

MINUTES
Durham Housing Task Force
February 13, 2023
10:00 am – Council Chambers

Housing Task Force

Heather Grant, chair, Planning Board representative
Cathy Frierson (on Zoom)
Charlotte Hitchcock
Al Howland
Eileen Murphy
Michael Saputo
Judith Spang
Sally Tobias, Town Council representative

Others Present

Chuck Hotchkiss, Town Council member
Mimi Kell, advisor, Golden Goose Properties
Nick Taylor, advisor, Workforce Housing Coalition
Michael Behrendt, Town Planner

The minutes from the December meeting were approved 3-0. Sally said that the solar ordinance was adopted. The Town Council adopted a new charge for the task force.

Reports from committee members and advisors

Al said there are a number of bills in Concord, including two types of housing bill. The tenant rights bill went to the Judiciary Committee. Land use bills go to the Government Committee. One bill would allow towns to set regulations on rent. There are accusations of predatory landlords. Rent control has been discussed. Some rent control laws passed recently in California and Oregon.

HB 422 would require registering every rental unit with the rent level at the registry of deeds.

HB 44, the fourplex bill would require allowing up to four dwelling units in residential zones that have water and sewer. You could raze a ranch house and built four new units. The town still has lots of control. It came out of the committee with support 11-9. All of the Democrats voted for it.

HB 423 would require towns to allow a second accessory dwelling unit by right. Al thinks this won't pass out of the committee.

Nick said SB145, Housing Champions bill, would make towns that support housing eligible for infrastructure money. SB202 would allocate \$5 million to increase homeownership opportunities. SB 231 would allocate \$25 million for the affordable housing fund for those at 0 to 60% of the area median income and \$30 million for Invest New Hampshire. There is discussion about giving a tax credit for renovating older buildings for housing. The money for these bills would come out of the state's budget surplus.

Tax credits are bought by investors so developers do not have to use them toward their own taxes. Al mentioned adding housing opportunity zones.

Sally said HB 44 would allow for conversion of large older houses for multiple units.

Regarding HB 44 Cathy said that houses in Nashville are being demolished. Developers are buying them up and not creating moderate-priced housing. They are selling the units at market level. She said this could affect the Faculty Road neighborhood. Al said this is not "enabling legislation." It would be required. He said this impact on neighborhoods already exists. The purpose of the bill is that much zoning is overly restrictive.

Sally asked how HB 44 would affect Durham. Michael said he is concerned about that. Allowing up to four units in existing single family neighborhoods could be harmful. You could have four units with 12 students living there.

Al said we should zone for what we want, not out of fear. Heather said we need to zone for positive change. We can include design standards. There is fear of students. We should zone separately for family housing and student housing. Cathy said it is possible to build nice houses in the Faculty Road neighborhood but we should not trust developers to provide moderate income housing.

Judith said she is concerned about the impact of developers working with smart attorneys to find loopholes. What looks like a good idea may result in the Town losing control. Could this be addressed by conditional use? Some discretion should be allowed.

Al said there are various controls. The process to develop now is very onerous, including the process for getting a conditional use. With these restrictions the housing will definitely not be moderately priced. Michael questioned the effectiveness of design standards. He said there are constraints on what can be adopted and it is difficult to implement them, especially for towns without professional staff.

Sally said if HB 44 passes we have to be ready. We will need to have control as best we can.

Nick said the bill will go to the full house, then a senate committee and then the full senate.

Housing Grants and the Updated Housing Charge

Michael said the task force may want to talk about the updated charge for the task force from the Town Council. He said the Town has applied for two grants to help revise the proposed zoning changes for housing: a \$5,000 grant to hire a consultant to conduct a half day community forum to talk about housing and a \$25,000 grant to hire a consultant to do a needs analysis for housing.

Sally said we already have some of the data. Judith said some members of the task force may be willing to do some of the work. Heather said we will address what the consultant, staff, and volunteers do when we have more information.

Al said the data will help the discussion and could lead us into revising the master plan. The school district updates their strategic plan every five years. Ten years is a long time between master plans.

Regarding the needs analysis, Michael asked the task force what “need” means. Sally said that recent college graduates and graduate students have not place to live. The rental units are beyond their means.

