***disapproval shall be grounds for automatic reversal and remand by the superior court***  
34 ***upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15,***  
35 ***unless the court determines that there are other factors warranting the disapproval.*** If the  
36 application is not approved, the board shall provide the applicant with written reasons for the

1 disapproval. If the application is approved with conditions, the board shall include in the written  
2 decision a detailed description of all conditions necessary to obtain final approval.

3 6 New Paragraph; Powers of Zoning Board of Adjustment. Amend RSA 674:33 by inserting after  
4 paragraph VII the following new paragraph:

5 VIII. Upon receipt of any application for action pursuant to this section, the zoning board of  
6 adjustment shall begin formal consideration and shall approve or disapprove such application within  
7 90 days of the date of receipt, provided that the applicant may waive this requirement and consent to  
8 such extension as may be mutually agreeable. If a zoning board of adjustment determines that it  
9 lacks sufficient information to make a final decision on an application, the board may, in its  
10 discretion, deny the application without prejudice, in which case the applicant may submit a new  
11 application for the same or substantially similar request for relief.

12 7 Workforce Housing; Definitions. Amend RSA 674:58, IV to read as follows:

13 IV. "Workforce housing" means housing which is intended for sale and which is affordable to  
14 a household with an income of no more than [100] **120** percent of the median income for a 4-person  
15 household for the metropolitan area or county in which the housing is located as published annually  
16 by the United States Department of Housing and Urban Development. "Workforce housing" also  
17 means rental housing which is affordable to a household with an income of no more than 60 percent  
18 of the median income for a 3-person household for the metropolitan area or county in which the  
19 housing is located as published annually by the United States Department of Housing and Urban  
20 Development. Housing developments that exclude minor children from more than 20 percent of the  
21 units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, **or are**  
22 **subject to age restrictions**, shall not constitute workforce housing for the purposes of this  
23 subdivision.

24 8 Planning Board; Board's Procedures on Plats. Amend RSA 676:4, I(c) to read as follows:

25 (c)(1) The board shall, at the next regular meeting or within 30 days following the  
26 delivery of the application, for which notice can be given in accordance with the requirements of  
27 subparagraph (b), determine if a submitted application is complete according to the board's  
28 regulation and shall vote upon its acceptance. Upon determination by the board that a submitted  
29 application is incomplete according to the board's regulations, the board shall notify the applicant of  
30 the determination in accordance with RSA 676:3, which shall describe the information, procedure, or  
31 other requirement necessary for the application to be complete. Upon determination by the board  
32 that a submitted application is complete according to the board's regulations, the board shall begin  
33 formal consideration and shall act to approve, conditionally approve as provided in subparagraph (i),  
34 or disapprove within 65 days, subject to extension or waiver as provided in subparagraph (f). ~~Upon~~  
35 ~~failure of the board to approve, conditionally approve, or disapprove the application, the selectmen or~~  
36 ~~city council shall, upon request of the applicant, immediately issue an order directing the board to~~  
37 ~~act on the application within 30 days.] **If the board determines that it lacks sufficient**~~

1 *information to make a final decision on an application, the board may, in its discretion,*  
 2 *deny the application without prejudice, in which case the applicant may resubmit the same*  
 3 *or a substantially similar application.* If the planning board does not act on the application  
 4 within that ~~[30-day]~~ **65-day** time period, then ~~[within 40 days of the issuance of the order,]~~ the  
 5 selectmen or city council shall certify on the applicant's application that the plat is approved  
 6 pursuant to this paragraph~~[- unless within those 40 days the selectmen or city council has identified~~  
 7 ~~in writing some specific subdivision regulation or zoning or other ordinance provision with which the~~  
 8 ~~application does not comply].~~ Such a certification, citing this paragraph, shall constitute final  
 9 approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court  
 10 review under RSA 677:15.

11 (2) Failure of the selectmen or city council to ~~[issue an order to the planning board~~  
 12 ~~under subparagraph (1), or to]~~ certify approval of the plat upon the planning board's failure to  
 13 ~~[comply with the order,]~~ **act within the required time period** shall constitute grounds for the  
 14 superior court, upon petition of the applicant, to issue an order approving the application ~~[if the~~  
 15 ~~court determines that the proposal complies with existing subdivision regulations and zoning or~~  
 16 ~~other ordinances].~~ **The superior court shall act upon such a petition within 30 days.** If the  
 17 court determines that the failure of the selectmen or the city council to act was not justified, the  
 18 court may order the municipality to pay the applicant's reasonable costs, including attorney's fees,  
 19 incurred in securing such order.

