

LEGISLATIVE COMMITTEE MINUTES

SB73

Bill as Introduced

SB 73 - AS INTRODUCED

2017 SESSION

17-0866
08/10

SENATE BILL **73**

AN ACT relative to septic requirements in conversions to accessory dwellings.

SPONSORS: Sen. Avarad, Dist 12; Sen. Reagan, Dist 17; Sen. Giuda, Dist 2; Sen. Woodburn,
Dist 1; Rep. McGuire, Merr. 29; Rep. O'Day, Ches. 11; Rep. Carr, Hills. 26; Rep.
Burt, Hills. 39; Rep. Weyler, Rock. 13

COMMITTEE: Public and Municipal Affairs

ANALYSIS

This bill defines single-family residence for purposes of approving plans for construction of sewage or waste disposal systems.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT relative to septic requirements in conversions to accessory dwellings.

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

1 1 New Paragraph; Definitions; Pollution and Waste Disposal. Amend RSA 485-A:2 by inserting
2 after paragraph XI-a the following new paragraph:

3 XI-b. "Single-Family Residence" means a stand-alone dwelling or a stand-alone structure
4 containing 2 housing units, such as duplex housing or a home with an accessory dwelling unit,
5 where title is held by one entity, at which no commercial activities are conducted.

6 2 New Paragraph; Submission and Approval of Plans and Specifications; Single Family
7 Residences. Amend RSA 485-A:29 by inserting after paragraph III the following new paragraph:

8 IV. No plans, specifications, nor additional load requirements shall be required whenever
9 an existing bedroom in a single-family residence is converted to an accessory dwelling unit as
10 defined in RSA 674:71. This provision applies to either one or 2 bedroom conversions in a single-
11 family residence.

12 3 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

Senate Public and Municipal Affairs Committee

Kelly Flathers 271-3091

SB 73, relative to septic requirements in conversions to accessory dwellings.

Hearing Date: January 25, 2017

Time Opened: 9:46 a.m.

Time Closed: 10:27 a.m.

Members of the Committee Present: Senators Kahn, Ward and Gray

Members of the Committee Absent : Senators McGilvray and Birdsell

Bill Analysis: This bill defines single-family residence for purposes of approving plans for construction of sewage or waste disposal systems.

Sponsors:

Sen. Avard

Sen. Reagan

Sen. Giuda

Sen. Woodburn

Rep. McGuire

Rep. O'Day

Rep. Carr

Rep. Burt

Rep. Weyler

Who supports the bill: Sen. Jeff Woodburn - District 1; Ari Pollack - Homebuilders; Lynne Merrill - Realtors; Ben Frost - NH Housing; Sen. Bob Giuda - District 2; Sen. Kevin Avard - District 12

Who opposes the bill: Carrie Rouleau Cote - NH Building Officials Association; Chris Albert - Granite State Designers & Installers; Rob Tardif - NH DES; Gary R. Spaulding - GSDI;

Who is neutral on the bill: None

Summary of testimony presented in support:

Sen. Kevin Avard (Prime) – District 12: This is a bipartisan property rights issue. There are others here who will speak on this bill.

Lynne Merrill – NH Association of Realtors: I am speaking in support of this bill. The Department of Environmental Services' current rule on liquid capacity of septic tanks is confusing at best and contradictory at worst. This rule change seeks to rectify the confusion, but it is unnecessarily burdensome to the property owner. NH DES and most other states use the number of bedrooms in a home to set the size of a septic tank. It's a reasonable approach. The passage of SB 146 granted property owners the ability to add an accessory dwelling unit to a single family home. It does not necessarily mean that you are adding square footage or additional bedrooms. DES believes that by

converting one bedroom to an in-law apartment, the property owner must add 375 gallons to their septic. This doesn't make sense, as it was a 4-bedroom house before and after getting the ADU. The argument we've heard is that the ADU might add a shower, sink, washing machine, or dishwasher, which would put more strain on the system. However, a homeowner without an ADU can currently add an unlimited number of these things to their home without being required to increase their tank size. There's no evidence that adding an ADU increases flow to the septic. Cost is also a significant factor. They don't always make tanks to the exact measurements needed and the property owner may have to buy larger tanks than necessary. Replacing a tank can cost thousands of dollars. The DES response is that property owners only need to replace a tank when it fails, but the definition of "failure" is unclear. Towns are already altering ordinances in response to SB 146 to say that the existing system would need to be updated prior to approval.

