

ACCESSORY DWELLINGS



SUSAN SLACK
PRINCIPAL PLANNER
DIVISION OF PLANNING
NH OFFICE OF STRATEGIC INITIATIVES
SUSAN.SLACK@NH.GOV
WWW.NH.GOV/OEP
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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
- NH Housing Finance Authority
 - ✦ <http://www.nhhfa.org/>

