

REGULAR CALENDAR

March 8, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Municipal and County Government to which was referred HB 1177,

AN ACT relative to permissible residential units in a residential zone. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Ivy Vann

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Municipal and County Government
Bill Number:	HB 1177
Title:	relative to permissible residential units in a residential zone.
Date:	March 8, 2022
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

The committee seldom recommends ought to pass on a state-wide mandate but given the seriousness of the housing shortage and given that allowing local control of this issue for more than 40 years has not produced any easing of local regulations constraining the housing supply we recommend ought to pass. Much research lately has focused on the extent that local zoning makes the building and rebuilding of historically appropriate density very difficult or even impossible; this bill relegalizes historic building types such as duplexes, triple-deckers, and four-unit buildings in places already served by municipal water and sewer. It is an important step toward the creation of smaller, more affordable housing units in a state desperate for housing. This bill leaves the questions of building height, mass, lot placement, lot coverage, parking, and all other similar standards in the hands of the local jurisdiction.

Vote 10-8.

Rep. Ivy Vann
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Municipal and County Government

HB 1177, relative to permissible residential units in a residential zone. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ivy Vann for the **Majority** of Municipal and County Government. The committee seldom recommends ought to pass on a state-wide mandate but given the seriousness of the housing shortage and given that allowing local control of this issue for more than 40 years has not produced any easing of local regulations constraining the housing supply we recommend ought to pass. Much research lately has focused on the extent that local zoning makes the building and rebuilding of historically appropriate density very difficult or even impossible; this bill relegalizes historic building types such as duplexes, triple-deckers, and four-unit buildings in places already served by municipal water and sewer. It is an important step toward the creation of smaller, more affordable housing units in a state desperate for housing. This bill leaves the questions of building height, mass, lot placement, lot coverage, parking, and all other similar standards in the hands of the local jurisdiction. **Vote 10-8.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

March 8, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Municipal and County Government to which was referred HB 1177,

AN ACT relative to permissible residential units in a residential zone. Having considered the same, and being unable to agree with the Majority, report with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Richard Tripp

FOR THE MINORITY OF THE COMMITTEE

Original: House Clerk

Cc: Committee Bill File

**MINORITY
COMMITTEE REPORT**

Committee:	Municipal and County Government
Bill Number:	HB 1177
Title:	relative to permissible residential units in a residential zone.
Date:	March 8, 2022
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill requires that local legislative bodies permit single-family lots in residential districts to be used for up to four residential units. It is yet another attempt to transfer land use authority from the municipalities to the state. While a variety of dwelling unit types are permitted, it is expected the most common would be older large single family homes converted to rentals. This would achieve the goal of increased work force housing, it would be at the cost of reduced neighborhood home values and homogeneity.

Rep. Richard Tripp
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Municipal and County Government

HB 1177, relative to permissible residential units in a residential zone. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for the **Minority** of Municipal and County Government. This bill requires that local legislative bodies permit single-family lots in residential districts to be used for up to four residential units. It is yet another attempt to transfer land use authority from the municipalities to the state. While a variety of dwelling unit types are permitted, it is expected the most common would be older large single family homes converted to rentals. This would achieve the goal of increased work force housing, it would be at the cost of reduced neighborhood home values and homogeneity.

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1177

BILL TITLE: relative to permissible residential units in a residential zone.

DATE: February 23, 2022

LOB ROOM: 301 - 303

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Vann

Seconded by Rep. Rung

AM Vote: 9-9

Amendment # 2022-0562h

MOTIONS: OUGHT TO PASS

Moved by Rep. Vann

Seconded by Rep. Treleaven

Vote: 10-8

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John MacDonald, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1177

BILL TITLE: relative to permissible residential units in a residential zone.

DATE: 2/23/22

LOB ROOM: 301-303

MOTION: (Please check one box)

OTP ~~ITL~~ Retain (1st year) Adoption of Amendment # 2022-0562 h
 Interim Study (2nd year) (if offered)

Moved by Rep. ~~TRIPP~~ VANN Seconded by Rep. ~~TRIPP~~ RUNG Vote: 9-9

Failed

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. VANN Seconded by Rep. Treleguen Vote: 10-8

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: _____ YES _____ NO

Minority Report? Yes _____ No If yes, author, Rep: _____ Motion _____

minority - Tripp

majority Rep. VANN

Respectfully submitted: _____


Rep John MacDonald, Clerk



2022 SESSION

Municipal and County Government

Bill #: 1177 Motion: OTP AM #: _____ Exec Session Date: 2/23/22

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



2022 SESSION

Municipal and County Government

Bill #: 1177 Motion: Adopt Amendment 2022-0562h AM #: _____ Exec Session Date: 2/23/22

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

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 1177

BILL TITLE: relative to permissible residential units in a residential zone.

DATE: February 7, 2022

LOB ROOM: 301/303

Time Public Hearing Called to Order: 9:00am

Time Adjourned: 10:33am

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

Bill Sponsors:

Rep. Vann

Rep. Gallagher

Rep. Stavis

Rep. McWilliams

Rep. Porter

Rep. Caplan

Rep. Conley

Rep. Booras

Rep. Mangipudi

Rep. Read

Sen. Bradley

TESTIMONY

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

***Rep. Vann**

- Testimony and amendment #2022-0480H

Rep. Tripp:

- Intent to create rentals?
- Rev. Vann - Yes
- If you have a lot that meets those constraints
- Individual 4 dwellings
- Rep Vann - No, you can make a duplex out of that building

Rep. Mangipudi:

- We wanted to downsize, to a smaller house. We have the opportunity to make a duplex.

Rep. Klee:

- No owner owned requirement
- Bed bugs, window won't open, who do they call?

Rep. Vann

- This bill does not address this.

Rep. Rung:

- We have many single family homes, have in law apartments.

Rep. Vann

- Local jurisdiction - How the building owner goes about doing it?

Rep. MacDonald:

- Tax the water and sewer system of a town.

Rep. Vann

- The town could say that the system could not support it.

Rep. Guthrie:

- How many towns have water and sewer?

Rep. Vann

- Very much limited to where water and sewer exist.

Rep. Tripp:

- Line 4 - Nashua would not apply?

Rep. Vann

- No, this is boiler plate, Nashua would apply. That is the language you have to use.

Rep. Mangipudi:

- Infill of existing neighborhoods

Rep. Vann

- Yes, there is infill for neighborhoods - AARP
- Supports this bill

Rep. Pauer:

- An owner of a single family lot may subdivide

Rep Vann

- No, could have 4 units on a single lot.

Rep. Lascelles:

- Developers in one town passes/other town no

Rep. Vann

- I don't think this would be attractive for a developer.
- One at a time does not work.

Rep. Maggiore:

- Emergency services - Would not limit the authority of those services?

Rep. Vann

- No, all those things still apply

Rep. Tripp:

- Line 4 - The city does not have precedence but the county does.

Rep. Vann

- This is the boiler₂ plate language

Rep. Gallagher

- Concord Ward 6 - many of the reasons Rep. Vann testifies too.
- I grew up in a single family home.
- I am living in an apartment complex.
- I visited my brother in Oregon who lives in a U Plex.
- He is living there because he can't find housing here in NH.

*Chet Clem

- For Rep. Vann - smart growth.
- I am speaking as a developer. Smart growth.
- I build 1 unit or 125 units but nothing in between.
- Submitted written testimony by mail

Rep. Mangipudi:

- What generation is approaching you for developing?

Mr. Clem

- I have people who can not approach a \$400,000 house.

Rep. Stavis:

- Lebanon Planning Board members pressure -mega developments 200, 400, 500 units.
- Would this bill limit that with more middle of the road projects?

Mr. Clem

- Yes, creates a new avenue.

Rep. Stavis:

- Relieve pressure on our environment, steep grades, preserve the character.

Mr. Clem

- Yes, this is a downtown bill.

Rep. Rung:

- Would this create a niche area?

Mr. Clem

- Yes, fast track housing.
- Oversize into a 2 or 4 unit. Profitability

Rep. Rung:

- Specialization

Mr. Clem

- Perhaps, we are missing opportunities.

