

LEGISLATIVE COMMITTEE MINUTES

**SB400**

# Bill as Introduced

SB 400-FN - AS INTRODUCED

2022 SESSION

22-2888

08/10

SENATE BILL

***400-FN***

AN ACT

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

SPONSORS:

Sen. Bradley, Dist 3; Sen. Whitley, Dist 15; Sen. Hennessey, Dist 1; Sen. D'Allesandro, Dist 20; Sen. Watters, Dist 4; Sen. Perkins Kwoka, Dist 21; Sen. Rosenwald, Dist 13; Sen. Avar, Dist 12; Sen. Cavanaugh, Dist 16; Sen. Sherman, Dist 24; Sen. Prentiss, Dist 5; Sen. Soucy, Dist 18; Sen. Kahn, Dist 10; Rep. DiLorenzo, Rock. 17; Rep. Umberger, Carr. 2; Rep. Alexander Jr., Hills. 6; Rep. Sweeney, Rock. 8; Rep. Porter, Hills. 1

COMMITTEE:

Election Law and Municipal Affairs

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ANALYSIS

This bill makes changes to the training and procedures for zoning and planning boards offered by the office of planning and development. This bill creates incentives and establishes requirements for workforce housing and affordable housing development. The bill also revises the time frames for planning board consideration of applications, and establishes the New Hampshire housing champion certification program.

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Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Two*

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. RSA 673:3-a is repealed and reenacted to read as follows:

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

12 2 New Paragraph; Local Land Use Boards; Staff; Finance. Amend RSA 673:16 by inserting after  
13 paragraph II the following new paragraph:

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

20 3 New Paragraph; Local Land Use Planning and Regulatory Powers; Zoning. Amend RSA  
21 674:17 by inserting after paragraph III the following new paragraph:

22 IV. If a municipality allows an increased density, reduced lot size, expedited approval, or  
23 other dimensional or procedural incentive under this section for the development of housing for older  
24 persons, as defined and regulated pursuant to RSA 354-A:15, VIII, it shall allow the same incentive  
25 for the development of workforce housing as defined in RSA 674:58, IV. Beginning July 1, 2023,  
26 incentives established for housing for older persons shall be deemed applicable to workforce housing  
27 development, regardless of whether a local land use ordinance or regulation specifically provides for  
28 their application to workforce housing development.

29 4 Local Land Use Planning and Regulator Powers; Innovative Land Use Controls. Amend RSA  
30 674:21, IV(a) to read as follows:

1 (a) "Inclusionary zoning" means land use control regulations which *require a property*  
2 *owner to produce, as part of a development which meets certain characteristics, housing*  
3 *units which are affordable to persons or families of low and moderate income* or provide a  
4 voluntary incentive or benefit to a property owner in order to induce the property owner to produce  
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7 application process. *Inclusionary zoning ordinances shall include standards that do not*  
8 *reduce the economic viability of developments in comparison to developments that do not*  
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10 *waive or modify in individual cases any standards that are demonstrated by an applicant*  
11 *to render a development economically infeasible.*

12 5 Planning and Zoning; Administrative and Enforcement Procedures; Issuance of Decision.  
13 Amend RSA 676:3, I to read as follows:

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

24 6 New Paragraph; Powers of Zoning Board of Adjustment. Amend RSA 674:33 by inserting after  
25 paragraph VII the following new paragraph:

26 VIII. Upon receipt of any application for action pursuant to this section, the zoning board of  
27 adjustment shall begin formal consideration and shall approve or disapprove such application within  
28 90 days of the date of receipt, provided that the applicant may waive this requirement and consent to  
29 such extension as may be mutually agreeable. If a zoning board of adjustment determines that it  
30 lacks sufficient information to make a final decision on an application and the applicant does not  
31 consent to an extension, the board may, in its discretion, deny the application without prejudice, in  
32 which case the applicant may submit a new application for the same or substantially similar request  
33 for relief.

34 7 Workforce Housing: Definition. Amend RSA 674:58, IV to read as follows:

35 IV. "Workforce housing" means housing which is intended for sale and which is affordable to  
36 a household with an income of no more than 100 percent of the median income for a 4-person  
37 household for the metropolitan area or county in which the housing is located as published annually

1 by the United States Department of Housing and Urban Development. "Workforce housing" also  
2 means rental housing which is affordable to a household with an income of no more than 60 percent  
3 of the median income for a 3-person household for the metropolitan area or county in which the  
4 housing is located as published annually by the United States Department of Housing and Urban  
5 Development. Housing developments that exclude minor children from more than 20 percent of the  
6 units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, *or are*  
7 *subject to age restrictions*, shall not constitute workforce housing for the purposes of this  
8 subdivision.

9 8 Planning Board; Board's Procedures on Plats. Amend RSA 676:4, I(c) to read as follows:

10 (c)(1) The board shall, at the next regular meeting or within 30 days following the  
11 delivery of the application, for which notice can be given in accordance with the requirements of  
12 subparagraph (b), determine if a submitted application is complete according to the board's  
13 regulation and shall vote upon its acceptance. Upon determination by the board that a submitted  
14 application is incomplete according to the board's regulations, the board shall notify the applicant of  
15 the determination in accordance with RSA 676:3, which shall describe the information, procedure, or  
16 other requirement necessary for the application to be complete. Upon determination by the board  
17 that a submitted application is complete according to the board's regulations, the board shall begin  
18 formal consideration and shall act to approve, conditionally approve as provided in subparagraph (i),  
19 or disapprove within 65 days, subject to extension or waiver as provided in subparagraph (f). In the  
20 case of a determination by the board that the application is a development of regional impact  
21 requiring notice in accordance with RSA 36:57, III, the board shall have an additional 30 days to act  
22 to approve, conditionally approve, as provided in subparagraph (i), or disapprove. ~~[Upon failure of~~  
23 ~~the board to approve, conditionally approve, or disapprove the application, the selectmen or city~~  
24 ~~council shall, upon request of the applicant, immediately issue an order directing the board to act on~~  
25 ~~the application within 30 days.] *If the board determines that it lacks sufficient information to*~~  
26 ~~*make a final decision on an application and the applicant does not consent to an extension*~~  
27 ~~*pursuant to subparagraph (f), the board may, in its discretion, deny the application*~~  
28 ~~*without prejudice, in which case the applicant may resubmit the same or a substantially*~~  
29 ~~*similar application.*~~ If the planning board does not act on the application within that ~~[30-day]~~ *65-*  
30 ~~day~~ time period, then ~~[within 40 days of the issuance of the order,]~~ the selectmen or city council  
31 shall certify on the applicant's application that the plat is approved pursuant to this paragraph;  
32 ~~unless within those 40 days the selectmen or city council has identified in writing some specific~~  
33 ~~subdivision regulation or zoning or other ordinance provision with which the application does not~~  
34 ~~comply]. Such a certification, citing this paragraph, shall constitute final approval for all purposes~~  
35 including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

36 (2) Failure of the selectmen or city council to ~~[issue an order to the planning board~~  
37 ~~under subparagraph (1), or to]~~ certify approval of the plat upon the planning board's failure to

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

8 9 Planning Board; Board's Procedures on Plats. Amend RSA 676:4, I(f) to read as follows:

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

13 10 Planning and Zoning; Rehearing and Appeal Procedures; Court Review. Amend RSA 677:15,  
14 IV-V to read as follows:

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

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

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

31 11 Planning and Zoning; Rehearing and Appeal Procedures; Priority. RSA 677:5 is repealed and  
32 reenacted to read as follows:

33 677:5 Priority. Whenever an appeal to the superior court is initiated under RSA 677:4, the court  
34 shall give the appeal priority on its calendar and shall issue a final decision with 120 days of the  
35 date upon which the petition was served on the zoning board of adjustment or local legislative body.

36 12 New Subdivision; Fee Shifting and Posting of Bond. Amend RSA 677 by inserting after  
37 section 19 the following new subdivision:

Fee Shifting and Posting of Bond

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.

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.

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

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. The municipality shall not acquire property for this purpose through the powers of eminent domain.***

(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.





1 development of the state. In this paragraph, "land use regulations and ordinances" shall include,  
2 but are not limited to, innovative land use controls described in RSA 674:21.

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

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

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

16 IV. A New Hampshire housing champion certification shall be valid for 3 years from the  
17 date such certification is awarded. A municipality may renew its housing champion certification for  
18 subsequent 3-year periods. The office of planning and development shall include in the criteria for  
19 renewal performance metrics including, but not limited to, the qualifications listed in paragraph III,  
20 total housing production, and production of workforce housing in a municipality during the period  
21 since a municipality last received New Hampshire housing champion certification.

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

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

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

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

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

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

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

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

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

37 (1) The New Hampshire Municipal Association.

- 1 (2) The New Hampshire Association of Regional Planning Commissions.
- 2 (3) Housing Action New Hampshire.
- 3 (4) Clean Energy New Hampshire.
- 4 (5) The Home Builders and Remodelers Association of New Hampshire.
- 5 (6) The New Hampshire Association of Realtors.
- 6 (7) The New Hampshire Planners Association.
- 7 (8) Plan New Hampshire.

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

11 VII. The office of planning and development shall adopt rules pursuant to RSA 541-A to  
12 implement the provisions of this section no later than July 1, 2023. During the rulemaking process,  
13 the office of planning and development shall consult with relevant state agencies and entities that  
14 administer the programs and funds identified under paragraph II to ensure the rules for the New  
15 Hampshire housing champion certification program are not in conflict with the rules of these state  
16 agencies and entities.

17 VIII. Each year the office of planning and development shall develop a report which  
18 describes all actions taken related to the operation of the housing champion certification program  
19 and assesses the overall impact of the housing champion certification program, including an  
20 assessment of the additional housing units produced in the state as a result of the program's  
21 operation and incentives. The report required by this paragraph shall be submitted to the governor,  
22 the speaker of the house of representatives, and the president of the senate on or before November 1  
23 of each year, beginning in 2022, and upon such submission, the report shall be posted online on the  
24 website of the office of planning and development.

25 17 Effective Date. This act shall take effect 60 days after its passage.

