

DIOCESE OF MANCHESTER

January 28, 2020

Senator Martha Hennessey, Chair
and Members, Senate Judiciary Committee
Room 100, State House
Concord, NH 03301

Re: SB 735 (Repeal of Housing Appeals Board)

Dear Senators:

As Director of the Office of Public Policy of the Roman Catholic Diocese of Manchester, I want to register our opposition to SB 735, a bill to repeal the Housing Appeals Board. We think that this newly-created Appeals Board will assist in opening the way to the construction of much-needed additional housing units in New Hampshire, and especially housing designed for people on the lower end of the economic scale.

As you know, although the Board was established in the budget trailer bill, it originally was the subject of a bipartisan piece of legislation filed earlier last year. The reason the Board was established was to provide a forum for swifter resolutions of appeals of local land use decisions than the superior court process has been able to furnish.

The use of an administrative body with adjudicative powers to provide a speedier and perhaps less costly means of review is a tried and true mechanism in New Hampshire (the legislature having created bodies such as the Board of Tax and Land Appeals and the Compensation Appeals Board, for instance). Like those other bodies, the Housing Appeals Board is tasked simply with applying the laws as they exist. Thus, from the perspective of the parties that will appear before the Board, the only difference between a court appeal and a Board appeal (aside from the fact that administrative hearings generally are regarded as being simpler and less costly than court processes) should be the speed with which the Board will be able to render its decisions.

A central and laudable purpose of why the Housing Appeals Board was created obviously was in order to advance the purposes of the original workforce housing legislation in 2008 (which became law as Chapter 299 that year). That bill, as enacted, included a statement of intent that is worth revisiting here:

- I. *The State of New Hampshire is experiencing a shortage of housing that is affordable to working households. This housing shortage poses a threat to the state's economic growth, presents a barrier to the expansion of the state's labor force, undermines state efforts to foster a productive and self-reliant workforce, and adversely affects the ability of many communities to host new businesses.*

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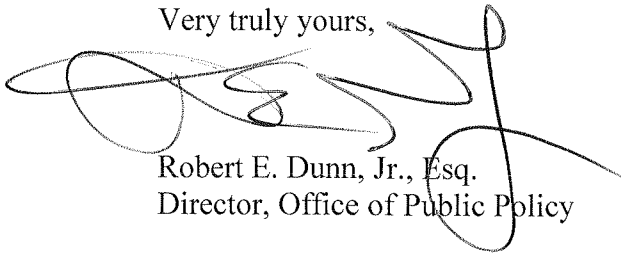
II. Achieving a balanced supply of housing, which requires increasing the supply of workforce housing, serves a statewide public interest, and constitutes an urgent and compelling public policy goal.

I would note that among the segments of the workforce most likely to be affected by an affordable housing shortage are lower paid healthcare workers who serve as the backbone of our long term care system. New Hampshire's population is already the third-oldest in the country, and at a time of historically low unemployment this state already has a difficult time attracting and retaining the workers who fill the generally lower-paying Medicaid jobs that provide the bulk of the health care for our rapidly aging population (as you may recall, this particular aspect of the workforce crisis was recognized by the legislature in the passage of a rate increase for Medicaid providers in the 2019 budget).

Thus, we respectfully ask that you recommend ITL on HB 735.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert E. Dunn, Jr.', written over a printed name and title.

Robert E. Dunn, Jr., Esq.
Director, Office of Public Policy