

CHAPTER 6  
SB 146 - FINAL VERSION

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2016 SESSION

15-0314  
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SENATE BILL **146**

AN ACT relative to accessory dwelling units.

SPONSORS: Sen. Boutin, Dist 16; Sen. Cataldo, Dist 6; Sen. Feltes, Dist 15; Sen. Fuller Clark, Dist 21; Sen. Little, Dist 8; Sen. Reagan, Dist 17; Sen. Watters, Dist 4; Rep. Hunt, Ches 11; Rep. Matthews, Rock 3

COMMITTEE: Public and Municipal Affairs

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ANALYSIS

This bill establishes requirements for local regulation of accessory dwelling units.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.



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1 size, frontage, space limitations, or other controls beyond what would be required for a single-family  
2 dwelling without an accessory dwelling unit. The municipality is not required to allow more than  
3 one accessory dwelling unit for any single-family dwelling.

4 II. If a zoning ordinance contains no provisions pertaining to accessory dwelling units, then  
5 one accessory dwelling unit shall be deemed a permitted accessory use, as a matter of right, to any  
6 single-family dwelling in the municipality, and no municipal permits or conditions shall be required  
7 other than a building permit, if necessary.

8 III. An interior door shall be provided between the principal dwelling unit and the  
9 accessory dwelling unit, but a municipality shall not require that it remain unlocked.

10 IV. Any municipal regulation applicable to single-family dwellings shall also apply to the  
11 combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to  
12 lot coverage standards and standards for maximum occupancy per bedroom consistent with policy  
13 adopted by the United States Department of Housing and Urban Development. A municipality may  
14 require adequate parking to accommodate an accessory dwelling unit.

15 V. The applicant for a permit to construct an accessory dwelling unit shall make adequate  
16 provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with  
17 RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling  
18 units.

19 VI. A municipality may require owner occupancy of one of the dwelling units, but it shall  
20 not specify which unit the owner must occupy. A municipality may require that the owner  
21 demonstrate that one of the units is his or her principal place of residence, and the municipality  
22 may establish reasonable regulations to enforce such a requirement.

23 VII. A municipality may establish standards for accessory dwelling units for the purpose of  
24 maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling. A  
25 municipality may also establish minimum and maximum sizes for an accessory dwelling unit,  
26 provided that size may not be restricted to less than 750 square feet.

27 VIII. A municipality may not require a familial relationship between the occupants of an  
28 accessory dwelling unit and the occupants of a principal dwelling unit.

29 IX. A municipality may not limit an accessory dwelling unit to only one bedroom.

30 X. An accessory dwelling unit may be deemed a unit of workforce housing for purposes of  
31 satisfying the municipality's obligation under RSA 674:59 if the unit meets the criteria in RSA  
32 674:58, IV for rental units.

33 674:73 Detached Accessory Dwelling Units. A municipality is not required to but may permit  
34 detached accessory dwelling units. Detached accessory dwelling units shall comply with the  
35 requirements of, and any municipal ordinances or regulations adopted pursuant to, RSA 674:72, IV  
36 through IX. If a municipality allows detached accessory dwelling units, it may require an increased  
37 lot size.

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1           6:3 Innovative Land Use Controls. Amend RSA 674:21, I(l)-(o) to read as follows:

2                   (l) ~~[Accessory dwelling unit standards.~~

3                   ~~(m)]~~ Impact fees.

4                   ~~(n)]~~ **(m)** Village plan alternative subdivision.

5                   ~~(o)]~~ **(n)** Integrated land development permit option.

6           6:4 Innovative Land Use Controls; Accessory Dwelling Units. Amend RSA 674:21, IV to read as  
7 follows:

8                   IV. As used in this section:

9                   (a) "Inclusionary zoning" means land use control regulations which provide a voluntary  
10 incentive or benefit to a property owner in order to induce the property owner to produce housing  
11 units which are affordable to persons or families of low and moderate income. Inclusionary zoning  
12 includes, but is not limited to, density bonuses, growth control exemptions, and a streamlined  
13 application process.

14                   (b) ~~["Accessory dwelling unit" means a second dwelling unit, attached or detached,~~  
15 ~~which is permitted by a land use control regulation to be located on the same lot, plat, site, or other~~  
16 ~~division of land as the permitted principal dwelling unit.~~

17                   ~~(c)]~~ "Phased development" means a development, usually for large-scale projects, in  
18 which construction of public or private improvements proceeds in stages on a schedule over a period  
19 of years established in the subdivision or site plan approved by the planning board. In a phased  
20 development, the issuance of building permits in each phase is solely dependent on the completion  
21 of the prior phase and satisfaction of other conditions on the schedule approved by the planning  
22 board. Phased development does not include a general limit on the issuance of building permits or  
23 the granting of subdivision or site plan approval in the municipality, which may be accomplished  
24 only by a growth management ordinance under RSA 674:22 or a temporary moratorium or  
25 limitation under RSA 674:23.

26           6:5 Effective Date. This act shall take effect June 1, 2017.

27 Approved: March 16, 2016

28 Effective Date: June 1, 2017