

05-20-2025

Re: HB577 – Accessory Dwelling Units

Governor Ayotte,

I write today to call your attention to one of a handful of onerous and dangerous bills pertaining to top-down zoning mandates by the state. Along with many changes, HB577 would require all municipalities to now permit detached (stand-alone) ADUs on all property currently zoned for single-family use, with few restrictions. This bill has now unfortunately passed both the House and Senate and will be heading to your desk where I strongly advise that it be **vetoed**.

It would appear this bill, along with another 15 plus bills dealing with zoning and housing mandates from the central-planner elite, looks to eradicate all zoning in NH piece by piece over time. Mandates and “by right” legislation are dictatorial. It is no different than the central planning philosophies used by past communist regimes, each which has failed every time it is tried (I have attached a MUL Op-Ed from last year).

The over-riding issue on all these zoning bills is “local control”. I personally believe strongly in private property rights, as I live on 34 acres with the closest house ¼ mile away for a reason, that being my wife and I love our privacy. However, I do not believe politicians and bureaucrats should use top-down state dictates to remove the property rights of the many for the benefit of a few special interest groups and ideologues.

Local control of zoning is, and has been, up to the citizens of each municipality to decide for nearly one hundred years. The municipalities themselves either thrive or fail based on their decisions. Municipalities know what is best for themselves and one-size-fits-all state-imposed zoning works only for the promoters of this bill, not for their citizens. Manchester, Pittsburg, Claremont, Barrington (my town) and even Nashua (your city) all have very different needs, wants and requirements.

Specific Issues

HB577 alters our current ADU RSAs in several ways. The first 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. While the bill says the municipality cannot limit an ADU to less than 750 sq-ft, there are no upper limits if the municipality does not address ADUs in their regulations immediately or is influenced to not allow an upper limit. A detached ADU could therefore potentially be larger than the original single-family unit itself. What you could, and will, end up with is two houses on a parcel that formerly housed one.

Next, there are two ominous changes that clearly indicate that the underlying intent of this legislation is to create rentals, not additional single-family units. First, current RSAs require owner occupation of at least one of the units to prevent both units from being used as rentals. Second, the current RSA has a familial relationship requirement. The original arguments and excuses for the current ADU RSA was to allow ADUs to be used as in-law apartments by family. Both the familial and owner occupation restrictions are removed with this legislation.

Finally, the largest of the changes would now permit the ADU to be detached rather than be attached like in-law apartments.

A Typical Scenario as a Result of this Bill

Take an average single-family neighborhood, or even a road in Anytown, NH. If this bill passes, there will be the first owner who puts up a detached ADU on his property. Abutters on either 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 previous single-family homes will now become rentals. 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.

Contrary to the goal of proponents, single family property availability will become increasingly scarce as developers, builders and landlords purchase with the intent of adding a second rental unit (ADU). This is the exact opposite of what "housing crisis" proponents think and advance publicly. As the supply of single-family houses shrinks, the prices of those remaining will rise, not decrease.

Conclusion

There is certainly competition for the worse zoning bill filed this year. This one certainly is in the top three and easily vies for the number one spot. As written, it can change the face of, or gradually eliminate, single-family residential neighborhoods in NH. We all know what the zoning is when we buy our property and there is an expectation attached to it for us as new buyers, as well as the residents who have been there for years or decades. Politicians and bureaucrats should not bulldoze NH's local zoning regulations for the benefit of the few.

When you ran for governor, and in a recent recap of your first 100 days, you stated your willingness to work on the housing issue but would require local control to remain (below). I will assume that your statements were genuine and look forward to your veto of HB577.

Regards,

Representative Len Turcotte

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

Last Term - Chairman Municipal and County Government

Previous Terms - Two terms on Labor, one term Labor/Finance/Redistricting/ Senior Advisor Majority Office

"Housing Initiatives

Governor Ayotte has prioritized addressing the state's housing shortage. She has advocated for streamlining the approval process for housing developments and supports public-private partnerships to increase affordable housing options. Ayotte emphasized the importance of local decision-making in zoning policies while encouraging the development of accessory dwelling units. "

