## CONSENT CALENDAR

March 3, 2022

## HOUSE OF REPRESENTATIVES

## REPORT OF COMMITTEE

The Committee on Municipal and County Government to which was referred HB 1068,

AN ACT relative to building codes for tiny houses.

Having considered the same, report the same with the following resolution: RESOLVED, that it is

INEXPEDIENT TO LEGISLATE.

Rep. Jim Maggiore

FOR THE COMMITTEE

Original: House Clerk

Cc: Committee Bill File

### **COMMITTEE REPORT**

| Committee:        | Municipal and County Government             |
|-------------------|---|
| Bill Number:      | HB:1068                                     |
| Title:            | relative to building codes for tiny houses. |
| Date:             | March 3, 2022                               |
| Consent Calendar: | CONSENT                                     |
| Recommendation:   | INEXPEDIENT TO LEGISLATE                    |

#### STATEMENT OF INTENT

Currently, a small home, greater than 400 square feet, can be built on a foundation and comply with state building code standards. A "tiny home" as defined in Appendix Q of the 2018 International Building Code can also be constructed on a foundation in compliance with state building codes. Universally acceptable standards do not currently exist for "tiny homes" on wheels. National industry experts expressed concerned that this bill would not have created a comprehensive standard for tiny homes on wheels. Standards are being developed for the American Society for Testing and Materials (ASTM) that will standardize the process for engineering requirements for "tiny homes" on wheels, expand on Appendix Q for tiny houses in the International Residential Code (IRC) certification, provide regulations for tiny house communities, and establish the potential for micro-grid utilities that connect multiple tiny houses in cluster communities. It will be better to wait for a comprehensive bill than to pass a bill that may prove to be flawed.

Vote 15-0.

Rep. Jim Maggiore FOR THE COMMITTEE

Original: House Clerk

Cc: Committee Bill File

#### CONSENT CALENDAR

Municipal and County Government

HB 1068, relative to building codes for tiny houses. INEXPEDIENT TO LEGISLATE.

Rep. Jim Maggiore for Municipal and County Government. Currently, a small home, greater than 400 square feet, can be built on a foundation and comply with state building code standards. A "tiny home" as defined in Appendix Q of the 2018 International Building Code can also be constructed on a foundation in compliance with state building codes. Universally acceptable standards do not currently exist for "tiny homes" on wheels. National industry experts expressed concerned that this bill would not have created a comprehensive standard for tiny homes on wheels. Standards are being developed for the American Society for Testing and Materials (ASTM) that will standardize the process for engineering requirements for "tiny homes" on wheels, expand on Appendix Q for tiny houses in the International Residential Code (IRC) certification, provide regulations for tiny house communities, and establish the potential for micro-grid utilities that connect multiple tiny houses in cluster communities. It will be better to wait for a comprehensive bill than to pass a bill that may prove to be flawed. Vote 15-0.

Original: House Clerk

Cc: Committee Bill File

#### HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

#### **EXECUTIVE SESSION on HB 1068**

**BILL TITLE:** 

relative to building codes for tiny houses.

DATE:

February 15, 2022

LOB ROOM:

