

# Jackson, NH:

## Regulatory and Non-Regulatory Initiatives

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After significant analysis of data, thorough review of the approaches presented in this report, and input from residents and property owners the Jackson Housing Committee has identified three initiatives to investigate further:

- Regulatory alternatives for rental housing
- Amendments to the existing Zoning Ordinance
- The creation of a Jackson Housing Trust

Each of these initiatives is described below and this document is intended to play a supporting role during implementation. A complete record of the various regulatory and non-regulatory initiatives considered is also included and will be a resource for future efforts in Jackson should the issues of housing price and diversity of supply remain challenges in the community.

### Overview of Potential Housing Initiatives

Below you will find a range of examples showing various regulatory and non-regulatory approaches to addressing housing issues in Jackson over time. Some of these examples are featured in NH Housing Handbook *Housing Solutions*, and the remainder were identified from a variety of online sources.

### Regulatory Initiatives:

The initiatives described below would require legislative action by the residents of Jackson to take effect. If adopted they would provide specific provisions that address different aspects of Jackson's housing supply. It is not anticipated that they are all a good fit for Jackson or that all of this approaches should be adopted. They serve as a menu of choices to be considered and discussed further by Jackson residents and property owners as they decide how to best tackle the housing issue over time. Regulatory initiatives include:

- Banning or Regulating Short Term Rentals
- Inclusionary Zoning
- Higher Density Housing
- Development on Non-Conforming Lots
- Limited Development- A Partnership of Conservation and Development

- Adaptive Reuse
- Form Based Code
- Missing Middle Housing

### **Banning or Regulating Short Term Rentals**

Currently in the State of New Hampshire municipalities have not been granted the power to ban, permit, or regulate short term rentals as communities in other states do currently. This alternative has been discussed because of the dramatic increase in rentals through websites such as AirBnB. The City of Portsmouth met legal challenge when it created a ban on short term rentals. Currently the NH legislature is considering the power to permit short term rentals. Recently, an interim study related to the permitting of short term rentals was initiated by the legislature.

As Jackson awaits resolution of this issue there are many examples from other states/towns where a mechanism is in place that are worthy of review. Examples include:

Portland, OR defines accessory short term rentals and has instituted a permitting process worth reviewing: <https://www.portlandoregon.gov/bds/article/518658>

In the State of Colorado short term rental requirements have been adopted in many communities.

The Town of Stowe, VT has created a frequently asked question sheet explaining the provisions that short term rentals must comply with currently:  
[http://www.townofstowevt.org/vertical/Sites/%7B97FA91EA-60A3-4AC6-8466-F386C5AE9012%7D/uploads/FAQ\\_Short-Term\\_Rentals.pdf](http://www.townofstowevt.org/vertical/Sites/%7B97FA91EA-60A3-4AC6-8466-F386C5AE9012%7D/uploads/FAQ_Short-Term_Rentals.pdf)

### **Inclusionary Zoning:**

Jackson currently has a zoning provision that is designed to encourage the creation of affordable housing units as a component of new developments. Section 10 of the Jackson Zoning Ordinance has not yet been used and really relies on development activity. The main reason this provision has not been utilized is because there has been little development activity since its adoption. However, the Jackson Housing Committee decided that it is worthy of review and updating so that it can serve as an effective tool if new development activity comes to Jackson. Here are examples of two other similar zoning mechanisms from New Hampshire communities:

#### **Inclusionary Housing in Amherst:**

The Town of Amherst understands the importance of encouraging suitable opportunities for the development of new affordable housing units in the community. Their “Innovative Land Use Control for Affordable Housing” regulations provide flexibility in the design of the development, and provide density bonuses. Allowing a greater density on the site makes the provision of affordable units possible. The developer does not need to comply

with the standard dimensional requirements. This creates an opportunity for the planning board to work with the developer to create a density that will support the creation of affordable units, or to make use of a nonconforming lot.

A range of unit types have now been created by developers under this ordinance. Some of the units mix affordable units with market rate units. Amherst has been very pleased with the diversity of housing units that have been encouraged by this incentive-based ordinance. Realizing that prices are relative to size, the Amherst Ordinance limits the heated square footage of “Affordable Housing” to 1300 square feet. This has the effect of allowing the housing developed under this zoning provision to meet the income targeting requirements of the New Hampshire Workforce Housing Law (RSA 674:58 et seq.).

