

REGULAR CALENDAR

November 1, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Municipal and County Government
to which was referred HB 132-LOCAL,**

**AN ACT relative to acreage required to build certain
single family housing. Having considered the same,
report the same: NOT RECOMMENDED FOR FUTURE
LEGISLATION.**

Rep. Tony Piemonte

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Municipal and County Government
Bill Number:	HB 132-LOCAL
Title:	relative to acreage required to build certain single family housing.
Date:	November 1, 2022
Consent Calendar:	REGULAR
Recommendation:	NOT RECOMMENDED FOR FUTURE LEGISLATION

STATEMENT OF INTENT

It was determined by majority vote not to be recommended for further legislation.

Vote 10-7.

Rep. Tony Piemonte
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Municipal and County Government

HB 132-LOCAL, relative to acreage required to build certain single family housing.**NOT RECOMMENDED FOR FUTURE LEGISLATION .**

Rep. Tony Piemonte for Municipal and County Government. It was determined by majority vote not to be recommended for further legislation. **Vote 10-7.**

Original: House Clerk

Cc: Committee Bill File

CONSENT CALENDAR

September 16, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Municipal and County Government
to which was referred HB 132-LOCAL,**

**AN ACT relative to acreage required to build certain
single family housing. Having considered the same,
report the same with the recommendation that the bill
be REFERRED FOR INTERIM STUDY.**

Rep. Jim Maggiore

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Municipal and County Government
Bill Number:	HB 132-LOCAL
Title:	relative to acreage required to build certain single family housing.
Date:	September 16, 2021
Consent Calendar:	CONSENT
Recommendation:	REFER FOR INTERIM STUDY

STATEMENT OF INTENT

The intent of this bill is to take a prudent step to help increase the potential for affordable and accessible housing in New Hampshire. However, there are issues with the bill as presented. The committee believes these issues may be resolved and/or amended in an interim study. These issues include, but are not limited to, amending the language from negative to affirmative, clarifying the specific conditions which must be met to qualify for the intended benefits, and the possibility of creating enabling legislation rather than a state-wide mandate. The Chair and ranking member are willing to nominate representatives to amend the bill.

Vote 19-0.

Rep. Jim Maggiore
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Municipal and County Government

HB 132-LOCAL, relative to acreage required to build certain single family housing. **REFER FOR INTERIM STUDY.**

Rep. Jim Maggiore for Municipal and County Government. The intent of this bill is to take a prudent step to help increase the potential for affordable and accessible housing in New Hampshire. However, there are issues with the bill as presented. The committee believes these issues may be resolved and/or amended in an interim study. These issues include, but are not limited to, amending the language from negative to affirmative, clarifying the specific conditions which must be met to qualify for the intended benefits, and the possibility of creating enabling legislation rather than a state-wide mandate. The Chair and ranking member are willing to nominate representatives to amend the bill. **Vote 19-0.**

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON Municipal and County Government

BILL NUMBER: HB 132-LOCAL

**BILL TITLE: relative to acreage required to build certain single
family housing.**

DATE: February 18, 2021

THE COMMITTEE HAS VOTED TO RETAIN THIS BILL.

Rep. Dolan, Chair

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 132-LOCAL

BILL TITLE: relative to acreage required to build certain single family housing.

DATE: October 11, 2022

LOB ROOM: 301 - 303

MOTION:

Interim Study (2nd yr) Not Recommended for Future Legislation

Moved by Rep. Piemonte

Seconded by Rep. Melvin

Vote: 10-7

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 132-LOCAL

10/11/22

BILL TITLE: relative to acreage required to build certain single family housing.

DATE:

10/11/22

LOB ROOM:

301 - 303

MOTION:

Recommended for Future Legislation

Not Recommended for Future Legislation

Moved by Rep.

Piemonte

Seconded by Rep.

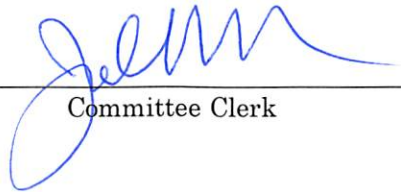
Melvin
~~P. 1~~

Vote:

10-7

Respectfully submitted,

Rep.