Rep. Rebecca McWilliams

- West side of Concord - Younger generation
- Architect in NH - Young people are looking to renovate, revitalizing what worked for own zoning codes in World War 2.
- Type of housing people are looking for.

Rep. Stavis:

- Would this bill stimulate business?

Rep. McWilliams

- Local jobs 1 to 2 years. We do have local talent. Codifies the opportunity for local trades people.

Rep. Mangipudi:

- The development and the benefits remain in the state.

Rep. McWilliams

- 2.5 kids, dog? picket fence

Rep. Tripp:

- Local communities can do this now (Prevent this being done)

Rep. McWilliams

- There is nothing structurally but politically yes.

Lilly Beyer - Portsmouth Structural Engineer

- I live in a triple - Richards Avenue, best road in Portsmouth
- We want to live in town, No, change is not an option
- Everything gets too expensive.
- Doing?? nothing is no charge.
- I have lived in my place for 8 years.
- We don't want to live in those 200 unit complexes.

Rep. Mangipudi:

- Did you choose the option?

Ms. Beyer

- I chose to live there.

Mr. Will Stewart - Stay, Work, Play Group

- Supports the bill
- We need more young people for our communities.

Rep. Mangipudi:

- Attract Diversity?

Mr. Stewart

- The NH employers are looking for employees.
- We are one of the top 10 destinations.
- Work at home opportunities

Rep. Rung:

- Businesses limited housing
- Any businesses leaving the state?

Mr. Stewart

- Housing is the biggest factor for their employees. They are looking at alternate locations.

Natch Greyes - NH Municipal Association

- Opposes this state wide zoning mandate
- RSA 674:72 - contradicts the bill line 6-8
- There is some issue 674:73 detached /Sy'S
- The amendment - addresses some of the concern for parking.. Appear to be addressed in Amendment

Rep. Rung:

- NH Municipal against all mandates

Natch Greyer

- State wide zoning mandates,
- we as an association do not support.

Rep. Mangipudi:

- What would the association support to solve this issue?

Natch Greyer

- I don't have a solution.
- But will work with anyone. There are differences within communities.
- That's why there should be local control.

***Salim Furth - Mercatus Center**

- Property rights - compelling reason, fairness
- Solving the state wide problem
- can local regulates single family
- The bill is substi???
- Single family zoning is ripe for consideration

Rep. Rung:

- Will do an amendment to address NH Municipal association concerns

Respectfully submitted,

Rep. John MacDonald,
Clerk

House Remote Testify

Municipal and County Government Committee Testify List for Bill HB1177 on 2022-02-07

Support: 47 Oppose: 18 Neutral: 1 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Coughlin, Cynthia	Merrimack, NH coughlin29@gmail.com	A Member of the Public	Myself	Support	No	No	1/27/2022 9:05 AM
Dargie, Paul	Milford, NH pauldargie@gmail.com	An Elected Official	Myself	Oppose	No	No	1/28/2022 3:10 PM
Kudlik, Cindy	Grafton, NH CindyKudlik@protonmail.com	An Elected Official	Myself	Oppose	No	No	1/30/2022 11:55 AM
Buttrick, Bruce	Goffstown, NH bbuttrick8468@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/30/2022 9:34 PM
Coon, Kate	Peterborough, NH kate2coon@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 10:09 AM
Bradley, Senator Jeb	SD3, NH jeb.bradley@leg.state.nh.us	An Elected Official	SD3	Support	No	No	1/31/2022 7:10 PM
Maurer, Melissa	Peterborough, NH nubimel@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2022 2:09 PM
Meyer, Abigail	Peterborough, NH abbymeyer@earthlink.net	A Member of the Public	Myself	Support	No	No	2/1/2022 5:42 PM
Chicoine, Brian	Manchester, NH brian.chicoine@outlook.com	A Member of the Public	Myself	Support	No	No	2/2/2022 1:21 PM
Faber, Shawn	Londonderry, NH slfaber@duck.com	A Member of the Public	Myself	Support	No	No	2/4/2022 7:44 AM
Butcher, Suzanne	Keene, NH SuzanneButcherNH@yahoo.com	A Member of the Public	Myself	Support	No	No	2/4/2022 9:23 AM
Kubit, Joy	New london, NH joykubit@gmail.com	A Member of the Public	Myself	Support	No	No	2/4/2022 2:10 PM
McKinney, Dawn	Concord, NH dmckinney@nhla.org	A Lobbyist	NH Legal Assistance	Support	No	No	2/4/2022 4:49 PM

Porter, Marjorie	HILLSBORO, NH maporter995@gmail.com	An Elected Official	Hillsborough District 1	Support	No	No	2/4/2022 5:33 PM
Lewis, Laurie	Peterborough, NH lauriehlewis@gmail.com	A Member of the Public	Myself	Support	No	No	2/4/2022 8:25 PM
Richardson, Daniel	Nashua, NH daniel6_22@cmcast.net	A Member of the Public	Myself	Oppose	No	No	2/5/2022 3:27 PM
Anderson, Mary	Plaistow, NH elfskid@yahoo.com	A Member of the Public	Myself	Support	No	No	2/5/2022 3:36 PM
Beyer, Lily	Portsmouth, NH lbeyer@gmail.com	A Member of the Public	Myself	Support	No	No	2/5/2022 5:36 PM
QUISUMBING-KING, Cora	Dover, NH coraq@comcast.net	A Member of the Public	Myself	Support	No	No	2/6/2022 10:06 AM
Musick, Danielle	Manchester, NH loveforashley@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/6/2022 11:03 AM
Sirois, Robert	Manchester, NH rob0570@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/6/2022 11:04 AM
Campbell, Karolyn	Epsom, NH kkcampbell43@yahoo.com	A Member of the Public	Myself	Support	No	No	2/6/2022 11:21 AM
Furth, Salim	Arlington, VA sfurth@mercatus.gmu.edu	A Member of the Public	Mercatus Center at George Mason University	Neutral	No	No	2/6/2022 12:42 PM
Creem, Jeffrey	Nashua, NH jeff@thecreems.com	A Member of the Public	Myself	Support	No	No	2/6/2022 1:07 PM
Mott-Smith, Wiltrud	Loudon, NH wmottsm@worldpath.net	A Member of the Public	Myself	Support	No	No	2/6/2022 1:12 PM
Campion, Polly	Etna, NH pollykcampion@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2022 1:14 PM
Tentarelli, Liz	Newbury, NH liz6@kenliz.net	A Member of the Public	Myself	Support	No	No	2/6/2022 5:02 PM
O'Neill, Nan	SALISBURY, NH raptorko@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2022 5:56 PM
Pray, D.	Amherst, NH dapsrp@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/6/2022 5:56 PM
Hendrix, Jim	Amherst, NH Jhdrix@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/6/2022 6:41 PM
Mullin, Kelly	Amherst, NH Pjandkelly@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/6/2022 6:43 PM

Kachmar, Tim	Amherst, NH tkachmar1969@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/6/2022 7:11 PM
Orkin, Susan	Grantham, NH susanorkin@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2022 7:21 PM
Kachmar, Lee	Amherst, NH Lee.Kachmar@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/6/2022 7:33 PM
Post, Lisa CM	Lyndeborough, NH Lisacmpost@gmail.com	An Elected Official	Myself	Support	No	No	2/6/2022 8:25 PM
Steere, Andrew	Lyndeborough, NH andrewsteere@tds.net	A Member of the Public	Myself	Support	No	No	2/6/2022 8:31 PM
See, Alvin	Loudon, NH absee@4liberty.net	A Member of the Public	Myself	Oppose	No	No	2/6/2022 8:44 PM
Hatcher, Phil	Dover, NH phil.hatcher@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2022 9:23 PM
Pauer, Eric	Brookline, NH secretary@BrooklineGOP.org	A Member of the Public	Myself	Oppose	No	No	2/6/2022 10:09 PM
Schmidt, Jan	Nashua, NH Tessa4@gmail.com	An Elected Official	Myself	Support	No	No	2/6/2022 10:23 PM
Gerrior, Jess	Antrim, NH jessgerrior@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2022 10:45 PM
Oxenham, Lee	Plainfield, NH leeoxenham@comcast.net	An Elected Official	Myself	Support	No	No	2/6/2022 10:54 PM
Mooney, Birdie	Wilton, NH bridget@moonchick.com	A Member of the Public	Myself	Support	No	No	2/6/2022 11:08 PM
Zavgren, John	Wilton, NH John@zavgren.com	A Member of the Public	Myself	Support	No	No	2/6/2022 11:10 PM
Markus, Amy	Hancock, NH asmarkus@comcast.net	A Member of the Public	Myself	Support	No	No	2/6/2022 11:13 PM
Zavgren, Maggie	Wilton, NH maggielouisaz@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2022 11:13 PM
Bockley, Wes	Hancock, NH Wesbockley@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2022 11:14 PM
Freedman, Aubrey	Bridgewater, NH aubreyyfreedman@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 1:00 AM
Lucas, Janet	Campton, NH janluca1953@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 7:02 AM