20 9 Planning Board; Board's Procedures on Plats. Amend RSA 676:4, I(f) to read as follows:

21 (f) ~~[The planning board may apply to the selectmen or city council for an extension not to~~  
 22 ~~exceed an additional 90 days before acting to approve or disapprove an application.]~~ The applicant  
 23 may waive the requirement for planning board action within the time periods specified in  
 24 subparagraph (c) and consent to such extension as may be mutually agreeable.

25 10 Planning and Zoning; Rehearing and Appeal Procedures; Court Review. Amend RSA 677:15,  
 26 IV-V to read as follows:

27 IV. ~~[The court shall give any hearing under this section priority on the court calendar.]~~  
 28 **Whenever an appeal to the superior court is initiated under this section, the court shall**  
 29 **give the appeal priority on its calendar and shall issue a final decision within 120 days of**  
 30 **the date upon which a certiorari order was delivered to the planning board pursuant to**  
 31 **paragraph II. If the court stays an appeal pursuant to subparagraph I(b), then it shall**  
 32 **issue a decision within 120 days of final resolution of all matters before the board of**  
 33 **adjustment.**

34 V. The court may reverse or affirm, wholly or partly, or may modify the decision brought up  
 35 for review when there is an error of law or when the court is persuaded by the balance of  
 36 probabilities, on the evidence before it, that said decision is unreasonable. Costs shall not be allowed

1 against the municipality unless it shall appear to the court that the planning board acted in bad  
2 faith or with malice in making the decision appealed from.

3 ***VI. Whenever an appeal to the supreme court is initiated after superior court***  
4 ***review, the court shall give the appeal priority on its calendar and shall issue a final***  
5 ***decision within 90 days of the date upon which a certiorari order was delivered to the***  
6 ***planning board.***

7 11 Planning and Zoning; Rehearing and Appeal Procedures; Priority. Amend RSA 677:5 to read  
8 as follows:

9 677:5 Priority. [~~Any hearing by the superior court upon an appeal under RSA 677:4 shall be~~  
10 ~~given priority on the court calendar.~~] ***Whenever an appeal to the superior court is initiated***  
11 ***under RSA 677:4, the court shall give the appeal priority on its calendar and shall issue a***  
12 ***final decision with 120 days of the date upon which the petition was served on the zoning***  
13 ***board of adjustment or local legislative body.***

14 12 New Subdivision; Fee Shifting and Posting of Bond. Amend RSA 677 by inserting after  
15 section 19 the following new subdivision:

16 Fee Shifting and Posting of Bond

17 677:20 Fee Shifting and Posting of Bond.

18 I. Whenever an appeal to the superior court is initiated under this chapter, the court may in  
19 its discretion require the person or persons appealing to file a bond with sufficient surety for such a  
20 sum as shall be fixed by the court to indemnify and save harmless the person or persons in whose  
21 favor the decision was rendered from damages and costs which he or she may sustain in case the  
22 decision being appealed is affirmed.

23 II. In any appeal initiated under this chapter the court may, subject to the provisions of this  
24 paragraph or any other provision of law, award attorney's fees and costs to the prevailing party.  
25 Costs and attorney's fees shall not be allowed against a local land use board unless it shall appear to  
26 the court that the board, in making the decision from which the appeal arose, acted with gross  
27 negligence, in bad faith, or with malice. Costs and attorney's fees shall not be allowed against the  
28 party appealing from the decision of a local land use board unless it shall appear to the court that  
29 said party acted in bad faith or with malice in appealing to court.

30 13 Municipal Economic Development and Revitalization Districts; Definition of Public Use.  
31 Amend RSA 162-K:2, IX-a to read as follows:

32 IX-a. "Public use" means:

33 (a)(1) The possession, occupation, and enjoyment of real property by the general public  
34 or governmental entities[;].

35 (2) The acquisition of any interest in real property necessary to the function of a  
36 public or private utility or common carrier either through deed of sale or lease[;].

1 (3) The acquisition of real property to remove structures beyond repair, public  
2 nuisances, structures unfit for human habitation or use, and abandoned property when such  
3 structures or property constitute a menace to health and safety[~~;-and~~].