#### Lyme Affordable Housing Provision:

11.30 DIMENSIONAL CONTROLS. The dimensional controls otherwise applicable in the Rural District, as well as in the Lyme Common, Lyme Center, and Commercial Districts, shall be relaxed for affordable housing as follows: If the Planning Board finds that the land is suitable as to slope and soil characteristics, it may permit a subdivision for up to four dwelling units, attached or free standing, on lots which average not less than one-half acre in size per dwelling unit. In calculating lot size, the provisions of the Agricultural Soils Conservation District shall not apply. The provisions of the other Conservation Districts shall apply. The other dimensional controls (frontage, set back, lot width, maximum building footprint and maximum lot coverage) may be modified by the Planning Board as appropriate in view of the design, location, and character of the subdivision. The applicant must demonstrate that a water supply and septic system can be built and maintained according to State requirements.

11.31 Density Bonus in Conventional Subdivisions. The developer of a conventional subdivision shall be entitled to create lots which are up to 20% smaller than would otherwise be required for a donation of up to 20% of the developable land in the subdivision to an affordable housing organization. The total lot size reduction shall equal the total gift.

The ordinance language can be found at:

[https://www.lymenh.gov/sites/lymenh/files/uploads/2016\\_lyme\\_zoning\\_ordinance\\_0.pdf](https://www.lymenh.gov/sites/lymenh/files/uploads/2016_lyme_zoning_ordinance_0.pdf)

#### **Higher Density Housing:**

This example relates to allowing higher density to increase unit affordability by increasing the number of units per fixed land cost. The advantages to this include allowing a greater number of units to be constructed which reduces the cost per unit for the developer and makes the creation

of affordable units possible. This typically provides a win-win for the developer and the community. The cautions related to this include the reality that on-site septic requirements may not permit this technique in all areas, but community septic systems allow for much higher densities than individual systems. There is also some concern that property values in Jackson will prevent this from being applied effectively to create new units that are more affordable to a broader spectrum of residents.

Increasing the variety of housing options and reducing production costs by allowing higher density housing forms is one of the most fundamental ways to increase affordability, and communities have ample opportunity to do so within their regulatory powers. Higher housing densities can be achieved as a matter of right, or by special permit and/or incentives. Techniques include:

- Allow a mix of residential and commercial uses in new development by allowing new residential and mixed-use developments with alternative site patterns (e.g. flexible development or clustering) and/or a variety of housing types (detached single-family, townhouse, duplex, garden apartment, etc.).
- Provide density bonuses, or other incentives.
- Allow alternative housing forms (duplex, triplex, etc.) in all residential areas.
- Establish multi-family zones.

#### Palisades in Stowe, Vermont:

The Palisades development is a wonderful design example of a dense neighborhood composed of a variety of unit types at varying levels of affordability. This 5.7 acre site is adjacent to Stowe Village and contains 24 residential units and 6 commercial units. The 13 single family homes are on lots averaging .13 acres. These homes have three bedrooms and shared garages. One building contains nine two-bedroom condominium units, and there is one (residential) duplex and two



*Picture Above: Palisades, Stowe VT*

structures for commercial units. While these techniques can result in reduced construction costs, more efficient land use and a greater number of housing options, they may not produce additional affordable units without an inclusionary incentive with a corresponding affordability requirement. Often a development site can absorb higher density housing than is allowed by right, or provided for by special permit. There is often a market for such units, which may be smaller and require less maintenance than the existing inventory. Demand may come from older residents who want to stay in the community, but downsize, or from those employed in the area and are more concerned

with location than lot/home size. Provisions in zoning and subdivision regulations for accommodating smaller, or clustered, units can enhance housing affordability, accommodate a greater diversity of residents and their needs, and improve the efficiency of land use and development.

#### **Development on Non-Conforming Lots:**

Lots that do not meet minimum dimensional requirements may be considered “buildable” for affordable housing. Advantages include reducing the overall cost of creating new affordable units in the community by providing an opportunity to develop sites which have very little value for other uses, or by allowing higher densities of development. Some cautions include recognizing that lot sizes were selected for a reason, so a community using this tool may want to consider only allowing smaller units on these lots. The need to accommodate water and septic infrastructure may reduce the opportunities for this approach in areas of Jackson.