**SB 400-FN- 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 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**LOCAL:**

Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$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 Department of Business and Economic Affairs, Office of Planning and Development (OPD) free of charge. OPD 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 OPD. Municipalities would be eligible for preferential access to state resources such as discretionary state infrastructure funds.

The OPD 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 OPD 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 states 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 fiscal impact would not occur until FY 2023.

**AGENCIES CONTACTED:**

Department of Business and Economic Affairs, Department of Revenue Administration, New Hampshire Municipal Association, and Judicial Branch

SB 400-FN - AS AMENDED BY THE SENATE

03/17/2022 0999s

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29 such extension as may be mutually agreeable. If a zoning board of adjustment determines that it  
30 lacks sufficient information to make a final decision on an application and the applicant does not  
31 consent to an extension, the board may, in its discretion, deny the application without prejudice, in  
32 which case the applicant may submit a new application for the same or substantially similar request  
33 for relief.

34 7 Workforce Housing: Definition. Amend RSA 674:58, IV to read as follows:

35 IV. "Workforce housing" means housing which is intended for sale and which is affordable to  
36 a household with an income of no more than 100 percent of the median income for a 4-person  
37 household for the metropolitan area or county in which the housing is located as published annually

1 by the United States Department of Housing and Urban Development. "Workforce housing" also  
2 means rental housing which is affordable to a household with an income of no more than 60 percent  
3 of the median income for a 3-person household for the metropolitan area or county in which the  
4 housing is located as published annually by the United States Department of Housing and Urban  
5 Development. Housing developments that exclude minor children from more than 20 percent of the  
6 units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, *or are*  
7 *subject to age restrictions*, shall not constitute workforce housing for the purposes of this  
8 subdivision.

9 8 Planning Board; Board's Procedures on Plats. Amend RSA 676:4, I(c) to read as follows:

10 (c)(1) The board shall, at the next regular meeting or within 30 days following the  
11 delivery of the application, for which notice can be given in accordance with the requirements of  
12 subparagraph (b), determine if a submitted application is complete according to the board's  
13 regulation and shall vote upon its acceptance. Upon determination by the board that a submitted  
14 application is incomplete according to the board's regulations, the board shall notify the applicant of  
15 the determination in accordance with RSA 676:3, which shall describe the information, procedure, or  
16 other requirement necessary for the application to be complete. Upon determination by the board  
17 that a submitted application is complete according to the board's regulations, the board shall begin  
18 formal consideration and shall act to approve, conditionally approve as provided in subparagraph (i),  
19 or disapprove within 65 days, subject to extension or waiver as provided in subparagraph (f). In the  
20 case of a determination by the board that the application is a development of regional impact  
21 requiring notice in accordance with RSA 36:57, III, the board shall have an additional 30 days to act  
22 to approve, conditionally approve, as provided in subparagraph (i), or disapprove. ~~[Upon failure of~~  
23 ~~the board to approve, conditionally approve, or disapprove the application, the selectmen or city~~  
24 ~~council shall, upon request of the applicant, immediately issue an order directing the board to act on~~  
25 ~~the application within 30 days.] *If the board determines that it lacks sufficient information to*~~  
26 ~~*make a final decision on an application and the applicant does not consent to an extension*~~  
27 ~~*pursuant to subparagraph (f), the board may, in its discretion, deny the application*~~  
28 ~~*without prejudice, in which case the applicant may resubmit the same or a substantially*~~  
29 ~~*similar application.*~~ If the planning board does not act on the application within that ~~[30-day]~~ *65-*  
30 *day* time period, then ~~[within 40 days of the issuance of the order,]~~ the selectmen or city council  
31 shall certify on the applicant's application that the plat is approved pursuant to this paragraph~~;~~  
32 ~~unless within those 40 days the selectmen or city council has identified in writing some specific~~  
33 ~~subdivision regulation or zoning or other ordinance provision with which the application does not~~  
34 ~~comply]. Such a certification, citing this paragraph, shall constitute final approval for all purposes~~  
35 including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

36 (2) Failure of the selectmen or city council to ~~[issue an order to the planning board~~  
37 ~~under subparagraph (1), or to]~~ certify approval of the plat upon the planning board's failure to

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

8 9 Planning Board; Board's Procedures on Plats. Amend RSA 676:4, I(f) to read as follows:

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

13 10 Planning and Zoning; Rehearing and Appeal Procedures; Court Review. Amend RSA 677:15,  
14 IV-V to read as follows:

15 IV. ~~[The court shall give any hearing under this section priority on the court calendar.]~~  
16 *Whenever an appeal to the superior court is initiated under this section, the court shall*  
17 *give the appeal priority on its calendar. Within 10 days of the certified record being filed*  
18 *with the court, the court shall schedule a hearing to be held within 90 days unless extended*  
19 *by agreement of all parties or by motion. The appellant shall file an opening brief 60 days*  
20 *before the hearing. The appellee shall file a response brief 30 days before the hearing. The*  
21 *appellant may file a reply brief 15 days before the hearing. The court shall issue a decision*  
22 *within 60 days after the hearing, unless the court has received an extension from the chief*  
23 *justice of the superior court.*

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

29 VI. *Whenever an appeal to the supreme court is initiated after superior court*  
30 *review, the supreme court shall give the appeal priority on its calendar and shall issue a*  
31 *final decision within 90 days of the date upon which oral argument has been conducted.*

32 11 Planning and Zoning; Rehearing and Appeal Procedures; Priority. RSA 677:5 is repealed and  
33 reenacted to read as follows:

34 677:5 Priority. Whenever an appeal to the superior court is initiated under RSA 677:4, the court  
35 shall give the appeal priority on its calendar. Within 10 days of the certified record being filed with  
36 the court, the court shall schedule a hearing to be held within 90 days unless extended by agreement  
37 of all parties or by motion. The appellant shall file an opening brief 60 days before the hearing. The

1 appellee shall file a response brief 30 days before the hearing. The appellant may file a reply brief  
2 15 days before the hearing. The court shall issue a decision within 60 days after the hearing, unless  
3 the court has received an extension from the chief justice of the superior court.

4 12 New Subdivision; Fee Shifting and Posting of Bond. Amend RSA 677 by inserting after  
5 section 19 the following new subdivision:

6 Fee Shifting and Posting of Bond

7 677:20 Fee Shifting and Posting of Bond.

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

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

20 13 Municipal Economic Development and Revitalization Districts; Definition of Public Use.  
21 Amend RSA 162-K:2, IX-a to read as follows:

22 IX-a. "Public use" means:

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

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

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

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

32 (5) *The acquisition of real property to construct housing units which meet*  
33 *the definition of workforce housing contained in RSA 674:58, IV, whether or not such*  
34 *construction results from private development or private commercial enterprise. The*  
35 *municipality shall not acquire property for this purpose through the powers of eminent*  
36 *domain.*

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

5 14 Municipal Economic Development and Revitalization Districts; District Establishment and  
6 Development Programs; Authority to Acquire, Construct, and Promote Residential Development and  
7 Housing Stock. Amend RSA 162-K:6, III(h) and (i) to read as follows:

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

10 (i) Negotiate the sale or lease of property for private development if the development is  
11 consistent with the development program for the district[-] ; *and*

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

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

17 II. The governing body may, in its discretion, add up to an additional [2] 4 years of tax relief  
18 for a project that results in new residential units and up to [4] *an additional 8* years for a project  
19 that includes [~~affordable~~] housing *that meets the definition of workforce housing in RSA*  
20 *674:58, IV, and up to additional 8 years for a project that includes residential units located*  
21 *on the second story or higher of a building.*

22 16 New Subdivision; New Hampshire Housing Champion Certification. Amend RSA 12-O by  
23 inserting after section 64 the following new subdivision:

24 New Hampshire Housing Champion Certification

25 12-O:65 New Hampshire Housing Champion Certification.

26 I. The office of planning and development shall develop a New Hampshire housing champion  
27 certification program for all qualifying municipalities. The office of planning and development shall  
28 adopt rules to establish qualifications and procedures for a municipality to earn the New Hampshire  
29 housing champion certification. The procedure for a municipality to earn the New Hampshire  
30 housing champion certification shall be based on a scoring system.

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

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

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

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

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

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

19 IV. A New Hampshire housing champion certification shall be valid for 3 years from the  
20 date such certification is awarded. A municipality may renew its housing champion certification for  
21 subsequent 3-year periods. The office of planning and development shall include in the criteria for  
22 renewal performance metrics including, but not limited to, the qualifications listed in paragraph III,  
23 total housing production, and production of workforce housing in a municipality during the period  
24 since a municipality last received New Hampshire housing champion certification.

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

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

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

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

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

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

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

- 1 (g) The executive director of the state commission for human rights, or designee.
- 2 (h) One member appointed by each of the following entities:
- 3 (1) The New Hampshire Municipal Association.
- 4 (2) The New Hampshire Association of Regional Planning Commissions.
- 5 (3) Housing Action New Hampshire.
- 6 (4) Clean Energy New Hampshire.
- 7 (5) The Home Builders and Remodelers Association of New Hampshire.
- 8 (6) The New Hampshire Association of Realtors.
- 9 (7) The New Hampshire Planners Association.
- 10 (8) Plan New Hampshire.

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

14 VII. The office of planning and development shall adopt rules pursuant to RSA 541-A to  
15 implement the provisions of this section no later than July 1, 2023. During the rulemaking process,  
16 the office of planning and development shall consult with relevant state agencies and entities that  
17 administer the programs and funds identified under paragraph II to ensure the rules for the New  
18 Hampshire housing champion certification program are not in conflict with the rules of these state  
19 agencies and entities.

20 VIII. Each year the office of planning and development shall develop a report which  
21 describes all actions taken related to the operation of the housing champion certification program  
22 and assesses the overall impact of the housing champion certification program, including an  
23 assessment of the additional housing units produced in the state as a result of the program's  
24 operation and incentives. The report required by this paragraph shall be submitted to the governor,  
25 the speaker of the house of representatives, and the president of the senate on or before November 1  
26 of each year, beginning in 2022, and upon such submission, the report shall be posted online on the  
27 website of the office of planning and development.

28 17 Effective Date.