McWilliams, Rebecca	Concord, NH Rebecca.McWilliams@leg.state.nh.us	An Elected Official	Merrimack 27	Support	No	No	2/7/2022 7:10 AM
Ferrantello, Anthony	Keene, NH ajfnino@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 7:34 AM
HALLOCK, LINDA	Cornish, NH lindash@mail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 8:20 AM
Sorens, Jason	Amherst, NH jsorens@anselm.edu	A Member of the Public	Myself	Support	No	No	2/7/2022 8:51 AM
DeRosa, Tom	Bedford, NH tom@bfreshconsulting.com	A Lobbyist	New Hampshire Planners Association	Oppose	No	No	2/7/2022 9:05 AM
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Support	No	No	2/7/2022 9:45 AM
Howard, Raymond	Alton, NH brhowardjr@yahoo.com	An Elected Official	Belknap 8	Oppose	No	No	2/7/2022 9:54 AM
Collyer, Anne	Newton, NH annicollyer34@gmail.com	An Elected Official	Myself	Oppose	No	No	2/7/2022 11:02 AM
Steinberg, Sarah	Peterborough, NH sarahsteinbergheller@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 1:08 PM
Chabinsky, Douglas	Amherst, NH djchabinsky@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/7/2022 3:15 PM
Robinson, Ellis	Grantham, NH ellismmrobinson@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 3:52 PM
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Support	No	No	2/7/2022 3:59 PM
thompson, julia	durham, NH maple371@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2022 5:23 PM
Turnbull, Shauna	Andover, NH shaunaturnbull@yahoo.com	A Member of the Public	Myself	Support	No	No	2/7/2022 7:41 PM
Cote, Lois	Manchester, NH lcote06@outlook.com	A Member of the Public	Myself	Support	No	No	2/7/2022 8:38 PM
Chappelle, Maura	Jefferson, NH MauraChappelle@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/7/2022 11:51 PM
Kindeke, Grace	Manchester, NH gkindeke@afsc.org	A Lobbyist	American Friends Service Committee	Support	No	No	2/7/2022 11:54 PM

Opposition to **HB 1177**

House Municipal & County Committee

Dear Chairman and Committee Members,

I am opposed to this Bill as proposed because:

By requiring all zoning ordinances to allow, by right, any lot in a single family residential zoning district serviced by public water and sewer to be used for up to four dwelling units. This instantly creates a suburban (multi-family) neighborhood in what was previously a rural neighborhood.

Under this bill, a zoning ordinance would be prohibited from requiring additional parking spaces for the additional three (3) separate dwelling units = Four dwelling units where one had previously been.

I am concerned about the unintended consequences of this bill, and not just with parking. The bill does not contemplate the additional burden on municipal water and sewer, or the building and life-safety code requirements to ensure that occupants can safely occupy the converted units.

This proposal creates more overcrowding, congestion, and density, contrary to good, sound Planning and Zoning principles/practices.

What happened to "local control"?

Bruce Buttrick
Gorham Pond Rd
Goffstown, NH 03045

Subject: In Opposition to HB 1177 relative to permissible residential units in a residential zone.

From: Daniel Richardson <daniel6_22@comcast.net>

Date: 2/5/2022, 1:03 PM

To: HouseMunicipalandCountyGovt@leg.state.nh.us

CC: Tom Lanzara <tomlanzara@gmail.com>, Ivy Vann <Ivy.Vann@leg.state.nh.us>, Eric Gallager <eric.gallager@leg.state.nh.us>, Laurel Stavis <Laurel.Stavis@leg.state.nh.us>, Rebecca McWilliams <Rebecca.McWilliams@leg.state.nh.us>, Marjorie Porter <Marjorie.Porter@leg.state.nh.us>, Tony Caplan <Tony.Caplan@leg.state.nh.us>, Casey Conley <casey.conley@leg.state.nh.us>, Efstathia Booras <Efstathia.Booras@leg.state.nh.us>, Latha Mangipudi <Latha.Mangipudi@leg.state.nh.us>, Ellen Read <ellen4nh@gmail.com>, Jeb Bradley <Jeb.Bradley@leg.state.nh.us>

Ref: February 7, 2022 Public Hearing

Municipal and County Government Committee - WHY HAVE ANY ZONING ORDINANCES AT ALL?

I write in opposition to HB 1177. This bill represents a new low of municipal insanity. It would allow as a matter of right, any single-family lot in a residential zoning district to be used for four residential dwelling units of combination of any type.

Its end effect would be corruption of a property within a neighborhood having an existing characterization. This would devastate valuations of existing homeowners whose investment was based on that existing characterization. This is a downward slope causing propensity for others to do the same... and then move out.

This bill represents one element of AGENDA 21 incremental erosion of individual property rights and urban densification of NH. [It is aligned implementation "The Great Reset".] This bill represents establishment of an arbitrary assault vector on home owners and has no benefit for NH property owners or the state.

One cannot help but believe that this dream bill of ruthless developers is one of the dilatory bloat of unserious bills intended to slow down the serious business of the House.

Please kill HB 1177 as ITL with extreme prejudice.

Daniel Richardson, Nashua

Note: I found Sen. Bradley's email address in the (D) listing. Was that a mistake?

Why I Support HB1177

Jason Sorens
Amherst, N.H.

HB1177 is a pro-housing, pro-private property rights bill that allows landowners to build up to four dwelling units in a residential district where there is municipal water and sewer. This bill does not prevent municipalities from imposing performance standards on multifamily housing, including regulating the appearance of entrances so that fourplexes look like single-family units. Nor does it exempt triplexes and fourplexes from municipal site plan review. It simply expands the options for rental housing in New Hampshire, helping to address our critical housing shortage.

Municipalities are engaged in an arms race of ever-tightening zoning regulations. State action is needed to set some limits. Promoting small-scale infill development as this bill would do is good planning and good policy.

Thank you for your consideration.



February 7, 2022

Municipal and County Government Committee
Legislative Office Building, Room301
Concord, NH 03301

Subject: HB1177 - relative to permissible residential units in a residential zone

Dear Chairman Dolan and Members of Municipal and County Government,

The New Hampshire Planners Association (NHPA) was founded in 1970 by a group of planners who recognized the need for a forum to discuss planning issues on a statewide level. NHPA helps planners to stay on top of current trends affecting planning in New Hampshire. Reflecting the diversity of the planning profession, our membership spans a broad spectrum of interests and backgrounds.

Given the questions and concerns HB1177 raises for municipalities, NHPA is opposed to the bill as currently written. These include:

- For assessing purposes, will these units be considered single family or multifamily?
- For planning purposes, will they or can they require site plan review?
- How will the bill impact municipalities' water and sewer capacity and infrastructure?
- Limiting parking requirements for four units to those required for one will have a significant impact on access for fire and emergency services as well as plowing and maintenance on streets that cannot support on street or overflow parking. This bill, in conjunction with HB1098, would mandate that municipalities only allow one parking space for four units.
- The proposal is too broad and does not consider the environmental or infrastructure related constraints on the land that communities must evaluate and consider when developing their codes.
- Many communities are developed on a "transect model" that allows for transitions in density. This bill, in conjunction with others proposed, would create a uniform density in "residential districts" of four units on 10,000 square foot lots wherever water and sewer hook ups exist.
- The bill applies to "any single-family lot in a residential zoning district[.]" However, zoning districts are unique to each municipality, and many include a mix of residential and commercial uses, with a variety of different residential types permitted. For purposes of this bill therefore, what is a "residential district"? And with respect to the "single-family lot" language, does this mean that the bill only applies to lots currently improved with a single-family home?