Committee Clerk

Rep. Piemonte
Rep. Maggione



2022 SESSION

Municipal and County Government

HB132

Bill #: _____ Motion: *not recommended* AM #: _____ Exec Session Date: *10/11/22*

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

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 132-LOCAL

BILL TITLE: relative to acreage required to build certain single family housing.

DATE: September 8, 2021

LOB ROOM: 301-303

MOTIONS: REFER FOR INTERIM STUDY

Moved by Rep. Maggiore

Seconded by Rep. Stavis

Vote: 19-0

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 132-LOCAL

BILL TITLE: relative to acreage required to build certain single family housing.

DATE: September 8, 2021

LOB ROOM: 301-303

MOTION: (Please check one box)

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

Moved by Rep. ~~FAPP~~ ^{Maggiore} _____ Secunded by Rep. STADIG _____ Vote: 19-0
~~STADIG~~ Maggiore

MOTION: (Please check one box)

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

Moved by Rep. _____ Secunded by Rep. _____ Vote: _____

MOTION: (Please check one box)

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

Moved by Rep. _____ Secunded by Rep. _____ Vote: _____

MOTION: (Please check one box)

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

Moved by Rep. _____ Secunded by Rep. _____ Vote: _____

CONSENT CALENDAR: _____ YES _____ NO

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

Rep. Maggiore NOT SURE A
We need to do a report?

Respectfully submitted: _____

Rep John MacDonald, Clerk

NOT SURE IF IT GOES ON CONSENSUS CHAIRMAN DODAN Will check with clerk



2021 SESSION

Municipal and County Government

Bill #: HB132 Motion: Interim Study AM #: _____ Exec Session Date: 9/8/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Dolan, Tom Chairman	19		
Piemonte, Tony Vice Chairman	1		
MacDonald, John T. Clerk	2		
Tripp, Richard P.	3		
Guthrie, Joseph A.	4		
Lascelles, Richard W. Rep. Boehm Boehm	5		
McBride, Everett P.	6		
Melvin, Charles R.	7		
Ayer, Paul F.	8		
Pauer, Diane	9		
Treleaven, Susan GS	11		
Gilman, Julie D.	12		
Maggiore, Jim V.	10		
Stavis, Laurel	13		
Mangipudi, Latha D.	14		
Vann, Ivy C. HANNIX - GANTHRIGHT	15		
Klee, Patricia S. Rep GOMANLU	16		
Gallager, Eric B.	17		
Rung, Rosemarie	18		
TOTAL VOTE:	19	0	

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 132-LOCAL

BILL TITLE: relative to acreage required to build certain single family housing.

DATE: February 18, 2021

LOB ROOM: Hybrid

MOTIONS: **RETAINED**

Moved by Rep. J. MacDonald

Seconded by Rep. Pauer

Vote: 18-1

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 132-LOCAL
BILL TITLE: Relative to acreage required to build
DATE: 2/18/21 certain single family housing,
LOB ROOM: 301-303

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)
Moved by Rep. J. macdonald Seconded by Rep. Pauer Vote: 18-1

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: _____

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: _____

Respectfully submitted: 
Rep John MacDonald, Clerk



1/22/2021 10:08:26 AM
Roll Call Committee Registers
Report

2021 SESSION

Municipal and County Government

HB 132-LOCAL
Bill #: _____ Motion: Retain AM #: _____ Exec Session Date: 2/18/21

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

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 132-LOCAL

BILL TITLE: relative to acreage required to build certain single family housing.

DATE: February 9, 2021

LOB ROOM: Hybrid **Time Public Hearing Called to Order:** 11:16 a.m.

Time Adjourned: 12:19 p.m.

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

Bill Sponsors:

Rep. Yokela

Rep. McWilliams

TESTIMONY

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

Rep. Yokela - Prime sponsor of the bill. On the zoning board of adjustment. I have concern of the cost of housing. My goal is to create the opportunity for smaller lots and houses, so that people can afford to buy houses. Younger people are finding it harder to live on their own. This would allow people to have smaller lots. Email to change the language. An amendment has been drafted.

Rep. Guthrie: Shouldn't this issue be before individual planning boards? **ANS:** The Legislature needs to have some guard rails for what is reasonable and unreasonable. This will allow properties to be cheaper.

Rep. Melvin: My community 1.33 acres in size, would my taxes be reduced by the smaller lot? Wouldn't the municipality be losing money? **ANS:** You would have four household on a two acre property. Which would be four property paying taxes under you current example the town would be making more money.