29 I. Sections 8, 10, and 11 of this act shall take effect January 1, 2023.

30 II. The remainder of this act shall take effect 60 days after its passage.

**SB 400-FN- FISCAL NOTE**  
AS AMENDED BY THE SENATE (AMENDMENT #2022-0999s)

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 2022	FY 2023	FY 2024	FY 2025
<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 Department of Business and Economic Affairs, Office of Planning and Development (OPD) free of charge. OPD 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 OPD. Municipalities would be eligible for preferential access to state resources such as discretionary state infrastructure funds.

The OPD 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 OPD 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 states there is an indeterminable fiscal impact as the provisions of the bill will likely lead to additional motions filed in appeals. The court may, at its discretion, require a person filing an appeal to file a bond to cover any damages and costs the non-appealing party may sustain as a result of the appeal. It also authorizes the court to award costs and attorney's fees to the prevailing party.

It is assumed the fiscal impact would not occur until FY 2023.

**AGENCIES CONTACTED:**

Department of Business and Economic Affairs, Department of Revenue Administration, New Hampshire Municipal Association, and Judicial Branch

# Amendments

Sen. Perkins Kwoka, Dist 21  
February 7, 2022  
2022-0538s  
08/04

Amendment to SB 400-FN

1 Amend the bill by replacing sections 10-11 with the following:

2  
3 10 Planning and Zoning; Rehearing and Appeal Procedures; Court Review. Amend RSA 677:15,  
4 IV-V to read as follows:

5 ~~IV. [The court shall give any hearing under this section priority on the court calendar.]~~  
6 *Whenever an appeal to the superior court is initiated under this section, the court shall*  
7 *give the appeal priority on its calendar. Within 10 days of the certified record being filed*  
8 *with the court, the court shall schedule a hearing to be held within 90 days unless extended*  
9 *by agreement of all parties or by motion. The appellant shall file an opening brief 60 days*  
10 *before the hearing. The appellee shall file a response brief 30 days before the hearing. The*  
11 *appellant may file a reply brief 15 days before the hearing. The court shall issue a decision*  
12 *within 60 days after the hearing, unless the court has received an extension from the chief*  
13 *justice of the superior court.*

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

19 VI. *Whenever an appeal to the supreme court is initiated after superior court*  
20 *review, the supreme court shall give the appeal priority on its calendar and shall issue a*  
21 *final decision within 90 days of the date upon which oral argument has been conducted.*

22 11 Planning and Zoning; Rehearing and Appeal Procedures; Priority. RSA 677:5 is repealed and  
23 reenacted to read as follows:

24 677:5 Priority. Whenever an appeal to the superior court is initiated under RSA 677:4, the court  
25 shall give the appeal priority on its calendar. Within 10 days of the certified record being filed with  
26 the court, the court shall schedule a hearing to be held within 90 days unless extended by agreement  
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28 appellee shall file a response brief 30 days before the hearing. The appellant may file a reply brief  
29 15 days before the hearing. The court shall issue a decision within 60 days after the hearing, unless  
30 the court has received an extension from the chief justice of the superior court.

Sen. Perkins Kwoka, Dist 21  
February 15, 2022  
2022-0725s  
08/04

Amendment to SB 400-FN

1 Amend the bill by replacing sections 10-11 with the following:

2

3 10 Planning and Zoning; Rehearing and Appeal Procedures; Court Review. Amend RSA 677:15,  
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31

32 Amend the bill by replacing section 17 with the following:

Amendment to SB 400-FN  
- Page 2 -

1 17 Effective Date.

2 I. Sections 8, 10, and 11 of this act shall take effect January 1, 2023.

3 II. The remainder of this act shall take effect 60 days after its passage.

PROPOSED

FILED

Amendment to SB 400-FN

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Amendment to SB 400-FN

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# Committee Minutes

# SENATE CALENDAR NOTICE

## Election Law and Municipal Affairs

Sen James Gray, Chair  
Sen Regina Birdsell, Vice Chair  
Sen Ruth Ward, Member  
Sen Donna Soucy, Member  
Sen Rebecca Perkins Kwoka, Member

Date: January 5, 2022

### HEARINGS

Thursday

01/20/2022

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Election Law and Municipal Affairs	State House 100	1:00 p.m.
(Name of Committee)	(Place)	(Time)

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1:00 p.m.	<b>SB 400-FN</b>	relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development.
1:30 p.m.	<b>SB 239-FN</b>	relative to noncompliance with municipal audit requirements.
2:00 p.m.	<b>SB 405-FN</b>	relative to fines and penalties for election law violations.
2:30 p.m.	<b>SB 418-FN</b>	relative to verification of voter affidavits.

### EXECUTIVE SESSION MAY FOLLOW

#### Sponsors:

#### **SB 400-FN**

Sen. Bradley  
Sen. Watters  
Sen. Cavanaugh  
Sen. Kahn  
Rep. Sweeney

Sen. Whitley  
Sen. Perkins Kwoka  
Sen. Sherman  
Rep. DiLorenzo  
Rep. Porter

Sen. Hennessey  
Sen. Rosenwald  
Sen. Prentiss  
Rep. Umberger

Sen. D'Allesandro  
Sen. Avard  
Sen. Soucy  
Rep. Alexander Jr.

#### **SB 239-FN**

Sen. Giuda

Rep. Major

Rep. Umberger

#### **SB 405-FN**

Sen. Giuda

Sen. Avard

Sen. Birdsell

Rep. J. MacDonald

Rep. Lang

#### **SB 418-FN**

Sen. Giuda  
Rep. Howard

Sen. Bradley

Sen. French

Sen. Gannon

Tricia Melillo 271-3077

James P. Gray  
Chairman

**Senate Election Law and Municipal Affairs Committee**  
*Tricia Melillo 271-3077*

**SB 400-FN**, relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development.

**Hearing Date:** January 20, 2022

**Members of the Committee Present:** Senators Gray, Birdsell, Ward, Soucy and Perkins Kwoka

**Members of the Committee Absent :** None

**Bill Analysis:** This bill makes changes to the training and procedures for zoning and planning boards offered by the office of planning and development. This bill creates incentives and establishes requirements for workforce housing and affordable housing development. The bill also revises the time frames for planning board consideration of applications, and establishes the New Hampshire housing champion certification program.

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**Sponsors:**

Sen. Bradley	Sen. Whitley	Sen. Hennessey
Sen. D'Allesandro	Sen. Watters	Sen. Perkins Kwoka
Sen. Rosenwald	Sen. Avarad	Sen. Cavanaugh
Sen. Sherman	Sen. Prentiss	Sen. Soucy
Sen. Kahn	Rep. DiLorenzo	Rep. Umberger
Rep. Alexander Jr.	Rep. Sweeney	Rep. Porter

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**Who supports the bill:** 64 people signed up in support of the bill. Full sign in sheet is available upon request.

**Who opposes the bill:** 6 people signed up in opposition on the bill. Full sign in sheet is available upon request.

**Who is neutral on the bill:** 2 people signed in as neutral on the bill. Full sign in sheet is available upon request.

**Summary of testimony presented in support:**

**Senator Jeb Bradley**

- He quoted from an article, Rick Fabrizio, BIA Communications Director, who stated, "There may not be a greater long-term threat to NH's economy than the lack of a diversified housing stock."
- The median price for a home in New Hampshire is over 400 thousand dollars.
- The vacancy rate is less than 1 %.
- This has impacts on our economy and families in our communities.
- There is a need to continue to increase the supply of affordable housing.
- In his district, the town of Conway has already passed an affordable housing ordinance and we need to see more of that.
- There has to be a partnership between communities and the state to incentivize the creation of affordable housing.
- He believes SB 400 creates that partnership, a predictable process and lays the groundwork for communities to move forward.
- The first section calls for voluntary training for Board of Adjusters and Planning Board members.

- This will allow a discussion of what works and what hasn't worked in other communities.
- The second provision deals with transparency of fees.
- Any town that provides incentives for senior housing has to provide the same for workforce housing.
- If there is inclusionary zoning then affordability criteria needs to be established.
- The fifth provision is that when a decision is rendered by a Planning Board or Board of Adjustment, they must submit a finding of fact with it.
- This will give every applicant the opportunity to know what they are facing.
- Section six lays out regulatory time review.
- This is a critical issue, trying to get through the process knowing that there will be a predictable outcome in a timely manner.
- There is a definition change of workforce housing that states if it is going to be workforce housing, the age restrictions are similar to senior housing.
- Section 8 will streamline the process with the Board of Selectmen.
- Section 9 calls for expedited review for any decisions that may be challenged in either Superior Court or the Supreme Court.
- Given the importance of these issues he believes it is appropriate to ask the courts to review these decisions in a timely manner.
- There is language on posting a bond to make sure, if there are challenges, a lot of frivolous lawsuits are not incurred that seek to delay the development process through litigation.
- Sections 13 and 14 deal with TIF financing. This takes the expectation of future revenue through a tax process based on rehabilitation and greater property value to fund the current development.
- Lastly, the bill creates the NH Housing Champion certificate. It gives public recognition to communities that move forward with affordable housing.
- This bill does not seek to take over a towns zoning, it seeks to create a partnership that will enable the development of more affordable housing.
- Senator Birdsell asked if he is concerned that the language in this bill will reduce the number of adult communities.
  - Senator Bradley replied that it would be his hope that towns do not do that. The provision is there so that if a town is going to have this kind of inclusionary zoning ordinance they should have them for both senior and workforce housing. Both are important and should be encouraged.
- Senator Birdsell read the part of the bill dealing with remanding cases to the Superior Court and asked isn't that why we have the housing appeals board.
  - Senator Bradley replied that it is but the hope is that by a Zoning Board or Planning Board giving the reasons why they approve or disapprove with a finding of fact, it will expedite and justify whether it goes to the Housing Appeals Board or to the Court

### **Ben Frost – NH Housing**

- A startling number to him was that from December 2019 and December 2021 the median sale price had gone up 33%.
- This is a stark indicator of the housing supply problem that we have in NH.
- There is not inventory for realtors to sell to buyers who are able and this is mirrored in the rental market with the vacancy rate below 1%.
- He believes we now have a crisis with the housing supply.
- This is a long term problem that could have long term effects on our economy.
- We have the capacity to do something about it with SB 400.
- Section 5 is specifically directing the Superior Court to remand in the absence of findings of fact.
- He has been advising local boards for years that they should be doing findings of fact, especially when they are denying an application.
- The applicant has a right to know why they are saying no.
- The reviewing judge should be able to tell what the reason for the denial of an application.
- This section makes it law that local boards must do findings of fact.

