

**MINUTES**  
**Durham Housing Task Force**  
**January 29, 2024**  
10:00 am – Council Chambers

**Housing Task Force members present**

Sally Tobias, chair  
Charlotte Hitchcock  
Chuck Hotchkiss, Council Rep  
Al Howland (joins in person at 10:04 am)  
Eileen Murphy  
Paul Rasmussen, Planning Board Rep  
Michael Saputo  
Judith Spang

**Others Present**

Michael Behrendt, Town Planner (“Michael B”)

**Members of Public**

Janet Perkins-Howland for public comment  
Michael Mulhern

-----  
Call to order 10:03am

**Approve Agenda**

Eileen moves  
Paul seconds  
Approved with consensus

**-Al Howland joins meeting**

**Public Comments**

Janet Perkins Howland: supports HB 1281 – Durham’s ordinance prohibits greater than 3 unrelated people from living together. This is unjust and targets lower income individuals. Mean age at marriage has been steadily increasing, so even unmarried couples are impacted. Telling people who they choose to live with is discriminatory. Regarding UNH students – we are lucky to have university students here, our ongoing fear of students in Durham should not adversely affect our fair housing plan. Discriminating against students is unjust.

**-Judith Spang joins the meeting. 10:07am**

**-Michael Saputo joins the meeting 10:07am**

**-Charlotte Hotchkiss joins the meeting 10:08am**

## **Approval of January 8, 2024 minutes – hold until next meeting**

### **Reports from Committee Members and Advisors:**

**Planning board:** working on definition changes. Will incorporate recommendations from the Housing Task Force

**State:** HB1544: deals with transitional housing. Attempts to protect municipalities by making public land available for transitional housing. There were problems with whether this housing would be safe – referred to study.

Another Bill: Homestead exemption – applied to Conway in particular. Rentals were driving up housing costs. Referred to study.

HB1281: restricts unrelated occupants to minimum of 2 occupants per bedroom. (At least 2 people must be allowed per bedroom). Only 7 communities in the state have this occupancy restriction. This directly impact Durham's "3 unrelated rule" making it illegal. Decision next week.

HB 1297: public health officer of the community. Limits right of PH officer to restrict housing. Will be decided next week. (Al suspects inexpedient to legislate.)

**Discussion of HB1281:** What was public testimony like? Overwhelming support for the bill.

Al believes the issue of problematic student housing should be controlled under the "nuisance housing" RSA, not controlled by zoning regulations. Zoning regulations would benefit from a definition of student housing.

Is there a limit on square footage per occupant? Yes, but it doesn't come into play often.

Argument is often that noise, parking, and trash ordinances should be enough to put some controls on a nuisance house.

Michael B: This bill would be damaging to Durham in particular. As a practical matter, when you allow a use that you know is going to be problematic, you open up the municipality to extensive enforcement responsibilities. It's likely that 3 unrelated people do not create an issue, but 6 unrelated will create problems.

Al: There are reasons why the "3 unrelated" was enacted, but to play the devil's advocate: a four bedroom house cannot be legally occupied by 4 people who work at UNH. There may need to be a way to target the 3 unrelated rule to undergraduate students?

Paul: Is it fair to pass a bill that only impacts 7 communities across the state? Seems like spot legislation.

Sally: maybe the definition of student housing would really help ensure this doesn't impact single young adults who just don't want to get married and want to live with roommates.

Al: It would be helpful to define student housing.

Paul: Attempts to define student housing with a focus on renting by unit vs. renting by bed have

Todd Selig, Town Administrator: this bill is an existential threat for the town of Durham. People 18-22 who attend the university behave differently from people over 22, and we've tried to put some guardrails up to control for the problems created by this population. Landlords from Durham were testifying out in their own self-interest. The "3 unrelated rule" has, in practice, been effective in combination with ordinances. Without this rule, potentially large numbers of students will live together and will create problems. In addition an intent of this bill is to allow landlords to pack students into housing and charge more for each unit they have. We have not seen groups of 4 unrelated adults coming to Durham saying they cannot move to Durham because of this restriction. It will largely benefit landlords.

Paul: Can we add a cutoff for communities that have disproportionate numbers of people under 24?

Michael B: How much is this issue impacting apartment buildings vs. single family homes that are not owner-occupied? Todd: this is largely an issue in the single family homes that are not owner-occupied.

Todd: Even defining student housing will create enforcement problems.

Judith: This bill should go to a study committee.

Al: There are many more conversations to be had, and Al will be in Concord tomorrow. Every effort will be made to mitigate the impact to Durham.

**Review of Draft Housing Needs Assessment:**

This is a draft of the needs assessment. The consultant will be on Zoom for our next meeting. They are happy to take recommendations for changes. They will present to the task force and will present to Town Council as well. The consultant has met the requirements of the contract, so we will not ask for any major revisions.

Recommendations:

- Clearer maps, enlarged, possibly with brief descriptions of what we're referring to with each of the census tracts. The census tracts are not easily recognizable. Show each census tract with the zoning map overlaid on it?
- Page 1-6: it's unclear how individuals living alone in independent apartments or houses at Riverwoods or Brookdale are categorized.
- Page 1-8: How are job losses defined?
- Page 2-2, Table 2-2: Where do ADU's fit into this?
- Page 3-2, Figure 3-1: Definitions for these categories? Make pie chart clearer.
- Page 3-3. Figure 3-2 is the most useful.

Tabling further recommendations for the needs assessment for the time being. Suggestions can be emailed to Michael B.

### **Discussion about Potential Zoning Changes related to Workforce Housing**

Michael B: should this be proposed only for OR at this time?

Paul: It should be proposed the way it is and the planning board should make changes they see fit.

Page 3, item 7: How do we define "workforce" and "retired?" Michael B: The intention is to require tenants to be working. John Randolph requires that tenants must be working. (Sally: proof of employment is required by most landlords, as is earning a certain income level.) Michael B: this does not include language to restrict the income level of tenants. Do we want to dictate that?

Al: We're defining the type and cost of housing that can be built. Who exactly it will be rented to is the business of the landlord/developer.

Why isn't this defined here? Should we define who can rent/buy?

Page 7, items 4 and 5 will be changed to 3a and 3b.

Is the town allowed to restrict who rents certain properties? Paul: maybe we should look into the HUD credits that could be used to place restrictions on this.

The size of these houses will increase the likelihood that people with higher incomes will not rent these.

If we place restrictions on income, what happens when someone gets a promotion? Typically income restricted situations only check income initially, income can increase and individual can stay in the unit.

Michael B: we can't restrict income for home buyers, can we/should we restrict it for renters?

Al: Setting the price level should be enough. The guardrails in here are enough.

Page 3, item 7: blend the intended tenant/buyers into item 6?

But item 7 is in there to prevent/discourage undergraduate students from renting these properties.

Discussion will resume at the next meeting? Or can we vote to recommend this to the planning board?

-Michael Saputo leaves at 12:00pm

*Charlotte: Motion to endorse the proposed amendments related to the workforce and rezoning of land to office research.*

Discussion: Judith – we haven't gone through this fully

Eileen – what happens if someone else is interested in developing workforce housing in a zone other than these 4? Michael B: They can't. Paul: It would be considered on an individual basis.

Judith – what planning board meeting are we trying to get to? Feb. 14

AI – once the planning board looks and critiques it, we will have time to take another look at this.

*AI seconds the motion.*

Approved by all.

### **Adjournment 12:18pm**

Paul moves

AI seconds

All yes.

Minutes approved at February 19, 2024 meeting.