Rep. Ayer: Why would you take zoning away from the town's and give it to the state? **ANS:** Your not taking away zoning power. This was only to provide some guidelines. We are setting the limit and it can't be greater than a 1/2 acre. More options for homes, elderly starter homes.

Rep. Stavis: In the wording, why not just saying housing that uses water and sewer? **ANS:** This would allow community water and sewer, There is no state law governing home owners association. How could you set up an association with no laws pertaining to them? **ANS:** It would be a contracted situation, governed by a contract for the services.

Rep. Porter: Your bill would not require a lot to be not bigger than a half acre if you have water and sewer? It would not affect the people outside of area that does not provide town water and sewer? **ANS:** That is correct. Only lots that are served by town water and sewer.

Rep. Gilman: Water and sewer rates may go up and taxes may go down? **ANS:** The town's would have to vote on expanding the water and sewer.

Rep. Treleaven: How many municipalities have water and sewer? **ANS:** I didn't find out the number of towns in New Hampshire that have water and sewer.

Rep. Maggiore: Does your bill still provide for the local planning board, setbacks, buffers, etc.? ANS: Absolutely, this bill would not limit those restrictions.

Rep. Vann: Smaller lots for on site water and sewer. This is good for a town encourages smaller lots. Bigger lots are expensive. Costs the towns \$4.65 a linear foot for town maintenance. By allowing smaller lots, we reduce that cost to the towns. When you buy a lot for a lot of money, you have to put an expensive house on it. In my business, you may get four children out of 20 houses. This is a little step in filling in an existing town. The average lot size in Peterborough is 1/6 of an acre.

Rep. Guthrie: Do you think that this is a zoning problem and belongs at the town level? ANS: When we leave this in the hands of others, people say why should I make my town different than another town. It is fairer and more transparent doing it in a bigger area than local.

Rep. Maggiore: Everyone else who does not have school aged children, older people, people all over the spect.

Rep. McWilliams - She has to go to a work meeting.

Cordell Johnston, NH Municipal Association - Opposed to the bill. Towns are not all the same, they vary differently. If it is good for towns, the towns should do it on their own Doesn't believe that anything current will solve the affordable housing.

***Mr. Philip Trowbridge, Commissioner, The Department of Environmental Services (DES)**
- Does not take any position on the bill. Does have some language concerning septic tanks.
Suggested language.

***Furth Salim, Georgetown University** - Written remarks. Modest and scattered efforts on New Hampshire towns. Smaller lots use less resources, less impact on the environment. Expands property rights. Most of the public interest favor smaller lots.

Respectfully submitted,

Rep. John MacDonald
Clerk

House Remote Testify

Municipal and County Government Committee Testify List for Bill HB132 on 2021-02-09

Support: 28 Oppose: 7 Neutral: 3 Total to Testify: 6

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>
Furth, Salim	sfurth@mercatus.gmu.edu	A Member of the Public	Myself, Mercatus Center at George Mason University	Neutral	Yes (5m)	No	2/5/2021 9:36 AM
Yokela, Josh	josh.yokela@leg.state.nh.us	An Elected Official	Rockingham 33	Support	Yes (5m)	No	2/8/2021 5:58 AM
Johnston, Cordell	cjohnston@nhmunicipal.org	A Lobbyist	NH Municipal Association	Oppose	Yes (3m)	No	2/8/2021 12:52 PM
Stewart, Will	will@stayworkplay.org	A Lobbyist	Stay Work Play NH	Support	Yes (2m)	No	2/9/2021 9:19 AM
Trowbridge, Philip	Philip.R.Trowbridge@des.nh.gov	State Agency Staff	Robert Scott, Commissioner of NHDES	Neutral	Yes (2m)	No	2/8/2021 4:42 PM
McWilliams, Rebecca	rebecca.mcwilliams@leg.state.nh.us	An Elected Official	Merrimack 27	Support	Yes (0m)	No	2/5/2021 10:19 PM
McGuire, Dan	danmcguire@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2021 1:10 PM
Moulton, Candace	candaceleighm@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2021 9:40 PM
Fenner-Lukaitis, Elizabeth	glukaitis@mcttelecom.com	A Member of the Public	Myself	Oppose	No	No	2/7/2021 6:53 AM
Bates, David	dbates3@yahoo.com	A Member of the Public	Myself	Support	No	No	2/7/2021 6:56 AM
Fordey, Nicole	nikkif610@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2021 11:05 AM
Larson, Ruth	ruthlarson@msn.com	A Member of the Public	Myself	Support	No	No	2/8/2021 12:23 AM
Lord, Kit	kitlord@yahoo.com	A Member of the Public	Myself	Support	No	No	2/5/2021 12:13 PM
DeRosa, Tom	tom@bfreshconsulting.com	A Lobbyist	New Hampshire Planners Association	Oppose	No	No	2/5/2021 3:16 PM
Kudlik, Cindy	cindykudlik@protonmail.com	An Elected Official	Myself	Oppose	No	No	2/5/2021 9:31 PM
Oxenham, Lee	leeoxenham@comcast.net	An Elected Official	Sullivan Co., District 1	Support	No	No	2/8/2021 9:26 PM
Bradbury-Koster, Ben	benbradkost@gmail.com	A Member of the Public	Myself	Support	No	No	2/8/2021 9:30 PM
Aronson, Laura	laura@mlans.net	A Member of the Public	Myself	Support	No	No	2/8/2021 10:31 PM
Howland, Curtis		A Member of the Public	Myself	Support	No	No	2/8/2021 10:39 PM