- Section 8 deals is an effort to simplify this confusing statute by removing the provisions that are never used.
- The language that will be struck from the statute will have no practical change in how things are done at the local level.
- RSA 676:4 is strictly for Planning Boards. If they cannot complete the review within the statutory 65 days, they ask the applicant for additional time.
- If the applicant says no this makes it clear that in the absence of information the planning board can deny the application without prejudice.
- Section 13 has to do with the Tax Increment Financing statute.
- This is enabling legislation to give municipalities the right to use TIF districts for affordable housing.
- What is different in this bill is the reference to the powers of eminent domain.
- In the House Bill last year, it was a concern that a municipality could claim eminent domain to create affordable housing.
- SB 400 makes it clear that municipalities cannot use the powers of a TIF district to claim eminent domain.
- Senator Gray asked if he could clarify the language on page 2 regarding automatic reversal.
  - Mr. Frost replied that it is still at the discretion of the court to decide whether they want to reverse or not. If the court decides that there is not findings of fact they can tell the boards to go back and do them.
- Senator Perkins Kwoka asked if there is anything mandatory for the municipalities in this bill.
  - Mr. Frost replied that yes there are a few things. The findings of fact have the effect of being mandatory because it is grounds for reversal if they do not do it. The provisions dealing with the timelines for Planning Boards are mandatory but they remove a few steps so there is nothing additional for them to do. He believes that it is for the mandatory language. This bill has tools that a municipality can use at their discretion. On page 2 is the existing inclusionary zoning statute. If the municipality chooses to it could require the development of affordable housing providing that it did not make it less profitable for the builder. The towns can negotiate with the developers. Under current law, a town cannot require a developer to build affordable housing. SB 400 changes that.
- Senator Perkins Kwoka asked if he could clarify that it does not require a municipality to build affordable housing but enables them to with some flexibility built in.
  - Mr. Frost replied exactly.
- Senator Perkins Kwoka asked if he could share the number of housing units needed in the state.
  - Mr. Frost answered that based on current conditions in 2019 they determined there was a gap of 15 to 20 thousand housing units needed just to stabilize the housing market. That did not include any growth that may happen.

#### **Harrison Kaneler – Mt. Washington Valley Housing Coalition**

- Carroll County is facing an unprecedented housing crisis.
- It started about fifteen years ago as a socioeconomic humanitarian issue and has gotten worse.
- In the last year they have had a 23.4 % increase of its median price.
- Since 2017, there has been a 61% increase in the median sale price.
- This puts Carroll County as the 4<sup>th</sup> highest median sale price in the state.
- It is difficult for workforce to find any housing.
- There is a .7% availability for housing
- It is also very difficult if people want to transition into purchasing a home as there is low stock and high prices.
- This bill will give communities a lot of tools to develop affordable housing.
- Conway passed a density bonus inclusionary zoning ordinance.
- They can use the tools in this bill to make their ordinance even better.
- All of the communities in the Mt. Washington Valley turn to his organization and ask what they can do and they point them to this bill.

- This bill will do a lot for the rural communities in the Mt. Washington Valley.

#### **Ellen Groh – Concord Coalition to End Homelessness**

- This bill does not just effect workforce housing, it effects the work they do trying to end homelessness.
- They are focused on ending homelessness through permanent housing.
- They were successful in turning a downtown building into four apartments for people coming from homelessness.
- The lack of affordable housing is hindering there fight to end homelessness
- There is no place for people to move into even if they have housing assistance in hand.
- This bill has a lot of provisions that will help their organization.

#### **Elliot Barry – NH Legal Assistance**

- Part 4 of the bill would give an important tool to municipalities when they want to use it.
- It is an entirely enabling legislation.
- It would takes the current law that makes it voluntary for a developer to mandatory.
- The Portsmouth market is high and when the developer comes in to build it is upper income housing.
- Under this bill, the city of Portsmouth could choose to tell the developer that a certain number of units need to be affordable housing.
- It will make a very big difference for the housing markets.
- The provision that states if you are going to offer incentives for seniors you have to offer the same for families is a good one.
- There are over 27 thousand units in the state today where people are paying over half their income for rent.

#### **Ari Pollack – Homebuilders**

- The housing crisis in NH has received critical mass and the solutions are numerous and intertwined.
- All of the provisions in this bill are sensible and not heavy handed government telling municipalities what they can and cannot do.
- A planning or zoning board has every right to deny a project.
- This bill has the potential to be the single most effective piece of housing legislation that he has seen.

#### **Katie Easterly Martey - CDFR**

- Her company finances many important community projects.
- The Council of Housing Stability called for many of the provisions included in this bill as a way of bringing stability to our state.
- The three year goal is to build 13,500 new units.
- Communities need to build housing and other economic projects to be viable.
- Establishing the timelines in this bill will increase predictability which is necessary for complex development projects.
- Projects that are transformative often take years to pull together.
- Without the predictability of the approval process often times the funding will go away.
- Communities will reach for affordable housing with the incentives in this bill.

#### **Chris Norwood – NH Association of Realtors**

- Two years ago, the median house price was just over 300 thousand dollars and now it is over 400 thousand dollars.

- We have been growing and it is not just a pandemic related issue.
- One community that he works with has a density bonus in one particular zone of 3 units per acre for age restricted and 1 unit per acre for non-restricted.
- When there is that kind of imbalance it makes it hard to build anything other than the age restricted.

**Elissa Margolin – Housing Action NH**

- The key themes of this bill are reasonable, efficient and transparent.
- They are willing to work with the judiciary to address some of the concerns that were brought up today.

**Senator Rebecca Perkins Kwoka**

- This bill enables municipalities to use the tools if they choose to.
- She is proud to have worked on this legislation because housing affects the future of our state in a variety of ways.
- This bill is a priority for people to be able to age in place.
- We needed 20,000 units before the pandemic and it is only getting worse.

**Summary of testimony presented in opposition:** None

**Neutral Information Presented:**

**Richard Head – Judicial Branch Government Affairs Coordinator**

- HB 1389 is currently being heard in the House and addresses many of the same issues as SB 400 does.
- Currently there are about 13,500 cases pending in the Superior Court.
- About 60 % are criminal cases and 40% percent civil cases.
- There are factors that influence the Superior Court docket such as criminal deadlines, and emergency orders that need to be addressed.
- Taking 13,500 cases it means 700 cases per judge and the number of judges is set by statute.
- The current statute also says that appeals from Planning Boards should get priority on the Superior Court docket and that is done.
- There are other statutes that also impose deadlines on the Superior Court.
- Anytime more deadlines are added it creates a significant ripple effect of complications throughout the Superior Court.
- This bill would impose very specific 90 and 120 day deadlines.
- The other aspect is when those deadlines are being triggered by.
- The record of the deadline needs to be transmitted to the court and it is set by the date the notice goes to the towns not when the court receives it.
- The deadlines are shortened taking into account when the court gets the record.
- RSA 14:9-A dictates that laws affecting judicial practice and procedure shall take effect January 1 following passage and they request that change
- HB 1389 calls for a land use docket in the Superior Court with a judge that would be just for that.
- That eliminates a remarkable heavy caseload for all of the judges and would take a priority for the court and give it its own docket.
- There is an alternative mechanism for appeals which is the housing appeals board which does not involve the court system.
- Senator Perkins Kwoka asked if they were able to clarify that the deadlines were from the date of the transmission of the records to the court would that address his concerns and if HB 1389 passed would he still have concerns about the deadlines.

- Mr. Head replied that they are fine with HB 1389 as written. This bill is not limited to housing bills. There are many very complicated and complex decisions that are coming out of Planning Boards that involve a significant record. As written, there is no provision for the parties to opt out of the deadlines. There are multiple issues in play with these appeals and can take time.
- Senator Perkins Kwoka asked if they clarified that the deadline does not begin until they receive the record would that help.
  - Mr. Head replied says there would still be significant issues.
- Senator Perkins Kwoka asked if he could clarify how the land use docket would work.
  - Mr. Head stated that as written, the judge would be assigned to and hear all of those cases, developing expertise. This docket would not be subject to all the other criminal and civil cases.
- Senator Perkins Kwoka asked if he could clarify how the cases get priority in the docket currently.
  - Mr. Head replied that the clerks set the daily schedule for the judges. They are aware, through the tracking system, that there are land use appeals and need priority. Those appeals then get put in the docket as soon as they can. Land use cases get flagged but anytime you add a deadline something else gets pushed.

#### **Margaret Byrnes – NH Municipal Association**

- NHMA does not have an official position on the bill but it does support some of the policies they already have in place.
- They have a Housing Policy adopted by it's members which states that they recognize the need for affordable housing and the responsibility of all municipalities to afford opportunities for development.
- NHMA believes that municipalities should have discretion in how to satisfy this responsibility and supports legislation that creates creative ways to do so.
- They support financial and other incentives to municipalities to support economic development and affordable housing.
- SB 400 creates new economic tools to develop affordable housing specifically changes to RSA 160 and 79.
- It creates the voluntary Housing Champion Program that will give preference to qualifying municipalities with various funding.
- It also requires free training to local land use boards which is incredibly important for members to fulfill their responsibilities and to recruit volunteers.
- SB 400 goes a long way to recognize collaboration and partnership between state and local government.
- Senator Ward asked exactly how is the partnership going to take place and who is partnering.
  - Ms. Byrnes replied that the way she sees the partnership is between the state and municipalities with the Housing Champion Program. This is a way that the state can recognize municipalities that are willing to do more to encourage affordable housing. In exchange for municipalities having affordable housing, they can have access to some additional state funding. There is also partnership between the state and municipalities with the free training that the state will be providing. There can also be a partnership between contractors and municipalities with some of the economic tools in this bill.
- Senator Ward commented that it is important to have the whole municipality behind these decisions. She asked if a proposal like this comes before the Planning Board wouldn't the whole town have to be involved.
  - Ms. Byrnes replied absolutely and amendments to zoning do to town meeting. This means that the public input is needed before there are any changes to zoning ordinances.



