

Land Development and Housing Panel

Presented by ACEC-NH



Land Development and Housing Panel

Friday, February 5th | 8:30 AM -10:00 AM | Hosted via Zoom

Member Firms: \$20 | Future Members: \$40

ACEC-NH is pleased to invite you to our Land Development and Housing Panel. This meeting will discuss the current state of Housing and Commercial Land Development in NH.

Guest Speakers:

Ben Frost, NH Housing Finance Authority

Chris Norwood, NAI Norwood Group

Chris Nadeau, Nobis Group

Chris Parker, City of Dover

This meeting is free to attend for ACEC-NH Annual Sponsors



Housing Affordability

Chris Norwood, CCIM

- Commercial Real Estate since 2000
- Board of Directors for the New Hampshire Association of Realtors
- Public Policy Chair for the New Hampshire Association of Realtors
- Board Member New Hampshire Housing Finance Authority

Agenda

The Presentation of the Chris'

- Overview of the Housing Market
- Alterations of Terrain Permits
- Legislative update from Concord
- Town's Perspective

Workforce Housing / Housing Affordability





NH RSA 674:58

IV. "Workforce housing" means housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. "Workforce housing" also means rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development.

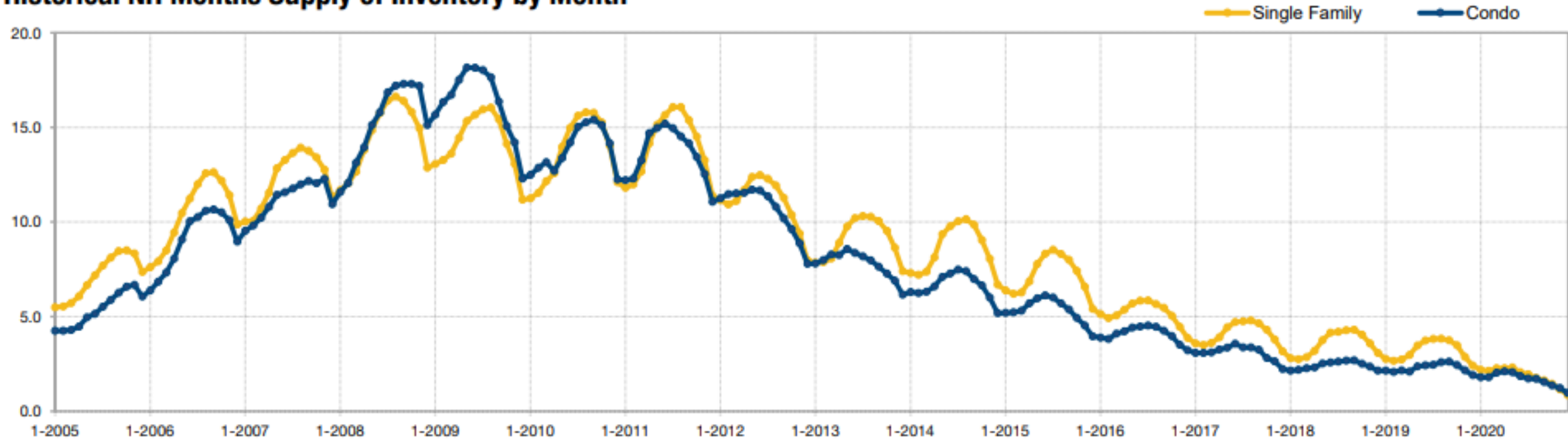
NH Single Family Residential Activity Overview

Key metrics by report month and for year-to-date (YTD) starting from the first of the year.



Key Metrics	Historical Sparkbars	12-2019	12-2020	Percent Change	YTD 2019	YTD 2020	Percent Change
Closed Sales		1,377	1,724	+ 25.2%	17,639	18,449	+ 4.6%
Median Sales Price		\$299,999	\$349,900	+ 16.6%	\$300,000	\$335,000	+ 11.7%
\$ Volume of Closed Sales (in millions)		\$476.4	\$710.8	+ 49.2%	\$6,071.7	\$7,225.8	+ 19.0%
Days on Market		63	33	- 47.6%	56	47	- 16.1%