Given the questions above, we believe it would be prudent to consider either studying the potential impacts of this legislation or adding it to SB329 which establishes a commission to study barriers to housing development in New Hampshire, including workforce and middle-income housing.

Thank you for this opportunity to provide comment.

Sincerely,

Tim Corwin, Legislative Liaison
NH Planners Association

HB 1177 applies to new construction as well as rehabilitation of existing buildings. Thus developers could build 4-plexes in place of single-family dwellings in large development projects, as long as they complied with the water and sewer requirement.

Surely towns can draft their own ordinances to allow rehabilitation of large homes without having 4-plexes popping up unregulated throughout the community.

I hope you will consider my thoughts and oppose this bill. Let local communities retain local control!

Thank you,

Loretta Laurenitis
Peterborough, NH

Heather Goley

From: Loretta Laurenitis <lbonlaur@yahoo.com>
Sent: Thursday, February 24, 2022 9:27 AM
To: ~House Municipal and County Govt
Subject: Opposition to HB 1177 to Allow 4-Plexes on Certain Single Family Lots by Right

Dear Chair and Committee Members:

I am opposed to HB 1177 this year, as I was opposed to this same bill (different number) last year.

I object to the State making yet another attempt to override local control with a "one size fits all" proposal. The State has already legislated that any single-family home has the right to have one accessory dwelling unit, so in effect, the State has already dictated that single-family homes are allowed to be two-family dwellings. The intention was that accessory dwelling units would provide additional affordable housing, but what research has the State done to ensure that? None that I am aware of. Where is the proof that increasing density of housing results in more affordable housing?

Certainly many municipalities have large homes which could become 4-plex units, but there are two main reasons why this should **NOT** be allowed **by right**, but rather should mandate a process for approval, such as requiring a Special Exception. Those reasons are: 1) so that abutters and neighbors can provide input and raise any concerns, and 2) so that required standards can be addressed. A major problem with HB 1177 is its requirement that the 4-plex would have no more restrictive standards than those required for a single-family dwelling, so for example, if a single-family home was required to have 2 parking spaces, then that is what would apply to a 4-plex. Clearly a 4-plex, being a 4 family home, would require more than just 2 parking spaces, so where would that parking go? Out on the street, on the lawn, where? There should be a standard for adequate parking with an increase in dwelling units to ensure public safety and the general welfare of the community.

Below is the letter I wrote last year about the 4-plex bill, and it applies this year as well. Please have it included in the record.

Why does the NH legislature want to rezone all parts of the state served by sewer and water, overriding local control and imposing a "one size fits all" approach?

House Bill 1177 is before the NH legislature now. It is being promoted as a way to repurpose existing, larger homes from single family residences into 4-plexes to provide more affordable housing, which it does have the potential to do. However, the only requirement for converting a single-family home would be that it is "served by water and sewer."

Because converting a single-family into a 4-plex would be by right, the size of the single-family home or the size of its lot would **not** be considered. In fact, the bill states: "The lot and yard standards, setbacks, parking requirements, and lot coverage shall be no more restrictive than those required for a single-family home." Therefore, a single-family dwelling on a quarter acre would have the same right to be converted into a 4-plex as one on a much larger lot. If only 2 parking spaces are now required by a town for a single-family home, no additional spaces could be required for a 4-plex, which would obviously have greater parking needs.

In NH, any single-family residence is already allowed, by right, one accessory dwelling unit.

HB 1177 would allow, by right, the conversion of single-family homes into 4-plexes, "to be configured as a single 4-unit building, 2 duplex units, 4 single units, 1 duplex unit with 2 accessory dwelling units, 4 townhouses, or 1 single-family house with 3 accessory dwelling units."

There would be no requirements for abutter notification, fitting in with the character of the neighborhood, considering the impact on nearby property values or meeting expectations of a Master Plan for the community. **There would be no review process required.** As long as water and sewer existed to the property, **any single-family residence or any single-family lot could be built into a 4-plex.**

Heather Goley

From: Daniel Richardson <daniel6_22@comcast.net>
Sent: Saturday, February 5, 2022 1:03 PM
To: ~House Municipal and County Govt
Cc: Tom Lanzara; Ivy Vann; Eric Gallagher; Laurel Stavis; Rebecca McWilliams; Marjorie Porter; Tony Caplan; Casey Conley; Efstathia Booras; Latha Mangipudi; Ellen Read-Contact; Jeb Bradley
Subject: In Opposition to HB 1177 relative to permissible residential units in a residential zone.

Ref: February 7, 2022 Public Hearing

Municipal and County Government Committee - WHY HAVE ANY ZONING ORDINANCES AT ALL?

I write in opposition to HB 1177. This bill represents a new low of municipal insanity. It would allow as a matter of right, any single-family lot in a residential zoning district to be used for four residential dwelling units of combination of any type.

Its end effect would be corruption of a property within a neighborhood having an existing characterization. This would devastate valuations of existing homeowners whose investment was based on that existing characterization. This is a downward slope causing propensity for others to do the same... and then move out.

This bill represents one element of AGENDA 21 incremental erosion of individual property rights and urban densification of NH. [It is aligned implementation "The Great Reset".] This bill represents establishment of an arbitrary assault vector on home owners and has no benefit for NH property owners or the state.

One cannot help but believe that this dream bill of ruthless developers is one of the dilatory bloat of unserious bills intended to slow down the serious business of the House.

Please kill HB 1177 as ITL with extreme prejudice.

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Note: I found Sen. Bradley's email address in the (D) listing. Was that a mistake?



Chairman Tom Dolan
House Municipal and County Government
State House
107 N. Main Street
Concord, NH 03301

RE: SUPPORT for **HB 1177**

Chairman Dolan and Members of the Committee:

Housing Action NH is a statewide coalition of 80 organizations united around affordable housing policy and ending homelessness in New Hampshire. Our members include those who develop, manage, own and finance affordable housing, public housing agencies, supportive housing agencies and homeless service providers. They are key partners in the work to address the housing crisis in New Hampshire.

Housing Action NH supports HB 1177. As you know, New Hampshire is currently experiencing a severe housing shortage. Our statewide vacancy rate is below 1% and New Hampshire Housing estimates that we lack 20,000 overall units to address the needs of our economy. The good news is that there is growing political will and popular support for innovative approaches to incentivize the availability of more housing.

By allowing the owners of single-family residences to create up to 4 residential units within any single-family lot on water/sewer by right, HB 1177 would provide an important tool for infill, often called "missing middle" housing for New Hampshire residents. Similar to the Accessory Dwelling Unit law codified in RSA 674:71-73, New Hampshire could empower homeowners to respond to family and local market needs for more housing options.

As you know, the housing crisis will require a multi-pronged approach. Housing Action NH views this proposal as one important tool in the toolbox. We thank you for your serious consideration and ongoing service. We urge the Committee to find HB 1177 *ought to pass*.

Elissa Margolin
Director
elissa@housingactionnh.org

schoolchildren out.¹³ The state legislature can balance those narrow interests against the interests of Granite Staters who live outside the towns in question and do not have representation there. In this case, the state can act on behalf of citizens' interest in finding an affordable place to live in the community of their choice.

3. *Solving statewide problems.* States are within their rights to preempt local governments when the key levers to achieve some major state goal are held at the local level. For example, recent zoning preemptions have been justified as necessary to address climate change or to increase economic growth.¹⁴ Unlike in the case of property rights, the burden of proof ought to be on the state to show that preempting a traditional domain of local government is in fact necessary to address a statewide problem.