# Speakers





## Senate Remote Testify

### Election Law and Municipal Affairs Committee Testify List for Bill SB400 on 202

Support: 52 Oppose: 5

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Waters, Senator David	An Elected Official	Myself	Support
Perkins Kwoka, Senator Rebecca	An Elected Official	Myself	Support
Cavanaugh, Senator Kevin	An Elected Official	Myself	Support
Hennessey, Sen. Erin	An Elected Official	Myself	Support
Rosenwald, Cindy	An Elected Official	SD 13	Support
Avard, Senator Kevin	An Elected Official	SD 12	Support
Persechino, Sara	A Member of the Public	Myself	Support
Parker, Sharon	A Member of the Public	Myself	Support
Pollack, Ari	A Lobbyist	NH Homebuilders	Support
Blais, Vanessa	A Member of the Public	Myself	Support
Gordon, Carolyn	A Member of the Public	Myself	Support
A Porter, Marjorie	An Elected Official	Hillsborough District 1	Support
Rothenberg, Yulia	A Member of the Public	Myself	Support
Nemeth, Linnea	An Elected Official	Myself	Support
Verschueren, Jim	A Member of the Public	Myself	Support
Hatcher, Phil	A Member of the Public	Myself	Support
QUISUMBING-KING, Cora	A Member of the Public	Myself	Support
Grossi, Anne	A Member of the Public	Myself	Support
Fenner-Lukaitis, Elizabeth	A Member of the Public	Myself	Support
Hegfield, Laura	A Member of the Public	Myself	Support
thompson, julia	A Member of the Public	Myself	Support
Staub, Kathy	A Member of the Public	Myself	Support
Rhoades, Chuck	A Member of the Public	Myself	Support
McLeod, Martha	A Member of the Public	Myself	Support
Hunt, Wendy	A Member of the Public	Greater Nashua Chamber of Commerce members	Support
Umberger, Karen	An Elected Official	Myself	Support
Clay, Jessica	A Member of the Public	Myself, those experiencing homelessness	Support
Cellupica, Joan	A Member of the Public	Myself	Support
Feder, Marsha	A Member of the Public	Myself	Support
Sherman, Senator	An Elected Official	SD24	Support
Vann, Ivy	An Elected Official	Myself	Support
Schaick, Erin	A Member of the Public	Myself	Support
KIDDER, MARILYN	A Member of the Public	Myself	Support
Savard, Stephanie	A Member of the Public	New Hampshire Coalition to End Homelessness	Support
Appel - Gibbens, Anne Marie	A Member of the Public	Myself	Support
Torrice, Alyce	A Member of the Public	Myself	Support
Haigh, Jane	A Member of the Public	Myself	Support
Mott-Smith, Wiltrud	A Member of the Public	Myself	Support
Lorenz, Carmen	A Member of the Public	Lakes Region Community Developers, Laconia NH	Support
DeRosa, Tom	A Lobbyist	New Hampshire Planners Association	Support
Gallagher, Kait	A Member of the Public	Myself	Support
Sonnctt, Lindsay	A Member of the Public	Myself	Support
Saunders, Anne	A Member of the Public	Myself	Support
Berry, Jake	A Lobbyist	New Futures	Support
Reardon, Tara	A Member of the Public	Myself	Support
Keeler, Jessyea	A Member of the Public	Ski New Hampshire	Support

1/27/22, 11:33 AM

Senate Remote Testify

Reardon, Charyl	A Member of the Public	White Mountains Attractions Association	Support
Farrell, Meghan	A Member of the Public	Myself	Support
kuenning, keith	A Lobbyist	Waypoint	Support
Lessard, Gregory	A Member of the Public	Myself	Support
Friés, Ellen	A Member of the Public	Myself	Support
Leuchtenberger, Michael	A Member of the Public	Myself	Support
Howland, Curtis	A Member of the Public	Myself	Oppose
Homola, Susan	An Elected Official	Myself	Oppose
Petrusewicz, Carol	A Member of the Public	Myself	Oppose
Sec, Alvin	A Member of the Public	Myself	Oppose
Loveless, Eric	A Member of the Public	Myself	Oppose

# Testimony

[https://www.unionleader.com/news/business/columns/bia-business-perspective-trouble-ahead-if-nh-doesnt-solve-housing-crisis/article\\_6a9e2770-a8e7-5511-a265-29456ebabba6.html](https://www.unionleader.com/news/business/columns/bia-business-perspective-trouble-ahead-if-nh-doesnt-solve-housing-crisis/article_6a9e2770-a8e7-5511-a265-29456ebabba6.html)

## BIA Business Perspective: Trouble ahead if NH doesn't solve housing crisis

By Rick Fabrizio BIA Communications Director

Oct 2, 2021



FABRIZIO

Since May, I have traveled to all corners of the state to meet with chamber of commerce leaders and learn about top issues facing their member companies.

From Portsmouth to Colebrook, Nashua to North Conway, the answers were all the same: lack of workers and lack of housing.

There may not be a greater long-term threat to New Hampshire's economy than the lack of a diversified housing stock. Employers are struggling to fill open positions, and soon it will slow the overall economy.

The lack of affordable housing within a reasonable commuting distance to work is one contributing factor adding to staffing difficulties employers face. The Business and Industry Association, New Hampshire's statewide chamber of commerce and leading business advocate, ranks the need for more workforce housing among its top issues.

The 2021 BIA Forum on Workforce Housing: New Hampshire's Housing Crisis and the Economy will be held Wednesday, Oct. 6 from 11:30 a.m. to 1 p.m. The event, sponsored by New Hampshire Housing, will be held in-person at the DoubleTree by Hilton Manchester Downtown Hotel.

Cost to attend the luncheon is \$40 for BIA and BIA Capitol Connect members, members of partnering organizations and regional housing coalitions. Cost for the general public is \$55. For more information and to register, visit <https://bit.ly/BIA-Housing>.

The stagnant supply of lower-cost, workforce housing is a chronic issue, dating back at least 20 years. It's now showing up in the most pronounced way. Employers can't find workers because workers can't find affordable places to live. They can barely find any place to live.

What housing goes to market sells at record prices in days. The state's median home sale price rose above \$400,000 this summer. The vacancy rate for apartments is less than 1% (5% is considered a balanced market), drawing tens of applicants for those that are available and driving up cost. Businesses are doing the best they can, pushing the state's de facto minimum wage to and above \$15 an hour. Many manufacturing companies are offering around \$20 an hour or more. It's still not enough.

New Hampshire Housing's 2021 Rental Survey **Report** showed the statewide median gross rent (including utilities) at \$1,498 for two-bedroom units, up 6% over 2020. It's \$1,672 in Rockingham County and \$1,643 in Hillsborough County. Statewide, a studio costs \$876; a one-bedroom unit costs \$1,118.

There's not much economy in a barren desert. People are the economy, and declining



populations lead to withering economies. New Hampshire is approaching that risk.

The state's population increased just 4.6% from 2010-2020, the lowest since 2.9% in 1910-1920. This followed 2000-2010 when New Hampshire saw 6.5% population growth, while 1990-2000 saw 11.4%. The 1960s, 1970s and the '80s, each saw increases of more than 20%. Population growth has largely ground to a halt in the Granite State, but its economy expands decade after decade. Thus, you get the problem we're seeing now, and it's getting worse.

Manufacturers can't fill orders in a timely fashion because they don't have full staffing. This is true in the state's populous southern tier and rural northern tier, where an infusion of well-paying jobs would be a new economic lifeline. Many hospitality businesses can't open for full hours due to the lack of workers; some are even closing.

The 1960s in New Hampshire saw population increase 21.5%, followed by 24.8% in the 1970s and 20.5% in the '80s. That's the origin of the problem as residents moved to outlying towns that went from rural to "bedroom communities."

Claira Monier, executive director of New Hampshire Housing from 1988 to 2007, recently told me those decades of growth, particularly in rural towns, prompted the rise in land-use restrictions. These restrictions effectively eliminated starter-home subdivisions of the '60s and '70s, giving rise to larger, more expensive homes, and many fewer of them.

The state is seeing an increase in new market-rate apartments, particularly in its southern tier. It helps but there's a long way to go. New Hampshire Housing says the state needs 20,000 new single-, multi- and special-needs homes to achieve a balanced market. That should include a true mix, from affordable housing via local housing authorities, to market-rate apartments, to starter homes. If the state only sees new market-rate apartments, which is largely what's being built now, it's not solving the problem. Workers who live in apartments will want to move to starter homes as they start their families.

As Monier told me: "If you want a stable community you have to have home ownership.

That will foster community harmony. Homeownership is very important."

Rick Fabrizio is director of communications and public policy for the Business and Industry Association. The BIA, New Hampshire's statewide chamber of commerce, produces this column monthly exclusively for the Sunday News.



Testimony of Elissa Margolin, Director  
in SUPPORT of  
SB 400  
Senate Election Law and Municipal Affairs Committee  
January 20, 2022, 1:00 pm, SH Room 100

Mr. Chairman and Members of the Committee:

My name is Elissa Margolin and I serve as director of Housing Action NH. Housing Action NH is a statewide coalition of 80 organizations united around affordable housing policy and ending homelessness in New Hampshire. Our members include those who develop, manage, own and finance affordable housing, public housing agencies, supportive housing agencies and homeless service providers. They are key partners in the work to address the housing crisis in New Hampshire.

Housing Action NH enthusiastically supports SB 400. The bill represents the work of a large group of diverse stakeholders and reflects compromise and common-sense proposals to try and implement some much-needed tools we need to address the state's housing crisis.

### **A Community Toolbox Bill**

This proposal has taken on the name: "The Community Toolbox Bill." Indeed, this seems like an appropriate description of what this package aims to achieve. SB 400 will give additional economic development tools and a reasonable framework so that communities can respond to the market demand for housing.