4 (4) Private use that occupies an incidental area within a public use; provided, that  
5 no real property shall be condemned solely for the purpose of facilitating such incidental private use.

6 (5) ***The acquisition of real property to construct housing units which meet***  
7 ***the definition of workforce housing contained in RSA 674:58, IV, whether or not such***  
8 ***construction results from private development or private commercial enterprise.***

9 (b) Except as provided in subparagraphs (a)(2), [~~and~~] (4), ***and (5)*** of this paragraph,  
10 public use shall not include the public benefits resulting from private economic development and  
11 private commercial enterprise, including increased tax revenues and increased employment  
12 opportunities.

13 14 Municipal Economic Development and Revitalization Districts; District Establishment and  
14 Development Programs; Authority to Acquire, Construct, and Promote Residential Development and  
15 Housing Stock. Amend RSA 162-K:6, III(h) and (i) to read as follows:

16 (h) Lease all or portions of basements, ground and second floors of the public buildings  
17 constructed in the district; [~~and~~]

18 (i) Negotiate the sale or lease of property for private development if the development is  
19 consistent with the development program for the district; ***and***

20 (j) ***Acquire, construct, reconstruct, improve, alter, extend, operate, maintain or***  
21 ***promote residential developments aimed at increasing the available housing stock within***  
22 ***the municipality.***

23 15 Community Revitalization Tax Relief; Duration of Tax Relief Period. Amend RSA 79-E:5, II  
24 to read as follows:

25 II. The governing body may, in its discretion, add up to an additional [2] ***4*** years of tax relief  
26 for a project that results in new residential units and up to [4] ***an additional 8*** years for a project  
27 that includes [~~affordable~~] housing ***that meets the definition of workforce housing in RSA***  
28 ***674:58, IV, and up to additional 8 years for a project that includes residential units located***  
29 ***on the second story or higher of a downtown building. For purposes of this paragraph, the***  
30 ***term downtown shall be defined by the governing body.***

31 16 New Subdivision; Office of Strategic Initiatives; New Hampshire Housing Champion  
32 Certification. Amend RSA 4-C by inserting after section 37 the following new subdivision:

33 New Hampshire Housing Champion Certification

34 4-C:38 New Hampshire Housing Champion Certification.

35 I. The office of strategic initiatives shall develop a New Hampshire housing champion  
36 certification program for all qualifying municipalities. The office of strategic initiatives shall adopt  
37 rules to establish qualifications and procedures for a municipality to earn the New Hampshire



**HB 586-FN-A-LOCAL - AS INTRODUCED**  
**- Page 7 -**

1 housing champion certification. The procedure for a municipality to earn the New Hampshire  
2 housing champion certification shall be based on a scoring system.

3 II. The New Hampshire housing champion certification program shall be voluntary. Each  
4 municipality shall have the option, in its sole discretion, to apply to the office of strategic initiatives  
5 to receive the New Hampshire housing champion certification. In exchange for housing champion  
6 certification, a municipality shall receive preferential access to state resources including, but not  
7 limited to, discretionary state infrastructure funds, as available.

8 III. Qualifications to receive the New Hampshire housing champion certification shall  
9 include, but are not limited to:

10 (a) Adoption of such land use regulations and ordinances which the office of strategic  
11 initiatives determines to be necessary to promote the development of workforce housing, as that  
12 term is defined in RSA 674:58, and other types of housing necessary for the economic development of  
13 the state. In this paragraph, "land use regulations and ordinances" shall include, but are not limited  
14 to, innovative land use controls described in RSA 674:21.

15 (b) Adoption of financial tools that incentivize the development of workforce housing,  
16 including adoption of the community revitalization tax relief incentive program under RSA 79-E and  
17 establishment of municipal economic development and revitalization districts under RSA 162-K.

18 (c) Training of planning board and zoning board of adjustment members using training  
19 materials and programs, including online materials and programs, provided by the office of strategic  
20 initiatives pursuant to RSA 673:3-a; or training materials and programs, including online materials  
21 and programs, provided by the New Hampshire Municipal Association, that cover the processes,  
22 procedures, regulations, and statutes related to the board on which the member serves; or any other  
23 training materials and programs, including online materials and programs, approved by the office of  
24 strategic initiatives, that cover the processes, procedures, regulations, and statutes related to the  
25 board on which the member serves.