In communities across the state, land exists that could accommodate affordable housing, but does not because of insufficient lot size, dimensional requirements, access issues, etc. In some cases these sites languish in tax title, and are eventually taken by the municipality without any consideration of alternative uses. Such properties may be suitable for development, and could add affordable units to the town’s housing supply, but require more flexible development standards than local regulations may provide. Lots having less than the prescribed basic minimum area, minimum frontage, width, yard, or depth requirements may be appropriate for development of affordable housing if the resulting use is not substantially different in character or detrimental in its effect on the neighborhood.

#### **Limited Development - A Partnership of Conservation and Development:**

This approach includes preserving open space by allowing development on a small portion of the site. Limited development is a strategy for preserving open land by developing only a small portion of a larger site. The structures are clustered in one area at a higher density than may normally be allowed by right in that zone, and the remaining acreage is permanently protected. As a conservation strategy, limited development is typically used to subsidize the preservation of open space. In the context of affordable housing, the goal is to minimize the cost of the housing by shifting or splitting the land cost with a conservation organization. A third party facilitator is sometimes involved in securing the property targeted for preservation and holds it for disposition to another entity (often the local Conservation Commission or land trust). This is typically a time-consuming process, allowing the community time to evaluate the possibility of limited residential development, with or without additional conservation easements or site controls. Affordable housing advocates are often conservationists and vice versa, and increasingly the two are forging alliances to achieve the goals of both interest groups.

The advantages to this include a reduction in the cost of housing by shifting or splitting the land costs with a conservation organization. Limit development promotes the creation of housing units and the preservation of open space. Easements for wells within conservation areas could also help reduce lot sizes.

Some potential issues to be aware of include consideration that septic systems will need to be incorporated into the developed portion of the site in most cases, and on-site wells may also be necessary. Long term controls should be placed on the open space portion of the property to ensure their continued protection, and the long-term cost of conservation stewardship should be accounted for as a development cost. Identification of a willing and qualified stewardship entity is also important.

Conservation Based Affordable Housing: A resource from the Conservation Fund that provides additional information on this approach can be found at:

<https://www.conservationfund.org/images/resources/Conservation-Based-Affordable-Housing-Study-all-9-06-lo-res.pdf>

Using Limited Development to Conserve Land and Natural Resources: This White Paper from Jeffrey Milder provides additional context for considering this approach:

<http://www.tetoncountywy.gov/DocumentCenter/View/3319/Milder-JC-Using-Limited-development-to-serve-land-and-natural-resources-essay-PDF>

### **Adaptive Reuse:**

This includes the reuse of abandoned, underutilized, or functionally obsolete properties for housing. A number of municipalities have modified their zoning regulations to encourage new uses, including affordable housing, for vacant or underutilized buildings. Downtown overlay districts, allowing residential uses on upper floors in commercial districts, and live/work space are all examples of strategies communities use to bring new life to old buildings. However, adaptive reuse often brings a unique set of challenges. Often, contaminants must be removed and the sites remediated. The reuse of historic properties can be used to enhance the special sense of place that distinguishes one New Hampshire community from another, and is fundamental to preserving the character of the State.

Some advantages to this approach include enabling the community to accommodate growth in established locations instead of on undeveloped land, while preserving or restoring the architectural fabric of the community. A critical issue to be aware of

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Picture Above: A former school building is converted into housing. Bliss School Apartments, Attleboro MA

though is the fact that many adaptive reuse projects include contaminated sites, and the liability and clean-up issues must be resolved in such situations.

New Hampshire Division of Historic Resources: This document includes resources and a series of examples from New Hampshire. While many of these are from larger communities with larger structure the principles of this approach are somewhat scaleable:

<https://www.nh.gov/osi/planning/resources/conferences/spring-2016/documents/adaptive-reuse-michaud.pdf>

### **Form Based Code:**

A form-based code is a land development regulation that fosters predictable built results and a high-quality development pattern by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into local regulations. This code is calibrated to the existing pattern of development and takes into consideration the how the community wishes to guide growth over time while providing a powerful alternative to conventional zoning regulation in densely developed villages and downtowns.

Form-based codes address the relationship between building and the public realm, and the form and mass of buildings in relation to one another. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and other visuals. They provide a way to ensure development density while preserving or enhancing the character of a place. Often such codes promote the use of multi-story buildings in keeping with the existing building stock, promote walkability and mixed use development, and address a range of housing solutions. This type of regulatory tool could be used in combination with efforts to develop mixed use developments and missing middle housing. Currently, there is a sense that this is not a viable option in Jackson.

