

Amendment to HB 1079

1 Amend the bill by replacing section 2 with the following:

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3 2 Accessory Dwelling Unit; Existing Structures. Amend RSA 674:72, XI to read as follows:

4 XI. A municipality shall allow accessory dwelling units to be converted from existing
5 structures, including but not limited to detached garages, regardless of whether such structures
6 violate current dimensional requirements for setbacks or lot coverage.

7 *(a) For the purposes of this section, "existing structure" means a structure*
8 *existing on or before July 1, 2025, including detached garages, regardless of whether such*
9 *structures violate current dimensional requirements for setbacks or lot coverage. Any*
10 *structure containing an accessory dwelling unit approved and built after July 1, 2025 shall*
11 *receive protection from future zoning changes in accordance with RSA 674:39, II provided*
12 *the structure meets the time periods for reaching active and substantial development in*
13 *RSA 674:39, I(a) and substantial completion in RSA 674:39, I.*

14 *(b) If an existing structure does not comply with current dimensional*
15 *requirements for setbacks and lot coverage, a municipality may determine eligibility for*
16 *placement of an accessory dwelling unit within an existing structure by requiring the*
17 *applicant for the building permit to demonstrate either:*

18 *(1) The existing structure qualifies as a preexisting, nonconforming*
19 *structure exempt from the currently applicable dimensional requirements for setbacks and*
20 *lot coverage in accordance with RSA 674:19 or any local zoning regulation protecting non-*
21 *conforming structures; or*

22 *(2) The existing structure received a prior zoning approval or determination*
23 *that it was exempt from the current dimensional requirements for setbacks and lot*
24 *coverage.*

25 *(c) An existing structure converted to an accessory dwelling unit, shall not*
26 *constitute a change of use under RSA 674:19 or any local zoning regulations, which would*
27 *cause the existing structure to lose its status as a preexisting non-conforming structure.*