

Committee Report

CONSENT CALENDAR

February 18, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Municipal and County Government
to which was referred HB 189,**

**AN ACT relative to accessory dwelling units. Having
considered the same, report the same with the following
resolution: RESOLVED, that it is INEXPEDIENT TO
LEGISLATE.**

Rep. Ivy Vann

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Municipal and County Government
Bill Number:	HB 189
Title:	relative to accessory dwelling units.
Date:	February 18, 2021
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill is not necessary because the provisions proposed are covered by another bill coming forward this session.

Vote 18-0.

Rep. Ivy Vann
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Municipal and County Government

HB 189, relative to accessory dwelling units. **INEXPEDIENT TO LEGISLATE.**

Rep. Ivy Vann for Municipal and County Government. This bill is not necessary because the provisions proposed are covered by another bill coming forward this session. **Vote 18-0.**

Original: House Clerk

Cc: Committee Bill File

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 189

BILL TITLE: relative to accessory dwelling units.

DATE: February 2, 2021

LOB ROOM: Hybrid

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Vann

Seconded by Rep. Mangipudi

Vote: 18-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John MacDonald, Clerk



2021 SESSION

Municipal and County Government

Bill #: HB189 Motion: ITL AM #: _____ Exec Session Date: 2/9/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Dolan, Tom Chairman	18		
Piemonte, Tony Vice Chairman	1		
MacDonald, John T. Clerk	2		
Tripp, Richard P.	3		
Guthrie, Joseph A.	4		
Lascelles, Richard W.	5		
McBride, Everett P.	6		
Melvin, Charles R.	7		
Ayer, Paul F.			
Pauer, Diane	8		
Porter, Marjorie A.	9		
Treleaven, Susan GS	10		
Gilman, Julie D.	11		
Maggiore, Jim V.	12		
Stavis, Laurel	13		
Mangipudi, Latha D.	14		
Vann, Ivy C.	15		
Klee, Patricia S.	16		
Gallager, Eric B.	17		
TOTAL VOTE:			

Public Hearing

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 189

BILL TITLE: relative to accessory dwelling units.

DATE: February 9, 2021

LOB ROOM: Hybrid **Time Public Hearing Called to Order:** 12:53 p.m.

Time Adjourned: 12:59 p.m.

Committee Members: Reps. Dolan, Piemonte, J. MacDonald, Tripp, Guthrie, Lascelles, McBride, Melvin, Ayer, Pauer, Porter, Treleaven, Gilman, Maggiore, Stavis, Mangipudi, Vann, Klee and Gallagher

Bill Sponsors:

Rep. Vann

Rep. Caplan

Rep. Conley

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Vann - Prime sponsor of the bill requests ITL. Executive Session done - ITL, 18-0.

Respectfully submitted,

Rep. John MacDonald
Clerk

House Remote Testify

Municipal and County Government Committee Testify List for Bill HB189 on 2021

Support: 3 Oppose: 3 Neutral: 0 Total to Testify: 1

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Si</u>
Parisi, Paul	Salem, NH paul.j.parisi@dos.nh.gov	State Agency Staff	NH State Fire Marshal	Oppose	Yes (2m)	2/1

Testimony

Archived: Tuesday, April 20, 2021 9:35:33 AM
From: [Parisi, Paul](#)
Sent: Thursday, February 18, 2021 7:56:08 AM
To: ~House Municipal and County Govt
Subject: NH House Remote Testify: 8:30 am - HB189 in House Municipal and County Government
Importance: Normal
Attachments:
FMO Position Paper - HB 189.pdf ;

Thank you



Paul J. Parisi
State Fire Marshal

Department of Safety | Division of Fire Safety
New Hampshire State Fire Marshal's Office (FMO)

Physical: 110 Smokey Bear Boulevard (IPOC), Concord NH
Mailing: 33 Hazen Drive
Concord, NH 03305

Office: 603-223-4289
Direct: 603-223-4293
Fax: 603-223-4294
Arson Hotline: 1-800-400-3526
Email: paul.parisi@dos.nh.gov

"Saving lives and property through education, engineering & enforcement"



Web Site Address: <http://www.nh.gov/safety/divisions/firesafety>
Subscribe to our [list serve](#) to receive public safety notices and press releases.

STATEMENT OF CONFIDENTIALITY:

This e-mail transmission and any accompanying materials may contain confidential information, **for Official use only and/or contain law enforcement sensitive information and is intended only for disclosure to and use by the addressee(s) named above.** Distribution, publication, reproduction or use of this transmission and materials, in whole or in part, by any person other than the intended recipient (s) is covered by the Electronic Communications Privacy Act, 18 USC 2510-2521. If you have received this e-mail erroneously, please contact me directly at 603-223-4289 so that I may arrange to protect these documents.