Form Based Code Fact Sheet: This resource document created by the NH Cooperative Extension further defines this regulatory tool and features an example from the Village of Lancaster, NH:

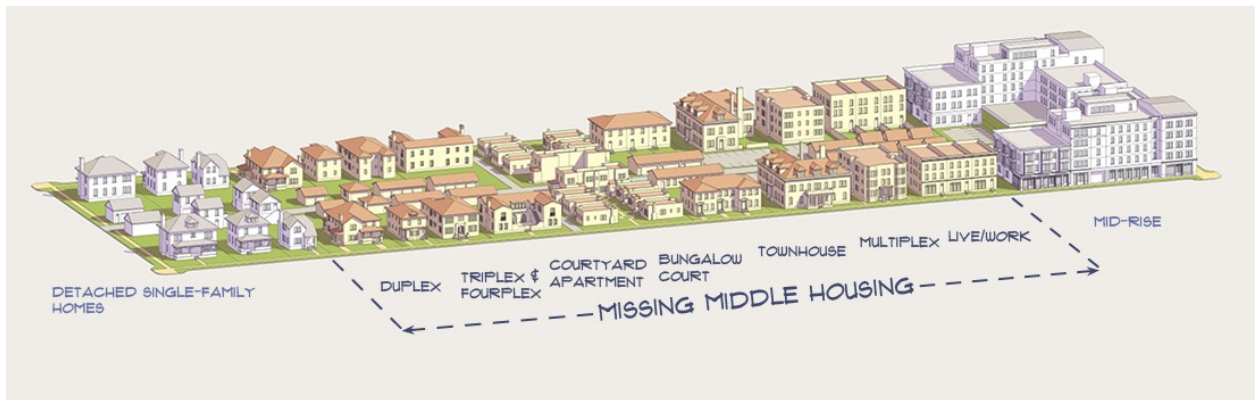
[https://extension.unh.edu/resources/files/Resource004821\\_Rep6854.pdf](https://extension.unh.edu/resources/files/Resource004821_Rep6854.pdf)

### **Missing Middle Housing:**



Missing Middle Housing represents a range of multi-unit or clustered housing types that are compatible in scale with single-family homes that help meet the growing demand for a variety of housing unit types. These types provide diverse housing options along a spectrum of affordability, including duplexes, fourplexes, and bungalow courts, to support walkable communities, locally-serving retail, and transportation options. Missing Middle Housing provides a solution to the mismatch between the available U.S. housing stock and shifting demographics combined with the growing demand for walkability.

*“If there’s one thing Americans love, it’s choices: what to eat, where to work, who to vote for. But when it comes where we live or how to get around, our choices can be limited. Many people of all ages would like to live in vibrant neighborhoods, downtowns, and Main Streets—places where jobs and shops lie within walking distance—but right now those places are in short supply. ‘Missing Middle’ Housing provides more housing choices. And when we have more choices, we create living, thriving neighborhoods for people and businesses.”*  
Lynn Richards, president and CEO of the Congress for the New Urbanism.



Picture Above: Missing Middle Housing Diagram

Missing Middle units can be permitted or encouraged through Jackson’s existing zoning ordinance or through the creation of a new form based regulation within the village area. In either case the regulatory language and standards must be reviewed to ensure that this density of housing is lowed in a manner that is consistent with the existing neighborhood.

Missing Middle Resources: This website provides a variety of resources including examples of various types of units from across the country:

<http://missingmiddlehousing.com/>



## **Non-Regulatory Initiatives:**

These examples highlight a series of initiatives that will require varying levels of community support but may not require legislative action. Non-regulatory initiatives include:

- Local Housing Commissions
- Housing Trusts
- Community Land Trusts
- Homesharing
- Co-Housing
- Village Scale Housing Initiatives
- Donated Land
- Purchase of Units for Resale with Restrictions

### **Local Housing Commissions**

A local housing commission can advocate for the development of affordable and workforce housing and can serve as a resource to local land use boards on matters affecting housing resources. A commission can provide feedback on the progress of affordable housing efforts and recommend if changes should be made. The creation of local housing commissions is enabled by RSA 674:44-h, enacted by the Legislature in 2008. Local housing commissions are advisory only, and have no regulatory or enforcement powers. Commission members work cooperatively with other municipal boards to ensure that affordable and workforce housing concerns and interests are better understood and considered in decision-making.

