

SB 146 – Accessory Dwelling Units


Material from: NH Housing Finance Authority & Rockingham Planning Commission

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Accessory Dwelling Units

- An **accessory dwelling unit** is a really simple and old idea
 - Early 20th century. A common feature in SF homes
 - A second small **dwelling** right on the same grounds (attached to or within) your regular single-family house
 - *Ex. An apartment over the garage, in the basement.*
- ADUs are also called *accessory apartments, in-law apartments, family apartments, or secondary units*

Accessory Dwelling Units

- An **accessory dwelling unit** is a really simple and old idea



Accessory Dwelling Units

- An **accessory dwelling unit** is a really simple and old idea



Accessory Dwelling Units

Accessory Apartment
Warner, NH



Accessory Dwelling Units

- Benefits of ADU's
 - Increase a community's housing supply without further land development
 - Facilitates efficient use of existing housing stock & infrastructure
 - An affordable housing option for many low- and moderate-income residents
 - Elderly and/or disabled persons who may want to live close to family members
 - or caregivers, empty nesters, and young adults

Accessory Dwelling Units

- ADU's are an important component of affordable housing advocacy
- Municipal land use ordinances for ADU's vary widely and many restrict to family members.

Accessory Dwelling Units

- Impetus for SB 146
 - New Hampshire's changing demographics
 - New Hampshire Housing 2014 study: "Housing Needs and Preferences in New Hampshire"
 - Slower population growth
 - Job quality/income
 - Mismatch of housing stock and needs and desires of changing population-young AND old
 - Older adults want to "Age in Place" or "Age in Community"
 - Homebuilders unable to fulfill homeowner requests to create ADU's for a family member or caregiver

Accessory Dwelling Units

- **SB 146 (passed by both Senate and House)**
 - Requires all municipalities to allow an *attached* ADU in any single-family house by right, special exception, or conditional use permit
 - Standards for a single-family home also apply to combined SF and ADU (ex. lot coverage, occupancy per bedroom)
 - Municipality can limit the number of unrelated individuals that occupy a single unit
 - Applicant for permit to construct an ADU must make adequate provisions for water supply and sewage disposal
 - Requires interior door between units but prohibits from requiring it to be unlocked

Accessory Dwelling Units

- **SB 146 (passed by both Senate and House)**
 - Municipality may
 - Require adequate parking to accommodate an ADU
 - Require owner occupancy of one of the units (but can't say which)
 - Require demonstration that a unit is the owner's *primary* dwelling unit
 - Control for architectural appearance
 - Limit how many ADU's per single family dwelling
 - Municipality may not
 - Limit ADU to 1 bedroom or to be less than 750 s.f.
 - Require familial relationship between occupants of different units
 - Require additional lot area or other dimensional standards for ADU (but it may for a detached ADU)

Accessory Dwelling Units

- **Other elements of SB 146**
 - Detached ADU's
 - Municipalities may permit but is NOT a requirement
 - A municipality may require increased lot size
 - Must comply with elements of SB 146
 - Amends NH RSA 674:21 Innovative Land Use Controls
 - ADU's are removed from list along with its definition

Accessory Dwelling Units

- **SB 146 Next Steps**
 - Requires signature by Governor Hassan
 - Effective date: June 1, 2017

Accessory Dwelling Units

- **Concerns**
 1. State zoning mandate
 - Others: Excavations, Workforce Housing, Manuf. Housing
 2. Must allow ADUs everywhere single family dwelling are permitted. No local discretion re:
 - High density lakeshore development (WQ)
 - High density beach development (Crowding, parking)
 - Urban SF neighborhoods (Crowding, parking)
 - Provides 'end-around' from intentional density limits

Accessory Dwelling Units

- **Concerns**
 3. 'Single family dwelling' not defined RSAs
 - Does it mean a detached single family house?
 4. Minimum Square Foot ADU requirement (750) may be to large for some settings
 5. SB146 - a solution in search of a problem?

Towns with Accessory Units/In-Law Apartment Regulations

RPC Region: 23 of 26

Town	Article/Chapter/Section	Page	Town	Article/Chapter/Section	Page
Atkinson	Section 460	231	New Castle	6.6	239
Brentwood	300.002.004	15	Newfields	4.14	20
Danville	Article 4	23	Newington	none	
East Kingston	Article 8	25	Newton	Section 13	6
Epping	6.13	44	North Hampton	V – Section 513	no page #
Eeter	4.2	4.7	Plaistow	Section 8	56
Fremont	IV-a	no page #	Plymouth	none	
Greenland	3.7.11	30	Rye	Section 506	78
Hampstead	IV-14	223	Salem	490.802	no page #
Hampton	none		Sandown	Article 2 – Section 5	64
Hampton Falls	III – 7.2	19	Seabrook	Section 8.200	225
Kendington	8.4.F	23	South Hampton	Not available on line	
Kingston	206	206-1	Stratham	5.4	77

Accessory Dwelling Units

- **Positives**
 1. ADUs = Affordable Units under 674:58-61
 2. An ADU that would non-conforming use can be denied
 3. ADUs are one of the least disruptive ways to expand Workforce Housing supply.
 4. Positive changes made to the original bill in House:
 1. Local option to limit to 'attached' only
 2. Counted as workforce housing units
 3. Allowed under conditional use permit (and spec. exception)
 4. Local option for "Appearance" controls

Going Forward

- **Next Steps for RPC?**
 - Planning Advisory Memo – Spring /Summer 2016
 - Regional Workshop - Summer / Fall 2016
 - Model / Sample ADU Ordinance? Fall 2016
 - Request amendment to address concerns? – Fall 2016