Bill as Introduced

HB 70 - AS INTRODUCED

2003 SESSION

03-0105
05/09

HOUSE BILL ***70***

AN ACT establishing a commission to study government actions that contribute to involuntary homelessness.

SPONSORS: Rep. Itse, Rock 80; Rep. Dionne, Hills 42; Rep. Gilman, Graf 9

COMMITTEE: Commerce

ANALYSIS

This bill establishes a commission to study government actions that contribute to involuntary homelessness among people who are employed but who cannot afford housing.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 70 - AS INTRODUCED

03-0105
05/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT establishing a commission to study government actions that contribute to involuntary homelessness.

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

1 Commission Established. There is established a commission to study government actions that contribute to involuntary homelessness.

2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

(c) One real estate agent, appointed by the governor.

(d) One advocate for homeless people, appointed by the governor.

(e) One building inspector, appointed by the governor.

(f) One town or municipal planning board member, appointed by the governor.

(g) Three members of the public who have been involuntarily homeless.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study government actions that contribute to involuntary homelessness.

I. For purposes of the commission, involuntary homelessness means homelessness among people who are employed but who cannot afford housing.

II. The commission shall:

(a) Study changes in involuntary homelessness in New Hampshire over the years for which records can be obtained with as much regional specificity as possible.

(b) Identify changes in federal, state, and local building regulations, ordinances, and housing subsidies over the same period that may have contributed to a lack of affordable housing and thus to an increase in involuntary homelessness.

(c) Consider whether a reduction in low cost housing alternatives, such as boarding houses and rooming houses, has contributed to an increase in involuntary homelessness.

(d) Recommend changes to existing state laws, regulations, and ordinances to reduce involuntary homelessness and, where appropriate, allocate resources to accelerate the effects of those changes.

4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The commission shall hold at least 4 public hearings and one executive session. The first meeting of the commission shall be held within 60 days of the effective date of this section.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2004.

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

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 70 Date 1-29-03

Committee Commerce

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
HOWARD L. WILSON	PO BOX 41, ANDOVER		SELF	X	
Will Thomas	27 Margate Dr, Auburn	668-4996	Self		✓
Sheila Evans	PO Box 1072 Concord NH	224-9105	NH Women's Lobby	X	

Hearing Minutes

HOUSE COMMITTEE ON COMMERCE

PUBLIC HEARING ON HB 70

BILL TITLE: establishing a commission to study government actions that contribute to involuntary homelessness.

DATE: January 29, 2003

LOB ROOM: 302 **Time Public Hearing Called to Order:** 11:03 am

Time Adjourned: 11:45 am

(please circle if present)

Committee Members: Reps. Hunt, L. Fraser, Francoeur, Belanger, Langley, DiFruscia, D. Flanders, Spiess, Holden, Liebl, Quandt, Charles Clark, Brady, Scamman, Stepanek, Reardon, Kathleen Taylor, Meader, DeStefano, Vachon and Kopka.

Bill Sponsors: Reps. Itse, Dionne and Gilman

TESTIMONY

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

Joe Haas, representing self & member of LOCALS INC - In support of the bill because he lost his housing at a sheriff's sale. Perhaps this is a Judiciary Committee issue. In line #12 it does not indicate who will appoint the homeless representative.

Kipp Cooper, NH Realtors Association – Very important issue to realtors and the state. The cost of housing is beginning to affect the workforce.

Q: Rep. Angeline Kopka –Have you done research on this issue?

A: Yes, we have extensive information that we would be pleased to share with you.

Q: Rep. Sheila Scamman – How will this commission improve on what was done with the legislative study committee last Session?

A: A commission provides more time and broader input to investigate the issue.

***Roy Morrison, NH Coalition to End Homelessness** – Supports the bill. Submitted written testimony.

Rep. Chris Konys – I was a member of the commission that met in 2001. Read list of commission members. Met on many occasions and have issued a report. Legislation is pending in the Senate.

Q: Rep. Paul Spiess – Do you believe the previous study addressed the issues of the homeless?

A: Yes, we had numerous interests speaking on behalf of the homeless.

Maura Carroll, NH Municipal Association – Believes that the previous commission (SB 21) focused too much on local regulation as opposed to broader issues. Believes that the commission conclusions were flawed. Needs to be further discussion. The business community needs to be a part of the process. Would like to see the mandate and composition of the commission be broadened.

Tom Cagle, representing self & Freedom CIL – Supports the bill and is concerned about the needs of the handicapped. The state is at a crossroads between providing affordable housing or institutional housing.

Rep. Don Itse, prime sponsor – Believes that certain housing options such as rooming or boarding houses have disappeared. This limits options to homelessness or a more expensive alternative. What have we done to discourage this? We need to do a self-examination of the problem.

Q: Rep. Mark Brady – How does the president's faith-based initiative deal with this issue?

A: I don't believe that those initiatives address this issue. The question is how does the state get in the way of providing affordable housing.

Q: Rep. Rip Holden – Don't you think that it should be up to the towns to regulate housing?

A: The state should look at the constitutional validity of various ordinances. We need to ask the tough questions.

Martha Yager, New Hampshire Housing Forum – Strongly supports the bill, and believes that SB 21 Commission did not adequately address homelessness.

Kathy Fox, NH Realtors – Supports the bill and offers support of the association.

Brenda Perkins, Concord Board of Realtors – Supports legislation. Sees economics as a primary issue. Most people can't afford to fight the system.

Respectfully Submitted:

Paul D. Spiess, Clerk

Sub-Committee Actions

HOUSE COMMITTEE ON COMMERCE

SUBCOMMITTEE WORK SESSION ON HB 70

BILL TITLE: establishing a commission to study government actions that contribute to involuntary homelessness.

DATE: March 6, 2003

Subcommittee Members: Reps. Holden, Langley, Kopka, De Stefano

Comments and Recommendations: Subcommittee meeting also held on February 21. 2003, cancelled from February 18, 2003 due to snow. No notes.

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Holden

Seconded by Rep. Langley

Vote: 4-0

Respectfully submitted,

Rep. Randolph N. Holden
Subcommittee Chairman/Clerk

Testimony

Testimony of Roy Morrison, Coordinator of The New Hampshire Coalition to End Homelessness, before the New Hampshire Legislature's Commerce Committee on January 29, 2003 concerning HB 70.

Chairman Hunt, Vice-Chairman Fraser, members of the Commerce Committee.

My name is Roy Morrison, and I am the Coordinator of the New Hampshire Coalition to End Homelessness. I have worked with homeless men, women, and children for the past twenty-three years. I reside in Tamworth.