These categories overlap and complement one another. When evaluating a restriction on property rights, for instance, the state must consult groups with a broad range of interests and consider its own policy priorities in determining whether the reasons given in favor of a specific regulatory tool—such as single-family zoning—are compelling.

There are also strong reasons for the state to leave most decisions with primarily local impact to local governments. I would never want to see a state zoning board, and I do not recommend unfunded mandates.¹⁵

The debate, however, is not about whether the state should ever restrict local authority—it already does. Recalling the three arguments for preemption, the question is whether, in this particular instance,

1. local regulators can make a compelling case that maintaining single-family zoning is sufficiently important to merit restricting the right to use and enjoy private property

and whether that case is outweighed by

2. other citizens' interest in housing availability or
3. statewide concerns such as environmental protection, housing affordability, and economic growth.

Thus, the bill before you and others like it present substantive, not procedural, questions. State legislatures should neither always preempt local authority nor always defer. In my view, single-family zoning is ripe for reconsideration.

Thank you for your time. I am happy to answer any questions.

13. William A. Fischel, *The Homevoter Hypothesis* (Cambridge, MA: Harvard University Press, 2009). As it turns out, large-lot and single-family zoning appear to be counterproductive in terms of keeping school taxes low. Ryan M. Gallagher, "Restrictive Zoning's Impact on the Local Education Property Tax Base," *National Tax Journal* 72, no. 1 (2019): 11–44.

14. Michael Andersen, "A Duplex, A Triplex and a Fourplex Can Cut a Block's Carbon Impact 20%," Sightline Institute, June 7, 2019, <https://www.sightline.org/2019/06/07/a-duplex-a-triplex-and-a-fourplex-can-cut-a-blocks-carbon-impact-20/>; Emily Hamilton, "The Case for Preemption in Land-Use Regulation," Mercatus Center at George Mason University, Arlington, VA, July 20, 2017. I distinguish the latter two reasons by the scale of the issue motivating state action. A preemption justified on the basis of fairness is one where the effects are admittedly in the sphere that the town would normally govern. State-imposed building codes are a good example: they take into account nonresident builders' and buyers' interest in uniform standards, even though the structural soundness of a particular building is a local issue. By contrast, solving statewide problems is about addressing problems that are broad by nature.

15. Paul Rogers, "Solar Power Required for All New California Homes Starting Jan. 1," *San Jose Mercury News*, December 15, 2019; Liam Dillon, "California Tenants Will See Cap on Rent Increases under Bill Sent to Newsom," *Los Angeles Times*, September 11, 2019.

duplexes, 1 triplex, and 6 fourplexes, compared to 7,146 single-family homes and 7,566 units in 204 multifamily buildings.⁵

The state of Oregon passed legislation quite similar to HB 1177 in 2019 and followed up in 2021 to allow lot splits.⁶ The latter legislation was sponsored by Habitat for Humanity, which, like other builders, wants to make relatively affordable housing easy to own as well as to rent.⁷ Oregon's 2019 law will not be fully implemented until later in 2022, so it is too early for even a preliminary evaluation.

In California, a series of laws intended to ease the permitting of accessory dwelling units (ADUs), which HB 1177 would also do, increased ADU permitting 11-fold from 2016 to 2019. In 2019 and 2020, California permitted about 37 ADUs per 100,000 residents each year;⁸ Minneapolis is permitting 8 units per 100,000 residents annually in duplexes and triplexes; and in 2021 Houston permitted 12 units per 100,000 residents in duplexes, triplexes, and fourplexes.⁹

New Hampshire, over the past five years, has permitted about 310 housing units per 100,000 residents per year, 5.5 percent of which are in two- to four-unit buildings. Notably, this puts New Hampshire comfortably ahead of Houston, Minneapolis, and pre-reform Oregon in the permitting of two- to four-unit buildings.

WHEN TO PREEMPT

The real issue at stake here is not the modest but positive effects this bill is likely to have, but whether the state ought to decrease the regulatory authority it has granted municipalities. As a New England native, I am keenly aware that New England towns have been vital institutions for centuries. My hometown elected its own leaders and exerted police powers for a century before the revolution gave it the right to elect a governor.¹⁰ Notwithstanding this tradition, these local powers have never been boundless and have long been contested and restrained.¹¹

There are, I believe, three categories of argument in favor of preempting municipal zoning authority:

1. *Property rights.* Those who propose to limit citizens' right to the normal use and enjoyment of their property ought to face the burden of proof.¹² Thus, when state lawmakers deem that there is no compelling reason for a particular restriction—or that the restriction's costs outweigh its benefits—it is reasonable to ban such a restriction. In the present case, unless the legislature believes that there is a compelling reason that four households should not reside on a lot where one household can safely and beneficially reside, it ought to limit municipal authority to impose that specific restriction.
2. *Fairness.* Municipal governments are responsive mainly to their current residents, so zoning can be tilted toward maximizing incumbent property values and keeping families with

5. "Building Permits Survey," Census Bureau, accessed February 2, 2022, <https://www.census.gov/construction/bps/>.

6. S.B. 458, 81st Leg., 2021 Reg. Sess. (Or. 2021).

7. Hearing before the H. Comm. on Housing, 81st Leg. Assemb. (Or. 2021) (statement of the Build Small Coalition).

8. "California ADU Growth by City from 2012–2019, Charted," Building an ADU, August 22, 2020, <https://www.buildinganadu.com/adu-blog/california-adu-charts>; California ADU (website), accessed February 2, 2022, <https://www.aducalifornia.org/>.

9. Author's calculations. The City of Houston issues building permits in much of unincorporated Harris County, which is home to about 2 million people.

10. Albert K. Teele, *The History of Milton, Mass., 1640 to 1887* (Boston: Press of Rockwell and Churchill, 1887), 221.

11. Joan C. Williams, "The Invention of the Municipal Corporation: A Case Study in Legal Change," *American University Law Review* 34, no. 2 (1985): 369.

12. John Stuart Mill, *The Principles of Political Economy*, vol. 3 of *The Collected Works of John Stuart Mill*, ed. John M. Robson (Toronto: University of Toronto Press, 1977), F. A. Hayek, *The Constitution of Liberty*, vol. xvii of *The Collected Works of F. A. Hayek*, ed. Ronald Hamowy (Abingdon, UK: Routledge, 2011).

LIGHT-TOUCH DENSITY AND THE STATE'S ROLE IN ZONING

Salim Furth

Senior Research Fellow, Urbanity Project, Mercatus Center at George Mason University

New Hampshire House of Representatives, Municipal and County Government Committee

February 7, 2022

Chair Dolan, Vice Chair Piemonte, and members of the committee, thank you for inviting me to comment on residential zoning. I study land use regulation and housing markets as codirector of the Urbanity Project at the Mercatus Center at George Mason University.

It is a privilege to come before you again, and especially to be able to do so in person. My testimony this year largely repeats what I said with respect to the same policy last year.¹ Allowing more homes per lot would promote affordability, conserve municipal resources, have less impact on forest and farmland, and promote property rights.

LIGHT-TOUCH DENSITY

In a new report, my colleague Emily Hamilton and two coauthors make the case for what they call “light touch density,” a strategy of building denser types of housing, including those that HB 1177 would legalize in many New Hampshire towns.²

They use a case study of towns in Bergen County, New Jersey, to explore the impact of gradual, widespread replacement of single-family homes with duplexes. They find that the borough that was the most permissive toward duplexes, Palisades Park, substantially increased its population each decade, and today has newer homes, higher land values, and lower tax rates. A new-construction home in Palisades Park is cheaper than in neighboring boroughs, and the incomes in Palisades Park are more diverse.³

INCREMENTAL PROGRESS

State and local governments now have experience with reforms that allow two- to four-unit buildings, and the impact of those reforms has been incremental. The year after Minneapolis, Minnesota, legalized duplexes and triplexes in all zones, just 42 such permits were pulled.⁴ Houston, Texas, has always allowed multifamily housing of any size in almost every location, but in 2021 permitted only 255

1. Salim Furth, “The State versus Single-Family Zoning” (Testimony before the New Hampshire House Committee on Municipal and County Government, Mercatus Center at George Mason University, Arlington, VA, March 8, 2021).