HUD, the Federal Housing Finance Authority, and the NH ADU statute all define a single family home as a single family home with an ADU. DES is the only entity that defines it differently. The Realtors want to be sure that homeowners and home buyers are informed about their current system and the consequences of increasing the capacity of that system. On our standard purchase and sale agreement form, buyers have the option for a septic inspection. NH also has a property disclosure. You must disclose what you have for water and septic. These items are thorough and detailed.

Ben Frost – NH Housing Finance Authority: I am speaking in support of this bill. This is an issue we missed when working on SB 146—how to deal with septic design with ADU's. SB 146 goes into effect on June 1st of this year. This issue is a persistent source of confusion. This bill deals with this confusion effectively. It's a property rights bill and an affordable housing bill. We have an extremely low vacancy rate, causing rapid increase in the price of housing for renters. The ADU law was designed for many purposes, one of which is housing affordability. Putting significant costs on homeowners if they choose to convert one or two bedrooms to an ADU goes against that purpose.

Sen. Ward: My understanding of ADU's was that they are separate entities, not a converted bedroom. Is that correct?

Ben Frost: Your understanding is part of what ADU's are. However, they may be additions to existing homes or a portion of an existing home. One requirement of the law is that there is an interior door between the two units. Municipalities may allow detached units at their discretion.

Sen. Ward: It still has to have its own kitchen and bathroom, correct? You could have several people living there. If that's the case, there would be a bigger load on the septic system.

Ben Frost: It's possible that there would be a bigger load. The ADU law allows municipalities to limit the ADU to two bedrooms. Generally speaking, the federal standard is two persons per bedroom.

Sen. Kahn: On line 3 of the bill, is that definition of a single family residence the same as the HUD definition?

Ben Frost: I'm not sure, but I suspect that HUD has a number of different definitions for this.

Sen. Kahn: Do we find this definition replicated elsewhere in NH statute?

Ben Frost: Word for word, probably not, but I can look into it for you.

Summary of testimony presented in opposition:

Chris Albert – Granite State Designers and Installers Association: I am speaking in opposition to this bill as written. The issue here is septic tank loading. With an ADU, even if you have the same number of bedrooms, you have twice as many people cooking and cleaning at the same time. The peak load factor increases. The bill does not address outdated septic systems or substandard lots. We're looking for a "pocket plan" submitted to the DES for review to show if a new design is possible on the property. This will protect the current homeowner and future buyers from costly upgrades.

Sen. Kahn: The bill as intended seems to give a lot of options to the owner...?

Chris Albert: The bill states that no plan or additional specifications shall be required. We can do evaluations but if there's no plan on file, we don't know what we're looking at.

Sen. Kahn: The original plan would have been filed where?

Chris Albert: At the DES or the town hall, but it's not always easy to find the original plan. We'll do an evaluation of the septic, but we're concerned about the increased load from an ADU.

Sen. Gray: What has to change in the bill?

Chris Albert: It should require a pocket plan on file, in case they do an ADU and then sell the property. There needs to be more language to protect the environment and the homeowner.

Sen. Gray: The number of people in a home can make an impact. Why are we talking about...?

Chris Albert: It's more about peak load. In a home with an ADU there are two separate households using the septic at the same time.

Rob Tardif – NH DES: I am speaking in opposition to this bill. It starts with a definition of single family residence, which is not necessary to define. We have this

definition in rules already (Env-Wq 1000). It's hard to understand how a single family residence could support two families. We define a residence as a standalone single family housing unit, or a standalone structure containing two housing units. This is the same thing that the bill is trying to establish, but our definition is more encompassing. This bill effectively exempts homeowners who want to establish an ADU from submitting specifications to the department for approval. With a separate housing unit, there will be additional peak flow. The system should be designed to accommodate that. We have been working with Sen. Feltes to come up with a resolution to address issues related to ADU's. Prior to establishing an ADU, a septic inspector would determine if a property could or could not support an ADU, and if/when it fails, it must be rebuilt to standard. It is essential to have the correct septic tank volume to prevent premature failure. We have to consider best and worst case flows when designing these systems. We suggest this bill is sent to study while we work on rules.

