

Senate Commerce Committee

Aaron Jones 271-2609

SB 284, relative to the required maximum number of residential parking spaces.

Hearing Date: February 20, 2025

Time Opened: 10:29 a.m.

Time Closed: 10:49 a.m.

Members of the Committee Present: Senators Ricciardi, Murphy, McGough and Reardon

Members of the Committee Absent : Senators Innis and Fenton

Bill Analysis: This bill limits residential parking spaces to one per unit, with exceptions for certain workforce housing and multi-family developments.

Sponsors:

Sen. Murphy

Who supports the bill: 56 individuals were in support. Full sign in sheets are available upon request by contacting the Legislative Aide, Aaron Jones (aaron.jones@gc.nh.gov).

Who opposes the bill: Brodie Deshaies (NHMA), Gordon Springate, Sarah McCarthy, Linda Burnap, Amy Erickson, Theresa Chabot, Rosina Lis, Daniel Richardson, Roger Murray, Loretta Laurenitis

Who is neutral on the bill: Jason Sorens

Summary of testimony presented in support:

Senator Keith Murphy

- Cities began to apply parking requirements in the 1940s and 1950s when cars became part of every household. It was believed that every unit that was built needed certain parking spaces allocated to avoid overcrowded streets. Parking spaces, however, add costs to the construction of housing units.
- In Manchester, a lot of individuals do not own cars. If they need to travel, they can pay for a rideshare or walk. In this type of environment, Senator Murphy said these requirements do not make sense.
- This bill is tailored to place a limit on how many spaces a municipality could require. It would not forbid all requirements.
- **Senator Ricciardi** asked if this was a mandate because what worked for Manchester might not work for another town.

- **Senator Murphy** said the Legislature gave towns power on what they can and cannot do. In some cases, the Legislature must place restrictions on the power they can exercise. It is important to recognize that the Legislature created towns, and they step on local control every day. Some communities require 5 parking spaces per unit. This bill would allow communities 1.5 spaces per unit for workforce housing or 1 space per unit for the rest. For two-bedroom units with two cars, you have other units where no one has a car. At his restaurant in Manchester, almost none of his 20 employees' drive.
- **Senator Ricciardi** believed towns know what is better for their residents than the state.
 - **Senator Murphy** said it is up to the Legislature to rein in towns when they have abused the powers that have been devolved to them.
- **Senator Reardon** said Montana sought aggressive housing reforms, and they exempted cities with less than 10,000 people. She asked if he would consider a population cap on the size of the city or town doing this.
 - **Senator Murphy** said he would, but he did not think it would be necessary. They needed to trust builders and developers to provide for their customers because they respond to market demand. Individuals would not want to buy a home in a rural area, such as Bedford, without parking. Larger cities have these requirements because streets have been crowded in the past.

Nick Taylor, Director, Housing Action NH

- Parking requirements dictate what their members can do. It can lead to expensive underground garages that increase rents, or it can create a sea of pavement which is not a good use of land.
- When requirements are pulled back, it leads to appropriately sized parking.
- Mr. Taylor said it should be the decision of developers to determine the needs of tenants or users instead of a mandate that individuals must have two cars.
- Downtown Manchester does not have parking requirements. Seabrook, which is more rural, also does not have parking requirements.
- House Bill 382 would eliminate any parking requirement; however, it is likely to be amended to 1 spot.
- On Line 8, it says maximum residential parking spaces; however, most towns have minimum parking spaces.

Samuel Hooper, Legislative Counsel, Institute for Justice

- Professor Donald Shoup, author of *The High Cost of Free Parking*, found 1 parking space per apartment began in Columbus, Ohio in 1923.
- If the market and developers are unable to do what is best, the urban landscape becomes disfigured.

- 45 percent of downtown Louisville, Kentucky is surface parking, for example, which has eliminated walkability and priced out different forms of housing and commercial properties.
- Current assumptions on parking come from the *Parking Generation Manual*, which delineates parking spaces for every conceivable land use. Mr. Hooper said the *Manual* was based on pseudoscience, and its assumptions about land use were not accurate.
- If restrictions on property rights are not corrected, growth will continue to be disfigured and there will be parking spaces in places they should not be.
- Mr. Hooper said the market should control the level of parking that consumers need.

Summary of testimony presented in opposition:

Brodie Deshaies, New Hampshire Municipal Association

- This bill would eliminate reasonable local control over planning requirements that ensure municipalities have adequate parking for residents, visitors, and their workforce.
- This bill would create planning and safety issues that would impact traffic management, community aesthetics, health and safety, and snow removal.
- Parking has become an issue in many municipalities. Often, a law enforcement presence is required due to neighbor disputes, which are common in denser zoning districts.
- Mr. Deshaies said towns and cities know how to plan and zone their communities. They may need parking to enable denser zones to exist.
- If there is not enough adequate parking in commercial areas, individuals will compete for parking.
- Communities have become frustrated with parking, especially during peak tourism periods.
- This bill would not improve communities; instead, it would intentionally create a one-size-fits-all mandate.
- Mr. Deshaies said this bill was unnecessary because the Legislature passed two separate limitations on municipal parking last year.
- There are on-site parking requirements in RSA 674:16-a.
 - If an applicant can demonstrate that an alternative parking solution would meet parking demand created by the proposed residential use, a planning board shall be required to approve the alternative solution as a substitute for onsite parking requirements.
 - This provides planning boards and developers with flexibility to determine alternative solutions to existing parking requirements.
- Most individuals drive to work, and there is no good public transportation infrastructure, even in cities.

- Mr. Deshaies said municipalities and taxpayers should not bear the burden of funding more public parking.
- If there is an undue burden caused by parking requirements, developers can go through the process of getting a variance through their zoning board. This would not have a negative impact on communities.
- Mr. Deshaies said they should let existing statute play out since it took effect on July 1, 2024.
- Mr. Deshaies said prohibiting good, effective local government was not the answer. Historically, the state has given municipalities and voters local control to adopt ordinances that are best for them.
- **Senator Murphy** asked which communities have minimum parking requirements for residential developments.
 - **Mr. Deshaies** said every one might not.
- **Senator Murphy** asked if he would live at his residence if no parking was allocated.
 - **Mr. Deshaies** stated it would depend. Consumers do not have a say during the site plan review or when developers are creating a building. There might not be adequate parking provided in an economy where consumers already have limited options. Consumers are not involved in the development process, and they will get what a developer has created.

Neutral Information Presented: None