I am here today in support of House Bill 70, as I support any attempt to better understand the causes of homelessness. However, as someone that has spent almost my entire professional career designing and operating programs for homeless people with active addictions and/or mental illness, I strongly object to the term "involuntary homeless", as its use implies that somewhere there are voluntary homeless.

No one volunteers to be mentally-ill, or addicted to drugs, or alcohol. Mental illness is a brain disease. No addict when they start their spiral does so with the intention of being on the streets. As they progress, they literally re-wire their brains so that the "pleasure center" takes over control of the thought process from the "rational thought" section. This has been verified by brain-scan studies.

A significant percentage of the people that I have worked with started their addictions to medicate traumas which they had experienced such as child abuse, combat experiences, relationship violence and accidents. Snap judgments on why someone is on the streets, or what they need to do to move ahead, are decisions which are best left to trained-professionals, who will spend a considerable amount of time before issuing a diagnosis.

Moreover, well over 90% of those with addictions and mental illness are community residents. Therefore, mental illness or addiction do not in themselves constitute a reason for homelessness. They only increase the risk, which when combined with lack of income, lack of family supports, and/or physical illness produce homelessness

There are permanent housing programs presently in operation throughout the United States which have a success-rate in the high eighty percent range with this population. Outside of the stigmas associated with these illnesses, there is the same need for affordable housing as those who this bill refers to as involuntarily homeless.

For this reason I would respectfully request that the committee strike the word involuntary in every instance that it appears in the bill.

Beyond this issue, in a NHHFA Study, the Monthly Gross Rental Costs for Two-Bedroom Units averages $884 a month statewide. In Rockingham County the average is $1009, in Hillsborough $990. This amount has increased 33% statewide between 1997 and 2002, with percentages of 36.7 in Hillsborough, and 37.5 in Rockingham Counties.

Despite these dramatic increases, cities and towns are most often resistant to affordable housing development, as they see it bringing schoolchildren in need of an education. This resistance has a direct relationship to the fact that 21% of New Hampshire's Homeless are schoolchildren (2002 NH-Office of Housing and Homeless Services).

I would urge the Committee to add at last one affordable housing developer to the Commission, as they can best tell you of there barriers and what they need to move ahead.

New Hampshire also has the lowest minimum wage in the New England States. Many of the fastest growing employers offer relatively low-wage retail or service jobs. Most of these jobs also come without health insurance. Anything that can be done to raise the minimum wage and/or health benefits for lower-wage workers, has the same effect as reducing housing costs, or increasing affordable units.

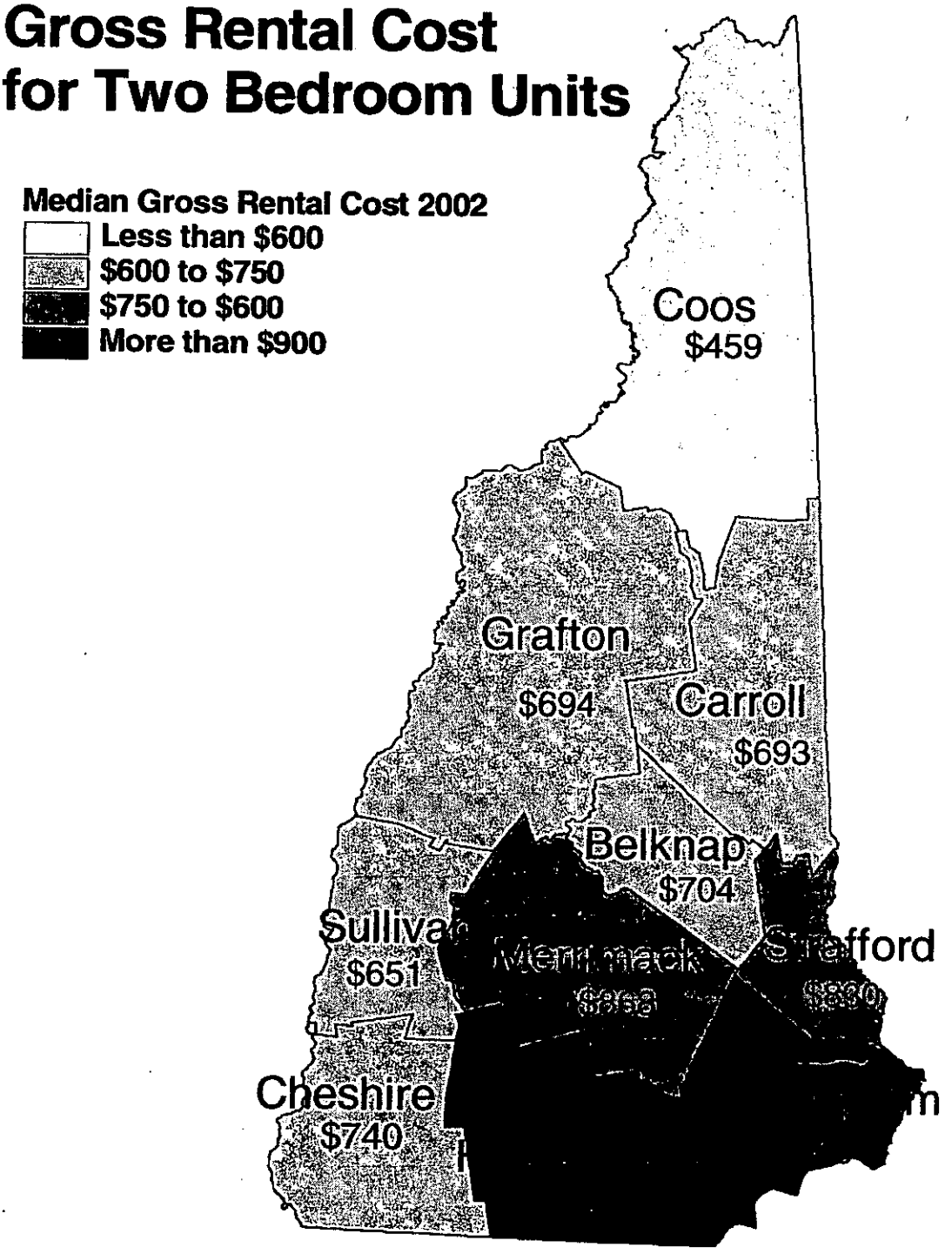
The Committee might consider adding the study of Living Wage Policies, and policies which offer employers incentives to provide benefits to these workers.

In addition to those who are trying to move out of homelessness, there are an alarming number of those who are one crisis away from falling into homelessness. The National Housing Conference found that there are 14.4 million American's who pay more than 50% of their income for housing costs. 40% of these people are homeowners, and 40% are elderly. This is a group which has increased 60 % over the last four years.

