

# ACCESSORY DWELLINGS



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# ACCESSORY DWELLINGS



- **State law took effect June 1, 2017**
  - ADUs permitted in residential zoning districts
    - ✦ Mandate – Even if town takes no action to amend zoning ordinance
- **Most towns amended zoning ordinance**
  - **March 2017 town meeting**
  - **To take advantage of law's options**



# NO ADU ORDINANCE?



- **If town zoning is silent on ADUs:**
  - One ADU = permitted accessory use
  - As a matter of right
    - No permits required other than building permit, if town requires building permits
- ✦ RSA 674:72, II

# THE NEW LAW



- **RSA 674:71** – Definition of ADU (attached/internal)
- **RSA 674:72** – Requirements and municipal options
- **RSA 674:73** – Detached ADU option



# ADU DEFINITION



- **RSA 674:71**
  - A residential living unit
  - within or attached to a single-family dwelling
  - provides independent living facilities for one or more persons
  - including provisions for sleeping, eating, cooking, and sanitation
  - on the same parcel as the principal dwelling unit it accompanies



# THE LAW'S SPECIFICS



- **Internal or attached ADUs must be allowed**
  - In **all** zoning districts where single-family dwellings are permitted
- **Option – towns can choose:**
  - Allow ADUs a **matter of right**
    - ✦ No town review or approval required
  - OR**
  - Allow by **Special Exception** or **Conditional Use Permit**
    - ✦ ZBA or Planning Board
    - ✦ Allows towns to implement the law's other options



# THE LAW'S SPECIFICS



- **Interior door is required**
  - Between principal dwelling and ADU
    - ✦ Municipality **cannot** require the door to remain unlocked
      - Common provision in older, existing ADU ordinances



# THE LAW'S SPECIFICS



- **Town regulations that apply to single-family dwellings also apply to the combination of the principal dwelling and the ADU**
  - Such as:
    - ✦ Lot size
    - ✦ Lot coverage standards
    - ✦ Maximum occupancy per bedroom standards
      - Consistent with HUD policy





# WHAT TOWNS CAN'T DO



- **Can't require separate water supply or sewage disposal systems for the ADU**
- **Can't limit ADUs to only one bedroom**
- **Can't require familial relationship between occupants of principal dwelling and ADU**
  - Common provision in older ADU ordinances



# WHAT TOWNS CAN'T DO



- **Increase dimensional requirements**
  - Beyond what is required for single-family dwellings without ADUs
    - ✦ **Example:**
      - Single-family residence = 1 acre, 150 ft. frontage
      - **Single-family residence + Attached ADU = 1.5 acre, 200 ft. frontage – NO!**



# TOWN OPTIONS



- By right, or by Special Exception or Conditional Use Permit
- Owner occupancy
- Minimum/maximum square footage
- Aesthetic continuity standards
- Adequate parking requirements
- More than one ADU per dwelling
- Detached ADUs
  - All districts? Increased lot size?



# SIZE OF ADU



- **Towns can set:**
  - **Minimum size**
    - ✦ **Health and welfare standard**
  - **Maximum size**
    - ✦ **Can't be less than 750 sq. ft.**
    - ✦ **Property owner can choose less than 750 sq. ft.**
  - **Some have set maximum at 750 sq. ft.**
  - **Most have not set minimum size**



# SEPTIC LOAD



- **HOUSE BILL 258\*\***
  - Amends RSA 674:72, V – requires submitting application for approval of newly designed septic system to NH Department of Environmental Services prior to constructing ADU
  - The new system does not have to be installed unless the existing system is in failure or never received state approval
  - Effective September 16, 2017

# CLARIFICATION



- **House Bill 265 – effective 2017**
  - **Allows towns to prohibit ADUs for:**
    - ✦ **Multiple single-family dwellings**
      - **Townhouses, condominium developments**
    - ✦ **Manufactured housing**
      - **Mobile homes, trailers**
  - **Prohibits condominium conveyance of ADUs separate from the principal unit**
    - ✦ **Unless allowed by town zoning ordinance**

# SHORT-TERM RENTALS



- **SENATE BILL 173**
  - To prohibit ADUs from being used as short-term rentals
  - **Killed by the Senate – 2017**

# SHORT-TERM RENTALS



- **HOUSE BILL 654**

- Effective 2017

- Establishes legislative committee to study regulation and taxation of short-term rentals

- Amends RSA 48-A – Housing Standards

- ✦ Prohibits towns from imposing additional requirements on dwellings used as vacation or short-term rentals



# RESOURCES



- NH Office of Strategic Initiatives – Planning Division
  - *Planning for Accessory Dwellings*
    - ✦ <http://www.nh.gov/oep/planning/resources/accessory-dwellings.htm>
    - ✦ Includes links to articles, legislation, model ordinances, NH Municipal Association's *The New Law on Accessory Dwelling Units*
      - [www.nhmunicipal.org](http://www.nhmunicipal.org)
- NH Housing Finance Authority
  - ✦ <http://www.nhhfa.org/>