Archived: Tuesday, April 20, 2021 9:35:33 AM
From: [Chris Stewart](#)
Sent: Friday, January 29, 2021 12:49:41 PM
To: [~House Municipal and County Govt](#)
Subject: OPPOSE HB189
Importance: Normal

To Whom it May Concern,

I am writing to you to request that you **OPPOSE** HB189 (an increase from 1 ADU per lot to up to 3 ADUs per lot). An ADU is an "accessory" to the primary dwelling on a lot. If this bill was passed a parcel with one "primary" dwelling and 3 ADUs the ADU no longer would be considered as "accessories" to the lot. Instead creating them to be the primary use (which was never the intent of the RSA).

Thank you,

Chris Stewart
Wakefield, NH

Archived: Tuesday, April 20, 2021 9:35:33 AM
From: [Ellen Dennehy](#)
Sent: Friday, January 29, 2021 11:08:02 AM
To: [~House Municipal and County Govt](#)
Subject: Opposition to HB189: increase to maximum 3 ADUs
Importance: Normal

Dear Municipal and County Government Committee Members,
Although I support affordable housing, I do not think HB189 is the way to encourage this. Currently, the original ADU is being used on waterfront parcels, opposed to the original intent. As I understand it, the intent of an additional dwelling unit is to create space for additional family or added income, but with the proposal to increase this to 3 ADU's per lot, up from 1 ADU per lot, regardless of lot size, has the risk of overcrowding our resources. I hope the committee will oppose this.

Sincerely,
Ellen Dennehy
Alton, NH

Archived: Tuesday, April 20, 2021 9:35:34 AM
From: Doug Stewart
Sent: Wednesday, January 27, 2021 6:00:06 PM
To: ~House Municipal and County Govt
Subject: Opposition to HB189: increase to maximum of 3 ADUs
Importance: Normal

Municipal and County Government committee members,

I currently serve on both the Wakefield Planning Board and the Wakefield Zoning Board of Adjustment. I am writing to you to request that you **OPPOSE** HB189 (an increase from 1 ADU per lot to up to 3 ADUs per lot).

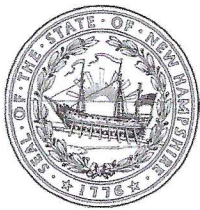
Since the original ADU legislation was enacted in 2017 there have been number of ADUs constructed in Wakefield. The vast majority have been on waterfront parcels. As Wakefield is a bedroom community and its tax base is primarily based on the lakes that exist in town, any additional pressure placed on those lakes is potentially a long-term threat to our tax base.

I understand that the intent of an ADU is to create a space for additional family or added income (from a rental space) to help combat the increasing cost of housing in NH. The ADU's being built in Wakefield are using the zoning to create guest quarters for expensive lake properties which ultimately will add to increased environmental and overcrowding of these important resources.

In my opinion there is no need to increase the number of ADU to up to 3 per lot, especially with no consideration for lot size. By definition an ADU is an "accessory" to the primary dwelling on a lot. I would argue if this bill was passed a parcel with one "primary" dwelling and 3 ADUs the ADU no longer would be considered as "accessories" to said lot. Instead one might consider them to be the primary use (which was never the intent of the RSA).

Thank you for your time,

Doug Stewart
Wakefield, NH



Robert L. Quinn
Commissioner

State of New Hampshire

DEPARTMENT OF SAFETY

Division of Fire Safety

Office of the State Fire Marshal

Office: 110 Smokey Bear Boulevard, Concord, NH 03301

Mailing Address: 33 Hazen Drive, Concord, NH 03305

Telephone: 603-223-4289 • **Fax:** 603-223-4294

www.nh.gov/firesafety



Paul J. Parisi
State Fire Marshal

LEGISLATIVE POSITION NH DEPARTMENT OF SAFETY

HB 189: Relative to accessory dwelling units

LSR 21-0369

Committee: Municipal and County Government

Position: OPPOSE

Date: February 18, 2021

Dear Honorable Members of the Committee:

HB 189, as written, would allow for up to three (3) accessory dwelling units to be associated with a single family dwelling. While this bill amends NH RSA 674:72, we have concerns that it could have reaching effects into the state fire and building codes.

The state fire and building codes prescribe that more than two dwelling units together constitute a classification as either an apartment building or lodging and rooming depending on how they are arranged. This bill would create a situation where four dwelling units could be under one roof. There are reasons the code has increased code requirements for buildings with greater than two dwelling units, such as an increased risk to a large amount of people. Additional fire protection features, such as fire alarm systems and/or automatic sprinkler systems are often required, as are other egress requisites like additional exits and smoke and fire barriers between units and in egress pathways.