Eileen said there are huge gaps. If we want diversity. Cathy said it might be useful to do a survey. Ask graduate students what they want for units. Do we want local employees, firefighters, police officers, students, and staff at UNH to be able to live in town? If they don’t live in Durham would they want to? What does the workforce need?

Charlotte said there is a problem for people working in healthcare and at restaurants. She sees lots of Maine license plates. Sally said that Strafford Regional Planning Commission’s housing analysis shows where people live (page 18). We need a good survey but if we get only 100 responses it is not that helpful.

Judith said it is critical to think hard about the questions to have on a survey to get usable information. We will need public outreach. Ask questions that will provide useful information. Cathy said she has lots of experience working on surveys and oral histories and can help with this. A weakness of the SRPC analysis is the small number of responses. We have to lean in to capture the information. Michael said with the master plan they were very effective in the community outreach. There was a survey and there were meetings with various stakeholders, at UNH, at Oyster River, with seniors, and others. It was helpful to get lots of information from various places even though the survey was not scientific.

Michal Saputo asked why there is so much attention paid to undergraduate students. A single person, whether undergraduate or graduate, has lots of housing options. With a partner or a child it is very difficult to find an affordable place. The line between undergraduate and graduate students is false.

Sally said \$1,000 rent per bed is very expensive. We need to define “student housing” and we need to zone for that. Working with developers and landlords on their lease agreements and how they market the units can make a difference.

Mimi said we are now in equilibrium with the supply and demand for student housing. UNH is actively looking for solutions for graduate students. There is a need for housing for faculty and young professionals. UNH hired a consultant to evaluate the housing market.

Al said that UNH and the Town need to collaborate. Mill Plaza is a good example of a failure of communication. Cathy suggested having somebody from UNH join a meeting to talk about their issues. What is the likelihood that surplus student housing will be converted to graduate housing or regular dwelling units? Mimi said The Cottages could be a primary location for that. The design is conducive to that. In the downtown the demand will remain strong for students.

Mimi said it is up to the owners. Would they take a cut in the rent? Michael said that the outlying developments could be most conducive to changing their residents: The Cottages, the Lodges, Bryant Park on Mast Road, and River’s Edge. Sally said there will remain a strong demand to live in Durham due to the school district. Mimi said it will be hard to convert some of the units. Many are designed for students. Each bedroom has its own bathroom. Al said retrofitting is very expensive. UNH just does not have a lot of money to build housing.

Sally said the Town spent a lot of time working with UNH trying to create graduate housing at 66 Main Street (where the parking lot is now). The developer could not make the numbers work though given how much graduate students can afford.

Heather said we have lots of undergraduate student housing and senior housing. We do not need more. Sally said we need to define “student housing.” We should stop relying on conditional use.

Sally suggested getting input from Town boards on the housing situation. Michael said the Conservation Commission and Land Stewardship could have input from an environmental perspective of adding more housing. Sally said the Agricultural Commission and Historic District Commission also. Charlotte said the HDC does not have a townwide inventory which would help. Michael said reaching out to the Town boards and meeting with them could be a good task for one or two task force members.

Heather said the regional data collection has been done by SRPC.

Cathy asked about task force members talking with the public in the context of the freedom of information requirements. Michael said that there is a lot of flexibility to do that as long as we don’t have a quorum of task force members communicating outside of a meeting.

Members should feel free to talk with anybody they like because the work of the task force is administrative/legislative rather than quasi-judicial (review of project applications) which is much stricter. He said we should not have exchanges on email as that can be a discussion. For this reason he sends most emails out a bcc so that members cannot press “reply all” with a response. People can share information with the task force by email if they send it only to Michael. He will forward it.

Al said it would be useful to get information about the town’s ADUs. Who are they rented to? He would not be inclined to ask rent levels though. Charlotte said we can look at the address of the owners of the ADUs to see which properties are owner occupied. We have list of them from the Assessing office. Heather said that including certain information in leases is helpful, informing tenants of their responsibilities.

The meeting adjourned at 12:00 pm.

Respectfully submitted.

Michael Behrendt, Town Planner