26 (d) Adoption of energy efficiency residential building standards, pursuant to RSA 674:51,  
27 or adoption of an energy efficiency and clean energy district, pursuant to RSA 53-F.

28 IV. A New Hampshire housing champion certification shall be valid for 3 years from the  
29 date such certification is awarded. A municipality may renew its housing champion certification for  
30 subsequent 3-year periods. The office of strategic initiatives shall include in the criteria for renewal  
31 performance metrics including, but not limited to, the qualifications listed in paragraph III, total  
32 housing production, and production of workforce housing in a municipality during the period since a  
33 municipality last received New Hampshire housing champion certification.

34 V. There is hereby established the New Hampshire housing champion certification program  
35 advisory board. The advisory board shall review and approve proposed rules, and any amendments  
36 thereto, used by the office of strategic initiatives to administer the housing champion certification

1 program and shall advise the office regarding ongoing program administration. The advisory board  
2 shall consist of:

3 (a) One member of the senate, appointed by the senate president.

4 (b) Two members of the house of representatives, at least one of whom shall be a  
5 member of the municipal and county government committee, appointed by the speaker of the house  
6 of representatives.

7 (c) The commissioner of the department of business and economic affairs, or designee.

8 (d) The executive director of the business finance authority, or designee.

9 (e) The executive director of the New Hampshire housing finance authority, or designee.

10 (f) The executive director of the community development finance authority, or designee.

11 (g) The executive director of the state commission for human rights, or designee.

12 (h) One member appointed by each of the following entities:

13 (1) The New Hampshire Municipal Association.

14 (2) The New Hampshire Association of Regional Planning Commissions.

15 (3) Housing Action New Hampshire.

16 (4) Clean Energy New Hampshire.

17 (5) The Home Builders and Remodelers Association of New Hampshire.

18 (6) The New Hampshire Association of Realtors.

19 (7) The New Hampshire Planners Association.

20 (8) Plan New Hampshire.

21 VI. Members of the advisory board shall serve without compensation, except that legislative  
22 members of the board shall receive mileage at the legislative rate when attending to the duties of the  
23 board.

24 VII. The office of strategic initiatives shall adopt rules pursuant to RSA 541-A to implement  
25 the provisions of this section no later than July 1, 2022. During the rulemaking process, the office of  
26 strategic initiatives shall consult with relevant state agencies and entities that administer the  
27 programs and funds identified under paragraph II to ensure the rules for the New Hampshire  
28 housing champion certification program are not in conflict with the rules of these state agencies and  
29 entities.

30 VIII. Each year the office of strategic initiatives shall develop a report which describes all  
31 actions taken related to the operation of the housing champion certification program and assesses  
32 the overall impact of the housing champion certification program, including an assessment of the  
33 additional housing units produced in the state as a result of the program's operation and incentives.  
34 The report required by this paragraph shall be submitted to the governor, the speaker of the house of  
35 representatives, and the president of the senate on or before November 1 of each year, beginning in  
36 2022, and upon such submission, the report shall be posted online on the website of the office of  
37 strategic initiatives.

**HB 586-FN-A-LOCAL - AS INTRODUCED**

**- Page 9 -**

1           17 Effective Date. This act shall take effect 60 days after its passage.

**HB 586-FN-A-LOCAL- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development.

**FISCAL IMPACT:**     State                     County                     Local                     None

| STATE:                 | Estimated Increase / (Decrease)             |                                    |                                  |                                |
|------------------------|---------------------------------------------|------------------------------------|----------------------------------|--------------------------------|
|                        | FY 2021                                     | FY 2022                            | FY 2023                          | FY 2024                        |
| <b>Appropriation</b>   | \$0                                         | \$0                                | \$0                              | \$0                            |
| <b>Revenue</b>         | \$0                                         | \$0                                | \$0                              | \$0                            |
| <b>Expenditures</b>    | \$0                                         | Indeterminable                     | Indeterminable                   | Indeterminable                 |
| <b>Funding Source:</b> | <input checked="" type="checkbox"/> General | <input type="checkbox"/> Education | <input type="checkbox"/> Highway | <input type="checkbox"/> Other |

