



HOME SWEET ADU

HOW TO CRAFT A 2ND
HOUSING UNIT ON YOUR
PROPERTY



Home Sweet ADU Webinar Q and A

January 22, 2025

Q: Are ADUs assessed for property taxes the same way as an apartment?

A: Ryan Pope- Check with your town first. In Dover they were assessed less than a true “Second unit”. The impact fees were also less. In theory it is less intense, and they are usually smaller than a traditional apartment.

Q: How would you distinguish between a duplex and an ADU?

A: Ryan O’Connor- Local regulation for how these structures are defined may differ but the building code focuses on unit numbers. The structure is either a one-two family dwelling or a multi-family dwelling as far as code requirements.

A: Sarah Wrightsman- I'll also add a duplex can be condo-ized and sold (condex) whereas ADUs specifically cannot be condo-ized in NH.

Q: If you have 3 units on a lot, but only 2 are connected (one primary, one ADU, and one DADU) would the development be subject to different fire safety standards than 2 units?

A: Ryan O’Connor- Commercial code becomes relevant when three or more units are attached. Regardless, detached units will need to have certain fire separation distances depending on the construction materials. This could be as little as 5 ft but potentially up to 15 ft.

Q: How do municipalities enforce “family” requirement for tenants?

A: Sarah Wrightsman- Family requirements are illegal in NH. Assuming you mean requiring the tenant be related to the homeowner. RSA 674:72, VIII. A municipality may not require a familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit.

A: Ivy Vann- They depend on someone complaining. As a code writer I try very hard to keep towns from requiring homeowner of family occupancy.

Q: Is there any exception to the current use tax penalty for detached ADUs?

A: Ivy Vann- If you were building a detached Adu and it meant that you had to take a parcel out of current use in order to do that, then you would pay the current use penalty. Another thing also, when you're checking your town to see what the rules are, many rural towns require twice as much acreage for a detached ADU as they do for an attached ADU.

Notes:

Ivy Vann- Some Municipalities do not allow ADUs on permanent wheels/chassis. They also frequently do not allow manufactured housing units to be used as ADUs.

Sarah Wrightsman- For those interested in HB 604 you can go to https://www.gencourt.state.nh.us/bill_Status/billinfo.aspx?id=305&inflect=2. There is also a handful of resources on ADUs at <https://www.nhhfa.org/housing-challenges-solutions/accessory-dwelling-units/>.

Noah Hodgetts- The hearing for HB604 has been scheduled for next Tuesday the 28th in the House Committee on Housing in room 305 of the Legislative Office Building in Concord: https://www.gencourt.state.nh.us/bill_Status/billinfo.aspx?id=305&inflect=2.