



Bill Text: NH SB146 | 2016 | Regular Session | Amended New Hampshire Senate Bill 146

Bill Title: Relative to accessory dwelling units.

Spectrum: Partisan Bill (Republican 1-0)

Status: (*Engrossed*) 2015-11-12 - Committee Report: Ought to Pass with Amendment #2015-2424h for Jan 6 (Vote 11-2; Regular Calendar); House Calendar 67, PG. 25-26 [SB146 Detail]

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SB 146 - AS AMENDED BY THE HOUSE

03/12/2015 0740s
03/12/2015 0832s
7Jan2016... 2424h

2015 SESSION

15-0314
03/05

SENATE BILL **146**

AN ACT relative to accessory dwelling units.

SPONSORS: Sen. Boutin, Dist 16; Sen. Cataldo, Dist 6; Sen. Feltes, Dist 15; Sen. Fuller Clark, Dist 21; Sen. Little, Dist 8; Sen. Reagan, Dist 17; Sen. Watters, Dist 4; Rep. Hunt, Ches 11; Rep. Matthews, Rock 3

COMMITTEE: Public and Municipal Affairs

ANALYSIS

This bill establishes requirements for local regulation of accessory dwelling units.

Explanation: Matter added to current law appears in *bold italics*.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to accessory dwelling units.

1 Findings. The general court declares that:

- I. There is a growing need for more diverse affordable housing opportunities for the citizens of New Hampshire.
- II. Demographic trends are producing more households where adult children wish to give care and support to parents in a semi-independent living arrangement.
- III. Elderly and disabled citizens are in need of independent living space for caregivers.
- IV. There are many important societal benefits associated with the creation of accessory dwelling units, including:
 - (a) Increasing the supply of affordable housing without the need for more infrastructure or further land development.
 - (b) Benefits for aging homeowners, single parents, recent college graduates who are saddled with significant student loan debt, caregivers, and disabled persons.
 - (c) Integrating affordable housing into the community with minimal negative impact.
 - (d) Providing elderly citizens with the opportunity to live in a supportive family environment with both independence and dignity.

2 New Subdivision; Accessory Dwelling Units. Amend RSA 674 by inserting after section 70 the following new subdivision:

Accessory Dwelling Units

674:71 Definition. As used in this subdivision, "accessory dwelling unit" means a residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

674:72 Accessory Dwelling Units.

- I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this chapter shall allow accessory dwelling units as a matter of right or by either conditional use permit pursuant to RSA 674:21 or by special exception, in all zoning districts that permit single-family dwellings. One accessory dwelling unit shall be allowed without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit. The municipality is not required to allow more than one accessory dwelling unit for any single-family dwelling.
- II. If a zoning ordinance contains no provisions pertaining to accessory dwelling units, then one accessory dwelling unit shall be deemed a permitted accessory use, as a matter of right, to any single-family dwelling in the municipality, and no municipal permits or conditions shall be required other than a building permit, if necessary.
- III. An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but a municipality shall not require that it remain unlocked.
- IV. Any municipal regulation applicable to single-family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the United States Department of Housing and Urban Development. A municipality may require adequate parking to accommodate an accessory dwelling unit.
- V. The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling units.
- VI. A municipality may require owner occupancy of one of the dwelling units, but it shall not specify which unit the owner must occupy. A municipality may require that the owner demonstrate that one of the units is his or her principal place of residence, and the municipality may establish reasonable regulations to enforce such a requirement.
- VII. A municipality may establish standards for accessory dwelling units for the purpose of maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling. A municipality may also establish minimum and maximum sizes for an accessory dwelling unit, provided that size may not be restricted to less than 750 square feet.
- VIII. A municipality may not require a familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit.
- IX. A municipality may not limit an accessory dwelling unit to only one bedroom.
- X. An accessory dwelling unit may be deemed a unit of workforce housing for purposes of satisfying the municipality's obligation under RSA 674:59 if the unit meets the criteria in RSA 674:58, IV for rental units.

674:73 Detached Accessory Dwelling Units. A municipality is not required to but may permit detached accessory dwelling units. Detached accessory dwelling units shall comply with the requirements of, and any municipal ordinances or regulations adopted pursuant to, RSA 674:72, IV through IX. If a municipality allows detached accessory dwelling units, it may require an increased lot size.

3 Innovative Land Use Controls. Amend RSA 674:21, I(1)-(o) to read as follows:

(1) ~~[Accessory dwelling unit standards.~~

~~(m)~~ Impact fees.