	howland@priss.com							
Thomas, Nicholas	nicholas.w.thomas@uconn.edu	A Member of the Public	Myself	Support	No	No	2/8/2021 10:39 PM	
Rathbun, Eric	ericrathbun@gmail.com	A Member of the Public	Myself	Neutral	No	No	2/9/2021 12:15 AM	
Dewey, Karen	pkdewey@comcast.net	A Member of the Public	Myself	Support	No	No	2/9/2021 7:21 AM	
Mennella, Alexandra	amennella1@protonmail.com	A Member of the Public	Myself	Support	No	No	2/9/2021 7:26 AM	
Gericke, Carla	carlagericke@gmail.com	A Member of the Public	Myself	Support	No	No	2/9/2021 7:50 AM	
Axelman, Elliot	aluaxelman@gmail.com	A Member of the Public	Myself	Support	No	No	2/9/2021 8:41 AM	
Sotirakopoulos, Dean	dso96@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/9/2021 8:42 AM	
Ebel, Karen	karen.ebel@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	2/9/2021 9:04 AM	
Staub, Kathy	kstaub@comcast.net	A Member of the Public	Myself	Support	No	No	2/9/2021 9:34 AM	
Calitz, Louis	louis@free603.org	A Member of the Public	Myself	Support	No	No	2/9/2021 9:39 AM	
Fichter, June	jn8454b@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/9/2021 10:38 AM	
Siedzik, Sara	sbernardo123@gmail.com	A Member of the Public	Myself	Support	No	No	2/9/2021 11:26 AM	
Poulin, Ashley	Ashley.l.Poulin@gmail.com	A Member of the Public	Myself	Support	No	No	2/9/2021 11:53 AM	
Garber, Marcia	mag1022rn@comcast.net	A Member of the Public	Myself	Support	No	No	2/9/2021 11:57 AM	
Haigh, Jane	JHAIGHAK@GMAIL.COM	A Member of the Public	Myself	Support	No	No	2/9/2021 12:36 PM	
Aboujaoude, Mickayla	Mickayla.aboujaoude@comcast.net	A Member of the Public	Myself	Support	No	No	2/9/2021 12:41 PM	
Spillers, Jessica	jspillers102@gmail.com	A Member of the Public	Myself	Support	No	No	2/9/2021 12:58 PM	
DeMark, Richard	demarknh114@gmail.com	A Member of the Public	Myself	Support	No	No	2/8/2021 1:49 PM	
Ingram, April	aandk@tds.net	A Member of the Public	Myself	Support	No	No	2/8/2021 9:37 AM	

FOUR BENEFITS OF LIMITING MINIMUM LOT SIZES

Salim Furth

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

New Hampshire House of Representatives, Municipal and County Government Committee

February 9, 2021

Chair Dolan, Vice Chair Piemonte, and members of the committee, thank you for inviting me to comment on minimum lot sizes. I study land use regulation and housing markets as codirector of the Urbanity Project at the Mercatus Center at George Mason University. During the past two years, my research has focused especially on minimum lot sizes, which I believe to be the most prevalent form of land use regulation in the United States.

