



# The Real Facts

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## Overview:

This presentation is intended to educate you about the real facts surrounding the Granite State Future.

Your town may have already been approached, or will soon be, by your Regional Planning Commission about this program. However, I'm quite certain they've not told you all the facts.

The omission of facts may be totally unintentional because this program is extremely complex, and it's interwoven with any number of other planning initiatives that have crept into New Hampshire and every other state in the USA.

You can't make wise and informed decisions about planning, or any other government initiative, unless you have all the facts.

I suggest we get started.

**Tim Carter**

# What is Granite State Future?

Visit the official [Granite State Future website](#), and here's exactly what they say under the **Our Plans** section:

*“A Granite State Future will help communities integrate planning across sectors and identify, share, and replicate successful projects. Together, this collaboration will make it possible for large communities and small villages throughout the state to achieve economic vitality, and protect the natural resources, character and rural landscapes that are so important to New Hampshire.”*



## The Real Facts:

The Granite State Future initiative is the **New Hampshire version** of an umbrella program directly connected to the [Sustainable Communities Initiative](#) (SCI). The SCI is a Federal top-down program combining input from HUD, EPA, and the DOT.



# How is the Granite State Future structured?

Visit the [Collaboration](#) page at Granite State Future website and you'll see a giant list of partners. They say:

“Each [Regional Planning Commission](#) will develop its regional plan, working with a wide range of municipal officials, staff, volunteers, regional organizations and active citizen leaders as *A Granite State Future* moves forward.

Technical support and assistance is being provided to all nine RPCs by these state agencies, non-profit organizations, and academic institutions, including, but not limited to:



## The Real Facts:

The foundation of Granite State Future is the consortium of the nine New Hampshire Regional Planning Commissions. The Nashua Regional Planning Commission (NRPC) is the lead commission and issues orders and directives to the other eight commissions.

The NRPC signed a legally binding agreement with the Federal Department of Housing and Development (HUD) on February 21, 2012 that put Granite State Future in motion.

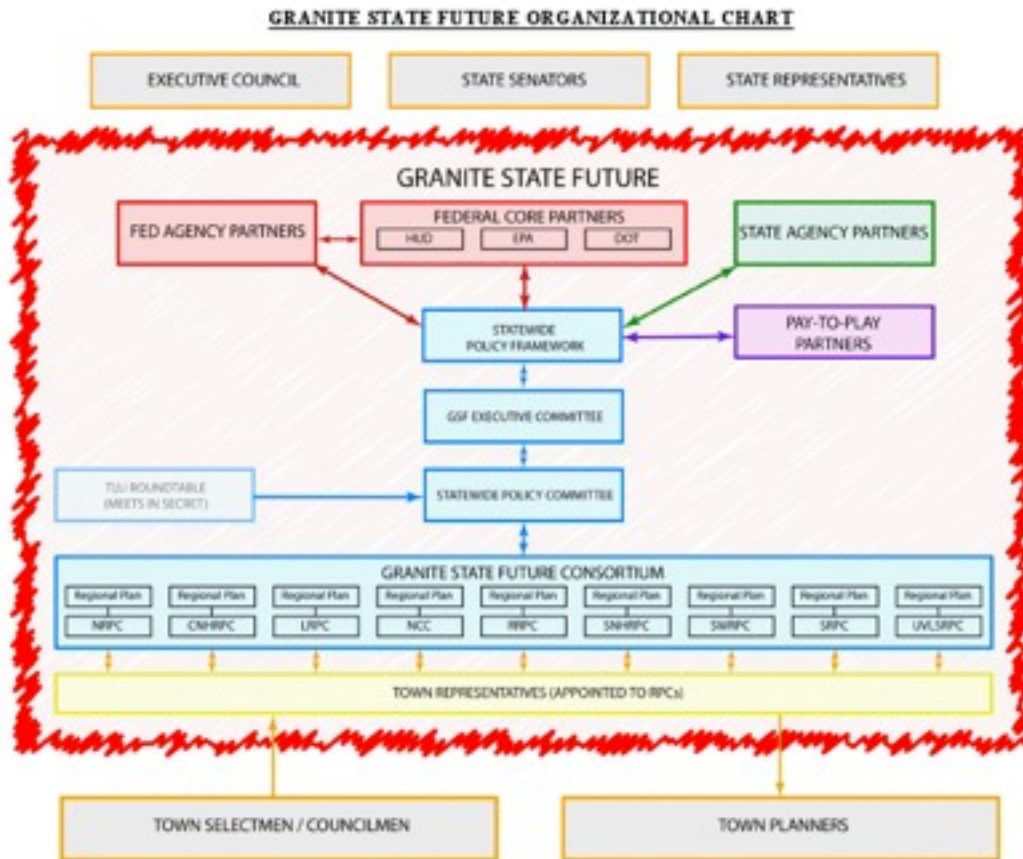
Special interest groups, called “stakeholders”, have direct input into state policy. It’s imperative to note that appointed, **not elected**, officials as well as outside special-interest groups are the primary decision makers in the Granite State Future.