When a municipality establishes a housing commission, an affordable housing fund is also created, to be administered by the commission. While there is no requirement for the community to appropriate money to it, the fund allows the housing commission to act as the municipality's agent to receive funds and make expenditures that support affordable housing. Fund monies can accumulate from year to year and do not lapse to the municipality's general fund. Unlike the conservation fund's use in permanently acquiring property, however, the housing fund typically will only serve the purpose of facilitating transactions relative to affordable housing.

#### **Examples of Municipal Housing Commissions in NH:**

Hanover: <https://www.hanovernh.org/affordable-housing-commission>

Salem: <http://www.townofsalemnh.org/housing-authority>

### **Housing Trusts:**

Housing trusts are non-profit corporations often established by cities or towns to undertake affordable housing projects that reflect the goals of the respective communities. The term housing trust is commonly applied to any local non-profit housing entity established to undertake community-initiated projects, including some of those that were established as offshoots of their local housing authorities. Housing trusts should not be confused with affordable housing trust funds, although many are set up to receive funds as well as acquire and develop housing. Housing trusts reflect a desire on the part of communities to control their own housing agenda, and their awareness that, in order to do so requires development capacity. Trusts and other local non-profits offer ways in which communities can develop solutions to meet their own goals and priorities. Establishing a local development entity does not automatically bestow development expertise on the organization – it is often advisable to partner with an experienced developer.

Housing trusts can also be established as regional entities, which maybe an appropriate strategy in a region where there is insufficient activity to justify creating non-profits in each community. Because they can be structured with a broad range of powers, housing trusts can be effective even in areas where there is adequate capacity among local non-profit developers, by targeting specific unmet needs. There are a number of ways for communities to ensure that units produced with public support and subsidies remain affordable for future homebuyers. Deed restrictions, mortgage restrictions, or other agreements made at the time of the initial sale can limit the amount of equity, or value, the homebuyer can expect to receive at resale. The formula for determining the allowable equity must be carefully structured so as to balance the goals of the program with the needs of the original and subsequent homebuyers.

Examples of community and regional housing trusts here in NH include:

Contoocook Housing Trust: <http://www.housingtrust.org/>

Mount Washington Valley Housing Coalition: <http://www.mwvhc.org/>

### **Community Land Trusts:**

These non-profit organizations are created to acquire and hold land, often called community land trusts, they may lease land to community residents. This model reduces the cost of ownership by removing all or some of the land costs from the creation of housing units. Sometimes community land trusts buy undeveloped land and arrange to have new homes built on it, or they may buy land and buildings together. In either case, the community land trust retains ownership of the land and sells (or rents) the housing units. The ground leases are typically longterm (99 years) and renewable. In situations where the homes are owned, homeowners may sell their homes but not the land. Usually the land lease agreement gives the trust the right to buy the home back for an amount determined by a resale formula.

Community land trusts can be used in conjunction with other tools and strategies, and the housing created may be of any form or tenure (rental, cooperative, condominium or fee simple

ownership). Community land trusts are often formed as grassroots responses to specific local needs, and as a result, play varying roles, including land preservation and commercial development. Many focus on increasing homeownership. In areas where housing prices are increasing sharply, the community land trust model can make homeownership possible for the local workforce who might not otherwise be able to afford it. In communities suffering from disinvestment, this can result in reinvestment and owner occupancy without displacing long-time residents.

#### Harriman Hill, Wolfeboro, NH:

Harriman Hill is a workforce housing neighborhood located on 35 acres of back land in Wolfeboro with assistance from the Laconia Area community Land Trust (LACLT). The first two of its three phases are complete and include 48 units of affordable apartments for families. The development is within walking distance to downtown Wolfeboro and other employment areas in town and uses municipal water and sewer services. The project was begun in the mid-2000s by the Eastern Lakes Region Housing Coalition, which partnered with the LACLT, which used its development expertise to secure a variety of funding sources. Phase II included funding from CDBG, LIHTC, HOME, the New Hampshire Community Development Investment Program (CDIP) and other subsidy sources, as well as conventional financing from a local bank.



*Picture Above: Harriman Hill, Wolfeboro NH*

#### Homesharing:

Allowing living arrangements in which two or more unrelated people, or households, share common areas (kitchens, living areas, etc.) while having private, separate bedrooms. While it may require only limited renovation, or none at all, to the existing housing stock, it may require modifications to zoning definitions that prohibit unrelated people living together. People homeshare for different reasons. This type of housing provides a favorable affordable housing option for those who cannot afford a complete unit on their own. However, this form of housing may not work well in every market and, depending on the location, it may target different segments of the population (elderly, college students, single parent households, professional people in the process of relocating, etc.).