The bill before you would slightly limit municipal regulatory authority: landowners statewide would gain the right to create parcels for single-family housing as small as a half-acre, provided those parcels use neither a well nor a septic field. There are several benefits to having small lot sizes but few costs, a fact that a just and limited government ought to take into account.

POTENTIAL BENEFITS OF REDUCING MINIMUM LOT SIZES

To get a sense of the reach of the bill, I audited zoning, water, and sewer maps of six New Hampshire municipalities: Dover, Exeter, Keene, Manchester, Meredith, and Nashua. In all six municipalities I found areas that are served by municipal water and sewer but that are zoned for an acre or more. However, all of those areas were modest in size, often consisting of one or two subdivisions. Curiously, most house lots in those districts were already a half-acre or less.

I believe HB 132 would have modest and scattered effects. Nevertheless, the effects would largely be positive for New Hampshire residents, municipal governments, and those seeking to conserve forest and agricultural land:

1. Smaller lots promote affordability. Aside from requiring less land, smaller lots are likely to be developed as smaller homes. Of course, large lots are still legal; there's no maximum lot size.
2. Smaller lots use fewer municipal resources. A street where lots are 200 feet wide uses four times as much pavement, plowing, water mains, sewer mains, and so on than a street where lots are 50 feet wide. But few jurisdictions require utility users to pay for infrastructure maintenance in proportion to their use of it; water users, for example, typically pay by the gallon. As research by the Strong Towns organization has shown, large lot subdivisions rarely

For more information or to meet with the scholar, contact
Mercatus Outreach, 703-993-4930, mercatusoutreach@mercatus.gmu.edu
Mercatus Center at George Mason University, 3434 Washington Blvd., 4th Floor, Arlington, Virginia 22201

The ideas presented in this document do not represent official positions of the Mercatus Center or George Mason University.

pay their own way in taxes over the long term.¹ Instead, everyone's taxes and utility rates rise to cover the extra costs.

3. Smaller lots have less impact on the environment. They conserve forest and agricultural land by using less of it.
4. Most important, lower minimum lot sizes expand private property rights. There are, of course, legitimate limits on property rights, but those limits ought to be clearly justified by a legitimate public interest that cannot be achieved with a lighter touch. For example, I certainly support restrictions on pollution. But in this case, the public interest mainly runs in the opposite direction.

OTHER CONCERNS

There is also an issue of fairness. As I have noted, most of the lots that would be affected by this bill are already a half-acre or smaller. This bill would extend a right some property owners already enjoy—the right to have a house on a half-acre—to neighbors with similarly situated land.

When I speak about deregulation, people often object that changing their neighbor's zoning without their permission violates their property rights. To this, I have a simple response: if you want to control your neighbor's property, you ought to buy it.²

New Hampshire property owners—current and future—would benefit from less regulation of minimum lot sizes. More young families would be able to afford a starter home, future taxes and utility rates would be lower, there would be more woods and farms, and property rights would be stronger and fairer.

Thank you for your time. I am happy to answer any questions, either in person or by email.

1. Charles Marohn, "The More We Grow, the Poorer We Become," *Strong Towns*, August 22, 2018.

2. One could also buy a conservation easement.

Archived: Monday, April 19, 2021 10:27:34 AM
From: Beauchesne, Suzanne
Sent: Tuesday, February 9, 2021 9:28:23 AM
To: ~House Municipal and County Govt
Cc: Josh Yokela; Rebecca McWilliams; Trowbridge, Philip; Pelletier, Rene; Tardif, Rob; O'Donovan, Thomas
Subject: HB 132 - Lot Size for Single Family Housing
Importance: Normal
Attachments:
HB132 Lot Size 020921.pdf

Dear Chairman Dolan and Members of the Committee:

Attached is a letter of testimony from the NH Department of Environmental Services on HB 132 relative to acreage required to build certain single family housing. Should you have any questions about this testimony, please feel free to contact Robert Tardif, Subsurface Systems Bureau Administrator (robert.a.tardif@des.nh.gov or 603-271-2904) or Phil Trowbridge, Land Resources Management Program Manager (Philip.R.Trowbridge@des.nh.gov or 603-271-4898). Thank you. Suzanne

Stay Safe! Be Well!

