2016 SB 146 – Accessory Dwelling Units (ADUs)

This legislation was motivated partly by studies conducted in 2014 by the NH Center for Public Policy Studies on *Housing Needs and Preferences in New Hampshire*. The studies identified a serious mismatch between the existing housing stock in the state and the needs and desires of our changing population. Although we have a preponderance of large single family homes, both younger and older people increasingly want smaller and more "urban" homes. The creation of ADUs will help people to age in place, and it will create a greater supply of housing for the young professionals we want to live here.

SB 146 will require municipal zoning ordinances to allow, in all districts that permit single-family residences, one *attached* ADU by right, special exception, or conditional use permit. If the ordinance is silent on the matter, attached ADUs will be deemed allowed in any single-family home. At its discretion, a municipality may allow detached ADUs.

A local zoning ordinance's dimensional standards for single-family homes will also apply to the combination of the primary dwelling unit and the ADU – this means no added lot size, no increased setbacks or road frontage, and no greater standards for lot coverage or other space limitations.

Obligations and Options Under SB 146

An accessory dwelling unit <u>must</u>

- Be an independent living unit (sleeping, cooking, eating, sanitation)
- Have an interior door between it and the principal dwelling unit
- Have adequate water supply and sewage disposal

A municipality <u>may</u>

- Control for appearance to maintain the "look and feel" of a single-family home (e.g., architecture, driveways, off-street parking, etc.)
- Require owner occupancy of one of the units, but it can't say which one
- Require demonstration that a unit is the owner's primary dwelling unit
- Regulate the number of occupants per bedroom, consistent with HUD standards
- Continue to limit the number of unrelated individuals within a single unit
- Establish minimum and maximum ADU sizes (but see below)

A municipality <u>must not</u>

- Require an ADU to be smaller than 750 s.f. (but the owner may make it smaller)
- Require a familial relationship between occupants of the principal unit and an ADU
- Require an ADU to have only one bedroom
- Require additional lot area or other dimensional standards for an ADU (but it may require additional lot area for a *detached* ADU)
- Require separate water or septic systems for the principal unit and an ADU
- Require interior doors between the principal unit and an ADU to remain unlocked

The Legislature has passed SB 146 and the Governor will soon sign it. The bill's effective date will be June 1, 2017, giving municipalities extra time to amend their zoning ordinances.