If there were an amendment to this bill that specified that this would not have any effect on how the structure was classified by the state building and fire code, we would be neutral on the bill.

Thank you for your consideration, and please do not hesitate to contact me if you have any questions.

Respectfully,

Paul J. Parisi
State Fire Marshal

Archived: Tuesday, April 20, 2021 9:37:50 AM
From: [Douglas Marino](#)
Sent: Tuesday, February 9, 2021 1:11:46 PM
To: ~House Municipal and County Govt
Subject: Written Testimony in Support of HB 154-L
Importance: Normal

Thank you Chairman Dolan and members of the committee,

My name is Doug Marino, I am the Advocacy and Engagement Director for 603 Forward. 603 Forward is an advocacy organization whose aim is to educate, engage, and activate the youth of New Hampshire to take political action at the state and local level. I am writing to you today to express our organization's support for HB 154-L and HB 189.

It is critically important for the legislature to take steps that will help attract and retain young people here in New Hampshire. New Hampshire is in the midst of an affordable housing crisis that requires our immediate attention. These bills will help incentivize local communities to invest in affordable housing projects, and will open up opportunities for working families to pursue affordable housing options.

New Hampshire's housing crisis is a five-alarm fire that threatens the economic future of our state. I personally have witnessed many friends from high school and college leave our state and take their talents elsewhere. They simply can't afford to live here. Most of them would love to start a family here in New Hampshire, but they just don't have the financial means. The lack of affordable housing options in our state has created an economy that is unsustainable. House Bill 154-L and House Bill 189 are steps in the right direction that will help make New Hampshire a more viable option for young families to come and live.

Please give these bills a positive recommendation and send it to the house floor for passage.

Thank you for your consideration.

--

Doug Marino
He, Him, His
Advocacy and Engagement Director
603 Forward
603.686.3283
doug@603forward.org
@Doug_Marino

Archived: Tuesday, April 20, 2021 9:37:50 AM
From: [Jim McConnell](#)
Sent: Sunday, February 14, 2021 3:57:00 PM
To: [~House Municipal and County Govt](#)
Subject: ITL - HB 132, HB 189 & HB 154
Importance: Normal

Please ITL HB 132, HB 189 and HB 154.

HB 132 and HB 189 place density requirements on communities. These matters are best left to the communities themselves. One size doesn't fit all and it's disappointing that New Hampshire, of all places, is even discussing legislation along these lines.

HB 154 enables tax incentives for developers. In a housing boom, that's ridiculous.

Jim McConnell
42 Monadnock Highway
North Swanzey, NH 03431
903-3878

Sent from my iPad

Bill as
Introduced

HB 189 - AS INTRODUCED

2021 SESSION

21-0369

10/04

HOUSE BILL **189**

AN ACT relative to accessory dwelling units.

SPONSORS: Rep. Vann, Hills. 24; Rep. Caplan, Merr. 6; Rep. Conley, Straf. 13

COMMITTEE: Municipal and County Government

ANALYSIS

This bill allows as a right the addition of up to 3 accessory dwelling units on a single-family dwelling.

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to accessory dwelling units.

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

1 1 Local Land use Planning and Regulatory Powers; Accessory Dwelling Units. Amend RSA
2 674:72, I and II to read as follows:

3 I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this
4 chapter shall allow accessory dwelling units as a matter of right or by either conditional use permit
5 pursuant to RSA 674:21 or by special exception, in all zoning districts that permit single-family
6 dwellings. [~~One~~] **Up to 3** accessory dwelling [~~unit~~] **units on a single-family dwelling** shall be
7 allowed without additional requirements for lot size, frontage, space limitations, or other controls
8 beyond what would be required for a single-family dwelling without an accessory dwelling unit. The
9 municipality is not required to allow more than [~~one~~] **3** accessory dwelling [~~unit~~] **units** for any
10 single-family dwelling. The municipality may prohibit accessory dwelling units associated with
11 multiple single-family dwellings attached to each other such as townhouses, and with manufactured
12 housing as defined in RSA 674:31. Subsequent condominium conveyance of any accessory dwelling
13 unit separate from that of the principal dwelling unit shall be prohibited, notwithstanding the
14 provisions of RSA 356-B:5, unless allowed by the municipality.

15 II. If a zoning ordinance contains no provisions pertaining to accessory dwelling units, then
16 [~~one~~] **up to 3** accessory dwelling [~~unit~~] **units** shall be deemed a permitted accessory use, as a matter
17 of right, to any single-family dwelling in the municipality, and no municipal permits or conditions
18 shall be required other than a building permit, if necessary.

19 2 Effective Date. This act shall take effect 60 days after its passage.