New Hampshire state agencies that are staffed with unelected bureaucrats are at the core of decision making in Granite State Future as well as Pay-to-Play partners.

Study the following organizational chart to get a feel of how complex and intertwined the relationships are. The jagged red outline defines the Granite State Future.

Everyone inside the red outline has direct input into what happens with the planning in New Hampshire. Everyone outside the line is an observer and virtually powerless on the outcome.

Notice how ***all elected officials are outside of the red line*** and have **absolutely NO DIRECT VOTING POWER** on policies created by the Granite State Future.



## What's the goal of Granite State Future?

Visit the [Objectives and Timeline page](#) of the Granite State Future website, and you'll discover:

### OBJECTIVES AND TIMELINE

The objectives of this project are to:

- Protect New Hampshire's unique beauty and character.
- Identify local assets that are important to the lasting prosperity of our communities, regions and State.
- Capitalize on and incorporate shared values and opportunities included in existing plans and research.

- Plan for public infrastructure investment through an open and transparent process.
- Direct capital investments toward locally identified needs.
- Conserve our natural, social and financial resources.



## The Real Facts:

The goal of Granite State Future is to transfer local planning decisions to the Federal Government.

New Hampshire has nine Regional Planning Commissions. These Planning Commissions have signed an Agreement to cross-integrate each of their organization's policies with the policies that are developed under the program.

Here's the actual text from the Granite State Future Grant Application Narrative:

*"Each of the regional planning commission's **will integrate its Regional Plan for Sustainable Development (RPSD)** into other*

*federal and state funded initiatives, as well as, integrate the work of these other programs into the RPSD.*” - Grant Application Narrative (pg 25/27)

If you open the actual Granite State Future Agreement turning to pages 1-12, you’ll discover this:

*“Whereas, statewide partner agencies and organizations commit to participating in this cooperative effort by actively engaging in the statewide advisory committees and integrate recent findings and recommendations between their ongoing programs with those of A Granite State Future.”*

## **Our Regional or Local Planning Commission Representatives said that all of the involvement is just “Advisory Only”. Is that true?**

You’ve either heard or will hear from a Regional Planning Commission member that the role of the Federal Government is just advisory, and that there’s no harm in participating in the Granite State Future.

Visit the Granite State Future website [History and Principles](#) page and you clearly see:

*“The plans created by each regional planning commission are advisory only, ensuring that local land use decisions remain local.”*





## The Real Facts:

If the Granite State Future program is implemented, there are **mandatory Federal outcomes** that must be implemented by each town that signs on to the agreement.

The nine New Hampshire Regional Planning Commissions are the motive force behind the Granite State Future. Because they are not telling the truth about the real role of HUD in the implementation of Granite State Future, this should cause the average Selectman, Town Planner, Town Planning Board Member deep concern.

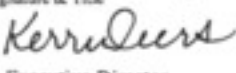

What else are the Regional Planning Commissions misrepresenting? What other facts about Granite State Future are they not telling both the people and elected officials?

These mandatory outcomes are clearly outlined in the foundational Grant Instrument, and all connected documents that are part and parcel to the ***legally binding grant instrument (HUD-1044)*** signed by the Nashua Regional Planning Commission, the lead Planning Commission.



