

REGULAR CALENDAR

February 15, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Municipal and County Government to which was referred HB 423,

AN ACT relative to accessory dwelling unit uses allowed by right. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. John MacDonald

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

Committee:	Municipal and County Government
Bill Number:	HB 423
Title:	relative to accessory dwelling unit uses allowed by right.
Date:	February 15, 2023
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would have increased the number of Accessory Dwelling Units (ADU's) allowed by right from one to two, changed the definition of an attached unit, and increased the maximum square footage of an ADU from 750 to 1000. It would also allow the towns the right to require one unit to meet the definition of workforce housing. The majority of the committee understands the importance of needed housing within our state, however this bill would create a statewide mandate that would override local community control already adopted by municipalities. The committee was not provided with the number of new ADU'S that have been created by the current law to judge the success or need for this legislative change. Lastly, there is currently the House Special Committee on Housing which was established to potentially address the housing shortage within our state.

Vote 14-6.

Rep. John MacDonald
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Municipal and County Government

HB 423, relative to accessory dwelling unit uses allowed by right. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John MacDonald for the **Majority** of Municipal and County Government. This bill would have increased the number of Accessory Dwelling Units (ADU's) allowed by right from one to two, changed the definition of an attached unit, and increased the maximum square footage of an ADU from 750 to 1000. It would also allow the towns the right to require one unit to meet the definition of workforce housing. The majority of the committee understands the importance of needed housing within our state, however this bill would create a statewide mandate that would override local community control already adopted by municipalities. The committee was not provided with the number of new ADU'S that have been created by the current law to judge the success or need for this legislative change. Lastly, there is currently the House Special Committee on Housing which was established to potentially address the housing shortage within our state. **Vote 14-6.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

February 15, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Municipal and County Government to which was referred HB 423,

AN ACT relative to accessory dwelling unit uses allowed by right. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. David Preece

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Municipal and County Government
Bill Number:	HB 423
Title:	relative to accessory dwelling unit uses allowed by right.
Date:	February 15, 2023
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill would increase the number of accessory dwelling units allowed by right from one to two, change the attached unit's definition, and increase the maximum square footage from 750 to 1,000. This bill also gives towns the right to require one dwelling unit to meet the purpose for workforce housing. The minority of the committee believes that there is a housing crisis, and this bill, if enacted, would be one of the tools to create more housing. By allowing additional accessory dwelling units on single-family lots, this bill would help create needed low-cost housing for people of all ages, including by allowing homeowners to add in-law apartments, au-pair suites, or spaces for young adults moving home after college or moving into the community to start a new job. Any accessory dwelling unit would have to comply with the municipal zoning ordinances requirements for a single-family dwelling unit and prove that there is adequate private water and sewer capacity to serve the additional accessory dwelling unit.

Rep. David Preece
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Municipal and County Government

HB 423, relative to accessory dwelling unit uses allowed by right. **OUGHT TO PASS.**

Rep. David Preece for the **Minority** of Municipal and County Government. This bill would increase the number of accessory dwelling units allowed by right from one to two, change the attached unit's definition, and increase the maximum square footage from 750 to 1,000. This bill also gives towns the right to require one dwelling unit to meet the purpose for workforce housing. The minority of the committee believes that there is a housing crisis, and this bill, if enacted, would be one of the tools to create more housing. By allowing additional accessory dwelling units on single-family lots, this bill would help create needed low-cost housing for people of all ages, including by allowing homeowners to add in-law apartments, au-pair suites, or spaces for young adults moving home after college or moving into the community to start a new job. Any accessory dwelling unit would have to comply with the municipal zoning ordinances requirements for a single-family dwelling unit and prove that there is adequate private water and sewer capacity to serve the additional accessory dwelling unit.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 423

BILL TITLE: relative to accessory dwelling unit uses allowed by right.

