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**STRAFFORD COUNTY
COMMISSIONERS**
WILLIAM A. GRIMES
Justice and Administration Building
259 County Farm Road, Suite 204
Dover, New Hampshire 03820
Telephone: 603-742-1458
Fax: 603-743-4407



MEMORANDUM

TO: Strafford County Legislative Delegation

FROM: Strafford County Commissioners

DATE: September 4, 2026

SUBJECT: Response to Letter from Representatives Potenza, DeRoy, Bailey, Burnham, Harrington, and Kaczynski

We have reviewed your letter dated August 26, 2026. Ironically some of the answers to your questions such as delegation approval (4), and conceptual plans (6) have been publically discussed at County Commissioners meeting on August 6th, August 20th, and August 27th, and are available for your viewing on You Tube and easily accessible through the Strafford County website under “Strafford County Meeting Videos.”

If or when you view the commissioners’ meetings, then you are viewing an evolution of an idea week by week with the full intention of seeking delegation approval as the plan idea progresses.

Let us take a minute to educate you in legislation that passed in this last session of the legislature which started as HB 572-FN. Titled “Partners in housing” the bill was authored with the purpose of making land available for workforce housing by “reducing costs and accelerating housing production by identifying municipal and county-owned land suitable for developing, and expediting the planning board review process.” (language taken out of the committee report) The bill passed the Committee 16-0 and the House by a voice vote and is now RSA 141:212 (see attached). The legislation actually encourages state funding to support this process.

Some of the questions you have asked are premature in the process we are undertaking, but the answers will be available as the project progresses.

The irony is not lost on us that many of you voiced concerns that we did not fully disclose our nursing home plans for the replacement of Riverside in a timely manner (we disagreed). However, in recognition of this we have made the idea for the possible development of County land for affordable housing available week by week at public meetings and now you are voicing requests for answers to questions that we have yet to consider in the process.

We would encourage you to watch, call in, or even attend our public meetings as pertinent items appear on the addenda and get the answers first hand.

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141:207 Repeal. The following are repealed:

I. 2022, 250:5, relative to the right-to-know ombudsman.

II. 2022, 250:6, relative to repealing certain provisions relative to the right-to-know ombudsman.

III. 2022, 250:7, relative to the effective date of the repeal of certain provisions of the right-to-know ombudsman.

141:208 Effective Date. Section 207 of this act shall take effect June 30, 2025.

141:209 Town Property; Authority of Select Board. Amend RSA 41:11-a to read as follows:

41:11-a Town Property.

I. The ~~[selectmen]~~ **select board** shall have authority to manage all real property owned by the town and to regulate its use, unless such management and regulation is delegated to other public officers by vote of the town, or is governed by other statutes, including but not limited to RSA 31:112, RSA 35-B, RSA 36-A:4, and RSA 202-A:6.

II. The authority under paragraph I shall include the power to rent or lease such property during periods not needed for public use, provided, however, that any rental or lease agreement for a period of more than one year shall not be valid unless ratified by vote of the town.

III. Notwithstanding paragraph II, the legislative body may vote to ~~[authorize the board of selectmen]~~ **grant the select board the authority** to rent or lease any municipal property for a term of up to 5 years ~~[without further vote or ratification of the town]~~. Once adopted, this authority shall remain in effect until specifically rescinded by the legislative body at any duly warned meeting, ~~[provided that the term of any lease entered into prior to the rescission shall remain in effect]~~ **however, such rescission shall not terminate any existing leases.**

IV. The governing body may choose to send to the planning board a list of real property owned by the town and managed by the select board that is in their judgment appropriate for development for residential use. No property acquired under tax deed pursuant to RSA 80 shall be added to this list.

141:210 New Paragraph; Duties of the Planning Board. Amend RSA 674:1 by inserting after paragraph VI the following new paragraph:

VII. The planning board may vote to designate any property recommended to it as appropriate for development as a residential use by the select board pursuant to RSA 41:11-a, IV, as appropriate for development for residential use and forward a description of said property to the office of planning and development pursuant to RSA 12-O:55, VIII.

141:211 New Paragraph; Data and Information Services; Descriptions of Property to be Compiled. Amend RSA 12-O:55 by inserting after paragraph VII the following new paragraph:

VIII. Pursuant to RSA 674:1, VII, compile descriptions of municipally and county-owned property determined to be appropriate for residential development by the select board as a residential use into a publicly available list of properties available for grant or loan funding pursuant to RSA 12-O:72-a.

141:212 New Section; Partners in Housing Program. Amend RSA 12-O by inserting after section 72 the following new section:

12-O:72-a Partners in Housing Program. The department shall establish a program, known as the partners in housing program, for the purpose of building workforce housing. Properties identified on the

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list created pursuant to RSA 674:1, VII shall be given priority for program funding. Available funding may be made by the department to housing developers to whom a municipality or county, pursuant to RSA 28:8-c, transfers ownership of the municipally or county-owned property for the purpose of residential development where at least 20 percent of the housing units to be developed will be affordable for a period of at least 20 years. The department shall adopt rules pursuant to RSA 541-A to implement the provisions of this section no later than December 1, 2026.

141:213 New Paragraphs; Power to Review Site Plans. Amend RSA 674:43 by inserting after paragraph V the following new paragraphs:

VI. If the planning board has submitted a property description to the office of planning and development, then the local governing body may further vote to authorize that properties in the municipality on the list generated pursuant to RSA 12-O:55, VIII qualify for expedited review and approval pursuant to RSA 676:4, III.

VII. If the local legislative body of a municipality has by ordinance or resolution authorized minor site plan review pursuant to RSA 674:43, III, then all solely residential development projects proposing to construct workforce housing, as defined in RSA 674:58, IV, that are included on the list generated pursuant to RSA 12-O:55, VIII, may also qualify for expedited review and approval pursuant to RSA 676:4, III.

VIII. The local legislative body of a municipality may by ordinance or resolution adopt pattern zoning regulations to accelerate the construction of infill housing in neighborhoods. To meet the definition of infill housing, projects must be new residential development constructed on vacant lots interspersed among lots with existing, non-vacant development. Pattern zoning provides permit-ready designs with appropriate zoning and regulations to speed the process of building high quality infill housing that is compatible with existing homes in the neighborhood.

141:214 Housing Champion Designation and Grant Program Fund; Compilation of Property. Amend RSA 12-O:74 to read as follows:

12-O:74 New Hampshire Housing Champion Designation and Grant Program Fund. There is hereby established in the state treasury the New Hampshire housing champion designation and grant program fund, for the purpose of funding the grant programs established in RSA 12-O:72 and[;] RSA 12-O:73, **and the compilation of municipally and county-owned property determined to be appropriate for residential development pursuant to RSA 12-O:72-a and 674:1, VII.** The fund shall be non-lapsing and shall be continually appropriated to the department.

141:215 Effective Date. Sections 209 through 214 of this act shall take effect June 30, 2025.

141:216 Adequate Representation for Indigent Defendants in Criminal Cases; Appointment of Counsel. Amend RSA 604-A:2, I to read as follows:

I. In every criminal case in which the defendant is charged with a felony or a class A misdemeanor and appears without counsel, the court before which he or she appears shall advise the defendant that he or she has a right to be represented by counsel and that counsel will be appointed to represent him or her if he or she is financially unable to obtain counsel. Unless the defendant waives the appointment of counsel, if the defendant indicates to the court that he or she is financially unable to obtain