



OFFICE OF
SELECTMEN

The Town Of Newington New Hampshire

Established 1713

Newington Planning Board
205 Nimble Hill Road
Newington, NH 03801

March 4, 2020

Re: Proposed Workforce Housing Ordinance

Dear Planning Board Members:

We are writing regarding the proposed workforce housing ordinance. As you know, the selectmen strongly support the creation of affordable, workforce housing in the Town of Newington. Such housing is essential for our teachers, police officers, fire fighters, young professionals and tradesmen, among others. We want to thank the planning board for all of its hard work in crafting the proposed workforce housing ordinance and its recognition of the town's obligation to provide its fair share of affordable housing.

However, the selectmen do have some concerns about the messaging that has been used regarding the proposed ordinance, as well as some aspects of the proposed ordinance itself. First, we think it is important for everyone to be aware that even if this ordinance does not pass, the State of New Hampshire is not going to take any action against the town on the basis that its zoning ordinance does not address workforce housing. The only entity that could have the authority to bring such a lawsuit is the Attorney General, and there is nothing in the statute that allows such an action. That is not to say that a developer who seeks to construct affordable housing could not sue the town; it could, and if it were to prevail, the court could award a "builders remedy" of just approving the proposed development.

Additionally, regardless of whether this proposed ordinance passes, the town will have other opportunities to pass or amend the ordinance. Not only can we do this at any annual meeting, the selectmen are also empowered to call a special town meeting to consider a zoning amendment. But before any entity puts any additional work into this or any other amendment, we think it is important to determine whether the town is currently meeting its obligation to provide for affordable housing. Therefore, we encourage the planning board to engage a professional to undertake a study to review the town's current housing stock, including ADUs, which may qualify as workforce housing if they meet the statutory requirements for affordability.

The selectmen also encourage the planning board to seek an independent legal review of the ordinance it has proposed. While we believe the proposal is a good start, we believe it has some flaws, including the fact that the workforce housing overlay district is located outside of the residential district. The selectmen hope to work with you and be part of the process to review and strengthen the proposed ordinance. As you know, this is an important issue, which will have a long-lasting impact on the town, from both a planning and fiscal viewpoint.

Sincerely,



Martha S. Roy,
Town Administrator
on behalf of the Board of Selectmen