The biggest change which has occurred since the mid-1980's has not been a flood of dysfunctional people. It has been that housing costs have increased at a much faster rate than public entitlements, and wages at the lower-end of the pay scale. This has resulted in higher-and-higher functioning people becoming homeless at an alarming rate.

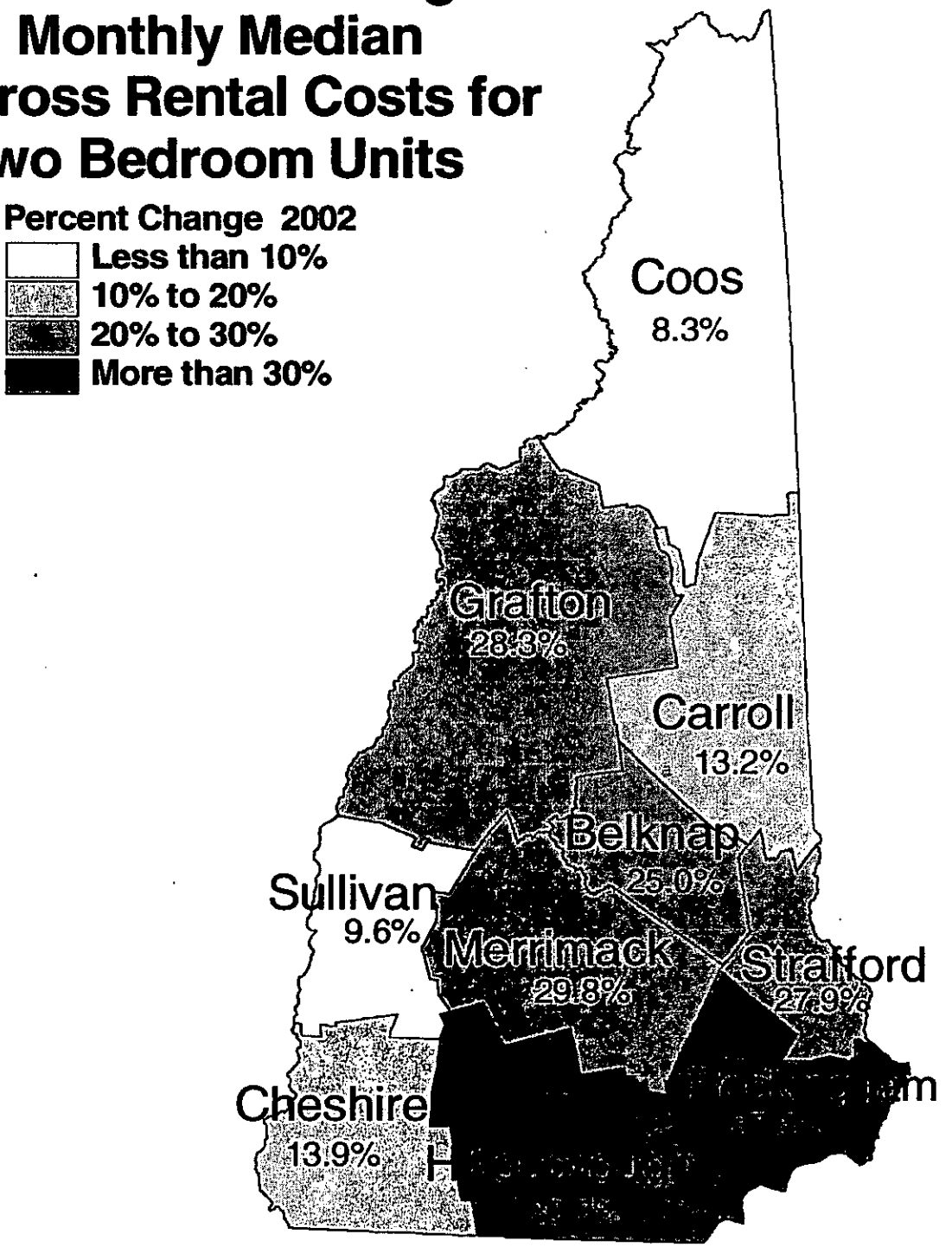
New Hampshire Shelters had a thirty-two percent increase in requests for shelter over the past year alone, resulting in the shelters being at, or over capacity throughout the year. Overall, the system now turns away two people for every one accepted, due to capacity.

Monthly Median Gross Rental Cost for Two Bedroom Units



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1997 to 2002 Change In Monthly Median Gross Rental Costs for Two Bedroom Units



New Hampshire

	Renter Households		Family AMI				Income Needed to Afford 2 BR FMR		Housing Wage			
	Number	% of total households	Annual AMI	Rent affordable at AMI	30% of AMI	Rent affordable at 30% of AMI	Two Bedroom FMR	Amount	Percent of Family AMI	Hourly Wage Needed to Afford 2 BR FMR	As % of Minimum Wage	% change 2001-2002	Work Week Minim Afford
New Hampshire	143,906	19%	$58,185	$1,455	$17,455	$436	$820	$32,793	56%	**$15.77**	306%	6.09%	
Metropolitan Statistical Areas													
Boston, MA-NH	1,302	35%	$74,200	$1,855	$22,260	$557	$1,343	$53,720	72%	**$25.83**	383%	7.48%	
Lawrence, MA-NH	10,038	21%	$67,400	$1,685	$20,220	$506	$881	$35,240	52%	**$16.94**	329%	7.30%	
Lowell, MA-NH	518	14%	$75,200	$1,880	$22,560	$564	$917	$36,680	49%	**$17.63**	342%	7.27%	
Manchester, NH	28,699	38%	$62,100	$1,553	$18,630	$466	$842	$33,680	54%	**$16.19**	314%	7.23%	
Nashua, NH	21,612	30%	$71,100	$1,778	$21,330	$533	$963	$38,520	54%	**$18.52**	360%	7.36%	
Portsmouth-Rochester, NH-ME	27,390	35%	$57,300	$1,433	$17,190	$430	$882	$35,280	62%	**$16.96**	329%	7.28%	
Combined Nonmetro Areas													
New Hampshire	54,347	11%	$49,179	$1,229	$14,754	$369	$695	$27,802	57%	**$13.37**	260%	2.90%	1
Counties													
Belknap County	5,825	26%	$44,800	$1,120	$13,440	$336	$710	$28,400	63%	**$13.65**	265%	2.89%	1
Carroll County	4,073	22%	$42,700	$1,068	$12,810	$320	$714	$28,560	67%	**$13.73**	267%	2.85%	1
Cheshire County	8,250	29%	$48,300	$1,208	$14,490	$362	$736	$29,440	61%	**$14.15**	275%	2.94%	1
Coos County	4,019	29%	$39,200	$980	$11,760	$294	$524	$20,960	53%	**$10.08**	196%	2.93%	
Grafton County	9,921	31%	$49,300	$1,233	$14,790	$370	$692	$27,680	56%	**$13.31**	258%	2.84%	1
Hillsborough Cty. (nonmetro portion)	2,477	2%	$60,400	$1,510	$18,120	$453	$764	$30,560	51%	**$14.69**	285%	2.96%	1
Merrimack Cty. (nonmetro portion)	14,435	28%	$55,000	$1,375	$16,500	$413	$719	$28,760	52%	**$13.83**	268%	2.88%	1
Rockingham Cty. (nonmetro portion)	451	0%	$58,600	$1,465	$17,580	$440	$785	$31,400	54%	**$15.10**	293%	2.90%	1
Strafford Cty. (nonmetro portion)	269	1%	$54,100	$1,353	$16,230	$406	$803	$32,120	59%	**$15.44**	300%	2.95%	1
Sullivan County	4,627	28%	$45,000	$1,125	$13,500	$338	$615	$24,600	55%	**$11.83**	230%	2.84%	