Sen. Kahn: Comparing the definitions of single family home, the only difference if it's called an accessory dwelling unit or an in-law apartment, correct?

Rob Tardif: That is why we don't think this bill should define this. If the issue is with the term "in-law apartment", we would be fine with using "accessory dwelling unit".

Sen. Kahn: So your issue lies more with having documentation on file?

Rob Tardif: Yes. If it's not state approved, it's over 50 years old or was never approved to begin with and probably doesn't follow today's standards. We would ask that those systems be replaced. For example, I added a bedroom to my house, but don't have to update my system until it fails. I did have to submit documentation called a "pocket plan". It's a consumer protection issue.

Sen. Gray: So if a son moves in and there's an additional load, you need to make sure the system can support that?

Rob Tardif: It's not necessarily the size of the system; it's usually "lot loading", which is a calculation that takes a lot of factors into consideration. This is what a lot can support for sewage loading on a daily basis.

Sen. Gray: If there is an evaluation of the lot for an ADU to see if the system could support the extra load, that could be written into this law and you'd be happy?

Rob Tardif: That is addressed in the drafted rule we plan on proposing.

Sen. Gray: What if it is in statute instead of rules?

Rob Tardif: Once it's in statute, we can't work with individuals through our waiver process. We've been working with Sen. Feltes for months to come up with language to submit through the rules process.

Sen. Kahn: Are you trying to get this done prior to July 1st?

Rob Tardif: We're almost done with drafting, but I'm not sure how long the whole process will take.

Neutral Information Presented: None

Future Action: Pending

KEF

Date Hearing Report completed: January 26, 2017

Speakers

Testimony

Wednesday, January 25, 2017

Honorable James Gray, Chair
Public and Municipal Affairs

RE: SB 73

Chairman James Gray and
Members of the Public and Municipal Affairs Committee;

I was present at this morning's public hearing proposed SB 73 and was recognized as being in OPPOSITION to the bill as proposed. My position in opposition is my belief that a better way to address the "complications" raised by SB 146 and to address the septic loading associated with the creation of Accessory Dwelling Units should be handled in the NH DES Administrative Rules 1000 which govern Subsurface System Disposal System designs and installation.

As a building official and member of the New Hampshire Building Officials Association, as well as a licensed subsurface disposal system designer within the State of New Hampshire, I wish to present these items of language clarification relative to proposal **SB 73** as written and before your committee for legislative consideration.

SB 73 is a proposed action relative to septic system requirements in conversions to create an accessory dwelling unit. The proposal is to amend NH RSA 485-A with the insertion of several new paragraphs.

While I find no opposition to the proposed amendment XI-b. to add definition for "Single-Family Residence", I would like to reiterate that it was pointed out that NH DES Administrative Rules 1000 already provide a definition for "Residence"

"Residence" means a stand-alone single-family housing unit or a stand-alone structure containing 2 housing units, such as duplex housing or a home with an in-law apartment, at which no commercial activities are conducted. For purposes of these rules, the term includes 2 stand-alone single family housing units when connected, or proposed to be connected, to the same ISDS.

I would like to comment on proposal to amend NH RSA 485-A:29 by the insertion of an additional paragraph IV.

Whereas paragraph IV is to read *"No plans, specifications, nor additional load requirements shall be required whenever an existing bedroom in a single family residence is converted to an accessory dwelling unit as defined in RSA 674:71. This provision applies to either one or 2 bedroom conversions in a single-family residence."*

It is my opinion that this, may be read to imply that a bedroom will be physically converted into an ADU. This is often not the case. In reality, another area of the home is usually altered, such as basement or bonus room above the garage. It would be my suggestion to amend language to read that conversion of, or elimination of, existing bedroom, to accommodate alteration within dwelling for an ADU :

IV. No plans, specifications, nor additional load requirements shall be required whenever an existing bedroom in a single-family residence is converted to or eliminated to accommodate an alteration to create an accessory dwelling unit as defined in RSA 674:71. This provision applies to either one or 2 bedroom conversions in a single-family residence.

