

## Warner Zoning Ordinance

### Multi-Family Workforce Housing in C-1 and INT

- I. **Multi-family workforce rental housing must be perpetually affordable.** Although Warner Zoning Ordinance (WZO) XIV-A states that workforce housing for *purchase* must be affordable for at least 30 years, there is no similar standard for workforce housing for *rent*.

Therefore, in a multi-family workforce housing *rental* development the units must be affordable in perpetuity. Affordability is as defined in the WZO and in RSA 674:58, I.

- II. **Multi-family workforce housing developments must be 100% workforce housing:** As adopted originally in 2010, WZO XIV-A (“Workforce Housing: Inclusionary Housing Accommodation Incentive System”) calls for the use of a density bonus. This means that if a developer proposes a housing development under this section, they will be allowed to build more units than the zoning ordinance would otherwise allow. In exchange, at least 15% of the units must meet affordability and income-targeting requirements that qualify them as “workforce housing,” meaning that up to 85% of the units may be market-rate.

This makes sense when applied to single-family subdivisions and multi-family housing, which have standards that provide for a maximum density of development. For single-family housing, the density standard comes from the minimum lot size requirements for each zoning district. For multi-family housing, the density standard comes from minimum lot sizes in each district, plus WZO IV.K and L, which limit multi-family uses to four units per building and allow only one residential structure per lot. The C-1 district requires 40,000 s.f. of buildable area. This yields a maximum density in that district of roughly 4 units per acre for multi-family housing.

But in 2021, the WZO was amended to include a new use: multi-family *workforce* housing. Because this use is separately listed in WZO “Table 1: Use Regulations,” it must be recognized as a use that is separate and distinct from multi-family housing. The WZO does not state that a multi-family workforce housing development may be constituted by anything other than workforce housing units, meaning that the units must all be workforce housing (and hence, all units must meet the affordability and income-targeting requirements).

Furthermore, to apply the density bonus provisions of WZO XIV-A to multi-family *workforce* housing in the C-1 and INT Districts is inherently illogical. In those districts, the limitations of WZO IV.K and L do not apply to multi-family *workforce* housing, meaning that there is no density limitation for that use. Because there is no density limitation, then the density bonus is irrelevant; and by extension the requirement that only a minimum 15% of the units must be workforce housing would not apply, as that is the *quid pro quo* for the density bonus. All units must meet the definition of workforce housing in a multi-family workforce housing development.