Residents in home sharing units may also share activities of daily living with each other. An elderly homeowner renting out a room; a couple of singles, or single parent families, sharing a house; and congregate living facilities specifically designed for seniors or people with special needs, are all types of shared living arrangements. Shifting demographics, including more elderly

residents, more entry level jobs, and insufficient affordable housing in many communities, has created interest in this alternative on the parts of both older and younger residents. Other homesharing constituencies include people with disabilities who need support services to live independently, low- or moderate-income households seeking to reduce housing costs, and single parent households requiring assistance with childcare.

A Consumers Guide to Homesharing: This resource provides some additional background on this housing strategy and can be found at:

<https://homeshare.org/wp-content/uploads/2012/04/A-Consumers-Guide-to-Homesharing.pdf>

Home Share Now: The Vermont home sharing network helps match people with room to share with those wanting affordable housing, securing housing for all by way of mutually beneficial relationships:

<https://homesharenow.org/>

### **Co-housing:**

Co-housing is a type of “intentional community” in which residents actively participate in the design and operation of their neighborhoods. A co-housing development typically features buildings located close together and connected by pedestrian ways, while automobiles are kept somewhat separate from the community. These attributes encourage both individual space and social interaction. Private homes include all the features of conventional single-family homes, but residents also have access to extensive common facilities such as open space, courtyards, playgrounds, and community buildings, such as a common house.

The common house is the social center of a co-housing community. Most common houses include a large dining room and kitchen, lounge, recreational facilities, children’s spaces, and frequently, a guest room, workshop, and laundry room. The common house is a great place for dining, celebrations and entertainment. Communities may also serve optional group meals in the common house several times a week. Regardless of the size of the community, there are many opportunities for casual meetings between neighbors, as well as for deliberate gatherings such as traditions, clubs, and business meetings. Encouraging the creation of co-housing developments should begin with a review of the master plan and land use regulations to ensure they are permitted in Jackson. After that it may simply be an educational campaign that invites residents, property owners and developers to learn more about this model and visit nearby examples for inspiration.

Examples of Co-housing include:

Nubanusit Neighborhood and Farm in Peterborough, NH: The LEED condominium homes in this development are environmentally designed, quality built, and super energy-efficient. The homes are clustered along pedestrian ways adjacent to the farm fields and near the Nubanusit Brook. The neighborhood shares 113 acres of farm land, fields and woodlands with trails, a pond, and nearly a mile of riverfront. The residents contract with Farmer John's Plot, who operates a CSA (Community Supported Agriculture) farm on the land. More information is available at <http://www.nhcohousing.com/>



*Picture Above: Nubanusit Neighborhood and Farm*

Cobb Hill, Hartland, Vermont: Located in the Upper Valley region of the Connecticut River valley this cohousing community was formed through the purchase of two adjoining former dairy farms creating a total of 280 acres. The land includes barns and a silo, 15 acres of prime agricultural land, high pastures, a large regenerating forest (including a 1000-maple sugarbush), and a small stream and pond. Currently the neighborhood houses twenty three families including around 65 people, with a span of seventy years between the youngest and the oldest. The units include 3 apartments, 6 duplexes, and 8 single homes. The homes are clustered on four acres above the community building and all of the units are on a shared district heating system. More information is available at: <http://www.cobbbill.org/>



*Picture Above: Cobb Hill Co-Housing*

### **Village Scale Housing Initiatives:**

Smart Growth Vermont developed the Vermont Neighborhoods Project as a practical response to the housing-related challenges faced by Vermont communities like Shoreham, Middlebury, and Vergennes. Shoreham expected a 40 percent increase in demand for housing by the year 2025, and its residents wanted to ensure that new growth was consistent with the character of their rural town and its compact village center. Middlebury and Vergennes were facing a similar rate of growth and wanted to protect and reinforce the compact character of their traditional neighborhoods. Smart Growth Vermont proposed the Vermont Neighborhoods Project as a series of design charrettes that brought together a wide range of stakeholders in each community,



with the goal of creating a site-specific concept plan for a new neighborhood in each community that met housing demand while preserving community character. All three communities share a desire to locate new residential construction in and around existing built up areas, with the goal of reinforcing their existing community centers while reducing the cost of housing.