It should also be clarified in the bill language that the conversion/alterations for the ADU shall occur within the existing footprint of the home. Expansion of the footprint shall comply with NH DES subsurface regulations.

Another concern is to clarify any bill language that documentation must be presented that there is an existing approved septic design on file for the property. What comes to mind is older properties that have no record of septic system details and no record of validity of existing bedroom count.

The bill language should also include a reference that the property shall have an existing operational state approved subsurface disposal system. The dwelling shall not exceed the number of bedrooms referenced on the existing approved septic design, otherwise a new design must be prepared and receive construction approval through NH DES. The newly designed system shall be installed when the existing system fails.

Therefore further amending proposed paragraph IV to read

IV. No plans, specifications, nor additional load requirements shall be required whenever an existing bedroom in a single-family residence is converted to or eliminated to accommodate an alteration to create an accessory dwelling unit as defined in RSA 674:71, provided that the single family home has an existing state approved operational subsurface disposal system and the number of bedrooms associated with the system approval is not exceeded. This provision applies to either one or 2 bedroom conversions in a single-family residence.

Understand that the definition of bedroom under NH RSA 485:2 (XX) is very vague.

XX. "Bedroom" means a room furnished with a bed and intended primarily for sleeping, unless otherwise specified by local regulations.

It basically refers to the furniture and occupant use of a room. Communities may require physical modifications for conversions/elimination of a bedroom to accommodate an ADU in another area of the home. An existing bedroom may be required to remove the privacy door,

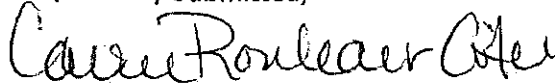
or remove/alter the clothing closet so that the room is no longer construed as a bedroom. This could be a local amendment or written policy with the building department administration.

In hindsight, in the future I will "sign in" as wishing to speak to a proposal and use the opportunity to defer if I feel my concerns have been addressed by others in attendance.

In the interim I will continue to watch status of SB 73 and look for future proposals potentially brought forward by Senator Feltes and Staff at the Department of Environmental Services.

Thank you for your time and service to the State of New Hampshire. Please feel free to contact me if you would like to discuss my comments.

Respectfully Submitted,



Carrie Rouleau-Cote,

Building Official, Town of Auburn, NH

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bldginsp@townofauburnnh.com

President of the New Hampshire Building Officials Association

NH Subsurface Disposal System Designer # 1070

NH Certified Wetlands Scientist # 038

TOWN OF AUBURN

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Granite State Designers and Installers Association

January 25, 2017 53 Regional Drive, Suite 1, Concord, NH 03301

Tel: (603) 228-1231 • Fax: (603) 228-2118

NH State Senate

Public and Municipal Affairs Committee

Legislative Office Building

107 N. Main Street, LOB 102

Concord, NH 03301

e-mail: info@gsdia.org

RE: SB 73 AN ACT relative to septic requirements in conversions to accessory dwellings.

Dear Senator Gray and Members of the Committee:

Granite State Designers and Installers Association (GSDI) is the professional trade association here in New Hampshire whose members are septic system designers, installers, pumpers, evaluators, manufacturers and other land use professionals.

SB 73 will allow single-family homes to be converted to an accessory dwelling units without submission of plans and specifications. GSDI is not in support of the bill and have the following concerns;

- The addition of an accessory dwelling unit will add additional biological loading to the septic tank from the second kitchen and laundry waste.
- Peak water usages would increase due to occupants in both units cooking and washing at the same time increasing the wastewater load to the leach field.
- These changes might result in premature failure of the leachfield, unforeseeable replacement costs to the homeowner and potential groundwater contamination.
- There is no provision in the bill that prevents using an outdated substandard septic system or failing septic system from being used.
- The bill does not address substandard lots that would require waivers from NH surface and groundwater to allow for the construction of an approved septic system.