**LOCAL:**

|                     |     |                |                |                |
|---------------------|-----|----------------|----------------|----------------|
| <b>Revenue</b>      | \$0 | Indeterminable | Indeterminable | Indeterminable |
| <b>Expenditures</b> | \$0 | Indeterminable | Indeterminable | Indeterminable |

**METHODOLOGY:**

This bill does the following:

- Amends the existing voluntary training provisions applicable to new planning or zoning board members by allowing all planning and zoning board members to receive training from the Office of Strategic Initiatives (OSI) free of charge. OSI training may be designed in a variety of formats, including web-based, distance learning or traditional classroom style.
- Modifies the appeals process for zoning decisions and process for fees for posting of bonds.
- Makes numerous changes to enhance the availability of workforce and available housing, including:
  - o Authorizes municipalities to establish municipal economic development and revitalization districts under RSA 162-K, also known as TIF (Tax Increment Financing), to construct workforce housing or generally increase the available housing stock.
  - o Extends the maximum duration of the community revitalization tax relief incentive period under RSA 79-E for certain housing projects, based on type of project.
  - o Establishes a voluntary housing champion certification program for qualifying municipalities to promote the development of workforce housing and other types of housing necessary for the economic development of the state. Certification is valid for 3 years and may be renewed for another 3 year period. The program is to be

administered by the Office of Strategic Initiatives. Municipalities would be eligible for preferential access to state resources such as discretionary state infrastructure funds.

The OSI indicates the requirements related to free training for planning and zoning board members could be interpreted broadly for the provision of course materials and reasonable access to training and tests statewide, resulting in an indeterminable fiscal impact on the agency's expenditures.

The OSI also states the proposed housing champion certification program for municipalities is to be administered by the office, but the uncertain nature of a voluntary program and its cyclical nature makes it difficult to reliably anticipate associated staffing needs. The additional responsibilities involved in adopting rules, establishing program qualifications,, consulting with relevant state agencies and entities to avoid conflicts and providing an annual report and overall program impact and assessment of additional housing units produced is beyond the office's current scope of work, necessitating an indeterminable increase in state expenditures to fulfill these requirements..

The New Hampshire Municipal Association (NHMA) indicates municipalities may utilize the provisions of RSA 162-K and RSA 79-E and may experience a shift in property tax revenues, without necessarily increasing or decreasing such revenues. Results would vary on a town by town basis. A municipality that qualifies as a housing champion may receive additional revenues associated with state infrastructure funding awards, but such amounts are unknown.

NHMA also states other provisions of the bill may negatively impact municipal expenditures, but due to the unknown number or extent of such occurrences, such impact is indeterminable. These provisions relate to the posting of a bond if a municipality appeals a land use board decision if ordered by a court, and the awarding of attorney fees if a land use board decision is reversed on appeal and such board acted with gross negligence, in bad faith or with malice. Municipal revenue may increase if a land use board decision is upheld on appeal and the appealing party acted in bad faith or with malice and attorney fees are awarded. Due to the unknown frequency of such an event the fiscal impact on municipal revenue is indeterminable. The other provisions of the bill are unlikely to affect municipal revenue or expenditures.

The Department of Revenue Administration indicates that a municipality that adopts RSA 162-K may experience an indeterminable revenue and expenditure impact based on the details of such tax increment financing and project expenses. A municipality that adopts RSA 79-E and grants tax relief under the expanded duration periods will experience a redistribution of the

overall tax burden but no drop in total revenue. The Department cannot project any impact on municipal expenditures associated with the changes to this provision.

The Judicial Branch indicates over the last 2 years, it has received 25-30 planning board appeals and 27-45 zoning board appeals. There are a number of existing laws, in addition to Constitutional requirements, that require expedited review or have deadlines by which a decision is required. Adding additional cases with compressed time frames may necessitate additional resources to fulfill these requirements. Changes implemented effective 60 days after passage rather than the traditional January 1st of the following year pursuant to RSA 14:9-a will affect the Branch's ability to make changes collectively from all legislation. This may result in duplicative efforts and expenditures for training of judges and staff, updating databases, modifying forms and changes to the e-filing system. The overall impact on expenditures is indeterminable.

It is assumed the bill will take effect July 1, 2021.

**AGENCIES CONTACTED:**

Office of Strategic Initiatives, New Hampshire Municipal Association, Department of Revenue Administration and Judicial Branch