2. Edward Pinto, Tobias Peter, and Emily Hamilton, *Light Touch Density: A Series of Policy Briefs on Zoning, Land Use, and a Solution to Help Alleviate the Nation's Housing Shortage* (Washington, DC: American Enterprise Institute, 2022).

3. Pinto, Peter, and Hamilton, *Light Touch Density*, 49–59.

4. Erin Baldassari, “California Cities Rethink the Single-Family Neighborhood,” KQED, February 16, 2021.

I write in support of House Bill 1177. I have been a land use planner in New Hampshire for nearly 35 years and over that time have watched the housing supply situation go from bad to worse. The housing stock was always limited in options – meaning that outside of cities, most housing stock was comprised predominantly of single-family homes on larger lots. Fifty or 70 years ago, this might (arguably) have met the needs of most households; today, however, the demographics and the economics are entirely different. Households with children have decreased and single- or two-family households have increased. The growing demographic is not interested in – or cannot afford a big house on a big lot. At the same time, the older population whose children have moved on, are looking for smaller, closer-to-town & services housing, and find that there is very little if any available.

This condition has been somewhat alleviated through the allowance/requirement of Accessory Dwelling Units, although it has not added enough units to the supply to address the critical shortage we are seeing today. Expecting towns to address this on their own is simply not realistic; first of all, given the process for adopting zoning in the state, it would take an extremely long time; secondly, no one town wants to be the “receiver” of the new housing if they don’t see that other towns are sharing the perceived burden. I believe that a state-wide problem needs a state-wide solution. In the same way that the Accessory Dwelling Unit statute leveled the field for this use, I believe this legislation could do the same thing and go far to eliminate the inconsistent approach to solving our severe housing crisis.

Sincerely,

Carol Ogilvie

116 Old Gilsum Road

Gilsum, NH 03448

Heather Goley

From: Sharon Clark <sharonclark411@gmail.com>
Sent: Monday, February 7, 2022 1:28 PM
To: ~House Municipal and County Govt
Subject: Support HB1177

Dear Committee Members,

Affordable housing is badly needed in New Hampshire. Please support HB 1177.

Sincerely,

Sharon Clark
Resident of the Town of Grafton
sharonclark411@gmail.com

Heather Goley

From: Barbara Koehler <barb.koehler@roadrunner.com>
Sent: Sunday, February 6, 2022 4:36 PM
To: ~House Municipal and County Govt
Subject: HB1177

Each town should be the decider in how dense they want their housing. There are many restrictions other than just the size of the land that go into determining how large a lot needs to be. Forests, wetlands and rock ledges are some of the considerations that come into play. The town Planning and Zoning Boards have the best advantage of knowing what is right for their town; and they are elected by the people of the town.

That is where the responsibility belongs. Please do NOT forward HB 1177 for consideration as law.

Thank You,

Barbara Koehler

--
Thank you!!
Lisa

Lisa Stone, NH REALTOR®
Market Center Rookie of The Year 2018
Contoocook Valley Board of REALTORS® President
Email: LisaStone@kw.com
Cell: 603 660 6911

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Bedford-Concord-Hooksett-Keene-Londonderry-West Lebanon

Check out our FACEBOOK Page

DENSITY:

This bill does not change the size of a building that is allowed only the number of units. For example if a town zoning limits the building size to 30% of the building lot, the new 4 unit building is to utilize the same footprint restrictions. Thus what you see is no different. You know the huge old house, 3800 sft with a couple in it? They could choose to make a basement apartment, a studio over the garage and a second floor unit. All the same footprint.

This is not talking about creating cities! It is about creating housing, freedom and income for homeowners, and workers for the town.

People who live and work in the same communities volunteer more!

In Summary, truly see NO downfall to creating this OPTION for property owners. I trust that towns will safely coach these potential projects into safe housing for our state.

For those to think "I wouldn't want to live in the same building with 4 families" I simply say then don't! But at the same time don't stop others from creating this cost effective use of our resources.

I support the FourPlex by right bill and believe that it is good for New Hampshire residents and businesses.

Please YES in my BACKYARD!!

TODAY 2/2/22 on the MLS there are 188 rental listings in the entire state, the median rent is \$2000/month.

I have been made aware of Doctors, engineers, business professionals and service industry workers that have left or rejected a job in the Monadnock Region because of the lack of housing options.

We are indeed in a housing crisis.

So let's dissect this bill....

SAFETY:

This bill only applies to properties with public water and sewer. (less than 50% of NH homes) So one does not have to worry about waste water overspilling in their neighbors back yard.

This bill does not change the fire and safety codes. Homes will still need smoke alarms and safe egress. Homes will still require systems checks when they get permitted for making changes.

SCHOOL ENROLLMENT:

Whenever we talk about increasing housing, everyone talks about school enrollment. Most schools have seen declining enrollment over the past 2 decades, even Manchester is looking to consolidate schools.

Increasing housing does not mean we will increase population or students. We may simply be placing NH residents into safe housing, moving them from cohabitating, couch surfing, cars and campgrounds to housing. Although for our businesses we all hope more housing means more workers.

Heather Goley

From: Lisa Stone <lisastone@kw.com>
Sent: Wednesday, February 2, 2022 6:26 PM
To: ~House Municipal and County Govt
Subject: HB1177 four plex

In regards to HB1177 the FOURPLEX BILL.

First I am required to inform you that I am speaking for myself. I am not speaking on behalf of the New Hampshire Association of REALTORS®, (I am a member), or the Contoocook Valley Board of REALTORS® (I am the sitting President).

I am a lifelong resident of NH, I have lived in Rochester, Manchester and currently reside in Peterborough where I am a full time real estate agent.

New Hampshire is in a housing crisis, that is that we don't have enough available housing for the people looking for housing. So how can we 'find' more housing for our residents?

Currently the only emergency housing available is a friend's couch or a hotel.

The real estate market has less than one months supply, and there are literally no available rental units in most NH towns.

We all see the pleas on social media..."my landlord sold my rental and we have nowhere to go", "i have been living in my parents unfinished basement with my 2 kids and I can't find an apartment", "after searching for a home to buy for a year with a realtor we are driving around looking for houses that might be empty".

February 22, 2022

Municipal and County Government Committee
Legislative Office Building, Room301
Concord, NH 03301

Subject: HB1177 - relative to permissible residential units in a residential zone

Dear Chairman Dolan and Members of Municipal and County Government,

The Commission on Aging was established in 2019 to advise the governor and the general court on policy and planning related to aging. A more age-integrated New Hampshire fostered by forward thinking public policy and initiatives will ensure we can all thrive as we age.

The State Commission on Aging is in support of HB1177 for the following reasons:

- Housing is a primary need identified by the Aging in Communities of Choice Task Force of the Commission on Aging. Surveys of older adults, including the listening sessions conducted across the State to update the NH State Plan on Aging, indicate the limited availability and affordability of housing are of primary importance to older adults as they seek to remain in their communities.
- This bill will create housing opportunities for older adults to live in the community of their choice. Homeowners will have the opportunity to add units within their home or on their property to meet their needs financially and/or physically. Older adults seeking housing will have more options in the communities of their choice.
- The increased housing opportunities will also serve the caring professions workforce needed for short and long-term services to support older adults in the community.

Thank you for the opportunity to provide comment.

Sincerely,



Kristi St. Laurent
Member of the State Commission on Aging
Co-Chair of the Aging in Communities of Choice Task Force

schoolchildren out.¹³ The state legislature can balance those narrow interests against the interests of Granite Staters who live outside the towns in question and do not have representation there. In this case, the state can act on behalf of citizens' interest in finding an affordable place to live in the community of their choice.

3. *Solving statewide problems.* States are within their rights to preempt local governments when the key levers to achieve some major state goal are held at the local level. For example, recent zoning preemptions have been justified as necessary to address climate change or to increase economic growth.¹⁴ Unlike in the case of property rights, the burden of proof ought to be on the state to show that preempting a traditional domain of local government is in fact necessary to address a statewide problem.