~~(n)~~ Village plan alternative subdivision.

~~(o)~~ Integrated land development permit option.

4 Innovative Land Use Controls; Accessory Dwelling Units. Amend RSA 674:21, IV to read as follows:

IV. As used in this section^[z],

~~(a)~~ "inclusionary zoning" means land use control regulations which provide a voluntary incentive or benefit to a property owner in order to induce the property owner to produce housing units which are affordable to persons or families of low and moderate income. Inclusionary zoning includes, but is not limited to, density bonuses, growth control exemptions, and a streamlined application process.

~~(b)~~ "Accessory dwelling unit" means a second dwelling unit, attached or detached, which is permitted by a land use control regulation to be located on the same lot, plat, site, or other division of land as the permitted principal dwelling unit.

5 Effective Date. This act shall take effect June 1, 2017.

SB 146 - AS AMENDED BY THE SENATE

03/12/2015 0740s

03/12/2015 0832s

2015 SESSION

15-0314

03/05

SENATE BILL 146**AN ACT relative to accessory dwelling units.**

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to accessory dwelling units.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Findings. The general court declares that:

I. There is a growing need for more diverse affordable housing opportunities for the citizens of New Hampshire.

II. Demographic trends are producing more households where adult children wish to give care and support to parents in a semi-independent living arrangement.

III. Elderly and disabled citizens are in need of independent living space for caregivers.

IV. There are many important societal benefits associated with the creation of accessory dwelling units, including:

(a) Increasing the supply of affordable housing without the need for more infrastructure or further land development.

(b) Benefits for aging homeowners, single parents, recent college graduates who are saddled with significant student loan debt, caregivers, and disabled persons.

(c) Integrating affordable housing into the community with minimal negative impact.

(d) Providing elderly citizens with the opportunity to live in a supportive family environment with both independence and dignity.

2 New Subdivision; Accessory Dwelling Units. Amend RSA 674 by inserting after section 66 the following new subdivision:

Accessory Dwelling Units

674:67 Definition. As used in this subdivision, “accessory dwelling unit” means a residential living unit that is appurtenant to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. An accessory dwelling unit may be within or attached to the principal dwelling unit.

674:68 Accessory Dwelling Units.

I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this chapter shall allow accessory dwelling, either as a matter of right or by special exception, in all zoning districts that permit single-family dwellings. An accessory dwelling unit shall be allowed without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit. The municipality is not required to allow more than one accessory dwelling unit for any single-family dwelling.

II. If a zoning ordinance contains no provisions pertaining to accessory dwelling units, then one accessory dwelling unit shall be deemed a permitted accessory use to any single-family dwelling in the municipality, and no municipal permits or conditions shall be required other than a building permit, if necessary.

III. Adequate provisions for water supply and sewage disposal shall be made for an accessory dwelling unit, but separate systems shall not be required for the principal and accessory dwelling units.

IV. A municipality may require owner occupancy of one of the dwelling units, but it shall not specify which unit the owner must occupy.

V. A municipality may establish standards for accessory dwelling units for the purpose of maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling. A municipality may also establish minimum and maximum sizes for an accessory dwelling unit, provided that size may not be restricted to less than 40 percent of the living space of the principal dwelling unit.

VI. A municipality may not limit occupancy of either the principal or the accessory dwelling unit based on familial relations with the occupants of the other unit.

VII. A municipality may not limit the number of bedrooms in an accessory dwelling unit to fewer than 2, and any interior doors between an accessory dwelling unit and a principal dwelling unit shall not be required to be unlocked.

VIII. Every accessory dwelling unit shall be deemed a unit of workforce housing for purposes of satisfying the municipality’s obligation under RSA 674:59.

3 Innovative Land Use Controls. Amend RSA 674:21, I(l)-(o) to read as follows:

(l) ~~[Accessory dwelling unit standards.~~

~~(m)~~ Impact fees.

~~(n)~~ (m) Village plan alternative subdivision.

~~(o)~~ (n) Integrated land development permit option.

4 Innovative Land Use Controls; Accessory Dwelling Units. Amend RSA 674:21, IV to read as follows:

IV. As used in this section[=],

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~~(b)~~ “Accessory dwelling unit” means a second dwelling unit, attached or detached, which is permitted by a land use control regulation to be located on the same lot, plat, site, or other division of land as the permitted principal dwelling unit.]

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