The housing shortage is creating a vulnerability within an otherwise strong economy. Young professionals are leaving, workforce shortages are undermining businesses, and homelessness is increasing. The legislature took a positive step forward with support for the state's Affordable Housing Fund. SB 400 provides a reasonable complimentary policy to that state investment.

### **Reasonable Improvements: Efficiency and Transparency**

The current framework is clearly not working. New Hampshire's rental market has less than a 1% vacancy rate (a balanced market should be 5% - 7%) and the latest data suggest that the Granite State is short by 20,000 units.

SB 400 creates a more reasonable and transparent process for housing project proposal such as the publication of application fees, timelines for ZBA and planning board decisions; and documented findings of

fact. It also clarifies the existing workforce housing law (RSA 674:58 – 61) so that communities understand that “housing for older persons” does not satisfy the need to provide housing for our state’s vital workforce.

### **Policies = Carrots/Not Sticks**

Overall, we ask the Committee to consider that SB 400 is mostly a package of enabling statutes and incentives to build housing. Opening up current economic development tools like 79-D and TIF districts to include housing development is an important step so *Yes In My Backyard Communities* can access these tools (if they choose to) to help shape their communities. The proposed Housing Champion Certification is another clear example of a program that will celebrate and recognize the communities that are contributing to the economic well-being of our state and hold them up as an example to others.

### **Balances Interests**

I will conclude my testimony to share that every effort has been made within SB 400 to balance interests. The proposal before you balances local control with the need to have a reasonable process for project proposals. It includes safeguards to make sure that new tools for housing, like TIF, could not be used for eminent domain. It enhances the availability of planning and zoning board training without making it mandatory.

We urge this Committee to reward this spirit of compromise by advancing this bill with an *ought to pass* recommendation.

Thank you for the opportunity to testify.

Elissa Margolin  
Director  
[elissa@housingactionnh.org](mailto:elissa@housingactionnh.org)



January 20, 2022

**RE: SB 400: "Community Toolbox" (Training and procedures for affordable housing development)**

To the Honored Members of the Election Law and Municipal Affairs Committee

I submit this testimony in support of SB 400 on behalf of the Concord Coalition to End Homelessness.

**Background:** Concord Coalition to End Homelessness (CCEH) is non-profit organization that provides many crisis response services to people struggling with homelessness, including:

- A year-round, daytime Resource Center where people struggling with homelessness can get a shower, do laundry, get their mail, and work with a case manager to help them access other resources such as mainstream benefits, medical and mental health care, housing and jobs. We serve anywhere from 30-60 people each day, and about 600 unique individuals over the course of the year.
- An Emergency Winter Shelter where some of the most vulnerable individuals who are homeless, those living in the woods around Concord or in their cars, can have a warm, safe place to sleep each night. Our Winter Shelter has been averaging about 30 people per night this winter, and typically serves 140-190 unique individuals over the course of a winter season.
- A new Outreach program that goes out to encampments to connect directly with anyone who, for whatever reason, does not come in to our Resource Center or Winter Shelter, and which helps to coordinate the outreach efforts of other local agencies.

While these crisis services are critical, they do not actually end homelessness. Permanent housing is what ends someone's homelessness. For the past several years, CCEH has become increasingly focused on providing "permanent supportive housing" opportunities for individuals coming from long-term, or "chronic" homelessness. We can currently serve 22 people in our different permanent supportive housing programs. Most of our participants survive on very limited disability payments as their only source of income, usually around \$800 per month. Permanent supportive housing provides rental assistance to make the apartment affordable to someone on disability, coupled with on-going case management support to help the person stay stably housed.

**SB 400:** The current housing shortage in New Hampshire has had a devastating impact on our ability to move people from homelessness into permanent, stable housing. We have about six clients right now who have a rental assistance voucher in their hands, but they cannot find a place to use it. Besides the incredibly low vacancy rate in Concord, very often when an apartment is available, the rental rate is

above the maximum amount their voucher will cover. An adequate supply of affordable housing simply does not exist in New Hampshire today.

To address this shortage, CCEH stepped into becoming a housing development ourselves a couple of years ago when we converted a downtown office building into 4 one-bedroom apartments for people coming from homelessness. It was a long, expensive, cumbersome process but in the end, four people moved from literally living in the woods outside of Concord into their own, permanent apartments. I believe they would still be living in the woods, or staying in our Winter Shelter, today if we had not built those apartments. CCEH is now embarking on our second renovation project to create 8 one-bedroom apartments for people coming from homelessness.

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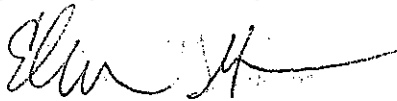
Many aspects of this bill, such as the simple publication of all application fees, would have made the development process easier for CCEH, and would have taken some of the risk and uncertainty out of the process. CCEH was fortunate with our first development project that we were granted all of the zoning variances we needed, and no one appealed, but the provisions in SB 400 regarding findings of fact in decisions, and posting a bond for an appeal, would have been very beneficial to our project had an appeal been filed. The other provisions of SB 400 offer many other tools to incentivize local communities to help address this housing crisis, without removing a community's local control.

Passage of this bill will help accelerate CCEH's ability to develop small apartment projects for people coming from homelessness, and will make it easier for our colleagues across the state to do the same.

---

As a state, we need to use every tool available to encourage the development of more affordable housing, and SB 400 provides many of those tools.

Respectfully submitted by,



Ellen Groh  
Executive Director



January 20, 2022

The Honorable James Gray, Chair  
Senate Election Law and Municipal Affairs Committee  
State House, Room 100  
Concord, NH 03301

***Subject: SB 400-FN***

Dear Chairman Gray:

I am writing to express the strong support of New Hampshire Housing for SB 400. This legislation is based on the recommendations of the housing task force created in 2019 by Governor Sununu. These recommendations formed the basis of HB 1629 and HB 1632 in the 2020 session. Both bills received strong bi-partisan support in House committees and were passed by the House before stalling because of the state of emergency. Those bills were combined last year in HB 586, which also received a strong committee recommendation before being tabled by the House without action. Amendments recommended by House committees in 2020 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 0.9%, far below the 5% we consider to indicate a balanced market. The cost of renting a 2-bedroom apartment has increased 23% in the past 5 years. Renter incomes have increased at a far slower rate, making it extremely difficult for workers to move to New Hampshire for jobs. This is a significant factor in the state's workforce crisis.

For homebuyers, the median price to purchase a home was about \$385,000 in December 2021, representing a 33% increase from December 2019. 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. New Hampshire needs between 15,000 and 20,000 homes to rent or buy just to meet current demand. This is slowing New Hampshire's economic growth as workers look elsewhere for employment because of our high housing costs. The problem will get worse if we continue to prevent the market from meeting the rising demand.

This lack of housing supply is partly a reflection of the difficulty faced by property owners and developers in some communities as they put forth proposals to create new housing. In many

**NEW HAMPSHIRE HOUSING FINANCE AUTHORITY**

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

603.472.8623  
**NHHFA.org**



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

SB 400 seeks to address this problem and create a more consistent and transparent process for housing 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. SB 400 enables municipalities, if they wish, to require the construction of affordable housing as part of a larger market-rate development, and it clarifies 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 courts to require bonds to discourage frivolous appeals.

Additionally, SB 400 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. SB 400 also establishes the "Housing Champion" certification, a voluntary program for municipalities that would give them preferential access to discretionary state funding.

SB 400 provides a strong package of incentives and requirements to help address the state's housing shortage. We respectfully urge your committee to recommend SB 400 "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,

A handwritten signature in black ink, appearing to read 'R. Dapice', with a long horizontal line extending to the right.

Robert B. Dapice  
Executive Director

cc: Committee members



# NH Bankers ASSOCIATION

January 20, 2022

Attn: Tricia Melillo, Election Law and Municipal Affairs Committee Aide  
Senate Election Law and Municipal Affairs Committee  
107 North Main Street  
Concord, NH 03301

Dear Chairman Gray and Honorable Members of the Senate Election Law and Municipal Affairs Committee:

NH Bankers Association represent 38 member banks who employ roughly 6,000 employees. We are writing to you today in support of SB 400, relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development. SB 400 enhances the availability of workforce and available housing which is vitally important to the New Hampshire economy.

Over the past few years, the lack of affordable housing has been a significant issue that the State of New Hampshire and the Legislature has grappled with. The lack of affordable housing has impacted not only the price of homes but the cost of rental units. Low inventory, low interest rates and demand has driven prices of homes to near record levels. According to the New Hampshire Association of Realtors' December 2021 Monthly Report, the median sale price in New Hampshire for the year was \$395,000, up from \$335,000 in 2020: a 17.9% increase.

One of the main drivers of this increase has been and is lack of inventory. The New Hampshire Housing Finance Authority's (NHHFA) December 2021 Housing Market Snapshot reported there were only 4,483 listings last November, compared to 6,322 the previous November. That's a 29% decrease. This trend has undoubtedly priced many buyers out of the market, driving them to remain in rental units or make the decision to simply not relocate to the state.

In addition to rising home prices, the price of rental units has also jumped due to lack of supply. In the NHHFA's July Residential Rental Cost Survey Report, they stated that the statewide vacancy rate for a 2-bedroom unit was at .6%, while the median rent for that same unit was \$1,498. Since 2016 the median rent has increased by 24% according to the report.

This isn't just a housing issue this a workforce issue. Attracting out-of-state employees to relocate to New Hampshire is becoming increasingly more difficult given the challenges in our housing and rental market. To illustrate this point, a member bank recently shared with us they made an offer to a potential new hire who was living in Washington DC. Since they could not to secure a place to live, they turned the offer down and decided to stay in DC .

# NH Bankers ASSOCIATION

Additionally, our members are very concerned with how the lack of affordable housing impacts their current and future customers and ultimately the overall impact the shortage has on the New Hampshire economy. If there is no place for employees and future employees to live, how can businesses continue to grow?

NH Bankers view SB 400 as a way to help address New Hampshire's current affordable housing crisis by encouraging municipalities to welcome these types of developments and would ask the Committee to please join us in supporting this effort.

Please feel free to email either of us at [kmerrill@nhbankers.com](mailto:kmerrill@nhbankers.com) or [rhale@nhbankers.com](mailto:rhale@nhbankers.com) with any questions you may have.

