



CITY OF PORTSMOUTH
PLANNING DEPARTMENT

WRITTEN TESTIMONY REGARDING HB 312
HOUSE MUNICIPAL AND COUNTY GOVERNMENT COMMITTEE
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CITY OF PORTSMOUTH

My name is Juliet Walker and I am the Planning Director for the City of Portsmouth. Although tiny houses are one example of affordable housing which the City supports, the City has concerns about House Bill 312 as currently drafted.

The bill as currently written muddies the distinctions among (a) dwellings that meet the state building code, (b) manufactured homes (which do not meet the building code), and (c) RVs and mobile homes. This creates a number of issues for local land use regulations and building code enforcement.

The requirement that a tiny house “meet the requirements of the state building code” is problematic as the building code requires foundations for habitable residential and nonresidential buildings. We question whether a dwelling without a foundation, built “on a chassis that is suitable for registration for transport”, could ever meet the state building code. For example, in Portsmouth our zoning ordinance allows manufactured homes not to meet the building code but instead to meet a separate HUD code.

As drafted, the bill allows a tiny house to be on a chassis with wheels suitable for registration as a vehicle and have self-contained drinking water and sanitation facilities. Except for the requirement that it meet the building code, this sounds very much like a mobile home or RV simply with another name. The City see this as potentially very problematic in terms of local oversight of standards for life safety protections and public health. We believe a structure that is on a chassis should be treated differently and distinctly from a structure that is on a foundation.

There are other issues in the bill that need to be clarified. The bill does not say how big a “tiny house” can be. For example, could someone claim that a 1,500 sq. ft. house is a “tiny house”? The proposed bill allows a tiny house to be built “as a detached adu”, we would only support this if there is clarification that all of the related design and dimensional standards as adopted locally for ADUs would also apply to the tiny house. Lastly, the City would support giving the municipality rather than the owner the option to allow or prohibit self-contained water/sanitation facilities.

The Portsmouth City Council has adopted a Legislative Principle to support legislation that protects local decisions about local zoning. HB 312 as it is presently drafted does not support that principle. Because there are a number of issues with the current bill as currently drafted, the City would not support HB 312 being passed in its current form.