

## **[Plan-link] RSA 79-E**

**Wed 11/2/2016 8:14 AM**

Our town adopted RSA 79-E about 5 years ago. We have approved 4 applications for tax relief for properties in our downtown area. Three of these properties were also in the historic district and all are commercial or multi-family. This action was well received and created very positive results.

My interpretation in reading the RSA and a paper by graduate students from Plymouth State University is that the properties must meet the listed qualifications and public benefits. The goal is to encourage rehabilitation and active use of an under-utilized property and promoting economic growth. The question is, would an older single family home in the downtown area but not in the historic district in dilapidated condition generally qualify for this relief? It appears the property would meet some of the criteria but it is a single family home and I am struggling with public benefit.

Any suggestions on reviewing this would be greatly appreciated.

Thank you,

Margaret Sharra  
Land Use Administrator  
Town of Winchester

**Wed 11/2/2016 8:45 AM**

Hi Margaret - as one of the people who worked on the original legislation I can tell you that it was always the intention for the municipality to identify the area to which RSA 79-E would apply, but that it generally should be associated with a "downtown" or village center, or some zoning district that might represent that. It's up to the municipality. It was never intended to be limited to historic districts.

As for public benefit, I think you only need to identify some purpose that's rationally related to it, such as improving the neighborhood, including the values of abutting properties. Specifically what is the benefit that extends beyond the boundaries of the property? This could also include increased property taxes on the subject property after the RSA 79-E relief period is over.

Ben

Benjamin D. Frost, Esq., AICP  
Director, Legal and Public Affairs  
New Hampshire Housing  
(603) 310-9361  
bfrost@nhhfa.org