Sincerely,

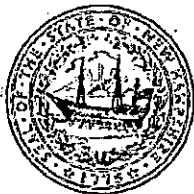


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Kristy Merrill, President



Ryan Hale, VP Government Relations



**STATE OF NEW HAMPSHIRE**  
**OFFICE OF THE GOVERNOR**

CHRISTOPHER T. SUNUNU  
Governor

January 20, 2022

Dear Members of Election Law and Municipal Affairs Committee,

New Hampshire is booming! Newly released data from the U.S. Census Bureau finds New Hampshire as the fastest growing state in the Northeast. I have always said that to keep our state growing, and our otherwise strong economy moving forward, we must address our housing shortage by making affordable housing readily available.

The Josiah Bartlett Center for Public Policy published a report in October 2021 titled *Residential Land-Use Regulations in New Hampshire: Causes and Consequences*. According to the report, "Widely available measures show that New Hampshire is one of the most restrictive states in the country for residential development."<sup>1</sup> Further, data from the New Hampshire Department of Employment Security illustrates a stark correlation between rental housing supply and the percentage of millennials in a community – a key demographic to solving the state's workforce challenges. Businesses and families across the Granite State are calling on policy makers to take the necessary steps to increase the housing supply so we can grow our workforce and sustain our vibrant economy.

That is why I convened a Housing Task Force that created this package of policy recommendations. Known as the *Community Toolbox Bill*, SB 400 is a package of incentives and requirements intended to help New Hampshire increase our housing supply.

Reintroduced for the 2022 session, the proposal reflects prior amendments and preserves local control. SB 400 will enable communities to use economic development tools for housing development and improve project review timelines. This includes incentives to cities and towns that relax local regulation, which aligns with the number one policy recommendation from the Bartlett Center Report to, "relax minimum lot size, setbacks, single-family only, minimum parking, and maximum height requirements."

In addition, the bill advances more robust – but still voluntary – training for local planning and zoning officials and provides recognition for those communities that have stepped up to the plate through a new Housing Champion program.

For the benefit of New Hampshire's economy, families, and communities, we must address our housing crisis with the right tools and a sense of urgency. Thank you for your serious consideration.

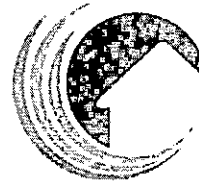
I hope this committee will join me in supporting SB 400.

Sincerely,

  
Christopher T. Sununu  
Governor

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<sup>1</sup>Residential Land-Use Regulations in New Hampshire: Causes and Consequences; The Josiah Bartlett Center for Public Policy & Center for Ethics in Society at Saint Anselm College. <https://jbartlett.org/wp-content/uploads/Residential-Land-Use-Regulations-in-New-Hampshire-Report.pdf>



Lakes Region  
**Community  
Developers**

January 20, 2022

**Re: Senate Bill 400**

Dear Chairman Gray and members of the Senate Election Law & Municipal Affairs Committee,

As a non-profit developer of affordable housing, I am writing to express support for SB400 relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development.

This bill was first put forward in 2019 as a result of the task force that Governor Sununu convened to develop legislative recommendations to address the housing crisis. Unfortunately, the package was hung up in the 2020 legislative session because of the pandemic. It was tabled last year by the House without action.

As a non-profit developer seeking to address the housing crisis in the Lakes Region, I can tell you that we desperately need this package of incentives and requirements to make the housing development process more efficient. Our crisis is due to a serious undersupply of housing. We must have more tools available if we are to make any significant progress in addressing the housing crisis.

The affordable housing crisis is a major contributing factor to our ongoing workforce shortage, which has been exacerbated during the pandemic. We must do all we can to help young people thrive in our state. SB400 would create a better process and new tools for housing developers to be more effective in our efforts to bring a variety of housing products to market that meet the needs of our state's workforce.

Thank you for your consideration.

Sincerely,

Carmen R. Lorentz  
Executive Director



## CITY OF MANCHESTER

*Joyce Craig*

*Mayor*

January 20, 2022

Chairman James Gray  
Senate Election Law and Municipal Affairs Committee  
SH Rm 100  
107 N Main St  
Concord, NH 03301

**RE: SB400**

Dear Chairman Gray and Members of the Committee,

Coming before your committee today is SB400, relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development. I urge the Senate Election Law and Municipal Affairs Committee to recommend this bill as "Ought to Pass" to the full Senate.

Over the past few years, New Hampshire, and Manchester specifically, have become more desirable places to live. In fact, in 2020, New Hampshire was named as the fourth most popular state people moved to during the pandemic. For certain industry sectors, working from home will become more commonplace after the pandemic, giving employees a greater choice in where to live, and many are picking the Granite State.

However, like many communities across the United States, Manchester is currently experiencing a major housing shortage. As a result, housing costs are spiking across the market, leaving a growing share of the population unable to afford to rent or own a home.

Renting in Manchester has become prohibitively costly for many. The high rental costs have limited the housing options available to people at nearly every income level in the city. 'Affordable housing' is not just an issue for low-income residents. It's a middle-class issue, a senior citizen issue, a young professionals issue and a family issue.

The City of Manchester is taking many steps to increase the amount of affordable housing within our community. We have put out Requests for Proposals for mixed-use, mixed-income developments on City-owned land, revamped the way we allocated federal HOME funds, and invested an additional \$3,000,000 of funds from the State and Local Fiscal Recovery Funds from the American Rescue Plan Act to our Affordable Housing Trust Fund. We are working with Manchester Housing Authority to increase the number of units available to those receiving Housing Choice Vouchers, and have created a Housing Commission to monitor the housing stock in the City and to make additional recommendations for more policies that the City can enact to stem this housing crisis.

This bill not only adds more tools to a municipality's toolbox to incentives and facilitate the creation of more affordable housing, but communities like Manchester, who are making investments would be rewarded for their proactive work with preferential access to state resources such as discretionary state infrastructure funds.

The Council on Housing Stability stated that New Hampshire must add 13,500 housing units by 2024 to address this growing housing crisis. SB400 will not do this on its own, but is an important first step, and a bipartisan incentive-driven approach to making sure that all communities in the state of New Hampshire work together to ensure safe, affordable housing for all Granite Staters. I urge you to recommend SB400 as "Ought to Pass" to the full Senate.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Joyce Craig".

Joyce Craig  
Mayor



Chair Gray and Vice-Chair Birdsell:

My name is Mike Claflin, and I am the Executive Director of Affordable Housing, Education and Development (AHEAD), Inc., and I live in Sugar Hill. We are an affordable housing developer located in Littleton. We own and manage over 500 units of housing and have been serving the north country for over 30 years. I am also, currently the Chairman of the New Hampshire Community Development Finance Authority (CDFA).

In August of 2019 I was asked to participate on a Governor's Housing Task Force. This select group included among its members Commissioner Taylor Caswell, Dean Christon, (the former E.D. of NHHFA) as well as your colleague, Senator Rebecca Perkins Kwoka. We were tasked by the Governor to put together, in 60 days, a detailed list of recommendations that would provide a framework of steps that could be taken to solve the affordable housing crises in our state.

Our group provided several incentives and directives that have since been offered and included in any number of bills over the past legislative sessions but have failed to be passed into law. Most of these recommendations are included in SB 400, and I recommend passage of this bill. This legislation is especially needed in our rural area of the state. We can't address our affordable housing crisis without the proper tools. This bill represents years of stakeholder input, policy development, and compromise.

The bill includes:

- opt-in tools for municipalities that are ready to address supply shortages;
- improvements to the project proposal process, such as faster timelines, and more transparency and documentation; and
- expanded education and training opportunities (voluntary) for planning and zoning board members.

Passage of SB 400 will provide the type of leadership we need to help the state get out of its own way to pave the way to the changes that are desperately needed to deal with the housing shortage. Together with the recently established Housing Appeals Board our state will be in a much better position to take on the affordable housing crisis in New Hampshire.

Respectfully submitted

Michael C. Claflin,  
Executive Director



**AHEAD HomeOwnership Center-Colebrook**  
118 Reed Road  
Colebrook, NH 03576

**AHEAD Inc.**  
262 Cottage Street, Suite 116  
Littleton, NH 03561

**AHEAD Inc. (main offices)**  
262 Cottage Street, Suite 108  
Littleton, NH 03561

(603) 444-1377  
(800) 974-1377  
Fax: (603) 444-0707  
info@homesahead.org  
homesahead.org

**Tricia Melillo**

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**From:** Rabbi Jon Spira-Savett <rabbijon@tbanashua.org>  
**Sent:** Wednesday, January 19, 2022 7:13 PM  
**To:** James Gray; Regina Birdsell; Ruth Ward; Donna Soucy; Rebecca Perkins Kwoka; Tricia Melillo  
**Subject:** support sb 400!

Dear Senators:

My name is Jonathan Spira-Savett. I am a resident of Nashua and serve as rabbi for Temple Beth Abraham in Nashua.

I was excited to come to Concord yesterday to help launch a new statewide Clergy Caucus, and we spoke in front of the State House about affordable housing, and then came in to make appointments to talk with all of our own senators. I am one of the conveners of the Greater Nashua Interfaith Housing Justice Group. We have been working for more than two years now, with officials in Nashua and nonprofit and for-profit developers, to set up the policy framework here to add the 2,000 new units our community needs over the 2020s to meet the need for housing for people who earn 50-100% of area median income. I don't have to tell you that these include the people who teach our kids, care for our sick, and protect our safety, and we want them to be part of our community not as drop-in workers but integrated citizens, and they want to as well.

SB 400 helps those municipalities that are committed to more affordable housing to achieve our goals — making approvals more transparent and more streamlined, helping officials learn how to do their work better, developing the capacities we may not already have on a local level. Your recommendation of the bill will help us do our work better locally, as community members and with the officials we collaborate with.

Thank you for your service and support,  
Rabbi Jonathan Spira-Savett





# State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

January 19, 2022

To the members of the Senate Election Law and Municipal Affairs Committee,

The purpose of this letter is to provide written testimony regarding SB400. Due to a previously scheduled commitment, I am unable to attend the hearing in person.

