

Date: December 13, 2022

To: Durham Planning Board

From: Marti Mulhern, 91 Bagdad Road, Durham

Re: Proposed Housing Amendments

Dear Planning Board Members,

I want to thank the Housing Task Force members for their extensive time and effort in creating an expansive, and much needed, proposal of changes to our current zoning laws. The adoption of the proposed housing amendments will allow our community to grow and innovate without arbitrary restrictions. Steve Jobs described innovation as the ability to see change as an opportunity – not a threat and I think it is time for Durham residents to embrace this opportunity.

At the Planning Board meeting on November 30, 2022 several community members spoke in opposition to the “massive changes” in the proposed housing amendments and suggested the Housing Task Force keep working on the proposal for months, or years, before moving it to the Town Council. These statements are clearly delay tactics and there are no studies, further research or additional experts that will change this line of thinking. Furthermore, the act of delaying discussions and a decision is a strategy in itself. Public hearings are intended to be a time for members of the public to share their thoughts and concerns. However, in the four years that I have been attending meetings I have seen a small group of people speak on a regular basis, typically in opposition to whatever project is being proposed. Yes, they have a right to speak but they are not close to being representative of the larger community. National research conducted by Einstein, Glick and Palmer found that, “individuals who participate in community meetings (“neighborhood defenders”) – differ starkly from the broader population. They are older, whiter, longtime residents, and more likely to be homeowners. They overwhelmingly oppose the development of new housing, with only 15 percent of meeting attendees showing up to support proposed housing projects.” Unfortunately, for a variety of reasons, residents who support a proposal are much less likely to show up to speak or to even write a letter. Research has shown that there are 2 or 3 housing advocates for each “neighborhood defender.”

At the November 30<sup>th</sup> Planning Board meeting several homeowners referenced their belief that Durham should stick to goals outlined in the 2015 Master Plan, which was created pre-pandemic when the median Durham home value hovered around \$300,000. I looked through the plan and found the following statement in the Diversity section, “Encouraging higher density multi-family housing that is not student targeted is another tool that could be utilized strategically to allow more medium income individuals the option of living in Durham.” With so little undeveloped land in Durham higher density is in fact the only way to encourage growth. Many residents have mentioned preserving the environment and the open space and

increasing density is the best option to achieve both. The Environmental Protection Agency endorses dense, transit-oriented developments as critical to reducing the roughly 16 percent of U.S. greenhouse gases that come from cars and light duty trucks. (EPA 2017) It suggests that this type of planning has, “important consequences for the environment, including air and water quality, climate change and open space preservation.”

Durham, like many towns and cities across America has a lot of zoning laws. There are different rules for different zones but they all have restrictions that limit housing density such as minimum lot sizes, height limits, setbacks, and minimum parking requirements, which effectively reduce the supply of housing. When the supply of housing is unable to keep up with demand, prices go up. Durham homeowners have benefitted greatly from rising prices. Over the past ten years the Strafford County median home price doubled from 2012-2021. According to NH Realtors November [Local Market Update](#), the median sales price of a Durham home through November of 2021 was \$532,450. The year to date number through November of 2022 has ballooned to \$609,950, which is nearly \$200,000 more than the statewide median sales price. Those that suggest we need studies, research or experts to help us determine how much additional housing we need are wasting time and it is time we don't have. The market has spoken and we need a lot more homes now.

#### Quick Thoughts:

1. We need to make zoning decisions quickly or someone else will make them for us. State level land use regulation bills are being proposed and passed all across the country, including in NH. The state of NH is short 20,000-30,000 housing units and each community has an obligation to meet demand.
2. It is unclear to me why duplexes and triplexes are being proposed with conditional use. This requirement should be eliminated in order to avoid expensive soft costs and undue burden on the Planning Board. We need to have uniformity in our laws and not allow some units to be built because no one opposes them and others to spend months, or years in the permitting process because of neighbor opposition. The only way to ever achieve middle income housing is to keep the costs down by streamlining the process.
3. Higher density does equal lower housing costs per unit. It's simple math and time spent debating this topic is wasted time.

Professor David Schleicher of Yale Law School recently wrote, “In both economic and legal scholarship, a broad consensus has formed that zoning and other land use laws and regulations in our richest and most productive regions have become too strict. Land use laws, in both suburbs and downtowns, have made it too hard to build housing in the areas with the most demand, leading to high prices and excluding many possible migrants. The lack of housing growth in our richest regions has created huge economic losses, as workers cannot move to the regions where they would earn the highest wages, and excessively high prices for renters and home buyers in these areas. Local land use regulations that limit housing growth also contribute substantially to economic inequality, racial and economic segregation, homelessness, and greenhouse gas emissions - in the presence of high demand, excessive land use regulations result in high housing costs, causing huge rent burdens, homelessness, and economic inequality through capital appreciation for homeowners.”

Merriam Webster *exclusionary zoning*: a residential zoning plan whose requirements have the effect of excluding low income residents.

I like to believe we are better than this.

Thank you,  
Marti Mulhern