Historical NH Months Supply of Inventory by Month

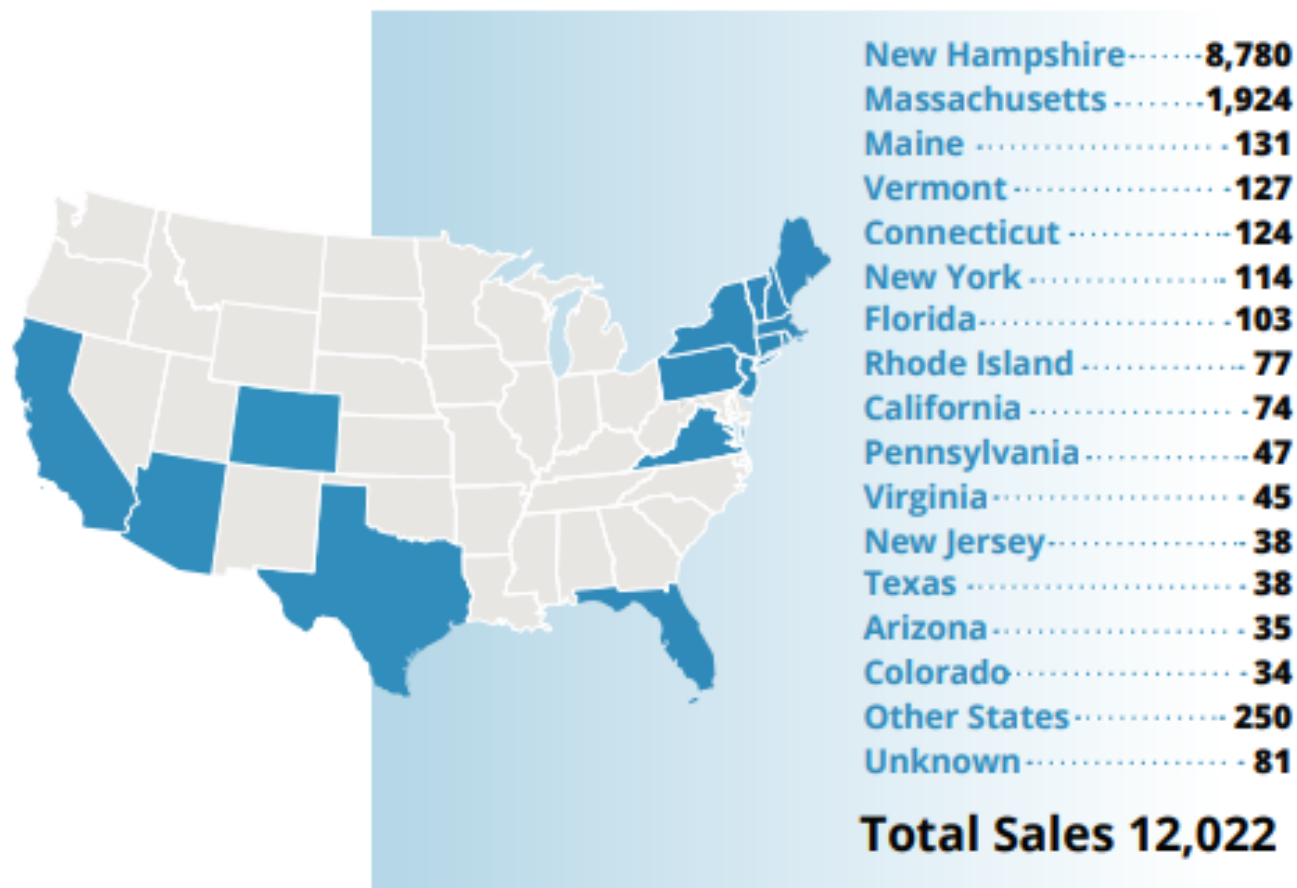


WHERE NH'S HOMEBUYERS ARE COMING FROM

*Number of homes purchased in
New Hampshire by in- and
out-of-state buyers,
January - August 2020
(top 15 states).*

*Source: The Warren Group;
filtered and analyzed by NHHFA*

While the great majority of New Hampshire's homebuyers are moving within the state (73%), about a third of buyers come from elsewhere. These are the top 15 states of origin of homebuyers this year. (See pages 2 - 3 for insights on this in-migration to New Hampshire.)