301 - 303

**MOTIONS**:

INEXPEDIENT TO LEGISLATE

Moved by Rep. Maggiore

Seconded by Rep. Vann

Vote: 15-0

CONSENT CALENDAR: YES

**Statement of Intent:** 

Refer to Committee Report

Respectfully submitted,

Rep John MacDonald, Clerk

## HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

## **EXECUTIVE SESSION on HB 1068**

| MOTION: (Please check one box  OTP SITL  Moved by Rep. Maggione  MOTION: (Please check one box  OTP OTP/A IIL  Moved by Rep. | □ Retain (1st year) □ Interim Study (2nd year) Seconded by Rep. ∠/ANN   □ Retain (1st year) □ Interim Study (2nd year) | Adoption of Amendment # (if offered)  Vote: /5-C  Adoption of Amendment # (if offered)  Vote: |
|--|--|---|
| Moved by Rep. MA 9910012  MOTION: (Please check one box  | ☐ Interim Study (2nd year)  Seconded by Rep. ∠/ANN   Retain (1st year)  ☐ Interim Study (2nd year)                     | Amendment #   |
| MOTION: (Please check one box  | Seconded by Rep. LANN  Retain (1st year)  Interim Study (2nd year)   | (if offered)  Vote: 15-C  Adoption of Amendment #(if offered)                                 |
| MOTION: (Please check one box  | x)  ☐ Retain (1 <sup>st</sup> year)  ☐ Interim Study (2nd year)  | ☐ Adoption of Amendment # (if offered)  |
| □ OTP □ OTP/A □ ITL  | ☐ Retain (1st year) ☐ Interim Study (2nd year)   | Amendment #<br>(if offered)   |
|  | ☐ Interim Study (2nd year)   | Amendment #<br>(if offered)   |
| Moved by Rep   |  | (if offered)  |
| Moved by Rep.  | Seconded by Rep.   | Vote:   |
|  |  |   |
| MOTION: (Please check one box  | x)   |   |
| □ OTP □ OTP/A □ ITL  | ☐ Retain (1st year)  | ☐ Adoption of   |
|  | ☐ Interim Study (2nd year)   | Amendment #<br>(if offered)   |
| Moved by Rep.  | Seconded by Rep.   | Vote:   |
| MOTION: (Please check one box  | x)   |   |
| □ OTP □ OTP/A □ ITL  | ☐ Retain (1st year)  | ☐ Adoption of   |
|  | ☐ Interim Study (2nd year)   | Amendment #<br>(if offered)   |
| Moved by Rep.  | Seconded by Rep.   | Vote:   |
| CONSENT (  | 7 *  | NO  |
| Respectfully submit  | $\bigcirc$          |   |

## OFFICE OF THE HOUSE CLERK



1/10/2022 9:08:24 AM Roll Call Committee Registers Report

## 2022 SESSION

Municipal and County Government

| Bill #: 1 1/0× | Motion: | CIL | AM #:       | Exec Session Date: | 91 | 15, | 122 |
|----------------|---------|-----|-------------|--------------------|----|-----|-----|
| 1000           |         |     | <del></del> |                    | -/ | /   |     |

| <u>Members</u>               | YEAS | Nays | NV |
|------------------------------|------|------|----|
| Dolan, Tom Chairman          | 16   |      |    |
| Piemonte, Tony Vice Chairman |      |      |    |
| MacDonald, John T. Clerk     | 2    |      |    |
| Tripp, Richard P.            | 3    |      |    |
| Guthrie, Joseph A.           | L    |      |    |
| Lascelles, Richard W.        | 5    |      |    |
| McBride, Everett P.          |      |      |    |
| Melvin, Charles R.           | 10   |      |    |
| Ayer, Paul F.                |      |      |    |
| Pauer, Diane                 | 7    |      |    |
| Treleaven, Susan GS          |      |      |    |
| Gilman, Julie D.             | 8    |      |    |
| Maggiore, Jim V.             | 9    |      |    |
| Stavis, Laurel               |      |      |    |
| Mangipudi, Latha D.          | 10   |      |    |
| Vann, Ivy C.                 |      |      |    |
| Klee, Patricia S.            | 12   |      |    |
| Gallager, Eric B.            | 13   |      |    |
| Rung, Rosemarie              | 14   |      |    |
| TOTAL VOTE:                  | 15   | 0    |    |

#### HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

#### **PUBLIC HEARING ON HB 1068**

BILL TITLE: relative to building codes for tiny houses.

DATE: February 15, 2022

LOB ROOM: 301 - 303 Time Public Hearing Called to Order: 9:30 a.m.

Time Adjourned:

<u>Committee Members</u>: Reps. Dolan, Piemonte, J. MacDonald, Tripp, Guthrie, Lascelles, Melvin, Pauer, Maggiore, Gilman, Mangipudi, Vann, Klee, Gallager and Rung

**Bill Sponsors**:

Rep. Testerman Rep. Maggiore

#### **TESTIMONY**

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

Rep. Maggiore - Request we go to ITL immediately. There is progress being made across the country. This bill does not resolve the issue of tiny homes on wheels.

Rep. Rung: Can the concerns be addresses through amendments? ANS: Possibly, but industry experts - we need to take some time to do it right.

Rep. Vann: Building code updates. Appendix Q? ANS: Yes, we are trying to get to the piece on wheels.

Stephen Daves - Supports the bill. Under 300 sq. ft. is illegal. City of Manchester, Appendix Q.

Rep. Vann: There is no way to formulate the question. ANS: Restrictive local ordinances 4,451 people who experienced homelessness. Imagine sleeping outdoors in this winter. If you oppose this bill, think about the homeless people. RIA most common lot of land in Manchester.

Rep. Piemonte: Has the homelessness increased dramatically? NH Municipal Association, Cordell Johnston said this would not help the homeless? ANS: I don't think creating a solution, when legislations have wanted home to go to.

