

HOUSING COMMISSIONS IN NEW HAMPSHIRE

A GUIDE FOR MUNICIPALITIES



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WHY CREATE A HOUSING COMMISSION?

With the acknowledgment across public and private sectors that the state's low housing inventory is not meeting the needs of our workforce and other citizens, communities across New Hampshire have begun to address ways to respond and develop solutions that fit them. **Housing commissions** are an important tool for communities to explore the housing needs of current and future residents, and the complexities of developing a balanced, diverse supply of housing that will meet those needs.

A HOUSING COMMISSION CAN:

- Be an important resource for land use boards and elected officials making policy decisions that will impact housing.
- Review zoning ordinances and gather data and relevant research on housing.
- Be a voice for community members and employers on matters related to housing.
- Help their community better understand the complexities of allowing for a balanced, diverse supply of housing that will meet the needs of residents of all ages now and in the future.

WHAT DO HOUSING COMMISSIONS DO?

A housing commission serves as an advisor to other town boards on housing-related matters. It does not have regulatory or enforcement powers and has no relationship to the creation or operation of a local public housing authority under RSA Chapter 203.

NH RSA 674:44-i grants a housing commission the authority to:

- Assess current housing stock (can be done in collaboration with your regional planning commission as part of its regional housing needs assessment).
- Conduct activities to recognize, promote, enhance, and encourage the development of housing, particularly affordable and workforce housing.
- Review sections of your community's master plan and zoning ordinance that address housing.
- Advise local boards and committees on policy related to housing or matters related to housing resources.
- Hire consultants and contractors and receive gifts of money and property.

Because a housing commission is a public body, it must comply with RSA 91-A, the Right-To-Know Law, which requires posting of meeting notices and timely availability of meeting minutes. Meetings must be open to the public.

A housing commission may choose to invite advisors that are able to provide information, expertise, and recommendations to help guide the work of the housing commission but are not voting members. For example, inviting a representative from your regional planning commission, a local or regional economic development group, or a regional housing coalition to be a regular guest at commission meetings.

HISTORY

The New Hampshire Legislature passed the law enabling the establishment of local housing commissions (RSA 674:44-h) in 2008, recognizing that municipal land use boards need a local advisor to provide information and guidance on housing issues.

The law states that a housing commission “may be established in accordance with RSA 673 for the proper recognition, promotion, enhancement, encouragement, and development of a balanced and diverse supply of housing to meet the economic, social, and physical needs of the municipality and its residents, viewed in the context of the region within which the municipality is situated.”

COMMISSION MEMBERSHIP

Like other local boards, volunteers are needed to serve on the housing commission. Comprised of residents, a housing commission must have at least three, but no more than seven, members. The commission can also have up to five alternates. RSA 673:4-c outlines the basic criteria for housing commission membership. Typically, members of the housing commission are appointed by the select board, council, or board of aldermen. Members of the housing commission may also serve on other boards.

In addition to the valuable contributions made by local leaders and elected officials, it is important to include a diversity of voices, backgrounds, and perspectives on a housing commission. Housing commissions are often more successful when they have the support of residents from the start.

HOW TO ESTABLISH A HOUSING COMMISSION

Any local resident or group concerned about the future of housing in their community can organize support for the creation of a housing commission. Housing commissions are created by the vote of the local legislative body (town meeting, town or city council, or board of aldermen; see Appendix B). Ensuring that decision-makers understand and support the concept before voting often requires embarking on grassroots community building and engagement.

While there is no guarantee that decision-makers will vote “yes” to creating a housing commission, finding champions can significantly help to convince others of their importance.

STEPS TO HELP YOUR COMMUNITY CREATE A HOUSING COMMISSION

- Identify others concerned about the future of housing in your community and rally support. This includes recruiting a member of your select board, town/city council, or board of aldermen who will sponsor its creation.
- Begin to build a case to establish a housing commission by talking with community members, local leaders, and other key stakeholders. Consider hosting an informational and exploratory meeting and invite knowledgeable individuals to speak about the purpose and activities of a housing commission and how it would benefit your community.
- Use social media, a community newsletter, and other communications tools to make the case to your community.
- In towns with a traditional town meeting or official ballot (“SB 2”), draft a warrant article for voters to consider on election day and ask a member of the select board to propose it for the warrant. In communities with a town or city council or board of aldermen, ask decision-makers to make a motion to create a housing commission at a future meeting.