At minimum a "pocket plan" should be submitted to DES for review that shows a new design is possible on the property. This will protect current homeowner and future buyers from costly upgrades

We thank the Committee for your time and consideration in hearing our recommendations on not passing the bill as written.

Regards,

Christopher Albert
Chairman, Technical Committee

Visit our website: www.gsdia.org

PURCHASE AND SALES AGREEMENT
New Hampshire Association of REALTORS® Standard Form



_____, _____ ("EFFECTIVE DATE")
EFFECTIVE DATE is defined in Section 21 of this Agreement.

1. **THIS AGREEMENT** made this _____ day of _____, _____ between _____ ("SELLER") of _____, City/Town _____, State _____ Zip _____ and _____ ("BUYER") of _____, City/Town _____, State _____ Zip _____.

2. **WITNESSETH:** That SELLER agrees to sell and convey, and BUYER agrees to buy certain real estate situated in City/Town of _____ located at _____ County _____ Book _____ Page _____ Date _____ ("PROPERTY").

3. The **SELLING PRICE** is _____ Dollars \$ _____. A DEPOSIT in the form of _____, is to be held in an escrow account by _____ ("ESCROW AGENT"). BUYER has delivered, or will deliver to the ESCROW AGENT's FIRM within _____ days of the EFFECTIVE DATE, a deposit of earnest money in the amount of \$ _____. BUYER agrees that an additional deposit of earnest money in the amount of \$ _____ will be delivered on or before _____. If BUYER fails to deliver the initial or additional deposit in compliance with the above terms, SELLER may terminate this Agreement. The remainder of the purchase price shall be paid by wire, certified, cashier's or trust account check, in the amount of \$ _____.

4. **DEED:** Marketable title shall be conveyed by a _____ deed, and shall be free and clear of all encumbrances except usual public utilities serving the PROPERTY.

5. **TRANSFER OF TITLE:** On or before _____ at _____ or some other place of mutual consent as agreed to in writing.

6. **POSSESSION:** Full possession and occupancy of the premises with all keys shall be given upon the transfer of title free of all tenants and occupant's personal property and encumbrances except as herein stated. Said premises to be then in the same condition in which they now are, reasonable wear and tear excepted. SELLER agrees that the premises will be delivered to BUYER free of all debris and in "broom clean" condition. Exceptions: _____

Buyer reserves the right to conduct a walk through inspection upon reasonable notice to SELLER's real estate FIRM within _____ hours prior to time of closing to ensure compliance with the terms of this Agreement.

7. **REPRESENTATION:** The undersigned SELLER(S) and BUYER(S) acknowledge the roles of the agents as follows:
_____ of _____ is a seller agent buyer agent facilitator disclosed dual agent*
_____ of _____ is a seller agent buyer agent facilitator disclosed dual agent*

*If agent(s) are acting as disclosed dual agents, SELLER and BUYER acknowledge prior receipt and signing of a Dual Agency Informed Consent Agreement.

NOTICE OF DESIGNATED AGENCY: If checked, notice is hereby given that BUYER is represented by a designated buyer's agent and SELLER is represented by a designated seller's agent in the same firm.

8. **INSURANCE:** The buildings on said premises shall, until full performance of this Agreement, be kept insured against fire, with extended coverage by SELLER. In case of loss, all sums recoverable from said insurance shall be paid or assigned, on delivery of deed, to BUYER, unless the premises shall previously have been restored to their former condition by SELLER; or, at the option of BUYER, this Agreement may be rescinded and the DEPOSIT refunded if any such loss exceeds \$ _____.