Suzanne Beauchesne
Assistant to the Commissioner
NH Department of Environmental Services
29 Hazen Drive, PO Box 95
Concord, NH 03301
Phone: (603) 271-3449
Suzanne.Beauchesne@des.nh.gov

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Archived: Monday, April 19, 2021 10:27:34 AM
From: Michael Hogg
Sent: Monday, February 8, 2021 12:23:55 PM
To: ~House Municipal and County Govt
Cc: Josh Yokela
Subject: NH House Remote Testify: 9:00 am - CACR9 in House Municipal and County Government
Importance: Normal
Attachments:
Four Benefits of Limiting Minimum Lot Sizes.pdf ;

Good afternoon,

Please see the attached testimony for tomorrow's hearing on House Bill 132 from Salim Furth, Senior Research Fellow at the Mercatus Center.

As he does not take a position on the bill, he is registered as a neutral witness.

Thank you,

Michael Hogg
State Outreach Associate
Mercatus Center at George Mason University
Cell: 717-880-7729



Bridging the Gap Between Academic Ideas and Real-World Problems.

Archived: Monday, April 19, 2021 10:27:34 AM
From: Jim McConnell
Sent: Sunday, February 14, 2021 3:57:00 PM
To: ~House Municipal and County Govt
Subject: ITL - HB 132, HB 189 & HB 154
Importance: Normal

Please ITL HB 132, HB 189 and HB 154.

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

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

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

Sent from my iPad



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

February 9, 2021

The Honorable Tom Dolan, Chair
Municipal and County Government Committee
Legislative Office Building, Room 301
Concord, NH 03301

RE: HB 132 - AN ACT to acreage required to build certain single family housing.

Dear Chairman Dolan and Members of the Committee:

Thank you for the opportunity to comment on HB 132. This bill sets forth statutory provisions regarding the acreage required to build certain single family housing serviced by municipal wastewater systems. Should the Committee choose to move forward with this bill, the New Hampshire Department of Environmental Services (NHDES) suggests the Committee consider the changes discussed below.

RSA 674:16, I, discusses provisions for zoning ordinances designed to regulate and restrict lot development including, but not limited to, lot size. RSA 674:16, I, (b) of the proposed bill regulates the size of a lot that *“does not disperse liquid from a black water septic tank into the ground of the lot;”* This proposed language does not accurately describe the wastewater treatment system. Instead, we suggest the following language, to be consistent with other references to on-site sewage disposal system references within other state statutes.

(b) Lot sizes, the percentage of a lot that may be occupied, and the size of yards, courts and other open spaces, *provided that no ordinance shall require more than a one half acre lot for single family housing where such housing does not use a well for its water source and does not use a subsurface sewage disposal system.*

Thank you again for the opportunity to comment on this legislation. If you have questions or need additional information, please contact Robert Tardif, Subsurface Systems Bureau Administrator (robert.a.tardif@des.nh.gov or 603-271-2904) Rene Pelletier, Assistant Water Division Director (rene.j.pelletier@des.nh.gov) or 603-271-2951.

Sincerely,

Robert R. Scott
Commissioner

cc: Sponsors: Representatives Yokela, McWilliams

HB 132-LOCAL - AS INTRODUCED

2021 SESSION

21-0091
11/04

HOUSE BILL

132-LOCAL

AN ACT relative to acreage required to build certain single family housing.

SPONSORS: Rep. Yokela, Rock. 33; Rep. McWilliams, Merr. 27

COMMITTEE: Municipal and County Government

ANALYSIS

This bill prohibits zoning ordinances from requiring certain acreage for certain single family housing units.

.....

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 132-LOCAL - AS INTRODUCED

21-0091
11/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to acreage required to build certain single family housing.

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

1 1 Zoning; Grant of Power; Single Family Housing Acreage. Amend RSA 674:16, I(b) to read as
2 follows:

3 (b) Lot sizes, the percentage of a lot that may be occupied, and the size of yards, courts
4 and other open spaces, *provided that no ordinance shall require more than a one half acre*
5 *lot for single family housing where such housing does not use a well for its water source*
6 *and does not disperse liquid from a black water septic tank into the ground of the lot;*

7 2 Effective Date. This act shall take effect 60 days after its passage.