"Affordable" rents represent the generally accepted standard of spending not more than 30% of income on housi
AMI = Area Median Income (HUD, 2002). FMR = Fair Market Rent (HUD, 2003, Proposed).

TESTIMONY

RE: HB 70, establishing a commission to study government actions that contribute to involuntary homelessness

Submitted by Rep. Kimberley O.M. Dionne
January 29, 2003

Dear Chairman John Hunt and Members of the Commerce Committee:

For the record, I am Kimberley Dionne from Hillsborough District 42 and represent the communities of Antrim, Hancock, Hillsboro and Windsor. Let me begin by apologizing for not attending the committee hearing today, but unfortunately, I must appear at another hearing at this same time. However, please do not allow my absence to minimize how important this legislation is to me.

I will keep this brief and to the point. I feel a commission to study this issue is extremely important. It is my understanding that I was the only one of 424 State legislators invited to go live on the street. This invitation was extended to me via e-mail from a gentleman named Mr. Tinker.

For my brief time out on the streets of the Tilton/Franklin and Concord areas, I was allowed to question homeless individuals, take pictures, and take notes. Some let me use their real names, and some asked me to use an alias on their behalf. Under no circumstances was I to divulge their location for fear of vandalism.

I have several pages of notes about my encounters. However, at this time, my notes are with a reporter friend of mine, and we have been unable to connect due to scheduling conflicts. I can make all non-confidential materials available to you as soon as that connection can be made.

Some things that are bothersome to the homeless are as follow, but not limited to:

- ✓ Social Security checks are not sufficient to cover medication, apartments, food, electricity and heat. The checks range from roughly $512-563 per month. Some of the individuals I spoke with received no checks because they had no mailing address. These people have to barter for things. It isn't so much about the checks being too little – they feel rents are extremely high, and they can never afford an apartment or basic necessities to survive. Some tried to get jobs to

help, and some succeeded; however, their individual conditions made it impossible for them to maintain those jobs. I did help one gentleman fill out a job application because he could not read or write. He applied for a stock boy job at a local grocery store.

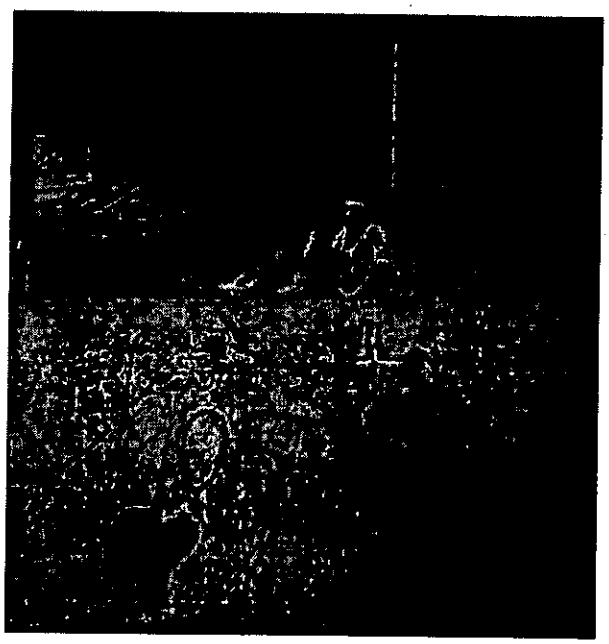
- ✓ Many, if not all, had been diagnosed with a bipolar condition, schizophrenia or other clinically diagnosed imbalance, and some had physical disabilities. All I spoke with require medication; however, with no money or very little of it, they cannot afford the medication they need, and some resort to street drugs, which they claim are cheaper.

- ✓ There are shelters. The one here in Concord charges $10 per night; however, I did happen to run into a few people at the Friendly Soup Kitchen who were staying at the Concord shelter, but were thinking about moving to the streets, instead, and leaving the shelter behind. They said there are no locks on the doors. Medication, shampoo, food and other items are stolen if unattended. Therefore, they had to re-purchase these items or go without, depending on their financial stability for that particular month.

I met a couple of United States veterans, and absolutely took to one of them. I even gave them a break from the "street rat race" and invited them into my home for a weekend. That weekend, my family and I learned so much from these two individuals. When I drove them back to their "road side" home 45 minutes away from my house, I drove away and vowed to do whatever I can to better the lives of all people in a jam … temporarily, or otherwise.

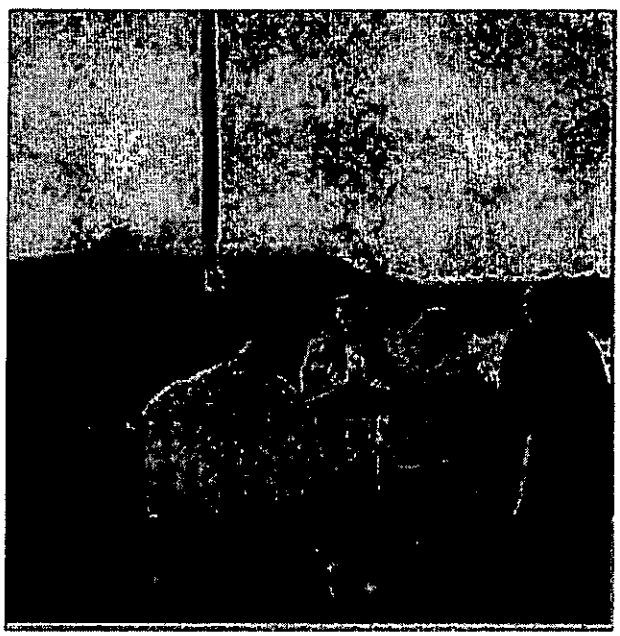
I heard many more complaints and I listened carefully. And I agree that our society has failed them to some degree. We can do better. I am in very strong support of this legislation, and I am available for any and all questions the study commission might have. Don't hesitate to call on me.