SELLER(S) INITIALS _____ / _____ BUYER(S) INITIALS _____ / _____

This Document did not
include Pages 2 of 5 - 4 of 5

PURCHASE AND SALES AGREEMENT
New Hampshire Association of REALTORS® Standard Form



19. ADDITIONAL PROVISIONS:

20. ADDENDA ATTACHED: Yes No

21. EFFECTIVE DATE/NOTICE: Any notice, communication or document delivery requirements in this agreement may be satisfied by providing the required notice, communication or documentation to the party or their licensee. All notices and communications must be in writing to be binding except for withdrawals of offers or counteroffers. This Agreement is a binding contract when signed and all changes initialed by both BUYER and SELLER and when that fact has been communicated in writing which shall be the EFFECTIVE DATE. Licensee is authorized to fill in the EFFECTIVE DATE on Page 1 hereof. The use of days is intended to mean calendar days from the EFFECTIVE DATE of this Agreement. Deadlines in this Agreement, including all addenda, expressed as "within x days" shall be counted from the EFFECTIVE DATE, unless another starting date is expressly set forth, beginning with the first day after the EFFECTIVE DATE, or such other established starting date, and ending at 12:00 midnight Eastern Time on the last day counted. Unless expressly stated to the contrary, deadlines in this Agreement, including all addenda, expressed as a specific date shall end at 12:00 midnight Eastern Time on such date.

Each party is to receive a fully executed copy of this Agreement. This Agreement shall be binding upon the heirs, executors, administrators and assigns of both parties.

PRIOR TO EXECUTION, IF NOT FULLY UNDERSTOOD, PARTIES ARE ADVISED TO CONTACT AN ATTORNEY.

_____ / _____ BUYER DATE/TIME	_____ / _____ BUYER DATE/TIME
_____ MAILING ADDRESS	_____ MAILING ADDRESS
_____ / _____ CITY STATE ZIP	_____ / _____ CITY STATE ZIP

SELLER accepts the offer and agrees to deliver the above-described PROPERTY at the price and upon the terms and conditions set forth.

_____ / _____ SELLER DATE/TIME	_____ / _____ SELLER DATE/TIME
_____ MAILING ADDRESS	_____ MAILING ADDRESS
_____ / _____ CITY STATE ZIP	_____ / _____ CITY STATE ZIP

PROPERTY DISCLOSURE - RESIDENTIAL ONLY
 New Hampshire Association of REALTORS® Standard Form



TO BE COMPLETED BY SELLER

The following answers and explanations are true and complete to the best of SELLER'S knowledge. This statement has been prepared to assist prospective BUYERS in evaluating SELLER'S property. This disclosure is not a warranty of any kind by the SELLER, or any real estate FIRM representing the SELLER, and is not a substitute for any inspection by the BUYER. SELLERS authorize FIRM in this transaction to disclose the information in this statement to other real estate agents and to prospective buyers of this property.

NOTICE TO SELLER(S): COMPLETE ALL INFORMATION AND STATE NOT APPLICABLE OR UNKNOWN AS APPROPRIATE. IF ANY OF THE INFORMATION IN THIS PROPERTY DISCLOSURE FORM CHANGES FROM THE DATE OF COMPLETION, YOU ARE TO NOTIFY THE LISTING FIRM PROMPTLY IN WRITING.

1. SELLER: _____
2. PROPERTY LOCATION: _____
3. CONDOMINIUM, CO-OP, PUD DISCLOSURE RIDER OR MULTIFAMILY DISCLOSURE RIDER ATTACHED? Yes No

4. SELLER: has has not occupied the property for _____ years.

5. WATER SUPPLY

Please answer all questions regardless of type of water supply.

- a. TYPE OF SYSTEM: Public Private Seasonal Unknown
 Drilled Dug Other _____
- b. INSTALLATION: Location: _____
 Installed By: _____ Date of Installation: _____
 What is the source of your information? _____
- c. USE: Number of persons currently using the system: _____
 Does system supply water for more than one household? Yes No
- d. MALFUNCTIONS: Are you aware of or have you experienced any malfunctions with the (public/private/other) water systems?
 Pump: Yes No N/A Quantity: Yes No
 Quality: Yes No Unknown
 If YES to any question, please explain in Comments below or with attachment.
- e. WATER TEST: Have you had the water tested? Yes No Date of most recent test _____
 If YES to any question, please explain in Comments below or with attachment.
 Are you aware of any test results reported as unsatisfactory or satisfactory with notations? Yes No
 If YES, are test results available? Yes No What steps were taken to remedy the problem? _____