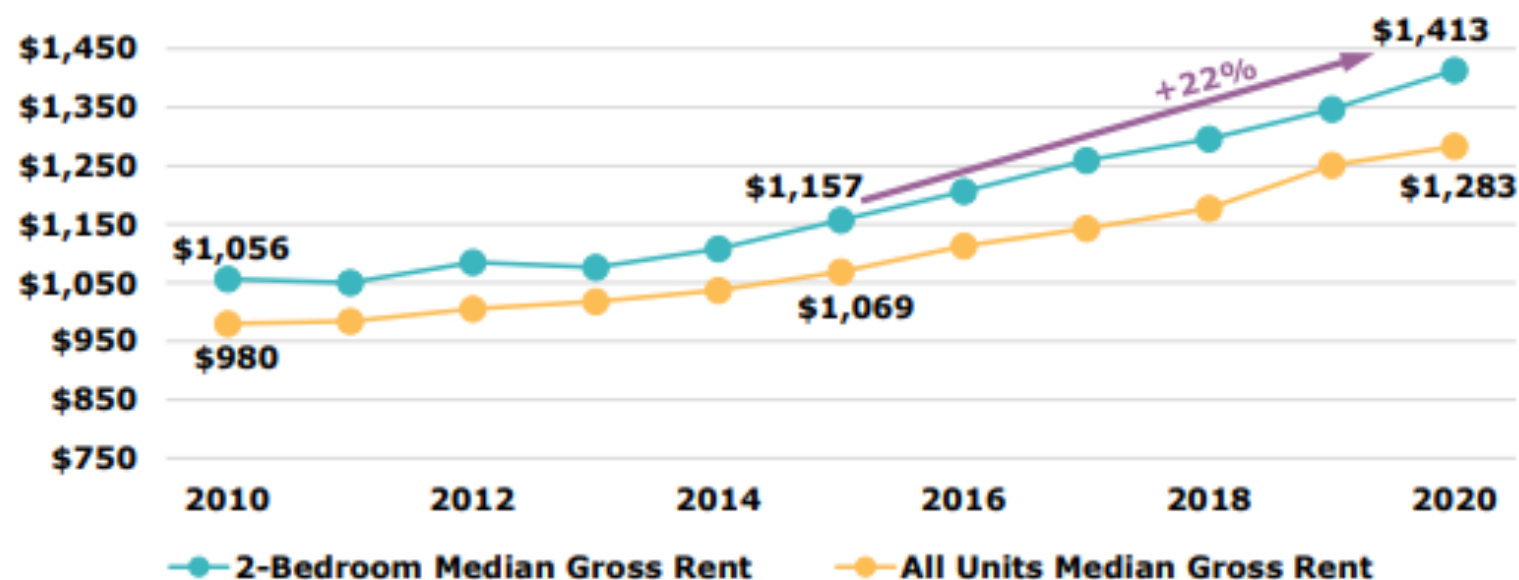


RENTAL COSTS, STATEWIDE

MONTHLY MEDIAN GROSS RENT, 2-BEDROOM & ALL UNITS (STATEWIDE)

