HB 1399 - AS AMENDED BY THE HOUSE

28Mar2024... 1157h

2024 SESSION

24-2669
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HOUSE BILL ***1399***

AN ACT allowing municipalities to permit 2 residential units in certain single-family residential zones.

SPONSORS: Rep. McWilliams, Merr. 30; Rep. Yokela, Rock. 32; Rep. Read, Rock. 10

COMMITTEE: Special Committee on Housing

ANALYSIS

This bill allows the expansion of a single family residence within a residential zone in an urban area to no more than 2 residential units without discretionary review or a hearing, if the proposed development meets certain requirements.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT allowing municipalities to permit 2 residential units in certain single-family residential zones.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Paragraph; Planning and Zoning; Regulatory Powers; Single-family Expansion. Amend RSA 674:16 by inserting after paragraph V the following new paragraph:

VI.(a) For all lots 2 acres or less in size, and for at least 50 percent of all lots in a municipality zoned for single-family residences, a proposed housing development of building or expanding a single family residence within a residential zone with no more than 2 residential units shall be allowed by right, without special application, discretionary review, or a hearing, if the proposed development meets all of the following requirements:

(1) The proposed development does not require demolition or alteration of the housing if it is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(2) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:

(A) If a local ordinance so allows.

(B) The site has not been occupied by a tenant in the last 12 months.

(3) The development is located outside of hazard risk areas, as identified by either:

(A) A hazard risk map that has been developed specifically for and adopted by a particular municipality, or

(B) A Risk Factor rating of "Minimal" or "1" for both Flood and Fire Risk from the First Street Foundation.

(b) A municipality may impose objective zoning standards, objective subdivision standards, and objective design review standards. The municipality shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to 2 units and each being at least 1,250 square feet in floor area. However, no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure, or to the same dimensions as immediate abutters; and, in all other circumstances, a municipality may require a setback of up to 3 feet from the side and rear lot lines.

(c) A municipality may require any of the following conditions when considering an application for 2 residential units:

(1) Off-street parking of up to one space per unit.

(2) For residential units connected to an on-site wastewater treatment system, the owner shall provide proof of New Hampshire department of environmental services subsurface construction approval for the increased septic system loading. Upon the department's issuance of an approval for septic system operation, the municipality may issue a certificate of occupancy.

(3) A municipality may charge impact fees for new connections to municipal water and sewer services.

(4) If the municipality has proven through an engineering study that it does not have adequate water or sewer capacity to allow this development in parcels subject to municipal water or sewer, proposed housing developments of 2 units under this statute may be disallowed by the municipality for those subject parcels for a term of up to 10 years after the first proposed housing development, but then after the expiration of that term, all previously delayed housing development projects must be allowed by the municipality by right. Notwithstanding municipal water or sewer capacity, proposed housing developments must meet all other state regulations for water and sewer.

(d) A municipality may deny a proposed housing development project if the state makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project under this section would have a specific, adverse impact upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A municipality may require that a rental of any unit created pursuant to this paragraph be for a term longer than 30 days.

(f) An application shall not be rejected solely because it proposes adjacent or connected structures, provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

2 Effective Date. This act shall take effect 60 days after its passage.