DATE: February 15, 2023

LOB ROOM: 301-303

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. J. MacDonald

Seconded by Rep. T. Cahill

Vote: 14-6

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John MacDonald, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/9/2023 12:06:25 PM
Roll Call Committee Registers
Report

2023 SESSION

Municipal and County Government

Bill #: 423 Motion: ~~ADJUTANT GENERAL~~ ITL AM #: ~~2023 05381~~ Exec Session Date: 2/15/23

Members	YEAS	Nays	NV
Turcotte, Len P. Chairman	14		
Pauer, Diane Vice Chairman	1		
Guthrie, Joseph A.	2		
MacDonald, John T. Clerk	3		
Lascelles, Richard W.	4		
Yokela, Josh S.		1	
Kelley, Diane E.	5		
Aylward, Deborah	6		
Brown, Richard R	7		
Cahill, Tim P	8		
Stavis, Laurel	9		
Tatro, Bruce L.	10		
Treleaven, Susan GS		2	
Gilman, Julie D.	11		
Maggiore, Jim V.	12		
Mangipudi, Latha D.		3	
Gallager, Eric B.		4	
Hicks, Matthew S		5	
Hewland, Allan <i>Run</i>	13		
Preece, David John		6	
TOTAL VOTE:	14	6	

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 423

BILL TITLE: relative to accessory dwelling unit uses allowed by right.

DATE: February 8, 2023

LOB ROOM: 301-303 **Time Public Hearing Called to Order:** 1:45 p.m.

Time Adjourned: 2:40 p.m.

Committee Members: Reps. L. Turcotte, Pauer, J. MacDonald, Guthrie, Lascelles, Yokela, T. Cahill, Stavlis, Tatro, Treleaven, Gilman, Maggiore, Mangipudi, Gallagher, Hicks, Howland, Preece and Aylward

Bill Sponsors:

Rep. Read	Rep. Seibert	Rep. Mangipudi
Rep. Gallagher	Rep. McWilliams	Rep. Cushman
Rep. Hynes	Rep. Phinney	Rep. Berry
Rep. Kuttab		

TESTIMONY

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

- Rep. Read - Accessory Dwelling Unit (ADU) what they are - one in-law apartment on property. We should not be limiting housing. Allows people to build onto their own homes. We do enough for these people. You can clear ADU that people don't know exist. Extends the right from 1ADU to 2ADUs. I worked with the municipal association. Detached from the primary unit. It may be attached or not attached. Increase the existing square footage. Raises it to 1,000. Creates supply of long-term sustainable housing. Longer term tenants. 1,000 square unit for one unit. Additional ADUs - 850sqft, 1/2 acre lot size. Additional ADU the town can say it must workforce housing formula. We want people to own homes. Creates a healthy environment. Need to address density. Foster a personal relationship.
- Rep. Preece - existing structure/divided house into two units. Could they add another unit for 3 units.
- Rep. Read - yes, they could be in a detached garage.
- Howard - why not just allow a detached. ADU be allowed by right.
- Read - that counts as attached.
- Maggiore - four units. Could each one have an ADU?
- Read - no.
- Yokela - duplex - ADU - do you have a "3plex"
- Read - stand alone would be an ADU plus the threshold to build an ADU. No power. Lot is too small to build an ADU.
- Rep. Treleaven - Can an ADU be attached to an ADU?
- Rep. Read - the town would require the ADU to be attached to the dwelling.
- Rep. Mangipudi - Can I ask questions?
- Chair - yes you can, you're not testifying.
- Mangipudi - Co-op opportunities provides more opportunities to buy the property.
- Rep. Lascelles - child of the 60s - would you call it a commune?
- Read - I am a child of the 60s.
- ADU's restrictions on limits - family related?
- Read - it does not restrict the family members.
- Gilman - sq footage for demographics
- Read - compromise with the town planner in Durham.
- Stavlis - ADU not served by a septic.

