



STATE OF NEW HAMPSHIRE

HOUSE OF REPRESENTATIVES

August 26, 2026

Dear Commissioners:

I am writing to express serious concern regarding the County Commissioners' consideration of an "affordable" housing development on county-owned property. Before this proposal proceeds any further, the Commissioners should publicly identify the statutory authority under which the County would participate and clearly explain the proposed legal, financial, and real-estate arrangement.

New Hampshire counties operate under limited authority granted by the State Legislature. Under RSA Chapter 28, the County Commissioners' primary responsibilities include oversight of county property and facilities, county finances, corrections, long-term care, and other specifically authorized county functions. New Hampshire's housing and land-use statutes generally place zoning, planning, and workforce-housing responsibilities with municipalities under RSA Chapters 672 through 677. Municipal housing authorities are established under RSA Chapter 203, while statewide affordable-housing financing and programs are administered by the New Hampshire Housing Finance Authority under RSA Chapter 204-C.

RSA 28:7 provides that, when authorized by the County Convention, the Commissioners may purchase real estate required for county correctional facilities, county farms, or "other county uses." The same statute requires Convention authorization for the sale of county real estate and for the construction, enlargement, or repair of county buildings costing more than \$25,000.

Similarly, RSA 24:13 places important authority with the County Convention, including the power to appropriate county funds, authorize the purchase of real estate for county use, authorize the sale or conveyance of county real estate, and approve qualifying county construction projects. The Commissioners therefore cannot unilaterally commit county land or county funds to a housing development that requires Convention authorization or appropriation.

RSA 28:6-a also allows the Commissioners to contract professional real-estate services involving the sale or lease of county property. Because the publicly reported proposal may contemplate leasing county land to a private or nonprofit developer rather than having the County construct and operate the housing itself, the Commissioners should disclose precisely what type of transaction is being considered. The public cannot properly evaluate the proposal without knowing whether it involves a sale, long-term lease, development agreement, public-private partnership, appropriation, infrastructure commitment, tax-supported expenditure, or some other use of county resources.

These statutes may permit the Commissioners to gather information, evaluate county property, receive proposals, and make recommendations to the County Convention. They do not, however, establish a general county mandate to develop, finance, promote, or manage residential housing. Nor do they permit the Commissioners to bypass the County Convention, municipal land-use requirements, or other approvals that may be required.

Accordingly, before the County devotes additional public resources to this proposal, I respectfully request that the Commissioners:

1. Identify the specific statutory authority supporting the County's proposed participation in an affordable-housing development;
2. Disclose whether the proposal involves the sale, lease, conveyance, development, or other disposition or use of county-owned land;
3. Identify any county funds, staff time, grants, infrastructure, borrowing, guarantees, tax benefits, or other public resources already expended or contemplated;
4. Explain what authorization or appropriation will be required from the Strafford County Convention;
5. Explain what zoning, planning, subdivision, site-plan, or other approvals will be required from the City of Dover;
6. Release any conceptual plans, site drawings, renderings, feasibility studies, communications with potential developers, and other materials already created or received concerning the proposal; and
7. Obtain and release a written legal opinion addressing the respective authorities of the County Commissioners, the County Convention, and the City of Dover before taking further action.

This request is not based on whether affordable housing is a worthy public-policy objective. It concerns whether Strafford County is acting within its lawful authority, whether the appropriate elected bodies are involved, and whether the public is receiving complete information before county land or resources are committed.

The County already carries substantial statutory and financial responsibilities involving corrections, long-term care, county facilities, public safety, and other essential services. Any proposed expansion into residential development demands careful legal review, full financial disclosure, meaningful public discussion, and all required Convention and municipal approvals.

Until those questions have been answered publicly and the County's legal authority has been clearly established, I respectfully urge the Commissioners not to make any commitment involving county land, county funds, or other county resources for this proposed housing development.

Thank you for your attention to this matter.

Strafford County Delegation Executive Committee Republicans:

Representative Susan G. DeRoy

Representative Glenn Bailey

Representative Claudine R. Burnham

Representative Michael Harrington

Representative Thomas L. Kaczynski, Jr.

Representative Kelley L. Potenza