

ARTICLE 16-A

WORKFORCE HOUSING

(Adopted 05/11/10)

This ordinance is adopted as an Innovative Land Use Control under RSA 674:21.

A. Authority

This Article is adopted under Authority granted pursuant to RSA 674:16 entitled Grant of Power; and RSA 674:21 entitled Innovative Land Use Controls. In administering this Innovative Land Use Control Ordinance, the Planning Board shall enjoy the Authority to grant Conditional Use Permits if and when a Workforce Housing proponent is able to demonstrate to the satisfaction of the Board that the granting of such Permits is in the public interest and serves to achieve an outcome consistent with the stated Purpose of this Article. Any appeal of a decision made by the Planning Board in administering this Innovative Land Use Control Ordinance shall be made to Superior Court pursuant to the provisions of RSA 676:5, III; RSA 677:15; and when applicable, RSA 674:61.

B. Purpose

The Purpose of this Article is to assist the Planning Board in implementing certain recommendations pertaining to Affordable housing specified in Chapter 5 of the 2004 Master Plan. The Planning Board recognizes that while the Zoning Ordinance affords significant opportunities for the development of a diverse variety of housing, including Affordable housing, this Workforce Housing ordinance has been adopted for the Purpose of ensuring Reasonable and Realistic Opportunities for the Development of economically viable Workforce Housing, sufficient to satisfy the municipality's obligations under RSA 674:59, I exist within the Town of Hooksett.

C. Definitions of Words & Terms

1. Affordable: Pursuant to RSA 674:58, I means housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed 30-percent of a household's gross annual income.
2. Multi-family Housing: Pursuant to RSA 674:58, II for the purpose of workforce housing developments, means a building or structure containing five or more dwelling units, each designed for occupancy by an individual household.
3. Reasonable and Realistic Opportunities for the Development of Workforce Housing: Pursuant to RSA 674:58, III means opportunities to develop economically viable workforce housing within the framework of Hooksett's ordinances and regulations adopted pursuant to Chapter 674 of the New Hampshire RSA's and consistent with RSA 672:1, III-e. The collective impact of all such ordinances and regulations on a proposal for the development of Workforce Housing shall be considered in determining whether opportunities for the development of Workforce Housing are reasonable and realistic.

4. Workforce Housing: Pursuant to RSA 674:58, IV, means housing which is intended for sale and which is affordable to a household with an income of no more than 100-percent of the median income for a 4-person household for the Merrimack County, New Hampshire Fair Market Rent Area, as published annually by the U.S. Department of Housing and Urban Development. Workforce Housing also means rental housing, which is affordable to a household with an income of no more than 60-percent of the median income for a 3-person household for the same area. Housing developments that exclude minor children from more than 20-percent of the dwelling units, or in which more than 50-percent of the dwelling units have fewer than two bedrooms, shall not constitute Workforce Housing for the purposes of this Ordinance.

D. Applicability

1. The provisions of this Article shall have applicability in the following Districts: High Density Residential District; Medium Density Residential District; Urban Residential District; Mixed Use District – 2; and Mixed Use District – 5.
2. Special benefits which may be afforded under this Article are available to proponents of Workforce Housing developments within each of those Districts specified in Paragraph D.1 above, provided: the type and style of Workforce Housing proposed is otherwise permitted by right in the District; and the Planning Board grants a Conditional Use Permit pursuant to the authority of this Article. In the case of Workforce Housing development proposals which neither request nor require special benefits potentially afforded under the provisions of this Article, a Conditional Use Permit application shall not be necessary.
3. If and when the Planning Board finds certain dimensional standards or administrative provisions of any Article of the Zoning Ordinance compromise or unduly frustrate the development of economically viable Workforce Housing, the Board may, if it deems appropriate and consistent with the stated Purpose of this Article, grant a Conditional Use Permit, which shall have the affect of relaxing or modifying certain dimensional standards or administrative provisions of the Zoning Ordinance to the extent the Board deems necessary to ensure Reasonable and Realistic Opportunities for the Development of Workforce Housing are afforded.
4. The Board's authority to grant Conditional Use Permits under this Article shall be limited to dimensional standards and administrative provisions of the Zoning Ordinance. No Conditional Use Permit granted under the authority of this Article shall have the affect of relaxing or modifying any provision of the Zoning Ordinance regulating the use of land.
5. If the Planning Board finds the ordinances and regulations of the Town of Hooksett make feasible the development of sufficient Workforce Housing to satisfy the Town's obligation under RSA 674:59, and such development is not unduly inhibited by natural features, the Town shall not be in violation of its obligation under RSA 674:59 by virtue of economic conditions beyond the Town's control that may affect the economic viability of Workforce Housing development. In such instances, the Board may decline to grant a Conditional Use Permit pursuant to the authority of this Article.

E. Conditional Use Permit Standards

Prior to the Planning Board issuing a Conditional Use Permit under this Article, an applicant for such Permit shall demonstrate to the satisfaction of the Board that:

1. The Workforce Housing proposal in question is not and cannot otherwise be modified so as to be made economically viable without the specific relief sought; and
2. The lack of economic viability of the Workforce Housing proposal is not the result of economic conditions beyond the control of the Town; and
3. The Workforce Housing proposal in question will be made economically viable should the relief sought be provided; and
4. The Workforce Housing proposal in question is needed in order to assist the Town in satisfying its obligations under RSA 674:59; and
5. Appropriate controls will be provided in order to ensure that each dwelling unit developed as a direct result of the granting of a Conditional Use Permit under authority of this Article will remain Affordable for a period of not less than 30-years.

F. Workforce Housing – Land Use Permit Application Procedures

The provisions of RSA 674:60, entitled Procedure, shall have applicability in the case of any land use application submitted to the Hooksett Planning Board for approval; and for which the applicant has filed a written statement of intent indicating that such application is intended to qualify as Workforce Housing as defined under RSA 674:58, IV and this Article.

G. Workforce Housing – Appeal Procedures

The provisions of RSA 674:61, entitled Appeals, shall have applicability in cases involving any applicant who, prior to the time of application acceptance by the Planning Board, had properly filed a written statement of intent, pursuant to RSA 674:60 indicating that such application was intended to qualify as Workforce Housing as defined by RSA 674:58, IV; and whose application to develop Workforce Housing is ultimately denied or approved with conditions or restrictions alleged to have a substantial adverse effect on the viability of said development.

(End Article 16-A)