ONCE YOUR HOUSING COMMISSION IS ESTABLISHED

Once a housing commission is created, solicit applications for potential members. At the initial meeting of a newly formed housing commission, members should plan to elect officers who will lead the commission through meetings, public events, and community relations.

The commission is tasked with creating a plan of work. Members usually seek advice from housing experts and others who are concerned about the future of housing in their community.

Housing commission members work cooperatively with local governing boards, other local land use boards, and other commissions and committees to ensure that housing issues are better understood and thoughtfully considered when decisions are made. The work plan of the new housing commission might also include taking advantage of valuable resources, such as the Housing Opportunity Planning (HOP) Grants, administered by Plan NH. (These are funded through the state's InvestNH initiative and New Hampshire Housing.)

Another important role of the housing commission is communicating with the public. Transparent communication increases engagement and allows all members of the community to feel heard and included. Open meetings provide a place for the commission to hear from representatives from other town boards, town staff, members of the business community, and residents, as well as housing experts. Creating a space for dialogue helps to further the mission, goals, and vision of the commission.

For information and assistance in creating a housing commission in your community, contact New Hampshire Housing at info@nhhfa.org.

HOUSING COMMISSIONS IN NEW HAMPSHIRE

A handful of New Hampshire municipalities have established housing commissions, including:

- **Manchester:** www.manchesternh.gov/Government/Mayor-and-Aldermen/Mayors-Office/Housing-Commission
- **New London:** <https://newlondon.nh.gov/?SEC=63B34029-E554-4582-B7DA-3E8B51A8C16D>

In addition, several New Hampshire communities have created other housing-related groups such as a housing committee or task force. For example, Exeter has a Housing Advisory Committee that advises its land use boards and select board, while Durham has a housing task force created by the town council.

Housing committees, such as those in Exeter, do not differ significantly from housing commissions. Like commissions, housing committees are long-standing groups that advise local governing bodies on matters related to housing. Housing commissions are more robust in their scope – for example, housing committees cannot own land or receive money. Housing task forces or “blue ribbon committees,” on the other hand, are ad hoc in nature and exist for a limited period of time. Durham's housing task force, for example, will expire in October 2023.

Municipal examples:

- **Exeter:** www.exeternh.gov/bcc-hac
- **Durham:** www.ci.durham.nh.us/bc-housingcommittee
- **Newbury:** www.newburynh.org/housing-committee
- **Jackson:** www.jackson-nh.org/jackson-housing-opportunities-matter
- **Tilton:** www.tiltonnh.org/content/housing.html

APPENDIX A RELATED STATUTES

Section 674:44-h

674:44-h Housing Commission.

A housing commission may be established in accordance with RSA 673 for the proper recognition, promotion, enhancement, encouragement, and development of a balanced and diverse supply of housing to meet the economic, social, and physical needs of the municipality and its residents, viewed in the context of the region within which the municipality is situated. The establishment of a housing commission shall in no way limit a municipality's authority relative to a housing authority under RSA 203.

Section 674:44-i

674:44-i Powers.

I. Housing commissions shall have authority to:

- (a) Conduct a housing needs assessment, which may be done in cooperation with the regional housing needs assessment compiled by the regional planning commission under RSA 36:47,
- (b) Conduct activities to recognize, promote, enhance, and encourage the development of housing, particularly affordable and workforce housing.
- (c) Assist the planning board, as requested, in the development and review of those sections of the master plan which address housing, and those sections of the zoning ordinance, subdivision regulations, and site plan regulations that address housing or otherwise have the potential to affect the cost or availability of housing.
- (d) Advise, upon request, local agencies, and other local boards in their review of requests on matters affecting or potentially affecting housing resources.
- (e) Coordinate activities with appropriate service organizations and nonprofit groups.
- (f) Publicize and report its activities.
- (g) Hire consultants and contractors.
- (h) Receive gifts of money and property, both real and personal, in the name of the city or town, to assist in carrying out the purpose of this section.
- (i) Hold meetings and hearings necessary to carry out its duties.