That HUD document was signed by Ms. Kerrie Diers, the Executive Director of the Nashua Regional Planning Commission, on February 1, 2012.

Period of Performance is 36 months from February 1, 2012 to January 31, 2015.

17. <input checked="" type="checkbox"/> Recipient is required to sign and return three (3) copies of this document to the HUD Administering Office		18. <input type="checkbox"/> Recipient is not required to sign this document.	
19. Recipient (By Name) Ms. Kerrie Diers		20. HUD (By Name) Thaddeus D. Wincek	
Signature & Title  Executive Director	Date (mm/dd/yyyy) 2/1/2012	Signature & Title  Grant Officer	Date (mm/dd/yyyy) 02/01/2012

form HUD-1044 (8/90)  
ref. Handbook 2210.17

The following is a copy of part of the first page of the HUD-1044 document that clearly states the agreement is ***not advisory***:

14. Assistance Amount		15. HUD Accounting and Appropriation Data	
Previous HUD Amount	\$0.00	15a. Appropriation Number	15b. Reservation number
HUD Amount this action	\$3,369,648.00	861/30162	NHRIP0062-11
Total HUD Amount	\$3,369,648.00	Amount Previously Obligated	\$3,369,648.00
Recipient Amount	\$1,195,391.00	Obligation by this action	\$0.00
Total Instrument Amount	\$4,565,039.00	Total Obligation	\$3,369,648.00

16. Description  
Employer Identification Number: 02-0301585      Program Code: RIP

This instrument (the HUD-1044, HUD-1044 Continuation Sheet) sets forth a legally binding agreement between the parties as to all amounts, deliverables, tasks, period of performance, terms and conditions, here within, whether implicitly stated or referenced. The Recipient certifies that all administrative and financial provisions of this instrument are in and will continue to be in compliance for the duration of the period of performance. All covenants, referenced or stated, are agreed to by the recipient upon signing this instrument.

This grant instrument consists of the following, some of which are incorporated by reference:

The text under the table of numbers on the HUD-1044 Grant Instrument says:

“This instrument (the HUD-1044, HUD-1044 Continuation Sheet) sets forth a ***legally binding agreement between the parties*** as to the amounts, deliverables, tasks, period of performance, terms and conditions, here within, whether implicitly stated or referenced. The Recipient certifies that all administrative and financial provisions of

this instrument are in and will continue to be in compliance for the duration of the period of performance. All covenants referenced or stated, are agreed to by the recipient upon signing this instrument.”

The definition of “advisory” is:

“having or consisting in the power to make recommendations but ***not to take action enforcing them***”

Signing a legally binding agreement means you’re bound by whatever the document - and all of the sub-documents that are part of the agreement - say you must do.

**The Granite State Future initiative is NOT ADVISORY.**

There are MANDATORY OUTCOMES and EXPECTATIONS clearly outlined in the HUD documents that you ***must deliver***.

Your town will be required to meet and conform to new regulations as mandated by HUD.

*“The EC will seek endorsement of the plan by the NH Council on Resources and Development, **predominantly comprised of NH SCI state agency partners, which will help to ensure that state agencies institutionalize the plan and that sources of funding align with the plan.**” - GSF Detailed Scope of Work document (pg 16/16)*

## **More Facts:**

The legally binding contract between HUD and the towns that sign onto the Granite State Future says:

“HUD’s Office of Sustainable Housing and Communities **will work in partnership** with its grantees to advance the program objectives of the grant program. The Cooperative Agreement **allows for substantial involvement of HUD staff** to enhance the performance of the grantee in the completion of their deliverables.”

It further goes on to say:

“Anticipated substantial involvement by HUD staff may include, but **will not be limited to:** .....”

In other words, the contract that your town would sign is completely open ended. You have NO IDEA as to how much HUD will be involved. The below image is a copy of the actual page with the above language:

#### HUD CONTINUATION SHEET

Instrument No: NHRIP0062-11

#### 4. SUBSTANTIAL INVOLVEMENT

HUD’s Office of Sustainable Housing and Communities will work in partnership with its grantees to advance the program objectives of the grant program. The Cooperative Agreement allows for substantial involvement of HUD staff to enhance the performance of the grantee in the completion of their deliverables.

