

From: Sterndales [<mailto:sterndale@comcast.net>]

Sent: Tuesday, April 05, 2016 9:15 AM

To: NHMA Government Affairs

Subject: SB 146

Dear Affairs,

A question about the content of this bill...

Your bulletin #13 lists this bullet:

“an interior door between the units may be required (but there can be no requirement that it remain unlocked)”

But the online text from the general court website says:

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

(emphasis added)

Which is right?

Madbury enacted an accessory apartment provision in its zoning a few years ago (quite similar to what the state just did). It was a step toward “workforce housing” that fits Madbury. The State mandated workforce housing would be a disaster for this Town.

The door requirement (if real) seems like an unnecessarily restrictive requirement. I wish the State would quit passing state zoning laws! I digress...

Please clarify the door situation.

Thanks

Bob Sterndale
Selectman, Madbury

From: NHMA Government Affairs [mailto:governmentaffairs@nhmunicipal.org]
Sent: Wednesday, April 6, 2016 8:30 AM
To: sterndale@comcast.net
Subject: RE: SB 146

Hi, Bob—

That is a good catch—and it's funny you should mention it, because I just noticed it myself as I was writing the article for the Bulletin. I hate to say it, but I think this is a mistake that no one caught until it was too late. I'm quite sure the bill's supporters did not intend to require a door between the two units—they want as few requirements as possible—and certainly we don't want the state telling the towns what they have to require.

The bill went through so many drafts, with so many changes along the way, that I'm not surprised something got overlooked—but it does create a problem, and I think all involved will be a little embarrassed (including me).

The good news is that the new law doesn't take effect until June of 2017, which means we can amend it next year before it ever goes into effect. It is such a small change, and I believe all parties will agree, that I am optimistic that we can get that done. For that reason, I don't think you need to build the connecting-door requirement into your ordinance. In the unlikely event that we're unable to get the legislative change done next year and the requirement actually needs to be enforced, there are other ways to do it, such as making the connecting door a condition of the planning board's or ZBA's approval, assuming you have given them that authority.

Thanks for the inquiry, and please let me know if you have further questions.

Cordell Johnston
Government Affairs Counsel
New Hampshire Municipal Association