SB 146 – Accessory Dwelling Units

Material from: NH Housing Finance Authority & Rockingham Planning Commission

Presented by Cliff Sinnott Rockingham Planning Commission February 10, 2016



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

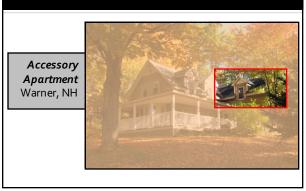
Accessory Dwelling Units

 An accessory dwelling unit is a really simple and old idea





Accessory Dwelling Units



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 <u>attached</u> 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 <u>may</u>
 - 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 <u>may not</u>
- 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

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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 RSAsDoes 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 Article/Chapter Section Article/Chapte /Section Town Town Page Page z-39 New Castle Atkinson Section 460 z-31 Newfields 4.14 20 300.002.004 Irentwood 15 Artide 4 23 Danville 6 Section 13 East Kingstor Artide 8 25 North Hamp V-Section 513 no page # 44 6.13 Epping 56 4.2 4.7 Exeter non Fremont IV-a no page # Section 506 78 Greenlan 3.7.11 30 Salem 490.802 no page # Hampstead IV-14 223 Artide 2 – S Sandow 64 Section 8.200 Seabrook z-25 Hampton Falls Ш – 7.2 19 Not available o outh Hampto 8.4.F 23 206 206-1 nastor 77

ROCKINGHAN **Accessory Dwelling Units** 1543 OMMISSION Positives 1. ADUs = Affordable Units under 674:58-61 An ADU that would non-conforming use can be 2. denied ADUs are one of the least disruptive ways to expand 3. Workforce Housing supply. 4. Positive changes made to the original bill in House: 1. Local option to limitto 'attached' only Counted as workforse housing units 2.

- 3. Allowed under conditional use permit (and spec. exception)
- 4. Local option for "Appearance" controls

Going Forward

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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