Anticipated substantial involvement by HUD staff may include, but will not be limited to:

Studies and Reports

- Review potential amendment recommendations to the study design and/or Workplan.
- Review and provide recommendations in response to semi-annual progress reports (e.g., amendments to study design based on preliminary results).
- Review and provide recommendations on the final report/study, including final interpretation of study results.

Approvals and Reviews

- Authority to halt activity if specifications or work statements are not met;
- Review and approval of one stage of work before another can begin;
- Review and approval of substantive provisions of proposed sub-grants or contracts beyond existing Federal policy;
- Approval of workplan adjustments based on changing conditions and needs documented in the cohort targeted for capacity building.

☒ Review and approval of key personnel

Participation and Monitoring

- Monitoring to permit specified kinds of direction or redirection of the work because of interrelationships with other projects;
- HUD and recipient collaboration or joint participation;
- ☒ Implementing HUD requirements which limit recipient discretion;
- Coordination of complementary activities from respective capacity building intermediaries, including determining if workplans require adjustments based on changing conditions;

☒ Where appropriate substantial, direct HUD operational involvement or participation during the assisted activity.

# What are some examples of the “mandatory outcomes” that are part of the Granite State Future?

## The Real Facts:

The foundation Grant Instrument HUD-1044 signed by the Nashua Regional Planning Commission is the master document for the Granite State Future, but it references many other HUD documents that are a part of the legally binding agreement.

One of these documents is The Notice of Funding Availability (FR-5500-N-33).

Here are **a few** of the “mandatory outcomes” HUD wants to see in all the New Hampshire towns that sign on to the Granite State Future:

- Aligned federal planning and investment resources that mirror the local and regional strategies for achieving sustainable communities.
- Increased participation and decision-making in developing and implementing a long range vision for the region by populations traditionally marginalized in public planning processes.
- Reduced social and economic disparities for the low-income, minority communities, and other disadvantaged populations within the target region.
- Decrease in per capita Vehicle Miles Traveled and transportation-related emissions for the region.
- Decrease in overall combined housing and transportation costs per household.
- Increased proportion of low and very low-income households within a 30-minute transit commute of major employment centers.
- Transformation of isolated, opportunity-poor, highly segregated areas into diverse neighborhoods that are open and accessible to good jobs, good schools and good environments.
- Increased use of compact development as a tool for regional planning.

# What's the Regional Advisory Committee?

Revisit the Granite State Future website and on the [Our Plans](#) page they hint at this powerful committee:

“Over the following months, the RPC’s will lead their communities in looking at the big picture to integrate housing, transportation, water, natural resources, economic development, cultural and historic resources, public health, climate adaptation, and energy efficiency. Through scenario planning, communities will think through desired future development patterns, and identify and prioritize place-based implementation projects that support social connections and cultural values.”



## The Real Facts:

Once again you have to dig deep into the documents that are referenced in the master HUD-1044 document.

You'll quickly discover the **Granite State Future Agreement**. In it is says:

“Each Regional Planning Commission will establish a **Regional Advisory Committee** that meets their region’s unique needs. Duties will include: conduct and facilitate the Regional Plan and outreach processes, review local information, recommend adoption of the plans to the Regional Planning Commission, prioritize implementation, participate in consensus plan process, and track progress.”

It further states:

“The Regional Advisory Committees **will include representation from municipal partners and various policy and program experts** within the region. Each Regional Planning Commission will establish a **Regional Equity Team** that is **comprised of representatives of underserved and marginalized populations** in their region that will ***ensure the voices of these populations are reflected in the Regional Plan.***”

The document defines “underserved populations”:

“The term underserved populations means groups of individuals who fall within one or more of the categories protected under the Fair Housing Act and who are:

- a. of an immigrant population (especially racial and ethnic minorities who are non-English speaking or have limited English proficiency);
- b. in rural populations;
- c. homeless;
- d. persons with disabilities (e.g. physical or mental) who can be historically documented to have been subject to discriminatory practices not having been the focus of federal, state, or local fair housing enforcement efforts;
- e. persons in areas that are heavily populated with minorities where there is inadequate protection or ability to provide service from the state or local government or private fair housing organizations, or

- f. populations that have faced generational economic disadvantage, job dislocation, or other forces that prevent them from achieving individual and family self-sufficiency.