These categories overlap and complement one another. When evaluating a restriction on property rights, for instance, the state must consult groups with a broad range of interests and consider its own policy priorities in determining whether the reasons given in favor of a specific regulatory tool—such as single-family zoning—are compelling.

There are also strong reasons for the state to leave most decisions with primarily local impact to local governments. I would never want to see a state zoning board, and I do not recommend unfunded mandates.¹⁵

The debate, however, is not about whether the state should ever restrict local authority—it already does. Recalling the three arguments for preemption, the question is whether, in this particular instance,

1. local regulators can make a compelling case that maintaining single-family zoning is sufficiently important to merit restricting the right to use and enjoy private property

and whether that case is outweighed by

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3. statewide concerns such as environmental protection, housing affordability, and economic growth.

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Thank you for your time. I am happy to answer any questions.

13. William A. Fischel, *The Homevoter Hypothesis* (Cambridge, MA: Harvard University Press, 2009). As it turns out, large-lot and single-family zoning appear to be counterproductive in terms of keeping school taxes low. Ryan M. Gallagher, "Restrictive Zoning's Impact on the Local Education Property Tax Base," *National Tax Journal* 72, no. 1 (2019): 11–44.

14. Michael Andersen, "A Duplex, A Triplex and a Fourplex Can Cut a Block's Carbon Impact 20%," Sightline Institute, June 7, 2019, <https://www.sightline.org/2019/06/07/a-duplex-a-triplex-and-a-fourplex-can-cut-a-blocks-carbon-impact-20/>; Emily Hamilton, "The Case for Preemption in Land-Use Regulation," Mercatus Center at George Mason University, Arlington, VA, July 20, 2017. I distinguish the latter two reasons by the scale of the issue motivating state action. A preemption justified on the basis of fairness is one where the effects are admittedly in the sphere that the town would normally govern. State-imposed building codes are a good example: they take into account nonresident builders' and buyers' interest in uniform standards, even though the structural soundness of a particular building is a local issue. By contrast, solving statewide problems is about addressing problems that are broad by nature.

15. Paul Rogers, "Solar Power Required for All New California Homes Starting Jan. 1," *San Jose Mercury News*, December 15, 2019; Liam Dillon, "California Tenants Will See Cap on Rent Increases under Bill Sent to Newsom," *Los Angeles Times*, September 11, 2019.

duplexes, 1 triplex, and 6 fourplexes, compared to 7,146 single-family homes and 7,566 units in 204 multifamily buildings.⁵

The state of Oregon passed legislation quite similar to HB 1177 in 2019 and followed up in 2021 to allow lot splits.⁶ The latter legislation was sponsored by Habitat for Humanity, which, like other builders, wants to make relatively affordable housing easy to own as well as to rent.⁷ Oregon's 2019 law will not be fully implemented until later in 2022, so it is too early for even a preliminary evaluation.

In California, a series of laws intended to ease the permitting of accessory dwelling units (ADUs), which HB 1177 would also do, increased ADU permitting 11-fold from 2016 to 2019. In 2019 and 2020, California permitted about 37 ADUs per 100,000 residents each year;⁸ Minneapolis is permitting 8 units per 100,000 residents annually in duplexes and triplexes; and in 2021 Houston permitted 12 units per 100,000 residents in duplexes, triplexes, and fourplexes.⁹

New Hampshire, over the past five years, has permitted about 310 housing units per 100,000 residents per year, 5.5 percent of which are in two- to four-unit buildings. Notably, this puts New Hampshire comfortably ahead of Houston, Minneapolis, and pre-reform Oregon in the permitting of two- to four-unit buildings.

WHEN TO PREEMPT

The real issue at stake here is not the modest but positive effects this bill is likely to have, but whether the state ought to decrease the regulatory authority it has granted municipalities. As a New England native, I am keenly aware that New England towns have been vital institutions for centuries. My hometown elected its own leaders and exerted police powers for a century before the revolution gave it the right to elect a governor.¹⁰ Notwithstanding this tradition, these local powers have never been boundless and have long been contested and restrained.¹¹

There are, I believe, three categories of argument in favor of preempting municipal zoning authority:

1. *Property rights.* Those who propose to limit citizens' right to the normal use and enjoyment of their property ought to face the burden of proof.¹² Thus, when state lawmakers deem that there is no compelling reason for a particular restriction—or that the restriction's costs outweigh its benefits—it is reasonable to ban such a restriction. In the present case, unless the legislature believes that there is a compelling reason that four households should not reside on a lot where one household can safely and beneficially reside, it ought to limit municipal authority to impose that specific restriction.
2. *Fairness.* Municipal governments are responsive mainly to their current residents, so zoning can be tilted toward maximizing incumbent property values and keeping families with

5. "Building Permits Survey," Census Bureau, accessed February 2, 2022, <https://www.census.gov/construction/bps/>.

6. S.B. 458, 81st Leg., 2021 Reg. Sess. (Or. 2021).

7. Hearing before the H. Comm. on Housing, 81st Leg. Assemb. (Or. 2021) (statement of the Build Small Coalition).

8. "California ADU Growth by City from 2012–2019, Charted," Building an ADU, August 22, 2020, <https://www.buildinganadu.com/adu-blog/california-adu-charts>; California ADU (website), accessed February 2, 2022, <https://www.aducalifornia.org/>.

9. Author's calculations. The City of Houston issues building permits in much of unincorporated Harris County, which is home to about 2 million people.

10. Albert K. Teele, *The History of Milton, Mass., 1640 to 1887* (Boston: Press of Rockwell and Churchill, 1887), 221.

11. Joan C. Williams, "The Invention of the Municipal Corporation: A Case Study in Legal Change," *American University Law Review* 34, no. 2 (1985): 369.

12. John Stuart Mill, *The Principles of Political Economy*, vol. 3 of *The Collected Works of John Stuart Mill*, ed. John M. Robson (Toronto: University of Toronto Press, 1977), F. A. Hayek, *The Constitution of Liberty*, vol. xvii of *The Collected Works of F. A. Hayek*, ed. Ronald Hamowy (Abingdon, UK: Routledge, 2011).

LIGHT-TOUCH DENSITY AND THE STATE'S ROLE IN ZONING

Salim Furth

Senior Research Fellow, Urbanity Project, Mercatus Center at George Mason University

New Hampshire House of Representatives, Municipal and County Government Committee

February 7, 2022

Chair Dolan, Vice Chair Piemonte, and members of the committee, thank you for inviting me to comment on residential zoning. I study land use regulation and housing markets as codirector of the Urbanity Project at the Mercatus Center at George Mason University.

It is a privilege to come before you again, and especially to be able to do so in person. My testimony this year largely repeats what I said with respect to the same policy last year.¹ Allowing more homes per lot would promote affordability, conserve municipal resources, have less impact on forest and farmland, and promote property rights.

LIGHT-TOUCH DENSITY

In a new report, my colleague Emily Hamilton and two coauthors make the case for what they call “light touch density,” a strategy of building denser types of housing, including those that HB 1177 would legalize in many New Hampshire towns.²

They use a case study of towns in Bergen County, New Jersey, to explore the impact of gradual, widespread replacement of single-family homes with duplexes. They find that the borough that was the most permissive toward duplexes, Palisades Park, substantially increased its population each decade, and today has newer homes, higher land values, and lower tax rates. A new-construction home in Palisades Park is cheaper than in neighboring boroughs, and the incomes in Palisades Park are more diverse.³

INCREMENTAL PROGRESS

State and local governments now have experience with reforms that allow two- to four-unit buildings, and the impact of those reforms has been incremental. The year after Minneapolis, Minnesota, legalized duplexes and triplexes in all zones, just 42 such permits were pulled.⁴ Houston, Texas, has always allowed multifamily housing of any size in almost every location, but in 2021 permitted only 255

1. Salim Furth, “The State versus Single-Family Zoning” (Testimony before the New Hampshire House Committee on Municipal and County Government, Mercatus Center at George Mason University, Arlington, VA, March 8, 2021).

