

These minutes were approved at the April 17, 2025 meeting.

**Durham Human Rights Commission
Meeting Minutes
February 5, 2025**

Representatives Present: Chair Sally Needell, Administrator Todd Selig, Dr. Janet Perkins-Howland, Deborah Hirsch Mayer, The Rev. Richard Belshaw, Leslie Schwartz, Kathy Collins,

I. Call to Order

II. Land Acknowledgement Statement

III. Approval of Agenda

Because our agenda is light, Rep. Perkins-Howland suggests we add discussion of free speech rights at UNH. Members agree to talk about this during agenda item VIII - Other Business.

Chairperson Needell moves to approve
Second – Rep. Schwartz

IV. Municipal Equity Index Score – Gail Jablonski

Business Manager Jablonski explained what the MEI Score is, that the work is done by the Human Rights Campaign and describes the HRC mission and motto. The score gives a birds eye view of equal rights in a town and is a resource for people researching a possible move to a community to see how they'd be accepted.

Durham has received a top score for ten years. We're consistently chosen by HRC for an annual evaluation because of the presence of UNH. Our score was 93 out of a possible 100. We didn't get points for our city contractors not adhering to our standards (which we cannot control) and we lost points for not having transgender health benefits. The latter is due to a statewide ban on approving gender care for minors.

Representative Perkins-Howland inquired about contracting to ensure health benefits and asked if we could just have a statement on our contracts. Jablonski replied that we could do this, but the issue would be enforcing it.

V. Discussion of Proposed Town Ordinance about Student Rentals #2025-03

The ordinance went before the Town Council on Monday with the first readings approved. The Town can comment further before voting on the proposed ordinance on 2/17.

Some background info: suggestions to update the Town Ordinance were initially prepared by Administrator Selig and an ad-hoc committee (including town councilor, fire, police, state, resident representatives) in response to evolving social norms regarding families, workforce housing needs, and how they might be affected by a change in this zoning ordinance. Selig recommended that the Planning Board discuss the ordinance as well.

Durham's current definition of allowable non-related persons residing on a property is based on a 1950s model of family. Other family configurations should now be recognized. A new, updated ordinance would protect Durham from legal issues that may arise. State Representative Al Howland is working on an amendment at the State level to protect Durham and has suggested considering how we might re-word our ordinance.

Discussion:

How do we define "students?" The US Department of Education defines a student as one enrolled in at least 12 credit hours per term. The UNH Office of Off Campus Housing may confirm if a person is a student on a case-by-case basis adhering to privacy issues.

Durham zoning laws limit student housing to certain neighborhoods because of different lifestyles between students and older adults and families. Administrator Selig clarified that there a bill has been introduced in the State House to strike down Durham's "no more than three unrelated residents per occupancy" rule which has been in effect since the 1980s. The State House bill would introduce legislation that says "Towns shall not adopt any ordinance that discriminates based on familial or non-familial or marital status." If this were to become law, it would negate Durham's current ordinance and impact a revised ordinance.

State Representative Howland therefore has recommended that everything be amended and that Durham focus on statewide fire code regulations because by law our ordinance can't be stricter than that. Durham is aligning with what the fire code says – student housing is commercial use; If Durham doesn't change this ordinance, it is certain to be struck down at the state level.

The first step would be for the town to modify the current ordinance. The second step would be to actively engage in the issue at the state level. The Town Council will hold a hearing on 2/17 enabling us to attend the State hearing the next day on 2/18 with a new paradigm to share if new wording can be approved by the Durham Town Council. Chairperson Needell recognized that in terms of human rights, a revised ordinance is more open because we aren't specifically identifying any group of people within it.

Discussion continued about the national fire code standard, definitions of family, definition of students. Rep. Hirsch Mayer offered that it's good that Durham is taking action rather than leaving the issue to the state to figure it out for us. Rep. Perkins-Howland appreciated HRC being included in the discussion in consideration of a revised ordinance.

VI. Discussion of writing a letter to Durham's legislatures regarding HB139

This State House bill would return the full name of the fall holiday exclusively to "Columbus Day" dropping any mention of "Indigenous People's Day"

An effort to kill the bill won't happen until next year.

Rep. Schwartz shared her research that the city of Concord is planning to use both names which is how Durham is doing it already.

VII. Approval of minutes from 12/4/24

Some clarification on names, typo correction, will be resubmitted to Assistant Administrator Karen Edwards.

Chair Needell moved for approval as amended.

Rep. Schwartz seconded the motion – unanimous approval.

VIII. Other Business

Rep. Perkins-Howland reported that the UNH President's Working Group provided a summary of last May's conflict between protesting students on campus with university, town, and state police and wondered what the Town of Durham's relationship and response might be.

Administrator Selig explained that UNH President Chilton established the working group to examine the issue of student protests holistically including how things can be approached differently in the future. The working group shared their findings a month ago without consulting the Town, unfortunately issuing their report with limited and inaccurate information.

Durham Police Chief Rene Kelley and Administrator Selig requested a meeting with President Chilton about this and how police oversight is handled. The Memorandum of Understanding (MOU) between town and university clearly states the two police departments are separate, and UNH fully indemnifies Durham. We don't have culpability for their actions.

Rep. Belshaw asked if there was a parallel group at UNH similar to our Human Rights Commission and if so, might we want to connect with them in general and/or for issues such as the student demonstration conflict. Administrator Selig responded that human rights issues on the UNH campus go to Nadine Petty who attended a meeting of the Human Rights Commission two years ago.

Selig reflected again on the timeline and details of interactions between the town and UNH on the day of the protests back in May 2024. Rep. Schwartz said more and better communication between the town and UNH is needed.

The next HRC meeting will be April 17th at 4:00 pm.

IX. Adjourn

Rep. Perkins-Howland made a motion to adjourn, Hirsch Mayer seconded it.

Sally Needell, our chairperson, couldn't refrain from raising her hand even though she is a non-voting member. This could be her last meeting with us, dependent on new duties to be sorted out by town councilors after the upcoming town elections. We are all grateful to Sally for her service on our commission as our chairperson.