- Read - existing water and septic would have to be improved. Septic needs to meet the requirement.
- Maggoire - line 26 - shall to a may for doors.
- Rep. Read - that was requested of the planner.
- Rep. Gallagher - Gallagher in a relationship. Housing is hard to find. Her dream house to have ADU's for relatives. It wouldn't directly benefit us. It might encourage other states for ADU's.
- Mangipudi - aging in place - smooth transition
- Gallagher - yes definitely, conflicts with my parents, separate living spaces, more harmony.
- Sara Holland - 5 - NH Association of relations Plight - they have finding housing. Son/parents move in with me, this bill creates clarity and inventory. Full contained existing houses. To have an ADU I would have to increase from 1 to 5 acres. This would allow me to have a smaller space in the home I have been living in. Will create the much needed space, local control is important.
- Rep. Gilman - no requirement for water and sewer - more space in rural character. Less desirable.
- Holland - no, you can add additional units, provisions in the law
- Maggiore - stats on increasing housing due to previous ADU lot
- Holland - I don't have a stat on that.
- Rep. Hicks - struggling with STR-ADU
- Holland - yes, the towns could create to adhere that.
- Ben Frost - NH Housing/Department Director - worked on previous bill. 80 to 10,000 houses. Bill will not solve the problem alone. Enables property owners greater rights to use the property. No public subsidy. Solution does not require public funding.
- Stavis - line 13, two ADU's allowed - line 34, two or more ADU's - I'm confused.
- Frost - the municipality may choose to do more than that.
- Nate Greyes - NH Municipal Association - opposes this bill. Would regulate the character of the community.
- Rep. Guthrie -unintended consequences of bill
- Greyes - property rights - different rights under planning zoning laws - less ability of the master plan. Future needs of the community limit the number of units on a property.
- Preece - number of units open lot discriminatory
- Greyes - I wouldn't view that as discriminatory.
- Elissa Margolin - Housing Action NH - 80 organizations - develop and manage housing partners. Address family needs - aging parents - adult children - sprinkling of ADU's we don't have data. Neighbors remodeled barn for parents, they passed. Neighbors parents are living in the converted barn.
- Maggiore - sprinkling of ADU's
- Margolin - not a solution to the 100,000 units. Some of the ADU's are not affordable.
- Rep. Yokela - sprinkling - detached - they don't want to share a wall. Open up to additional
- Margolin - attached can do a detached. The state enhances the owner's the rights.

Respectfully submitted,
 Representative MacDonald, Clerk

House Remote Testify

Municipal and County Government Committee Testify List for Bill HB423 on 2023-02-08

Support: 5 Oppose: 3 Neutral: 0 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>
Smith, Hayden	Hanover, NH hasmith1520@gmail.com	A Member of the Public	Myself	Support	No	No	2/2/2023 10:17 PM
Buttrick, Bruce	Goffstown, NH bbuttrick8468@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/3/2023 2:43 PM
Holstein, Susanne	Bedford, NH srholstein@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/6/2023 10:18 AM
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Support	No	No	2/6/2023 11:04 AM
Rogers, Mary	Winchester, NH tiplady2001@yahoo.com	A Member of the Public	Myself	Support	No	No	2/6/2023 3:59 PM
Medeiros, Jesse	Plainfield, NH bgtrck458@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2023 9:00 AM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/7/2023 10:14 AM
Dickinson, Jeff	Concord, NH jdickinson@gsil.org	A Member of the Public	Granite State Independent Living	Support	No	No	2/7/2023 1:25 PM

Bruce Buttrick

I oppose. This Bill increases the density on single family lots, for an additional (2nd) ADU. This results for a total of 3 Dwelling Units on a lot that was single Dwelling Unit (prior to 2017). This Bill changes the character of the neighborhood.

Furthermore, by requiring the allowance in detached structures these "additional" Dwelling Units are no longer "accessory" to the principal single family Dwelling Unit.

Daniel Richardson

Kill This Bill. This bill's intent covertly creates flop houses for packing in more illegal aliens in preexisting residential neighborhoods. The specific goal is political dominance by way of importing more allied voters.

HB 423 - AS INTRODUCED

2023 SESSION

23-0291

02/08

HOUSE BILL **423**

AN ACT relative to accessory dwelling unit uses allowed by right.

SPONSORS: Rep. Read, Rock. 10; Rep. Seibert, Hills. 21; Rep. Mangipudi, Hills. 11; Rep. Gallagher, Merr. 20; Rep. McWilliams, Merr. 30; Rep. Cushman, Hills. 28; Rep. Hynes, Hills. 2; Rep. Phinney, Straf. 9; Rep. Berry, Hills. 39; Rep. Kuttub, Rock. 17

COMMITTEE: Municipal and County Government

ANALYSIS

This bill increases the number of accessory dwelling units allowed by right from one to 2, changes the definition of attached unit, and increases the maximum square footage from 750 to 1,000. It also gives towns the right to require one unit to meet the definition for workforce housing.

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 Three

AN ACT relative to accessory dwelling unit uses allowed by right.

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

1 1 Accessory Dwelling Units; Definition. Amend RSA 674:71 to read as follows:

2 674:71 Definition. As used in this subdivision, "accessory dwelling unit" means a residential
3 living unit that is within or attached to a single-family dwelling, and that provides independent
4 living facilities for one or more persons, including provisions for sleeping, eating, cooking, and
5 sanitation on the same parcel of land as the principal dwelling unit it accompanies. ***"Attached"***
6 ***under this subdivision shall also include units that are completely contained within***
7 ***preexisting detached structures.***

8 2 Accessory Dwelling Units. Amend RSA 674:72 to read as follows:

9 674:72 Accessory Dwelling Units.