**Who are the municipal partners?**

**Who are the program experts?**

**Do you know what the underserved population wants and what HUD will require your town to do to satisfy them?**

## **Are there anticipated barriers to the implementation of the Granite State Future?**

Go back to the [About Page](#) at the Granite State Future website and you'll read this:

“The regional Master Plans will be based upon grassroots local values and needs that together present a vision for how we can keep what we value while increasing prosperity and economic opportunity.”

That's fairly ambiguous on its face, but if you focus on “grassroots local values” it gives a clue.

## **The Real Facts:**

The New Hampshire Sustainable Communities Initiative Project Summary is part of the Granite State Future.

On the first page is the Abstract that clearly ties this document to the original HUD-1044 document signed by Kerrie Diers, the Executive Director of the Nashua Regional Planning Commission.



Part of this Summary is the Rating Factor Narrative. On page 15 of this sub-document of the HUD-1044, you'll discover:

## **Strategy to Address Barriers and Incorporate Existing Plans**

Identifying and Overcoming Barriers - One of the steps in the visioning and planning process to be used by each region will be to identify existing and potential barriers to ensuring sustainable communities and to articulate the strategies the regions will use to mitigate or overcome each barrier.

**Anticipated barriers include NH's strong tradition of individual property rights** and resultant resistance to planning and zoning;

It further states in the following paragraph:

“During the planning process the Regional Advisory Committee will identify any additional common barriers and strategies and bring these to the Sustainability Policy Committee. The Policy Committee (whose members include decision makers from the DOT, DES, OEP, etc.) will work together to identify potential statewide strategies for reducing and / or eliminating the barriers.”

There is absolutely no uncertainty in those above statements.

**Translated: Private property rights are under attack by Granite State Future.**

## **How will the Granite State Future actually be accomplished?**

If you go back to the [About Page](#) at the Granite State Future website, they say:

“The staff of New Hampshire's nine regional planning commissions (RPCs) will be working with a range of community and business leaders, state agencies, counties and municipalities, and non-profits and citizen groups to develop a productive public dialogue within each region. Supported by New Hampshire-based resources and technical support, *A Granite State Future* is designed to be a product of the people of New Hampshire in recognition that better public decisions are made when everyone affected participates in the process.”



The screenshot shows the homepage of the "A Granite State Future" website. The header features a logo with a stylized mountain and the text "GRANITE STATE FUTURE", the main title "A Granite State Future Is Your Future", a site search bar, and navigation links: "About", "Get Involved", "Regions", "Our Plans", "News", "Home", and a Facebook icon. A blue banner below the header contains a quote: "We love downtown Nashua. Great food and art!" attributed to "Hudson" with a double quote icon. To the right of the quote is a "SHARE YOUR IDEA" button with a lightbulb icon. The main content area is divided into three columns. The left column has a vertical menu with links: "About" (with sub-links "History and Principles", "Collaboration", "Objectives and Timeline"), "Get Involved", "Regions", "Our Plans", "News", and "Home". The middle column is titled "ABOUT GRANITE STATE FUTURE" and contains three paragraphs of text. The right column is titled "DOWNLOADS" and lists three links: "Frequently Asked Questions", "What is A Granite State Future? (one page summary)", "Cooperative Agreement", "Grant Application Abstract", and "Summary and Narrative".

**A Granite State Future Is Your Future**

Site Search:

About | Get Involved | Regions | Our Plans | News | Home |

“ We love downtown Nashua. Great food and art! ”  
—Hudson

**SHARE YOUR IDEA**

**About**  
History and Principles  
Collaboration  
Objectives and Timeline

**Get Involved**

**Regions**

**Our Plans**

**News**

**Home**

**ABOUT GRANITE STATE FUTURE**

**A Granite State Future** is a community-based program starting with a public dialogue about what we want for the future of our communities, our regions, and our state.