For the record, I met more than 22 homeless individuals.
Only 2 *choose* to be homeless.



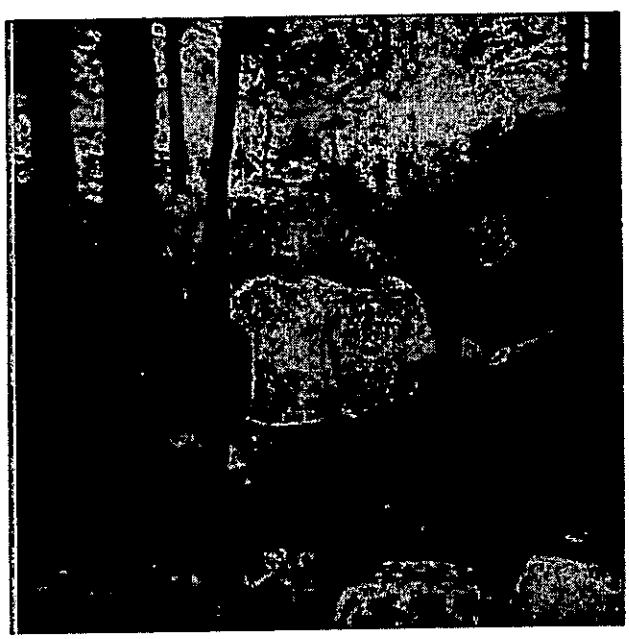
NH Homeless Tour Kim Dionne,Chief, and her sons.jpg

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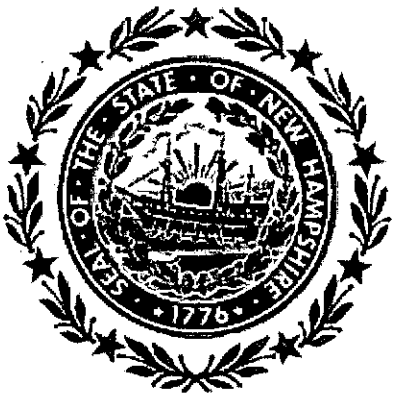


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NH Homeless Tour Joe,Kim Dionne and sons.jpg



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Reducing Regulatory Barriers to Workforce Housing in New Hampshire

REPORT OF THE LEGISLATIVE COMMISSION
ESTABLISHED BY CHAPTER 262 OF THE LAWS OF 2001

NOVEMBER 1, 2002

"Decisions that may be in the interest of any one community, when repeated across an entire region or throughout the State, can and do produce results contrary to the welfare of the State... It is imperative that the Legislature take immediate steps to ensure that zoning and planning procedures at the local level, as well as the state policies and regulations that influence them, change to promote the development of workforce housing, not impede it."

Reducing Regulatory Barriers to Workforce Housing in New Hampshire

REPORT OF THE LEGISLATIVE COMMISSION ESTABLISHED BY CHAPTER 262 OF THE LAWS OF 2001

NOVEMBER 1, 2002

EXECUTIVE SUMMARY

New Hampshire's strong economic growth over the last decade created many benefits for most of our communities and citizens, but it also generated a demand for housing that the marketplace has been unable to meet. The results are rising home purchase prices, record low vacancy rates and higher rents – a housing market that presents a significant affordability challenge for many of our citizens, a barrier to labor force development and a grave challenge to our state's continued economic growth and vitality.

The inability of the marketplace to respond to the housing shortage has also resulted in an unprecedented level of homelessness for New Hampshire's lower level wage earners and other low income families.

This Commission believes that a balanced supply of housing, and especially an adequate supply of workforce housing,[1] serves a statewide public interest and is a compelling public policy goal.

This Commission was created "to develop and recommend legislation aimed at reducing regulatory barriers to the creation of affordable housing and encouraging the development thereof..." After carefully examining the many complex issues involved, the Commission has concluded that local land use regulations and the municipal regulatory process have had a significant role in preventing or deterring the private sector from responding to the shortage of workforce housing. ***It is imperative that the Legislature take immediate steps to ensure that zoning and planning procedures at the local level, as well as the state policies and regulations that influence them, change to promote the development of workforce housing, not impede it.***

[1] For purposes of this report, "workforce housing" means a housing unit that is affordable to a household with an income of 80% or less of the median income of the region in which it is located, adjusted for household size. "Balanced housing" means a sufficient quantity and variety of housing types at prices or rents affordable to the entire range of household incomes in the community.

RECOMMENDATIONS

To effectively address this problem, the Commission has found a compelling need for the following Legislative action:

- ***Implement the 1991 ruling of the New Hampshire Supreme Court in Britton v Chester,*** which requires that municipalities provide reasonable opportunities for the creation of workforce housing, and reaffirm that this obligation extends not only to addressing the local need for such housing but to providing for a share of the regional need as well.

- ***Create a selective mechanism for expediting relief from municipal actions,*** under criteria established by the Legislature, which deny, impede or significantly delay qualified proposals for workforce housing. Establishment of an expedited relief process is vital to the effective implementation of both existing law and the recommendations included here – and it is unlikely that any real change will occur without the relief provided by this mechanism.

- ***Direct technical assistance to assist communities to carry out their responsibilities*** to offer opportunities for the creation of workforce housing.

- ***Create a study commission to identify and review state agency rules and regulatory policies*** that affect the cost of housing development or limit such development. The goals of the commission should be

  (1) to identify ways of reducing their adverse impact on housing development or cost; and,

  (2) to recommend specific legislation and regulatory changes.

  The study commission should include legislators, representatives of regulatory agencies, housing advocates, municipal and planning interests, home building industry representatives, and representatives from business generally.

We must also dispel the myths surrounding workforce housing, to change the perception that multifamily rental housing negatively impacts local budgets, property values and the quality of life more than other forms of residential development. This report recommends ways to begin to do this.

