

February 10, 2016

Representative James Belanger, Chairman  
House Municipal and County Government Committee  
New Hampshire Legislative Office Building , Room 301  
Concord, N.H. 03301

**RE: Support of HB 265 - Regarding Accessory Apartments**

Dear Representative Belanger and Members of the Committee:

On behalf of the Rockingham Planning Commission I am writing to express our support for HB 265 which we believe will improve upon the Accessory Dwelling Unit (ADU) statute enacted in 2015 by establishing a clear definition of the term 'single family dwelling'. I apologize that I was not able to attend the hearing on this bill when it was heard before your committee this past Wednesday. I ask that you add this letter as testimony on the bill if that is still possible.

This Commission believes that accessory apartments provide an important housing opportunity for New Hampshire residents and communities as well as a good means for communities to address workforce housing needs. Since the late 1980s we have consistently advised our communities to include allowances for ADUs in zoning as a means of creating and maintaining a diverse housing supply. While we had reservations regarding SB146 as it was originally introduced in the Senate, the bill was greatly improved during the legislative process and through your good work and that of this Committee.

One issue that has complicated its implementation somewhat is the lack of a common statewide definition of 'single family dwelling unit'. Though most people think of the term in the common sense meaning as a free-standing building which houses a single-family unit, without a standard definition it can be construed as something else – for example – that condominium units within a multi-unit building could each be considered a single-family unit. In fact, in preparing zoning amendments to comply with the new law, towns in our region have been advised to state in their ordinance that ADUs apply only to single family units in stand-alone buildings – assuming that was the intent of the law

HB 265 will address this issue by allowing towns is to exclude attached single-family dwellings or those in manufactured housing and condominiums from the ADU mandate. In addition, a municipality may prohibit the ADU from being turned into a condo and sold separately. The bill would not prohibit these uses but would enable towns to control them.

We believe that HB 265 will put this issue to rest and will in no way change the intended scope or effect of the original law. In addition, other areas of our state's planning law will benefit from having term single family dwelling defined in a standard manner.

Thank you for considering our views. Please contact me if you have have questions about our position.

Sincerely,

A handwritten signature in black ink, appearing to read "Cliff Sinnott". The signature is written in a cursive, flowing style.

Cliff Sinnott  
Executive Director

cc: Rep. Carolyn Matthews, Raymond  
RPC Commissoners