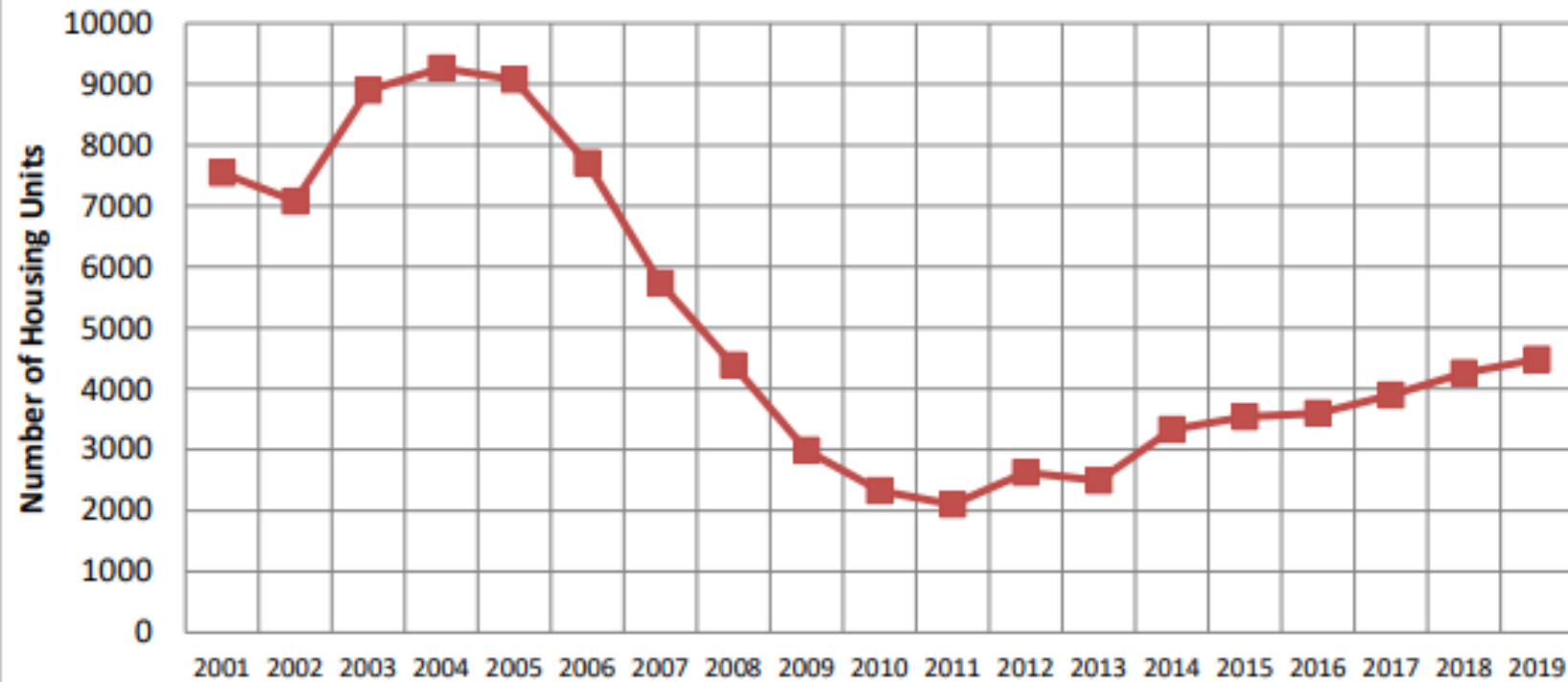
Includes utilities

The statewide median gross rent (including utilities) for a 2-bedroom unit has increased over 22% in the past 5 years.



Net Annual Increase in Housing Units in New Hampshire, 2001-2019

Based on Building Permits Issued



Permitting Barriers to Housing and Commercial Development

- Commission to Study Barriers to Increased Density of Land Development in NH (SB43)
- Report issued on 11/13/2020
 - NIMBY
 - Lack of Training for Local Board Members

J. Chris Nadeau, P.E.
Director of Commercial
Service/Associate
Nobis Group



- # State Permits

- Alteration of Terrain
- Shoreland
- Wetlands
- Subsurface
- Air
- Water Supply



Alteration of Terrain

- RSA 212-A:9, III and Env-Wq 1503.19(h): The project has been designed in a manner that will not result in adverse impacts to state- or federally-listed threatened or endangered species or habitat for such species that has been determined by the executive director of the **New Hampshire Fish and Game Department** to be critical pursuant to RSA 212-A:9;
- Qualified Wildlife Biologist
- 200 AoT applications per year on average – 1 person at F&G Reviewing
- 35% have T&E Species



Alteration of Terrain

- Lack of available staff.
- Labor shortage just like all of us.
- Losing institutional knowledge (12 people retired last year from DES)
- What happens if AoT can't meet the 50-day stipulated timeframe?
 - Within 50 days of receipt of the application, the department shall request any additional information required to complete its evaluation of the application,If the department fails to act within the applicable time framethe applicant may ask the department to issue the permit by submitting a written request.
 - Within 14 days of the date of receipt of a written request from the applicant to issue the permit, the department shall:
 - (A) Approve the application, in whole or in part, and issue a permit; or
 - (B) Deny the application and issue written findings in support of the denial.
 - (3) If the department does not issue either a permit or a written denial within the 14-day period, the applicant shall be deemed to have a permit by default and may proceed with the project as presented in the application. The authorization provided by this subparagraph shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under this section and RSA 485-A relating to water quality.