PROCEDURAL HISTORY

This Commission was established by Chapter 262 of the Laws of 2001, effective July 13, 2001, to examine the role that regulatory barriers to residential housing development plays in the statewide housing crisis and to make recommendations for remedial legislation to the 2002 Session. The Commission was initially chaired by Senator Beverly Hollingworth and subsequently by Senator Sylvia Larsen. Commission members representing a wide variety of perspectives, were appointed by the Governor, the President of the Senate, the Speaker of the House, or designated in the bill itself. The Commission met eleven times between September, 2001 and October, 2002 and, in addition to individual testimony, heard testimony from the New Hampshire Municipal Association, the Business and Industry Association of New Hampshire, the New Hampshire Housing Finance Authority, the New Hampshire Home Builders Association, the Seacoast Housing Partnership and the New Hampshire Association of Realtors. The final report was adopted on October 30, 2002 and has been filed with the Clerks of the Senate and House and delivered to the Governor's Office.

FINDINGS

- Over a decade ago, the New Hampshire Supreme Court ruled, in Britton v. Chester, 134 N.H. 492 (1991) that municipalities have an obligation to afford reasonable opportunities for the development of workforce housing and that this obligation extends to a share of regional as well as local need for such housing. Yet significant regulatory barriers remain.

- New Hampshire currently lacks an adequate and balanced supply of housing to meet the needs of our population. This shortage is especially acute with regard to "workforce housing" – housing which is affordable to families earning 80% or less of median income.

- Our housing crisis is a product of our economic success during the last decade. Unless we allow our housing markets to keep pace with our economic growth, we will kill the economic engine we are relying on to continue that success in this decade.

- While many factors impact the State's housing supply, including increases in the population, the price of land and labor, and a shortage of contractors, it is the regulatory obstacles at both the State and local levels that are uniquely within the Legislature's power to mitigate.

- The power to restrict the use of private property in the larger public interest is exclusively a State power that is delegated, in part, to New Hampshire's cities and towns. These restrictions[2] are necessary to protect important public interests, but they – as well as the permitting process itself – add to the cost of development and can even prevent it from occurring.

[2] As used through out this report, the term "local land use regulations" refers to the totality of local regulations enacted pursuant to the grant of legislative powers delegated to municipalities by RSA Chapter 674, including zoning ordinances, subdivision regulations, site plan review regulations, growth management regulations, and impact fee ordinances.

- The statutory delegation necessarily gives cities and towns wide discretion in adapting state law to local circumstances but in doing so can produce results beyond the expectation or intent of the Legislature.

- In exercising these delegated powers, every community not only has a duty to help house our State's growing population but also the right to know that neighboring communities are working toward the same goal.

- Decisions that may be in the interest of any one community, when repeated across an entire region or throughout the State, can and do produce results contrary to the welfare of the State.

- Individual communities, each acting in its own economic self-interest, have disconnected the State's local housing markets from the rest of our economy and created an artificial scarcity that has driven prices beyond the reach of a large and increasing number of working families.

- Although balanced housing benefits the State as a whole, the benefit to individual communities is often much less clear while the costs are immediate and apparent. For example, it is often argued at local planning board hearings that the creation of new housing imposes a fiscal burden upon the community because of the local cost to educate additional children, but that same new housing could also provide reasonable living opportunities for people providing services locally, such as firefighters, police officers, teachers, and shop owners. Despite widely-differing testimony about local practices and motivations in implementing delegated zoning power,[3] Commission members agreed that the perceived disparity between costs and benefits significantly influences the way our cities and towns respond when workforce housing is proposed for their community and requires a response at the state level.

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[3] There is a widespread perception within the housing and business communities that local zoning and planning powers are often used as vehicles for preventing development of residential, and especially workforce housing. While acknowledging the challenge that residential development poses for communities, they charge that the devices for discouraging housing development are well known and widely used. They point to zoning that eliminates most (or all) feasible sites for multifamily or manufactured housing; requirements that exceed state standards without a corresponding justification; subdivision and site plan review regulations that, when superimposed on the zoning ordinance, render properly zoned sites infeasible for affordable housing; selectively imposed impact fees; development moratoria unsupported by actual growth rates; and "social engineering" that excludes average working families from communities where requirements for minimum lot size, frontage and even building size artificially raise the final price of a home. They also point to the practice of dragging-out the decision making process, particularly site plan review, until the cost of additional reports required by the planning board and the cost of delay render the project no longer feasible, sending a message to potential future developers as well – and to the irony that the high price of land that some communities explain makes affordable development impractical is itself, in part, the product of exclusionary practices.

Local officials respond that what appears to be purposeful behavior to discourage residential development is often nothing more than the conscientious exercise of their duties under RSA 674:1. Mitigating the many adverse impacts they are obligated to consider before allowing a development to become a permanent part of their community unavoidably introduces costs and delay into the development process and the more intensive the proposed use (as with multifamily development) the greater the scrutiny the proposal will face. They point out that communities are also expressly permitted to make regulations to preserve their "character." While opponents may object to the outcome of such decisions, these efforts are entirely lawful and appropriate in a state struggling to preserve its rural character.

- Local officials – who are often volunteers – are caught between a "rock and a hard place" as they try to responsibly carry out their statutory duties which include consideration of housing needs beyond their own municipal borders and, at the same time, accommodate the concerns of their constituents about the impact of growth on their community. Public hearings on development proposals typically draw mostly opponents of the proposed development; and, regardless of how representative they may be of the larger community, their opposition is typically very vocal and well publicized and influences the outcome of local decision-making.

- To enlist local support for workforce housing we must demolish the myths that feed local opposition. Multifamily rental housing typically has no greater negative effect on local budgets, property values and the quality of life than other forms of residential development yet this type of workforce housing is often strongly resisted.

- We must also eliminate unnecessary delay in the local permitting process. Regulatory practices that are used principally to introduce delay (or the threat of delay) into the development process for the purpose of discouraging residential development are neither an appropriate nor a legal substitute for the careful planning required by Law.

- State regulatory policies and practices and related activities that may have an indirect but significant impact on land use (i.e. environmental and transportation policy) also have an effect on the amount and cost of housing produced by the private market. Therefore, it is equally important that such state regulatory actions be balanced so that they also support the goal of an adequate and balanced supply of housing without compromising legitimate environmental, health and safety concerns.

- Although it is not within the scope of the Commission's statutory mandate, no strategy for dealing with our housing shortage can be successful that does not deal with the perception that every new housing development that brings school-age children is an assault on the school budget. The belief that residential development should pay its own way – especially the false belief that workforce housing burdens school budgets even more than other forms of housing – by turning children into economic liabilities significantly reinforces the unwillingness of communities to accommodate residential development and especially workforce housing. This accounts for the greater community willingness to accept over-55 or 62 housing communities. While this concession may address the "affordable housing" needs of one segment of the population, the housing requirements of working families with children remain inadequately addressed.