II. The commission may acquire real property, in the name of the town or city, subject to the approval of the local governing body, by gift, purchase, grant, bequest,

devise, lease, development rights, covenant, or other contractual right, including conveyances with conditions, limitations, or reversions, as may be necessary to maintain, improve, protect, limit the future use of, or otherwise conserve and properly use the affordable housing of the city or town, and shall manage and control the same; provided, however, that the city, town, or commission shall not have the right to condemn property for these purposes. The commission shall also have the right to dispose of property so acquired, subject to the approval of the local governing body. Prior to the use of such funds for the purchase of any interest in real property, the housing commission shall hold a public hearing with notice in accordance with RSA 675:7.

Section 674:44-j

674:44-j Appropriations Authorized.

I. A town or city, having established a housing commission under this subdivision, may appropriate money to the housing commission as necessary to carry out its purposes. The whole or any part of money so appropriated in any year and any gifts of money received under RSA 674:44-i shall be placed in a housing fund and allowed to accumulate from year to year.

II. The town treasurer, pursuant to RSA 41:29, shall have custody of all moneys in the housing fund and shall pay out the same only upon order of the housing commission. The disbursement of housing funds shall be authorized by a majority of the housing commission.

Section 673:4-c

673:4-c Housing Commissions.

I. The housing commission shall consist of not less than 3 members and no more than 7 members who shall be appointed in a manner as prescribed by the local legislative body.

II. Each housing commission member shall be a resident of the city or town which establishes the commission. One commission member may be a member of the local governing body. One commission member may be a member of the planning board. Not more than 5 alternate members may be appointed. When an alternate sits in absence or disqualification of a regular member, the alternate shall have full voting powers. In determining each member's qualifications, the appointing authority shall take into consideration

the appointee's demonstrated interest and ability to understand, appreciate, and promote the purpose of the housing commission.

III. Members of a housing commission also may serve on other municipal boards and commissions, including but not limited to a conservation commission established under RSA 36-A, a historic district commission established under RSA 674:46, a heritage commission established under RSA 674:44-a, or an agriculture commission established under RSA 674:44-e.

Section 673:1

Establishment of Local Land Use Boards.

I. Any local legislative body may establish a planning board, the members of which shall be residents of the municipality.

II. Any local legislative body may establish any or all of the following: a heritage commission, a historic district commission, an agricultural commission, and a housing commission.

APPENDIX B

SAMPLE LANGUAGE FOR TOWN WARRANT TO ESTABLISH A HOUSING COMMISSION

To establish a Housing Commission in many New Hampshire communities, an article would be placed on the warrant for the town meeting by the select board or by petition. In a charter town, it would be adopted by vote of the town council.

In most instances, it would be voted on floor of town meeting. However, in an SB 2 town it would be voted by official ballot.

For a city, it would be adopted by city council (and editing would be required to say the members would be appointed by the mayor or council).

This sample language was provided by the NH Municipal Association:

To see if the town will vote to establish a Housing Commission pursuant to RSA 674:44-h for the proper recognition, promotion, enhancement, encouragement, and development of a balanced and diverse supply of housing to meet the economic, social, and physical needs of the (town/city) viewed in the context of the region within which the (town/city) is situated, and to further provide that said Housing Commission will consist of (at least three but not more than seven members) to be appointed by the select board.

THIS ARTICLE WAS PLACED ON THE TOWN OF NEW LONDON'S BALLOT PRIOR TO THE MARCH 2020 TOWN MEETING

To see if the town will vote to establish a Housing Commission pursuant to RSA 674:44-h for the proper recognition, promotion, enhancement, encouragement, and development of a balanced and diverse supply of housing to meet the economic, social, and physical needs of the town viewed in the context of the region within which the town is located. Said Housing Commission will consist of seven members and up to five alternate members, all of whom must be residents of the town, and appointed by the Selectmen. (Majority vote required) **Vote in the Affirmative.**



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As a self-supporting public corporation created by the state legislature, New Hampshire Housing Finance Authority promotes, finances, and supports affordable housing.