I am opposed to SB400 for the following reasons:

1. This bill language is a replica of HB586, which was tabled last House session because it was deemed to need more work, (as cited by Rep Barbara Griffin). Prior to the motion to table the bill, I was prepared to introduce a floor amendment to rectify some of the most problematic parts of the bill.
2. The bill states that if towns offer incentives (increased density, reduced lot size, expedited approval, or other dimensional or procedural incentives) for senior housing, then it shall offer these incentives for Workforce Housing. Many towns have prioritized senior housing and their voters have approved these developments on smaller lot sizes. For towns dependent on well water, smaller lots sizes increase water demand, and senior housing has been incentivized under the assumption there would be 1-2 residents per lot, thus mitigating the demand on water resources. Workforce Housing will not be limited to 1-2 people, and the demand on ground water is greater. If family housing development requirements are automatically linked to senior housing development requirements, this will create a burden on water demand. Towns must have the flexibility to study these issues carefully without binding language that only serves to rush housing development.
3. The bill states that if the Land Use Board fails to provide specific written findings of fact with regard to developers' application disapprovals, it shall be grounds for an automatic reversal of the board decision. The bill also includes a provision for remand by a superior court upon appeal, which is an appropriate next action in the case that findings of fact are not included with a disapproval. However, the automatic reversal of the land board decision is an inappropriate and overreaching response to a potential technical problem in a proposal that might result in a disapproval decision.
4. The bill imposes a new time constraint on local zoning boards and does not currently provide any limitation on the number of units that an application may have to receive the benefit of zoning board consideration within a 90-day period. Projects involving many units are often complex and require additional technical review time.
5. This bill changes the procedures and timelines currently used by planning boards, City Councils, and Select Boards to consider a development application. These procedures are well-established

and understood protocols. What the bill language does is remove any local authority speed bumps the developer might face in the approval process, and serves to remove the ability of City Council and Select Boards to identify non-compliance with local ordinances and regulations. This reduces local oversight and only serves the interests of developers. This language also allows the same developer to resubmit a denied application multiple times, thus grinding down local opposition to project and

putting a financial burden on the local community and residential abutters who may oppose the proposed project.

6. The bill requires any residential abutter to get a bond in order to appeal to a superior court. This is one of the more concerning parts of this bill. Requiring a bond will push the appeal process out of reach for many individuals, and will certainly eliminate the right to justice for lower income and fixed-income residents. This unfairly provides an advantage to large developers with deep pockets who have a clear financial advantage over lower income residents.

7. The bill states that the Office of Strategic Initiative will have the authority to determine whatever Housing ordinances and regulations it deems necessary to promote Workforce Housing development, even to the point of withholding tax breaks to those municipalities which have legally compliant ordinances. In addition, the New Hampshire Housing Champion Certification Program Advisory Board contains more special interest groups than legislative oversight, and this bill gives these groups the ability to use tax breaks to induce benefits for their causes, without any oversight to the taxpayer or the legislation. This is egregious, and it makes this process vulnerable to corruption and lack of transparency.

While I understand that finding a solution to Workforce Housing is an Executive Branch priority, we must not enable a bill that enables and codifies citizen disenfranchisement, provides the infrastructure for special interest malfeasance, and has the ability to introduce corruption into the Workforce Housing effort. If Workforce Housing is the main priority of this bill, then SB400 can be amended to address these most concerning issues. I am happy to provide the House floor amendment I drafted last session upon request.

Respectfully,

Susan Homola

State Representative

District 27, Hillsborough Co

Hollis, New Hampshire



PO Box 521 | Conway, NH 03818  
www.SkiNH.com | Phone. 603.745.9396

February 3, 2022

Senate Election Law and Municipal Affairs Committee  
*Submitted via email*

Dear Chairman Gray and Members of the Senate Election Law and Municipal Affairs Committee,

I am writing on behalf of Ski New Hampshire’s 32 ski area members to share our support of SB400. As so many other of the state’s industries have experienced, New Hampshire’s ski industry has suffered the consequences of a lack of affordable housing in the communities where they operate. We believe that passing SB400 will be a good step towards offering these communities the tools they need to increase the stock of affordable housing.

Ski areas, particularly those located in popular tourist towns, have struggled to find workers to fill both seasonal and year-round positions. It is not uncommon to hear that there are people interested in taking some of these jobs, but they are unable to find housing. As such, lack of affordable housing is also an economic issue that is impacting the state. This year ski areas either shortened the hours of or outright closed certain profit centers at the resorts due to lack of help. These shortened hours and closures directly impact the total taxes that our businesses contribute to the state. The ski industry has been a part of numerous conversations related to how we can attract more people to New Hampshire to fill our travel & tourism industry jobs; however, it is critical that we have places to house them.

The ski industry, along with other business leaders and housing advocates in the Mount Washington Valley community, has attempted to find creative solutions to this problem. It is clear that addressing housing issues must be done at a local level, and the tools included in SB400 – the “Community Toolbox Bill” – are designed to help towns and municipalities improve the housing situation. I urge you to support SB400 and give tourism-based communities throughout the state the tools they need to make affordable housing and a stable workforce a reality.

Thank you for your time and consideration.

Sincerely,

Jessyca Keeler  
President

- Abenaki Ski Area  
Wolfeboro
- Attitash Mountain Resort  
Bartlett
- Bear Notch Ski Touring Center  
Bartlett
- Black Mountain  
Jackson
- Bretton Woods  
Carroll
- Bretton Woods Nordic Center  
Carroll
- Cannon Mountain  
Franconia
- Cranmore Mountain Resort  
North Conway
- Crotched Mountain  
Bennington
- Dartmouth Cross Country Ski Center  
Hanover
- Dartmouth Skiway  
Lyme Center
- Eastman Cross Country  
Grantham
- Franconia Village XC Ski Center  
Franconia
- Great Glen Trails  
Gorham
- Gunstock Mountain Resort  
Gilford
- Gunstock Outdoor Center  
Gilford
- Jackson Ski Touring Foundation  
Jackson
- King Pine Ski Area  
Madison
- Loon Mountain Resort  
Lincoln
- Loon Mountain Resort XC  
Lincoln
- McIntyre Ski Area  
Manchester
- Mount Sunapee Resort  
Newbury
- Mt. Washington Ski Touring & Snowshoe Reserve  
Intervale
- Nordic Skier Wolfeboro XC  
Wolfeboro
- Pats Peak  
Henniker
- Pine Hill Ski Club  
New London
- Purity Spring XC & Snowshoe Reserve  
Madison
- Ragged Mountain Resort  
Danbury
- Waterville Valley Resort  
Waterville Valley
- Waterville Valley Adventure Center  
Waterville Valley
- Whaleback Mountain  
Enfield
- Wildcat Mountain  
Gorham

# Voting Sheets

**Senate Election Law  
& Municipal Affairs Committee**  
EXECUTIVE SESSION RECORD  
2022 Session

Bill SB 400

Hearing date: 1/20/22

Executive Session date: 3/7/22

Motion of: OTP Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: 0725S → 045 ✓ Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP / A Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

~~Carroll~~

Reported out by: Sen. PK

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Monday, March 7, 2022

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **SB 400-FN**

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, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0999s

Senator Rebecca Perkins Kwoka  
For the Committee

Tricia Melillo 271-3077

## General Court of New Hampshire - Bill Status System

**Docket of SB400**

Docket Abbreviations

**Bill Title:** relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development.

*Official Docket of SB400.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
12/23/2021	S	To Be <b>Introduced</b> 01/05/2022 and Referred to Election Law and Municipal Affairs; <b>SJ 1</b>
1/5/2022	S	<b>Hearing:</b> 01/20/2022, Room 100, SH, 01:00 pm; <b>SC 2</b>
3/8/2022	S	Committee Report: Ought to Pass with Amendment <b>#2022-0999s</b> , 03/17/2022; <b>SC 11</b>
3/17/2022	S	Committee Amendment <b>#2022-0999s</b> , AA, VV; 03/17/2022; <b>SJ 5</b>
3/17/2022	S	Sen. Avard Moved Laid on Table, MA, VV; 03/17/2022; <b>SJ 5</b>
3/17/2022	S	Pending Motion <b>Ought to Pass with Amendment #2022-0999s</b> ; 03/17/2022; <b>SJ 5</b>
3/17/2022	S	Sen. Bradley Moved to Remove From Table, MA, VV; 03/17/2022; <b>SJ 5</b>
3/17/2022	S	<b>Ought to Pass with Amendment 2022-0999s</b> , RC 13Y-11N, MA; OT3rdg; 03/17/2022; <b>SJ 5</b>
3/23/2022	H	Introduced 03/17/2022 and referred to Municipal and County Government
3/29/2022	H	Public Hearing: 04/07/2022 04:00 pm LOB 301-303
4/6/2022	H	Executive Session: 04/18/2022 10:00 am LOB 301-303
4/19/2022	H	Executive Session: 04/27/2022 10:00 am LOB 305-307
4/28/2022	H	Majority Committee Report: Ought to Pass with Amendment <b>#2022-1848h</b> (NT) (Vote 10-8; RC)
4/28/2022	H	Minority Committee Report: Inexpedient to Legislate
5/5/2022	H	Lay SB400 on Table (Rep. Wuelper): MA DV 170-159 05/05/2022 <b>HJ 12</b>

NH House

NH Senate



# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: SB 400-FN Senate Committee: ELMA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: (Legislative Aides)**

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: (Legislative Aides)**

All amendments considered in committee (including those not adopted):

amendment # 07255  amendment # 05385

amendment # 09995 - amendment # \_\_\_\_\_

Executive Session Sheet

Committee Report

**Floor Action Documents: (Clerk's Office)**

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # \_\_\_\_\_ - amendment # \_\_\_\_\_

- amendment # \_\_\_\_\_ - amendment # \_\_\_\_\_

**Post Floor Action: (if applicable) (Clerk's Office)**

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

**All available versions of the bill: (Clerk's Office)**

as amended by the senate  
final version

as amended by the house

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Tricia Muello  
Committee Aide

6/21/22  
Date

Senate Clerk's Office

AK