10 I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this
11 chapter shall allow accessory dwelling units as a matter of right or by either conditional use permit
12 pursuant to RSA 674:21 or by special exception, in all zoning districts that permit single-family
13 dwellings. [~~One~~] ***Two*** accessory dwelling units shall be allowed without additional requirements for
14 lot size ***except as described in this section***, frontage, space limitations, or other controls beyond
15 what would be required for a single-family dwelling without an accessory dwelling unit. The
16 municipality is not required to allow more than [~~one~~] ***2*** accessory dwelling [~~unit~~] ***units*** for any
17 single-family dwelling. The municipality may prohibit accessory dwelling units associated with
18 multiple single-family dwellings attached to each other such as townhouses, and with manufactured
19 housing as defined in RSA 674:31. Subsequent condominium conveyance of any accessory dwelling
20 unit separate from that of the principal dwelling unit shall be prohibited, notwithstanding the
21 provisions of RSA 356-B:5, unless allowed by the municipality.

22 II. If a zoning ordinance contains no provisions pertaining to accessory dwelling units, then
23 [~~one~~] ***2*** accessory dwelling units shall be deemed a permitted accessory use, as a matter of right, to
24 any single-family dwelling in the municipality, and no municipal permits or conditions shall be
25 required other than a building permit, if necessary.

26 III. An interior door [~~shall~~] ***may*** be provided between the principal dwelling unit and the
27 accessory dwelling unit, but a municipality shall not require that it remain unlocked.

28 IV. Any municipal regulation applicable to single-family dwellings shall also apply to the
29 combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to
30 lot coverage standards and standards for maximum occupancy per bedroom consistent with policy

HB 423 - AS INTRODUCED
- Page 2 -

1 adopted by the United States Department of Housing and Urban Development. A municipality may
2 require adequate parking to accommodate an accessory dwelling unit.

3 V. The applicant for a permit to construct an accessory dwelling unit shall make adequate
4 provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with
5 RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling
6 units. In order to comply with this paragraph and prior to constructing an accessory dwelling unit,
7 an application for approval for a sewage disposal system shall be submitted in accordance with RSA
8 485-A as applicable. The approved sewage disposal system shall be installed if the existing system
9 has not received construction approval and approval to operate under current rules or predecessor
10 rules, or the system fails or otherwise needs to be repaired or replaced.

11 VI. A municipality may require owner occupancy of one of the dwelling units, but it shall not
12 specify which unit the owner must occupy. A municipality may require that the owner demonstrate
13 that one of the units is his or her principal place of residence, and the municipality may establish
14 reasonable regulations to enforce such a requirement.

15 VII. A municipality may establish standards for accessory dwelling units for the purpose of
16 maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling. A
17 municipality may also establish minimum and maximum sizes for an accessory dwelling unit,
18 provided that size may not be restricted to less than ~~[750]~~ **1,000 square feet for one of the units**
19 **allowed by right, and 850 square feet for any other units.**

20 VIII. A municipality may not require a familial relationship between the occupants of an
21 accessory dwelling unit and the occupants of a principal dwelling unit.

22 IX. A municipality may not limit an accessory dwelling unit to only one bedroom.

23 X. An accessory dwelling unit may be deemed a unit of workforce housing for purposes of
24 satisfying the municipality's obligation under RSA 674:59 if the unit meets the criteria in RSA
25 674:58, IV for rental units. ***The municipality may require that if a property has 2 or more***
26 ***accessory dwelling units, one of them shall meet the criteria in RSA 674:58, IV for rental***
27 ***units.***

28 3 Detached Accessory Dwelling Units. Amend RSA 674:73 to read as follows:

29 674:73 Detached Accessory Dwelling Units. A municipality is ~~[not]~~ required to~~[but may]~~ permit
30 detached accessory dwelling units ***for at least one unit allowed by right under this chapter,***
31 ***but may require any other units to be attached.*** Detached accessory dwelling units shall comply
32 with the requirements of, and any municipal ordinances or regulations adopted pursuant to, RSA
33 674:72, IV through IX. ***A municipality may require a property have a minimum lot size of up***
34 ***to one half acre in order to have two or more accessory dwelling units.***

35 4 Effective Date. This act shall take effect January 1, 2024.