Natch Greyes, NH Municipal Association - Opposes the bill. I support the ITL motion.

Mary Smith - Makes them lawful. I guess this bill is a lamb duck which is a shame. Less homelessness, lower prices. It does not coincide with common sense.

Rep. Ivy Vann - Under international building codes, Appendix Q - lays out the requirements for tiny houses that sit on the ground. They need a minimum square footage requirement. International building code sets the minimum standard. If people are having a problem, it is probably the minimum square footage.

Rep. Pauer: Tiny house allowed in a trailer park? ANS: I don't know.

\*Rob Tardif, NH DES - Concerned about holding tanks. Holding tanks would be illegal. Tiny home parks meet the same requirements for trailer parks.

Rep. Rung: Holding tank capacity? ANS: 2,000 gallons - expensive to pump. If the tank is working, structurally sound, then it is working.

Respectfully submitted,

Rep. John MacDonald Clerk

# **House Remote Testify**

## Municipal and County Government Committee Testify List for Bill HB1068 on 2022-02-15

Support: 7 Oppose: 1 Neutral: 0 Total to Testify: 0

Export to Excel

| <u>Name</u>        | City, State<br>Email Address                | <u>Title</u>           | Representing       | <b>Position</b> | <b>Testifying</b> | Non-Germane | Signed Up          |
|--------------------|---|------------------------|--------------------|-----------------|-------------------|-------------|--------------------|
| Morris, Ed         | Enfield, NH<br>townmanager@enfield.nh.us    | A Member of the Public | Town of Enfield NH | Oppose          | No                | No          | 2/11/2022 1:13 PM  |
| Wood, Jacqueline   | Auburn, NH<br>jackie_wood47@hotmail.com     | A Member of the Public | Myself             | Oppose          | No                | No          | 2/12/2022 10:29 AM |
| Smith, Bruce       | Surry, NH<br>surrysmith1953@gmail.com       | An Elected Official    | Myself             | Oppose          | No                | No          | 2/12/2022 3:54 PM  |
| Rhoades, Chuck     | Dover, NH chuckrhoades@comcast.net          | A Member of the Public | Myself             | Support         | No                | No          | 2/12/2022 8:57 PM  |
| Lucas, Janet       | Campton, NH<br>janluca1953@gmail.com        | A Member of the Public | Myself             | Oppose          | No                | No          | 2/13/2022 8:30 AM  |
| Bates, David       | Warner, NH<br>dbates3@yahoo.com             | A Member of the Public | Myself             | Support         | No                | No          | 2/13/2022 4:19 PM  |
| Kudlik, Cindy      | Grafton, NH<br>CindyKudlik@protonmail.com   | An Elected Official    | Myself             | Oppose          | No                | No          | 2/13/2022 10:38 PM |
| Richardson, Daniel | Nashua, NH<br>daniel6_22@comcast.net        | A Member of the Public | Myself             | Oppose          | No                | No          | 2/14/2022 7:17 AM  |
| Goggans, Ron       | campton, NH<br>rongoggans@gmail.com         | An Elected Official    | Myself             | Oppose          | No                | No          | 2/14/2022 11:19 AM |
| Miller, Gerald     | Hampton, NH<br>ghmiller2010@gmail.com       | A Member of the Public | Myself             | Support         | No                | No          | 2/14/2022 2:38 PM  |
| Johnson, Teresa    | Durham, NH<br>dr.teresa.l.johnson@gmail.com | A Member of the Public | Myself             | Support         | No                | No          | 2/14/2022 8:24 PM  |
| Reeves, Joss       | Durham, NH<br>joseph.reeves@gmail.com       | A Member of the Public | Myself             | Support         | No                | No          | 2/14/2022 8:47 PM  |
| Ingram, April      | Warner, NH<br>aandk@tds.net                 | A Member of the Public | Myself             | Support         | No                | No          | 2/15/2022 8:10 AM  |

| Campbell, Karen     | Epsom, NH<br>klynncampbell50@gmail.com         | A Member of the Public | myself          | Support | No | No | 2/15/2022 8:28 AM |
|---------------------|--|------------------------|-----------------|---------|----|----|-------------------|
| Fraysse, Michael    | Epsom, NH<br>mikefraysse@gmail.com             | A Member of the Public | Michael Fraysse | Support | No | No | 2/15/2022 8:29 AM |
| Robidoux, Elizabeth | Town of Auburn, NH elizabethrobidoux@gmail.com | A Member of the Public | Myself          | Oppose  | No | No | 2/15/2022 9:12 AM |
| Sioras, George      | Derry, NH<br>georgesioras@derrynh.org          | A Member of the Public | Myself          | Oppose  | No | No | 2/15/2022 9:20 AM |
| Campbell, Karolyn   | Epsom, NH<br>kkcampbell43@yahoo.com            | A Member of the Public | Myself          | Support | No | No | 2/15/2022 9:20 AM |