- Responding effectively to this challenge requires the Legislature, and each Legislator, to assume responsibility for acting in their constitutional role as caretaker for the State of New Hampshire as a whole and not simply as representatives of the individual cities and towns that elected them. The current imbalance in our local housing markets demonstrates that an "everyone for himself" strategy will only create more problems.

- A number of other issues not part of this study have contributed to this problem. The lack of workforce housing will not be resolved easily or by any single action or by action at any single level of government. It requires state and local governments to work cooperatively, and in concert with the private sector to address the many and varied roots of the problem. The complexity of this problem should not discourage the Legislature from taking the initial steps required to tackle the problem.

- While there is no "silver bullet" to end this crisis, there are a number of concrete, well-defined responses within the power of the Legislature to make that will substantially diminish the obstacles currently faced by workforce housing. These responses are detailed in our Recommendations.

- Restoring balance to New Hampshire's local housing markets does not have to put at risk either our environment or our quality of life. Indeed, the danger lies in the other direction: failing to act will have serious consequences not only for those working families and seniors who are struggling in our current housing market but for our State's economy and our collective future as well.

ADDITIONAL RECOMMENDATIONS

The Commission's recommendations are intended to begin to restore balance and flexibility to the State's housing markets by addressing the complex factors that have given rise to this problem. Although some of these recommended actions may be controversial and many will require further discussion and analysis, the Commission believes that it is vital that the Legislature act now to address this critical challenge.

In addition to the recommendations contained in the Executive Summary, the Legislature should also consider the following action which the Commission believes will result in expanding workforce housing options.

- ***Direct the New Hampshire Housing Finance Authority and the Office of State Planning to***

  (1) ***analyze the impact of residential development***, especially of workforce housing, and actively disseminate this information to local decision-makers and the general public with the goal of establishing the broadest possible common understanding of the true costs and benefits to individual communities; ***and,***

  (2) ***establish a uniform methodology for the development of the regional housing needs assessment*** required by RSA 36:47, II;

- ***Link allocation of State and Federal discretionary resources*** (i.e., community development tax credits, land conservation funds and infrastructure improvement funds) ***to municipal performance in reducing barriers*** to workforce housing development;

- ***Give priority to workforce housing in allocating State funding for water, sewer and other infrastructure*** needed to support housing development;

- ***Provide direct financial incentives*** to encourage communities to meet regional workforce housing needs;

- ***Encourage the Department of Resources and Economic Development and other state agencies*** involved in promoting the state's economic development – and specifically the expansion of employment opportunities – to integrate such activities with efforts to ensure the availability of adequate housing to support job growth; and,

- ***Further expand the authority of cities and towns to explore innovative land use techniques*** under RSA 674:21 to deliver workforce housing in the quantities and diverse forms required by our economy.

SENATOR SYLVIA LARSEN, CHAIR
For the Commission

COMMISSION TO STUDY THE CREATION OF AFFORDABLE HOUSING

The Honorable Sylvia Larson, Commission Chair (2002)	*Member, New Hampshire State Senate*	*Appointed by Senate President*
The Honorable Beverly Hollingworth, Commission Chair (2001)	*Member, New Hampshire State Senate*	*Appointed by Senate President*
The Honorable Theodore Gatsas	*Member, New Hampshire State Senate*	*Appointed by Senate President*
The Honorable Christine Konys	*Member, New Hampshire House of Representatives*	*Appointed by Speaker of the House*
The Honorable Joan Schulze	*Member, New Hampshire House of Representatives*	*Appointed by Speaker of the House*
Kenneth Ortmann	*Director, Rochester Planning & Development Department, Public Member*	*Appointed by Governor*
Marge Webster	*Director of Development, Tri-County Community Action, Public Member*	*Appointed by Governor*
Elliott Berry	*NH Legal Assistance, Public Member*	*Appointed by Governor*
William Klubben	*Representing the Executive Director, NH Municipal Association*	
Steve Lewis	*Representing the Executive Director, Homebuilders and Remodelers Association of NH*	
Ben Frost	*Representing the Executive Director, Office of State Planning*	
Dean Christon	*Representing the Executive Director, NH Housing Finance Authority*	
Kathy Corey Fox	*Representing the Executive Director, NH Association of Realtors*	
Phil Smith	*Salem Board of Selectmen*	*Appointed by Senate President*
Anne Rugg	*Representing The Housing Partnership (community-based, non-profit housing developer)*	*Appointed by Governor*
Mark Tay	*Representing the President, NH Manufactured Housing Association*	
Michael LaFontaine	*Representing the President, NH Community Loan Fund*	
Gene Gayda	*Representing the NH Property Owners Association*	
Paul Newman	*Representing the Mayor of the City of Nashua/Nashua Planning Department*	*Appointed by Senate President*
JoAnn Maynard	*Representing the Commissioner, NH Department of Health & Human Services*	
Tom Dowling	*Keene Chamber of Commerce*	*Appointed by Governor*

CHAPTER 262
SB 21 - FINAL VERSION

2001 SESSION

01-0869
05/09

SENATE BILL 21

AN ACT establishing a commission to develop recommendations for legislation to reduce regulatory barriers to and possible incentives for the creation of affordable housing in order to encourage the development of such housing

SPONSORS: Sen. Hollingworth, Dist 23; Sen. McCarley, Dist 6; Sen. Larsen, Dist 15; Rep. Konys, Hills 33

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill establishes a commission to develop recommendations for legislation to reduce regulatory barriers to the creation of affordable housing.

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

CHAPTER 262
SB 21 - FINAL VERSION

01-0869
05/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand One

AN ACT establishing a commission to develop recommendations for legislation to reduce regulatory barriers to and possible incentives for the creation of affordable housing in order to encourage the development of such housing.

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

262:1 Declaration of Purpose. The general court has recently recognized that an acute shortage of housing affordable to a large number of working households, individuals with disabilities, and families with members with disabilities in this state is approaching crisis proportions and that for households on fixed or low incomes, the shortage of affordable housing, with the resulting increase in housing costs, presents an immediate threat of homelessness. The general court has also found that this situation threatens to undermine the state's capacity for economic growth by limiting the ability of employers to attract and retain workers. The general court has further found that local land use ordinances and other government regulations may create barriers to a response by the market to the demand for affordable housing. The general court now finds that it is necessary to act to encourage the private and non-profit sectors to address the critical shortage of affordable housing by reducing unnecessary regulatory barriers and encouraging the development of such housing. The commission established by this act is intended to recommend legislation that can accomplish this important goal without compromising the legitimate environmental, health, and safety concerns of local communities.