Pinecrest – Meredith, NH



Village Street – Penacook, NH



NH Legislation of Note

Land Development and Housing Panel
February 5, 2021

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Land Development Commission

2019 SB 43 (Ch. 300)

- Legislative study commission to evaluate
 - current patterns of development, especially residential development and adaptive reuse of existing buildings and identify barriers to increasing the density of land development
 - minimum standards of residential development density, considering public water and sewer infrastructure, and accounting for variability of environmental conditions
 - reinstating the Housing and Conservation Planning Program
 - property tax incentives to promote residential development density, particularly workforce housing
 - preservation of open spaces and maintaining rural character.
 - methods of enforcement of the shared community responsibility of workforce housing
- Final report filed 11/1/2020
- Commission proposed to be extended by an omnibus Senate bill

Housing Appeals Board

2019 SB 306 (Enacted in HB 4, Ch. 346)

- Creates an alternative to superior court for local decisions on housing and housing development
 - Concurrent, appellate jurisdiction with superior court
 - Response to developers who continue to face costly and time-consuming litigation (both facial and as-applied)
 - Jurisdiction includes mixed-use developments
- Modeled on the Board of Tax and Land Appeals
 - 3-member board appointed by the Supreme Court
 - At least 1 attorney and 1 PE or LLS
 - All 3 must have experience in land use law a/o housing development
 - Non-attorney representation permitted

Housing Appeals Board (cont'd)

2019 SB 306 (Enacted in HB 4, Ch. 346)

- Board powers
 - Same as superior court – does not have the power to override local zoning
 - Not bound by the rules of evidence – easier for everyone
 - Hear appeals of local decisions; affirm, reverse, modify (not remand)
 - Builder's remedy available
- Appeals can be brought by anyone with standing
 - Non-appellants can intervene
 - Concurrent appeals in Board and court defer to Board
- Enforceable as a court order
- Appeals of Board's decisions to Supreme Court

Housing Appeals Board (cont'd)

2019 SB 306 (Enacted in HB 4, Ch. 346)

- Timeline
 - Appeals filed within 30 days of local decision
 - Hearing within 90 days of appeal
 - Decision within 60 days of hearing
 - Maximum total to final resolution = 150 days from appeal
- Bottom Line
 - Alternative to time-consuming and expensive trials
 - Latent demand for appeals
 - **No impact on local control**
 - Same standards continue to apply for decisions of local boards; same standards apply to decisions on appeal
- Members: Greg Michael (Chair), Beth Fisher (+ one more)
- HAB started accepting appeals last month (www.hab.nh.gov)

Local Land Use Board Processes

2021 HB 586

- Will require (among other things):
 - OSI to develop augmented online training for planning board and ZBA members;
 - Transparent publication of all local land use fees;
 - Issuance of written findings of fact in cases of application denial;
 - Density bonuses for elderly housing apply to workforce housing
 - ZBA to act on an appeal within 90 days; and
 - Court decisions within 120 days of a planning board or ZBA appeal
- Allows mandatory inclusionary zoning, subject to profit test

Municipal and Developer Housing Incentives – 2021 HB 586

- Extends RSA 79-E relief for housing from 4 to 8 years
- Allows TIF districts for housing
- Creates voluntary “housing champion” certification by OSI
- Bill as originally introduced in 2020 also would have provided “housing champions” with business profits tax revenue sharing and economic development project access to bond proceeds; also would have required local land use board member to get training

RSA 79-E Community Revitalization

2021 HB 154

- Would establish discretionary authority to create “housing opportunity” districts for new housing construction
- Provide RSA 79-E tax relief to developments in such zones for 10 years

Other Bills of Note

- **HB 132** – prohibiting municipalities from requiring more than ½ acre for lots on public water and sewer
- **HB 189** – requiring municipalities to allow up to 3 ADUs per single-family dwelling
- **HB 284** – extending the deadline for property owners to “restore” involuntarily merged lots
- **HB 288** – eliminating the housing appeals board
- **HB 588** – Tiny houses!
- **SB 86** – Re-establishment of the Housing and Conservation Planning Program
- Also – Continuation of the Density Commission

The Local guy's perspective on Housing and Land Development

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TIMELY
RESPONSE

The
customer
is
KING



EVERY
day is
CUSTOMER
day



SERVICE
with a



A  customer is a   customer

REWARD
the customer



CUSTOMER SERVICE

Value the
customer's
OPINION



Deal EFFICIENTLY

with CUSTOMERS



LISTENING
to the
CUSTOMER

CUSTOMER
FOCUS



How may I
help you?



Is he or she







HELLO

I AM...

ACCOUNTABLE