This ambitious three-year project will look at how we can improve our towns and the state: what are the options and how can we get where we want to go? It will culminate with an update of the regional plans in each of New Hampshire's **nine planning regions**. The regional Master Plans will be based upon grassroots local values and needs that together present a vision for how we can keep what we value while increasing prosperity and economic opportunity.

**A Granite State Future** is committed to engaging everyone in identifying shared interests and more effectively using limited government resources.

Throughout the state, regions and communities continually address issues such as land use, transportation, economic development, infrastructure, housing, public health, energy, and cultural, historic, and natural resources. The regional Master Plans developed under **A Granite State Future** can serve as resources to assist communities with making decisions related to these issues, and can be used during their development of local Master Plans if they wish.

The staff of New Hampshire's nine regional planning commissions (RPCs) will be working with a range of community and business leaders, state agencies, counties and municipalities, and non-profits and citizen groups to develop a productive public dialogue within each region. Supported by New Hampshire-based resources and technical support, **A Granite State Future** is designed to be a product of the people of New Hampshire in recognition that better public decisions are made when everyone affected participates in the process.

**DOWNLOADS**

**Frequently Asked Questions**

**What is A Granite State Future?**  
(one page summary)

**Cooperative Agreement**

**Grant Application Abstract**

**Summary and Narrative**

## The Real Facts:

Each town or municipality must sign a contract with their Regional Planning Commission if they want to be part of the Granite State Future.

This is an eleven-page document and on page one it clearly says:

“*Whereas*, Nashua Regional Planning Commission (NRPC) is the lead point of contact with HUD on behalf of the program and ***will assume administrative responsibility to ensure that the program is carried out in compliance with HUD requirements*** and hold fiscal responsibility for the program.”

## What happens if a town or municipality fails to satisfy HUD?

### The Real Facts:

All you have to do is refer once again to the sub-documents that are referenced in the HUD-1044.

You’ll then discover the HUD OSHC Terms and Conditions for FY 2011 NOFA.

In that document on page 13 you’ll read:

“Where HUD determines that corrective or remedial actions by the recipient have not been undertaken as instructed, or will not be effective to correct the default and to prevent further default, ***HUD may take the following additional corrective and remedial actions under this award agreement:***

1. Reduce the award in the amount affected by the default.

2. Take action against the recipient under 24 CFR Part 24 and Executive Order 12549 with respect to future HUD or Federal grant awards.
3. **Demand repayment of all award amounts.**
4. **Initiate litigation or other legal proceedings** designed to require compliance with the statute, regulations, any terms or conditions of this award agreement, or other pertinent authorities.
5. Temporarily withhold cash payments pending correction of the deficiency by the grantee or subgrantee.
6. Withhold further payments.
7. **Take any other remedial action legally available.”**

**Is your town financially prepared for the legal assault from HUD?**

**Has HUD really ever taken legal action against a town or municipality?**

## **The Real Facts:**

HUD and Westchester County in New York have tangled in a horrible legal mess.

All one has to do is read the following articles that contain countless facts about how HUD will go to any length it can to implement its wishes.

[http://southernnh912.com/sites/default/files/Astorino\\_OpEd\\_HUD\\_HL.pdf](http://southernnh912.com/sites/default/files/Astorino_OpEd_HUD_HL.pdf)

[http://southernnh912.com/sites/default/files/2\\_FY2011%20Terms%20and%20Conditions.pdf](http://southernnh912.com/sites/default/files/2_FY2011%20Terms%20and%20Conditions.pdf)

[http://southernnh912.com/sites/default/files/HousingSettlement2009\\_HL.pdf](http://southernnh912.com/sites/default/files/HousingSettlement2009_HL.pdf)

## Acknowledgments:

I wish to thank Kathy Carter for her help assembling points and facts and the tireless efforts of Ken Eyring for providing many, if not all, of the Real Facts in this presentation.

## Contact Information:

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