More on this initiative can be found at:

<http://vnrc.org/resources/community-planning-toolbox/case-studies/design-charrette-vermont-neighborhoods-project/>



*Picture Above: Image created from VNRC design charrette for a site in Middlebury*

### **Donated Land:**

The donation of land and buildings for affordable housing development, or their sale at below-market value, helps reduce the development cost and is one of the most valuable contributions a municipality or private property owner can make to help ensure the availability of affordable housing in the community. Land contributions for the development of affordable housing are valuable assets, especially in high cost areas. In communities across New Hampshire, residents, businesses, institutions, and others have donated sites for the construction of affordable housing. In some cases only a house is donated, with the stipulation that it be moved to another site. Many donated sites are only suitable for single units, but can occasionally accommodate more ambitious developments.

Most communities have resources that could be made available for affordable housing, and when a municipality or private owner provides a site, the municipality has greater control over what is built, where (on the site), and by whom. A list of publicly-owned properties is available from your local tax assessor's office. If the municipality owns the property, it can make it available at no cost, or low cost, for low- or moderate-income housing units. If another government entity, such as the State of New Hampshire, owns suitable property in the community, local officials should spearhead efforts to acquire the property at a favorable price. Some churches and nonprofit organizations are also interested in donating property and/or developing affordable housing for their constituents, or the general public.

Sometimes a donor will step forward in response to local media coverage about the lack of affordable housing in the community, or the efforts of a group working to address the issue. Opportunities exist everywhere, but you need to plant the idea. The housing sponsors that have been most successful at obtaining donated sites are those that have mastered the art of outreach and communication. Donations also create an opportunity for federal tax deductions for the donors, and it is important to share this information with the community. Occasionally, surplus



land can represent a major development opportunity for a community, as in the case of properties that had been held by the community for future municipal buildings or schools, but are no longer needed for that purpose. In such cases affordable housing will probably be just one of many, sometimes competing, reuse options. More often, though, available sites are much smaller, and residential reuse is the obvious choice. Many communities have contributed in this piecemeal fashion to create new housing units.

#### Proctorsville, VT Green Housing Project:

The \$3.7 million Proctorsville Green Housing project was successfully completed in February, 2008 and incorporates rental, homeownership and village commercial development into a single project. The project grew from the Town of Cavendish's concern that rental units in the community were being converted to vacation use, primarily to serve Okemo Mountain skiers.

Sixteen permanently affordable rental apartments and four new homeownership townhouses were created in three separate locations. Two new units of rental housing and four new condominium units were built on land donated by the Town of Cavendish next to the existing Freeman House. The Pollard Block houses eight apartments and two commercial spaces, and four new townhouses were built for purchase.

<http://www.housingdata.org/find-rental-housing/DOARH-property-list/property-detail/proctorsville-green-housing>



*Picture Above: Proctorsville VT Housing Project*

#### **Purchase of Units for Resale with Restrictions:**

Another technique for increasing the housing inventory and home ownership opportunities for low- and moderate-income households is to combine home resale price restrictions with buyer income qualification. For instance, a non-profit organization may purchase the least expensive home on the market in a community, renovate it, and sell it at a price below fair market value. This type of sale typically includes deed restrictions that limit the resale price and prevent windfall profits. In some cases, the property seller can be convinced to choose this course by the positive implications of helping to maintain the supply of affordable housing units for local families and seniors, and the added tax benefit of selling to a non-profit organization. Ensuring the long-term affordability of housing created, or acquired, with public resources is a crucial component of this technique. Since enactment of the New Hampshire Workforce Housing Law, a

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number of communities have explored variations of long-term affordability restrictions in new housing, but it can be an administrative challenge for smaller municipalities, however, resources are available to assist communities with this work.

Meeting the Workforce Housing Challenge:

This municipal guidebook created by New Hampshire Housing in 2010 contains several models of long-term affordability restrictions, including one developed by New Hampshire Housing that seeks to balance the interests of developers, homeowners, lenders and communities. The guidebook is available at:

[http://www.planportsmouth.com/housing/New-Hampshire-and-region/Meeting%20the%20Workforce%20Housing%20Challenge%20\(2010\).pdf](http://www.planportsmouth.com/housing/New-Hampshire-and-region/Meeting%20the%20Workforce%20Housing%20Challenge%20(2010).pdf)