#### **HB 1068 - AS INTRODUCED**

#### 2022 SESSION

22-2126 10/11

**HOUSE BILL** 

*1068* 

AN ACT

۶.

relative to building codes for tiny houses.

SPONSORS:

Rep. Testerman, Merr. 2; Rep. Maggiore, Rock. 22

COMMITTEE:

Municipal and County Government

#### **ANALYSIS**

This bill defines tiny houses and provides for the authority and requirements for municipal regulation.

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 Two

AN ACT

relative to building codes for tiny houses.

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

1 New Subdivision; Tiny Houses. Amend RSA 674 by inserting after section 74 the following 2 new subdivision:

3 Tiny Houses

674:75 Definition. As used in this subdivision, "tiny house" means a structure intended for year-round occupancy that meets the requirements of the state building code, as defined in RSA 155-A, and is of a smaller square footage than may be normally permitted by local zoning requirements, and may include single-room structures, and which is built on either a permanent foundation or on a chassis that is suitable for registration for transport on public highways of the state.

674:76 General Requirements.

- I. All houses that meet the definition of "tiny house" in RSA 674:75 shall contain facilities for sleeping, eating, cooking, and sanitation.
- II. All municipal and state building codes for single family dwelling units shall apply to tiny houses including, but not limited to, zoning, fire, safety, emergency vehicle access, attachments to electricity, plumbing, and public or private sewer systems, if required.
- 674:77 Requirements for Tiny Houses on Wheels. Any tiny house on wheels shall be mounted on a chassis that is licensed, registered with state and local governmental agencies, and inspected. A tiny house on wheels shall also have a seal from a third party inspection company authorized to provide such certification for tiny homes or recreational vehicles, which indicates that the structure has successfully passed inspection at specific stages of construction for compliance with safety, structure, and energy efficiency standards. Such seal shall be permanently affixed to the tiny house. A local engineer shall certify the connection of the tiny house to the chassis.

674:78 Individual Tiny Houses.

- I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this chapter shall allow tiny houses as a matter of right in all zoning districts that permit single family dwellings, and may allow in its discretion tiny houses in all other districts.
- II. If a municipality permits detached accessory dwelling units pursuant to RSA 674:73, it shall permit a single tiny house as a detached accessory dwelling unit. Municipalities allowing tiny houses pursuant to this paragraph may require additional lot area if it has such a requirement for detached accessory dwelling units, and may require the tiny house meet the municipality's zoning dimensional standards for detached accessory dwelling units if such standards exist. A property may include either an accessory dwelling unit or a tiny house, but not both.

# HB 1068 - AS INTRODUCED - Page 2 -

- III. A tiny house used for habitation shall be connected to both a public water system or a private well and to a public sewer system or a subsurface wastewater disposal system that has been approved by the department of environmental services. Alternatively, a tiny house used for habitation may include self-contained drinking water and sanitary systems. A self-contained waste water system may not discharge any waste or liquid.
- IV.(a) If built on a chassis, a tiny house used for habitation shall be taxable as real estate, but shall not otherwise be regarded as real property.
- (b) If a tiny house is located on the land of another, the owner of the tiny house shall be liable for property taxes on the tiny house according to RSA 72:7-a unless exempted under RSA 72:7-d.
- (c) When a tiny house on wheels is removed from a property, the owner of such tiny house shall notify the municipality in order to remove the property tax liability.
- 674:79 Tiny House Parks. Municipal zoning ordinances shall also make provision for locating tiny homes in group park settings of at least 4 units, in which no more than one of the units may be the park property owner. Units shall be adequately spaced to allow for access by firefighting apparatus. The overall lot size shall be at least 10,000 square feet, but if the park is not served by public water and sewer, then the park or units shall meet the minimum overall lot-size standards for a community system. The property owner shall have discretion to use either individual lots or a single lot and either individual or community wastewater and drinking systems.
  - 2 Effective Date. This act shall take effect 60 days after its passage.