

Senate Election Law and Municipal Affairs Committee

Tricia Melillo 271-3077

SB 47, establishing a commission to study barriers to increased density of residential development in New Hampshire.

Hearing Date: January 17, 2023

Members of the Committee Present: Senators Gray, Murphy, Abbas, Soucy and Perkins Kwoka

Members of the Committee Absent : None

Bill Analysis: This bill establishes a commission to study barriers to increased density of residential development in New Hampshire.

Sponsors:

Sen. Perkins Kwoka

Sen. Watters

Sen. Rosenwald

Sen. Chandley

Sen. Whitley

Sen. Soucy

Rep. DiLorenzo

Rep. Preece

Rep. Read

Who supports the bill: Senator Perkins Kwoka, Senator Rosenwald, Senator Watters, Senator Soucy, Bob Quinn, Tom DeRosa, Kate Coon, Elissa Margolin, Joanne Foster, Linda Benham, Robin Schnell, Barbara Richter, Vanessa Blais, Allan Reetz, Meredith Hatfield, Ben Frost, Matt Leahy

Who opposes the bill: Julie Smith

Summary of testimony presented in support:

Senator Perkins Kwoka

- SB 47 is the establishment of a commission to study barriers to increased density of residential development in New Hampshire.
- The work of the SB 43 commission is a continuation of a prior commission which met from September 2019 to November 2020 but was curtailed due to COVID.
- The commission did not have the chance to complete its work.
- Most importantly, determining minimum standards for residential density by considering public water and sewer and other appropriate alternatives, accounting for the variability of environmental conditions, property tax incentives to promote residential development, and exploring the possible method of enforcement of the shared community responsibility of work force housing under RSA 674:58-61.

- Since the time that this commission was curtailed the housing crisis has grown with a shortage of over 20,000 housing units statewide.
- The Council on Housing Stability completed a review of all state regulations affecting housing development.
- They found that the DES septic system siting and capacity requirements are far more stringent than the surrounding New England states.
- This increases the cost of in land area required to build housing and areas lacking in water and sewer.
- Some communities have found ways to tackle this dual housing and affordability crisis, but there are many others who cannot.
- Statistics from the New Hampshire Zoning Atlas highlight the current barriers to housing development created by local land use regulations.
- Only 34% of residential and mixed use zoning districts throughout the state, representing 16% of the state's buildable area, allow single family housing on less than an acre.
- Only 28% of residential and mixed use zoning districts, representing 11% of the state's buildable area, allow duplexes on less than an acre.
- Only 38% of residential and mixed use zoning districts, representing 21% of the state's buildable area, allow for five or more family housing units on under 2.5 acres.
- Layered on top of those, are other land use regulations, such as parking and lot requirements.
- It is understandable why local regulations can be a barrier to density in New Hampshire and achieving the housing goals.
- They need guidance and solutions that all communities can use to help densify areas that are served by public water and sewer.
- The reconstitution of this commission will help develop these solutions and guidance.
- Senator Gray asked if she would be okay with cutting the number of Senate members to two instead of four.
 - Senator Perkins Kwoka replied that she is amenable to that but there is a new rule in statute that half of the commission must be made up of legislators.

Allan Reetz

- This commission will help enable others to have the same opportunity to buy a home that he had in 1991.
- SB 47 is a prime example of how sensible decisions are made in New Hampshire.
- He spoke with a school board member who stated that this commission is like a school board, where you have to put preconceived notions aside, listen, and study the facts before making a decision.

- He found a 2017 housing study done by professors at the Carsey School of Public Policy, which showed not many housing options for people working in the state.
- The study provided concise observations from two New Hampshire Counties using data, interviews and land conservation trends.
- He suggested that they add a housing research expert from the Carsey School of Public Policy to the membership.

Ben Frost – NH Housing

- NH Housing was represented on the prior commission and he served on it.
- The former commission wanted to, but was unable, to do an examination of DES septic standards.
- They had received a report from Rob Tardiff at DES which stated that a study was done in 2002 by DES that indicated the lot sizing was too large.
- That was 21 years ago and those standards have not changed, they are still too large.
- This has an impact on the development capacity of land, the density that can be achieved in subdivisions and the information that is available for municipal boards.
- This issue is important for a new commission to be able to study.
- This commission would provide a forum for discussion of new developments.
- NH Housing is working on a project called the NH Zoning Atlas which will provide a deep database of all zoning in every community in the state.
- Residents will be able to analyze it visually with mapping and statistically with data points.
- He believes the point of the commission is to get objective, clear information out to municipal boards.

Summary of testimony presented in opposition: None

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Date Hearing Report completed: January 18, 2023