2. Edward Pinto, Tobias Peter, and Emily Hamilton, *Light Touch Density: A Series of Policy Briefs on Zoning, Land Use, and a Solution to Help Alleviate the Nation's Housing Shortage* (Washington, DC: American Enterprise Institute, 2022).

3. Pinto, Peter, and Hamilton, *Light Touch Density*, 49–59.

4. Erin Baldassari, “California Cities Rethink the Single-Family Neighborhood,” KQED, February 16, 2021.

HB1177

Rep. Vann, Hills. 24
February 3, 2022
2022-0480h
08/04

Amendment to HB 1177

1 Amend RSA 674:16, VI as inserted by section 1 of the bill by replacing it with the following:

2

3 VI. In the exercise of the powers granted under this subdivision, the local legislative body of
4 a city, town, or county in which there are located unincorporated towns or unorganized places shall
5 allow as a matter of right any single-family lot in a residential zoning district served by water and
6 sewer to be used for four residential dwelling units. These may be configured as a single 4-unit
7 building, 2 duplex units, 4 single units, one duplex unit with 2 accessory dwelling units, 4
8 townhouses, or one single family house with 3 accessory dwelling units. The lot and yard standards,
9 setbacks, parking requirements, and lot coverage shall be no more restrictive than those required for
10 a single family dwelling. Parking requirements shall be prorated based on the number of dwelling
11 units such that the requirement for a duplex shall be twice that for a single family dwelling and so
12 forth. All relevant building code and fire code requirements shall still apply. This paragraph shall
13 apply to new construction or rehabilitation of existing buildings.

3. Municipalities: Putting housing in established neighborhoods where water, sewer, and roads are already available increases tax revenue and reduces municipal service costs for cities and towns. It costs approximately \$4.65/per center line foot/year to maintain a municipal street or road. If we reuse the streets we already have we avoid adding to that cost.

Why Four?

The FHA, the VA, Freddie Mac, and Fannie Mae will issue a simple home mortgage for up to four units. They regard a four-plex as just a house. A four-plex can be reasonably financed, is house-sized, and can be built alongside existing buildings and in existing neighborhoods without disrupting the neighborhood fabric. The bill allows the four units to be in any configuration (two duplexes, a duplex with two ADUs, a single 4-unit building).

What about local control?

As long as decision makers wrongly assume that any increase in density is bad, there is no incentive for any single jurisdiction to attempt to increase density, even to this historically appropriate level.

We do not allow local entities to regulate many public health issues: water standards, septic issues, hazardous waste disposal. We have decided as a society that these public health issues are so important that they need to be uniform. Provision of adequate housing belongs on that list. Discriminating against housing types such as this bill allows unfairly burdens those who are left couch surfing, living out of their cars, or in substandard living conditions. We cannot rely on the good will of individual communities to allow more housing. History shows us that this is not a winning solution.

These missing middle units would have to conform to whatever rules and regulations govern a single family residence in each jurisdiction: lot coverage, parking requirements, setbacks, the International Building Code, stormwater and shoreline codes, etc.

Is this the end of Single Family Houses?

No. You can still build a single family house any place that residential units are allowed.

Economic impacts

1. **For businesses.** Businesses all across NH say that it is increasingly difficult to hire people simply because there are not enough places for them to live.

2. **For municipalities.** If we do not allow historically appropriate density in places that are already served by water, sewer, and existing roads we must put any additional housing in rural areas, fragmenting our natural resources. Town services such as fire, ambulance, and police can be provided more efficiently in a compact town center than spread all over the rural district.

3. **Schools.** Only 20% or fewer of households have a school-aged child. In a four-plex that might mean one more child in the local school, making school impact minimal.

4. **Contractors, home builders, developers:** Land and material costs have outpaced incomes and economic growth, resulting in preventatively high housing costs due to supply shortages. Permitting smaller projects will allow smaller developers to produce 'right-sized' projects to meet the ever-growing demand.

What about parking?

The bill requires the same amount of parking **per unit** as a single family residence. So if a SFR requires two spaces a four-plex would require 8. Jurisdictions can reduce the amount of parking required for a four-plex if they choose to do so.

Rep. VANN

HB 1177: A Four-Plex is a House

New Hampshire, and most of the United States, is suffering through a housing crisis. Businesses can't hire workers because there is no where for them to live. People who want to move to NH can't because there are no available housing units of any kind. We need at least 20,000 more housing units than we currently have. How on earth did this happen? Why is New Hampshire in this position?

The short answer is that we have artificially constrained the production of housing for at least the past 50 years. Some of that constraint was produced as frankly exclusionary zoning; and some was unintended consequences. When people decided that having children in the schools was a net loss, larger lot sizes were required. When people decided that existing neighborhoods must be protected from incremental growth exclusionary zoning was enacted.

The result has been that places served by municipal water and sewer, and with existing road networks are frozen. When we passed zoning ordinances that required unusually large lots, often not reflecting the actual lot sizes in our towns, and required that some districts only allow single family residences, we froze those places in time. Many neighborhoods actually have what we call 'missing middle housing,' housing that is more than a single family, but less than a big apartment building, but our zoning codes prohibit the creation of any more of these very desirable buildings.

In an effort to respond to this crisis I have offered to the NH House of Representatives a bill that will allow historical appropriate density in places served by municipal water and sewer. Why do we need to do this at the state level? Can't towns vote to do this on their own? Well, they could, but there is no incentive to do so and every incentive not to. HB 1177 is modeled on successful legislation adopted by the state of Oregon. Let me explain how it works:

What it does:

Legalizes missing middle housing by making up to four units permissible by right on any residentially-zoned lot with municipal water and sewer. Many of NH's most loved neighborhoods have historically allowed buildings like this, but zoning adopted in the past 40 years makes it impossible to build more of them, despite modern demand. This bill does not prohibit building a single-family house, it just adds more choices beside single family.

Why it's important:

NH is short close to 20K housing units. We need more housing, and we need housing in places people actually want to live. Missing middle housing is at a price point young people and people on a fixed income can afford, and at a size that makes sense for them.

Who it helps:

1. **People looking for housing.** More housing means more people have places to live.
2. **People living in houses that are too big for them.** Our housing stock has many big single-family houses, many of which are occupied by one or two people, many of them elderly, who struggle to keep up with maintenance and property taxes. This bill would allow them to create an apartment or two.

HB 1177 - AS INTRODUCED

2022 SESSION

22-2012

08/11

HOUSE BILL **1177**

AN ACT relative to permissible residential units in a residential zone.

SPONSORS: Rep. Vann, Hills. 24; Rep. Gallagher, Merr. 15; Rep. Stavis, Graf. 13; Rep. McWilliams, Merr. 27; Rep. Porter, Hills. 1; Rep. Caplan, Merr. 6; Rep. Conley, Straf. 13; Rep. Booras, Hills. 33; Rep. Mangipudi, Hills. 35; Rep. Read, Rock. 17; Sen. Bradley, Dist 3

COMMITTEE: Municipal and County Government

ANALYSIS

This bill requires that local legislative bodies permit by right certain single-family lots in residential districts to be used for up to 4 residential 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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to permissible residential units in a residential zone.

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

1 1 New Paragraph; Zoning; Grant of Power; Single Family Lots. Amend RSA 674:16 by inserting
2 after paragraph V the following new paragraph:

3 VI. In the exercise of the powers granted under this subdivision, the local legislative body of
4 a city, town, or county in which there are located unincorporated towns or unorganized places shall
5 allow as a matter of right any single-family lot in a residential zoning district served by water and
6 sewer to be used for four residential dwelling units. These may be configured as a single 4-unit
7 building, 2 duplex units, 4 single units, one duplex unit with 2 accessory dwelling units, 4
8 townhouses, or one single family house with 3 accessory dwelling units. The lot and yard standards,
9 setbacks, parking requirements, and lot coverage shall be no more restrictive than those required for
10 a single family dwelling. All relevant building code and fire code requirements shall still apply.
11 This paragraph shall apply to new construction or rehabilitation of existing buildings.

12 2 Effective Date. This act shall take effect 60 days after its passage.