

ADU Testimony

Representative Len Turcotte

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Bio

5th term Rep, Strafford District 4 (Barrington & Strafford)

Two Terms on Labor, term Labor/Finance/Redistricting/ Senior Advisor Majority Office

Last Term Chairman Municipal and County Government, currently Legislative Admin

Investment/Wealth Advisor for 11 years

Experience – 33+ years involved with real estate, 20+ properties bought/sold/owned/leased

Allied Pilot's Association (16k pilots of American Airlines, annual pilots payroll approximates NH's budget) – 7 years Negotiator, Contract writer, contract interpretation and assessment of the long-term impacts

Over-riding Issue - LOCAL CONTROL

I personally believe strongly in private property rights, I live on 34 acres with the closest house ¼ mile away for a reason.

However, I do NOT believe politicians and bureaucrats should use central-planning and state mandates to remove the property rights of the many for the benefit of a few, and this bill is a prime example. [Explained later]

Local control of zoning is up to the citizens of each municipality to decide, not by dictatorial politicians in Concord. The municipalities themselves either thrive or fail based on their decisions. Petri dishes of democracies not unlike the relationship between our 50 states and our federal government.

Municipalities know what is best for themselves, one-size-fits-all state-imposed zoning works only for special interests, not for their citizens. Manchester and Pittsburg and Claremont all have very different needs and wants.

This bill creates winners and losers. Realtors, builders, landlords, investors and developers would be the beneficiaries of this bill, while current property owners in single family neighborhoods would be huge losers, and I'm not just speaking about dollars and cents. There are societal impacts.

The Bill Itself

The current RSA language states "...municipalities that adopt this section...." The proposed bill's RSA would now say ..."municipalities shall adopt....." In other words, a mandate from the heavy hand of central-planners, you no longer have an option.

Another change states that any zoning that permits single-family now must allow ADUs, this would include mixed-use property such as commercial/residential.

There are effectively no sq-ft living area limitations on the ADUs. Yes, it says the municipality cannot limit an ADU to less than 950 sq-ft, but there are no upper limits. A detached ADU could potentially be

larger than the original single-family unit itself! What you may end up with is two houses on a parcel that formerly housed one.

Two changes that clearly indicate that the underlying intent of this legislation is to create rentals, not additional single-family units:

- Current RSA require the owner occupation of at least one of the units to prevent both units from being used as rentals. This bill eliminates that requirement.
- Current RSA has a familial relationship requirement. The main and promoted arguments for the current ADU law was to allow ADUs to be used as in-law apartments by family. That restriction is also removed.

Current mandate requires the ADU to be attached, proposed language would mandate one must be allowed to be detached.

Two items included that indicate exceptions for those like some of the zoning mandate sponsors, but not the public in general:

- Townhouses/condos “may” be exempted from the ADU mandate. Why the carve-out for townhomes?
- Single-family developments with protective covenants are exempted from this ADU mandate by omission. There is no requirement ADUs must be allowed in these high-end neighborhoods.

Why? It would appear that some sponsors suffer themselves from what they have called others publicly, NIMBY’s and “snob zoning”. This appears hypocritical and ironic, until you tie it in with SB175 (which has been referred back to your committee). This will be an entertaining discussion for another time.

In a recent op-ed, I included the following covenant taken from one of this bill’s sponsor’s covenant - protected, high-end neighborhood documents:

“...desires to preserve the peaceful country atmosphere and natural state of the Subdivision and to ensure the Subdivision is used for attractive purposes only and that all improvements located on the Subdivision shall be harmoniously landscaped, used and maintained, so as to preserve the investment and resale value of the Subdivision;”

So while this high-end neighborhood would keep its “beauty and attractiveness, and investment value”, the vast majority of single-family neighborhoods would see theirs turned into rental or STR (short term rentals) zones.

Parking for ADU may require 1 space, on or off location. What is the definition of “legally dedicated”?

What about water and sewer requirements as large, multi-bedroom detached ADUs are squeezed into existing lots. Who is expected to pay for upgrades, taxpayers or builder/developers?

Many pieces of this bill are very poorly drafted, opening it up to interpretation. One example is below. The interpretation would be that the underlined parts were controlling by themselves. Again, poorly drafted.

“The municipality shall allow one accessory dwelling unit without additional requirements for lot size, except as described by this section, setbacks, aesthetic requirements, design review requirements, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit.”

Net Effects - Example

Take an average single-family neighborhood, or even a road itself. I think of the development across the road from me in Barrington, the development in Rye of small ranches I grew up in (or even any road in Rye) or a neighborhood in Manchester. If this bill passes, there will be the first owner who puts up a detached Adu. Abutters on any side of his property will now be subjected to renters in one or both units. As the dominoes fall one by one, over a period of years or a decade, that neighborhood of once single-family homes will now be rentals, pushing out the previous owners.

Single family property availability will become increasingly scarce as developers, builders and landlord purchase with the intent of adding a second rental. This is the exact opposite of what “housing crisis” proponents think and advance. As the supply of single-family houses shrink, the prices of those remaining will rise, not decrease.

Single family neighborhoods will gradually morph into multi-family neighborhoods. Those that had bought single family housing to escape multi-family areas in the first place will now find themselves surrounded by rentals and even STR’s.

Conclusion

There is certainly competition for the worse zoning or housing bill filed this year, yet this one is by far the most onerous and vies for the number one spot. As written, it will change the face, or gradually eliminate, of single-family residential neighborhoods in NH, with the exception of the Nimbys and “snobs” in high end areas of course, those with protective covenants to keep the rental classes out.

We all know what the zoning is when we buy our property, there is an expectation attached to it for the new buyer as well as the residents who have been there for years or decades.

Have any of the sponsors utilized the process that has been in place for decades to change zoning in their towns? If not, why not. It only takes 25 citizens to get a warrant article on the ballot. That is local control.

It would appear that this bill, along with the other 15 plus bills dealing with zoning and housing mandates from the central-planner elite, looks to eradicate all zoning piece by piece. Mandates and “by right” legislation is dictatorial. It is no different than the central planning philosophies used by past communist regimes, each which fails every time it is tried.

Finally, I have heard the old “NH is a Dillon Rule State” phrase dragged out to be used as an excuse for taking away the property rights of most for the benefit of the few. Just because it exists, does not mean it should be used to bulldoze NH’s local zoning regulations.