COMMENTS: _____

6. SEWAGE DISPOSAL SYSTEM

- a. TYPE OF SYSTEM: Public: Yes No Community/Shared: Yes No
 Private: Yes No Unknown
 Septic Design Available: Yes No

b. IF PUBLIC OR COMMUNITY/SHARED

Have you experienced any problems such as line or other malfunctions? Yes No
 What steps were taken to remedy the problem? _____

c. IF PRIVATE:

TANK: Septic Tank Holding Tank Cesspool Unknown Other _____
 Tank Size _____ Gal. Unknown Other _____
 Tank Type Concrete Metal Unknown Other _____
 Location: _____ Location Unknown Date of Installation: _____
 Date of Last Servicing: _____ Name of Company Servicing Tank: _____
 Have you experienced any malfunctions? Yes No
 Comments: _____

d. LEACH FIELD: Yes No Other _____

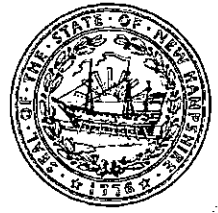
IF YES, Location: _____ Size _____
 Date of installation of leach field: _____ Installed By: _____
 Have you experienced any malfunctions? Yes No
 Comments: _____

SELLER(S) INITIALS _____ / _____

BUYER(S) INITIALS _____ / _____



The State of New Hampshire
Department of Environmental Services



Clark B. Freise, Assistant Commissioner

January 25, 2017

The Honorable James Gray
Chair, Public and Municipal Affairs Committee
Legislative Office Building, Room 102
Concord, NH 03301

RE: SB 73, *An Act relative to septic requirements in conversions to accessory dwellings.*

Dear Chair Gray and Members of the Committee:

Thank you for the opportunity to testify on SB 73. This bill defines a "single family residence" and also exempts the conversion of existing bedrooms in a single family residence to an accessory dwelling unit (ADU) from the requirement for plans or specifications pertaining to individual sewage disposal systems (ISDS). The New Hampshire Department of Environmental Services (NHDES) opposes this bill.

This bill defines a "single family residence" as "a stand-alone dwelling or stand-alone structure containing two housing units, such as duplex housing or a home with an accessory dwelling unit where title is held by one entity, at which no commercial activities are conducted." It is the opinion of NHDES that a "single family residence" cannot be a structure that is able to support more than one family, especially when the statute governing accessory dwelling units (RSA 674:72) specifically states that a familial relationship is not required between the owner of the principal dwelling unit and the people living in the ADU. Further, Env-Wq 1000, The Subdivision and Individual Sewage Disposal System Design Rules (Rules), defines a "residence" as "a stand-alone single-family housing unit or a stand-alone structure containing two housing units, such as duplex housing or a home with an in-law apartment, at which no commercial activities are conducted". For purposes of these rules, the term includes two stand-alone single family housing units when connected, or proposed to be connected, to the same ISDS." NHDES would be amenable to amending the definition of "residence" to change "in-law apartment" to "accessory dwelling unit as defined in RSA 674:71". NHDES believes this definition is a more encompassing and more accurate way to address this issue.

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, February 15, 2017

THE COMMITTEE ON Public and Municipal Affairs

to which was referred **SB 73**

AN ACT

relative to septic requirements in conversions to
accessory dwellings.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Scott McGilvray
For the Committee

This bill defines single-family residence for purposes of approving plans for construction of sewage or waste disposal systems. By including homes with accessory dwelling units in the definition of "single-family residence", this bill eliminates confusing and burdensome requirements for homeowners seeking to add an accessory dwelling unit to their property.

Kelly Flathers 271-3093

FOR THE CONSENT CALENDAR

PUBLIC AND MUNICIPAL AFFAIRS

SB 73, relative to septic requirements in conversions to accessory dwellings.

Ought to Pass, Vote 5-0.

Senator Scott McGilvray for the committee.

This bill defines single-family residence for purposes of approving plans for construction of sewage or waste disposal systems. By including homes with accessory dwelling units in the definition of "single-family residence", this bill eliminates confusing and burdensome requirements for homeowners seeking to add an accessory dwelling unit to their property.