CHAPTER 6 SB 146 - FINAL VERSION

03/12/2015 0740s 03/12/2015 0832s 7Jan2016... 2424h 02/11/2016 0375EBA

2016 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 struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type. 03/12/2015 0740s 03/12/2015 0832s 7Jan2016... 2424h 02/11/2016 0375EBA

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15-0314 03/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Sixteen

	AN ACT relative to accessory dwelling units.
	Be it Enacted by the Senate and House of Representatives in General Court convened:
1	6:1 Findings. The general court declares that:
2	I. There is a growing need for more diverse affordable housing opportunities for the citizens
3	of New Hampshire.
4	II. Demographic trends are producing more households where adult children wish to give
5	care and support to parents in a semi-independent living arrangement.
6	III. Elderly and disabled citizens are in need of independent living space for caregivers.
7	IV. There are many important societal benefits associated with the creation of accessory
8	dwelling units, including:
9	(a) Increasing the supply of affordable housing without the need for more infrastructure
10	or further land development.
11	(b) Benefits for aging homeowners, single parents, recent college graduates who are
12	saddled with significant student loan debt, caregivers, and disabled persons.
13	(c) Integrating affordable housing into the community with minimal negative impact.
14	(d) Providing elderly citizens with the opportunity to live in a supportive family
15	environment with both independence and dignity.
16	6:2 New Subdivision; Accessory Dwelling Units. Amend RSA 674 by inserting after section 70
17	the following new subdivision:
18	Accessory Dwelling Units
19	674:71 Definition. As used in this subdivision, "accessory dwelling unit" means a residential
20	living unit that is within or attached to a single-family dwelling, and that provides independent
21	living facilities for one or more persons, including provisions for sleeping, eating, cooking, and
22	sanitation on the same parcel of land as the principal dwelling unit it accompanies.
23	674:72 Accessory Dwelling Units.
24	I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this
25	chapter shall allow accessory dwelling units as a matter of right or by either conditional use permit
26	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

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1 size, frontage, space limitations, or other controls beyond what would be required for a single-family $\mathbf{2}$ dwelling without an accessory dwelling unit. The municipality is not required to allow more than 3 one accessory dwelling unit for any single-family dwelling.

4 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 $\mathbf{5}$ 6 single-family dwelling in the municipality, and no municipal permits or conditions shall be required 7other than a building permit, if necessary.

8 III. An interior door shall be provided between the principal dwelling unit and the 9 accessory dwelling unit, but a municipality shall not require that it remain unlocked.

10IV. Any municipal regulation applicable to single-family dwellings shall also apply to the 11 combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to 12lot coverage standards and standards for maximum occupancy per bedroom consistent with policy 13adopted by the United States Department of Housing and Urban Development. A municipality may 14require adequate parking to accommodate an accessory dwelling unit.

15V. The applicant for a permit to construct an accessory dwelling unit shall make adequate 16provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with 17RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling 18units.

19VI. A municipality may require owner occupancy of one of the dwelling units, but it shall 20not specify which unit the owner must occupy. A municipality may require that the owner 21demonstrate that one of the units is his or her principal place of residence, and the municipality 22may establish reasonable regulations to enforce such a requirement.

23VII. A municipality may establish standards for accessory dwelling units for the purpose of 24maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling. A 25municipality may also establish minimum and maximum sizes for an accessory dwelling unit, 26provided that size may not be restricted to less than 750 square feet.

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VIII. A municipality may not require a familial relationship between the occupants of an 28accessory dwelling unit and the occupants of a principal dwelling unit.

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IX. A municipality may not limit an accessory dwelling unit to only one bedroom.

30 X. An accessory dwelling unit may be deemed a unit of workforce housing for purposes of 31satisfying the municipality's obligation under RSA 674:59 if the unit meets the criteria in RSA 32674:58, IV for rental units.

33 674:73 Detached Accessory Dwelling Units. A municipality is not required to but may permit 34detached accessory dwelling units. Detached accessory dwelling units shall comply with the 35requirements of, and any municipal ordinances or regulations adopted pursuant to, RSA 674:72, IV 36 through IX. If a municipality allows detached accessory dwelling units, it may require an increased 37 lot size.

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1	6:3 Innovative Land Use Controls. Amend RSA 674:21, I(l)-(o) to read as follows:
2	(l) [Accessory dwelling unit standards.
3	(m)] Impact fees.
4	[(n)] (m) Village plan alternative subdivision.
5	[(0)] (n) Integrated land development permit option.
6	6:4 Innovative Land Use Controls; Accessory Dwelling Units. Amend RSA 674:21, IV to read as
7	follows:
8	IV. As used in this section:
9	(a) "Inclusionary zoning" means land use control regulations which provide a voluntary
10	incentive or benefit to a property owner in order to induce the property owner to produce housing
11	units which are affordable to persons or families of low and moderate income. Inclusionary zoning
12	includes, but is not limited to, density bonuses, growth control exemptions, and a streamlined
13	application process.
14	(b) ["Accessory dwelling unit" means a second dwelling unit, attached or detached,
15	which is permitted by a land use control regulation to be located on the same lot, plat, site, or other
16	division of land as the permitted principal dwelling unit.
17	(e)] "Phased development" means a development, usually for large-scale projects, in
18	which construction of public or private improvements proceeds in stages on a schedule over a period
19	of years established in the subdivision or site plan approved by the planning board. In a phased
20	development, the issuance of building permits in each phase is solely dependent on the completion
21	of the prior phase and satisfaction of other conditions on the schedule approved by the planning
22	board. Phased development does not include a general limit on the issuance of building permits or
23	the granting of subdivision or site plan approval in the municipality, which may be accomplished
24	only by a growth management ordinance under RSA 674:22 or a temporary moratorium or
25	limitation under RSA 674:23.
26	6:5 Effective Date. This act shall take effect June 1, 2017.
27	Approved: March 16, 2016

28 Effective Date: June 1, 2017