262:2 Commission Established. There is established a commission to develop and recommend legislation aimed at reducing regulatory barriers to the creation of affordable housing, and encouraging the development thereof, including possible incentives to build such housing, in order to maintain safe, healthy, and diverse communities for all residents of New Hampshire.

262:3 Membership.

I. The members of the commission shall be as follows:

(a) Two members of the senate, appointed by the senate president

(b) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(c) Three public members, appointed by the governor

(d) The executive director of the New Hampshire Municipal Association, or designee

(e) The executive director of the Home Builders and Remodelers Association of New Hampshire, or designee

(f) The director of the office of state planning, or designee.

(g) The executive director of the New Hampshire housing finance authority, or designee

(h) The executive director of the New Hampshire Association of Realtors, or designee

(i) The chair of a town board of selectmen, appointed by the senate president.

(j) The executive director of a community-based, non-profit housing developer, appointed by the governor.

(k) The president of the New Hampshire Manufactured Housing Association, or designee

(l) A professional planner from a regional planning commission, appointed by the speaker of the house.

(m) The president of the New Hampshire community loan fund, or designee.

(n) The president of the New Hampshire Property Owners Association, or designee
(o) The mayor of a city or designee, appointed by the senate president.
(p) The commissioner of the department of health and human services, or designee.
(q) The director of the Granite State Independent Living Foundation, or designee.
(r) A president of a local chamber of commerce, or designee, appointed by the governor.

II. The legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the committee.

262:4 Duties. The commission shall:

I. Identify unnecessary local and state regulatory policies and practices which create barriers to the production of affordable housing; and

II. Recommend state legislation and local policy changes which will encourage the creation of affordable housing, including possible incentives to build such housing, in order to maintain the health, safety, and diversity of local communities and residents of the state.

262:5 Chairperson; Quorum. The members of the commission shall elect a chair from among themselves. The first meeting shall be called by the first-named member of the senate within 45 days of the effective date of this act. Nine members of the committee shall constitute a quorum.

262:6 Report. The commission shall reports its findings and recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2001.

262:7 Effective Date. This act shall take effect upon its passage.

(Approved: July 13, 2001)
(Effective Date: July 13, 2001)

CHAPTER 50
SB 411 - FINAL VERSION

2002 SESSION

02-3144
04/01

SENATE BILL 411

AN ACT extending the reporting dates of certain study committees.

SPONSORS: Sen. Hollingworth, Dist 23

COMMITTEE: Internal Affairs

ANALYSIS

This bill extends the reporting dates of certain study committees from November 1, 2001 to November 1, 2002.

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

CHAPTER 50
SB 411 - FINAL VERSION

02-3144
04/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Two

AN ACT extending the reporting dates of certain study committees.

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

50:1 Affordable Housing Commission; Reporting Date Extended. Amend 2001, 262:6 to read as follows:

262:6 Report. The commission shall reports its findings and recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, [~~2001~~] ***2002***.

50:2 Juvenile Shelter Care Facilities Commission; Reporting Date Extended. Amend 2001, 97:6 to read as follows:

97:6 Report. The commission shall report its findings, which shall include any reports from any independent consultants, and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, [~~2001~~] ***2002***.

50:3 Temporary Assistance to Needy Families and Postsecondary Education Study Committee; Reporting Date Extended. Amend 2000, 122:6 to read as follows:

122:6 Report. The commission shall file an interim report of its findings no later than November 1, 2000, and shall file a final report, including any recommendations for proposed legislation, to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, [~~2001~~] ***2002***.

50:4 Effective Date. This act shall take effect upon its passage.

(Approved: April 26, 2002)
(Effective Date: April 26, 2002)

Voting Sheets

HOUSE COMMITTEE ON COMMERCE

EXECUTIVE SESSION on HB 70

BILL TITLE: **establishing a commission to study government actions that contribute to involuntary homelessness.**

DATE: March 18, 2003

LOB ROOM: 302

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. HOlden

Seconded by Rep. Langley

Vote: 18-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 18-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Paul D. Spiess, Clerk

OFFICE OF THE HOUSE CLERK

2003 SESSION

COMMERCE

Bill #: HB-20 Title: _____

PH Date: ___/___/___ Exec Session Date: 3/18/03

Motion: ITL Amendment #: _____

MEMBER	YEAS	NAYS
Hunt, John B. Chairman		
Fraser, Leo W. V Chairman	✓	
Francoeur, Sheila T	✓	
Belanger, Ronald J	✓	
Langley, Jane S	✓	
DiFruscia, Anthony R		
Flanders, Donald H	✓	
Spiess, Paul D	✓	
Holden, Randolph N	✓	
Liebl, George J	✓	
Quandt, Matthew J	✓	
Clark, Charles L	✓	
Brady, Mark A		
Scamman, Stella	✓	
Stepanek, Stephen B	✓	
Reardon, Tara G	✓	
Taylor, Kathleen N	✓	
Meader, David R	✓	
DeStefano, Stephen T	✓	
Vachon, Dennis P	✓	
Kopka, Angeline A	✓	
	18	0
TOTAL VOTE:		

Printed: 1/6/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Commerce**

BILL NUMBER: **HB 70**

TITLE: establishing a commission to study government actions that contribute to involuntary homelessness.

DATE: March 18, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill was originally a study bill. The committee felt that in its current form it doesn't directly address the problem. Based on testimony, the problem of government action that contributes to involuntary homelessness, deals with zoning laws and municipality regulations, and should be addressed to the appropriate committee.

Vote 18-0.

Rep. Rep. Rip Holden
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

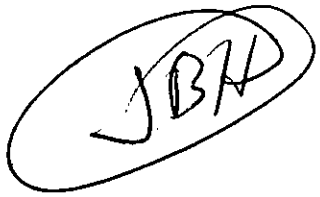
Commerce

HB 70, establishing a commission to study government actions that contribute to involuntary homelessness. **INEXPEDIENT TO LEGISLATE**

Rep. Rep. Rip Holden for Commerce: This bill was originally a study bill. The committee felt that in its current form it doesn't directly address the problem. Based on testimony, the problem of government action that contributes to involuntary homelessness, deals with zoning laws and municipality regulations, and should be addressed to the appropriate committee Vote **18-0.**

HB 70
Rep. Rip Holden

This bill was originally a study bill. The committee felt that in its current form it doesn't directly address the problem. Based on testimony, the problem of government action that contributes to involuntary homelessness, deals with zoning laws and municipality regulations, and should be addressed to the appropriate committee.



H B 20 - This bill was originally a study bill.
The comm felt this bill
in its current form doesn't adequately
address the problem. Based on testimony
the problem of government action which
contribute to involuntary homelessness, deals
with zoning laws and municipality regulations and
should be address to the appropriate committee