

Senate Commerce Committee

Aaron Jones 271-2609

HB 1079, allowing accessory dwelling units to be built within or attached to certain non-conforming structures.

Hearing Date: April 21, 2026

Time Opened: 10:00 a.m.

Time Closed: 10:12 a.m.

Members of the Committee Present: Senators Innis, Ricciardi, Murphy and Fenton

Members of the Committee Absent : Senators Birdsell and Reardon

Bill Analysis: This bill expands the definition of accessory dwelling units to allow them to be built within nonconforming structures.

Sponsors:

Rep. Howland

Rep. D. Paige

Rep. Preece

Who supports the bill: Representative Allan Howland, Johanna Richardson, Joanne Peniuk, Phillip Jasak (NH Home Builders Association), Amelia Poole, Curtis Howland, Brian Ruede, Lori Ruede, Alex Marshall, Denise Simard, Walter Stapleton, Haley Demers, Cassie Herrick, Kelly Maloney, Jolene Evans, Wanda Higgins, Pamela Harders, Ryan Donnelly (Granite State Independent Living), Judith Jones (New Futures & NH Alliance for Healthy Aging)

Who opposes the bill: Brodie Deshaies (NHMA), Margaret Byrnes (NHMA), Chris Norwood (NH Association of Realtors), Richard Krauss, Daniel Richardson

Who is neutral on the bill: No one

Summary of testimony presented in support:

Representative Allan Howland

- Last year, the Legislature allowed either attached or detached accessory dwelling units (ADUs) by right.
- Representative Howland said the problem has been when a municipality changes dimensional standards, such as setbacks or lot coverage, an existing structure becomes nonconforming. To build an ADU, an individual would need to go to the Zoning Board of Adjustment (ZBA) to receive a variance.
- This bill would reduce the burden for property owners, and it would make it easier to build detached ADUs. If an ADU were built before July 1, 2025, it

would be defined as an existing structure. Instead of going to the ZBA, an individual would only need to go to the planning board to prove it could be built without a variance.

- An individual would receive a 7-year exemption from any changes made by a municipality if they have demonstrated substantial development. Representative Howland said this would provide builders with breathing room.
- Representative Howland said RSA 674:73 should not be repealed. Under 674:72, it states that an ADU is allowed by right and it may be attached or detached. He said the use of “may” was ambiguous.

Joanne Peniuk

- Ms. Peniuk said increased flexibility would create an opportunity for individuals to create infill housing, which has been prohibited by high costs and other setbacks.
- Ms. Peniuk said existing infrastructure is not adequate for senior citizens and other specialized groups.
- If the cost of housing is not addressed, Ms. Peniuk said a lot more individuals will become homeless.

Summary of testimony presented in opposition:

Margaret Byrnes, New Hampshire Municipal Association

- Currently, RSA 674:72 requires municipalities to permit existing structures to be converted into ADUs regardless of whether existing dimensional requirements are violated.
- The existing law was intended to allow conforming and legally nonconforming structures to be converted into ADUs; however, Ms. Byrnes said local land use officials raised concerns over how to interpret whether a structure was existing under RSA 674:72.
- As amended by the House, Ms. Byrnes said this bill did not make sense. It would tie the building of ADUs to site plan and subdivision approval, and it would use a vesting period for the building of a single ADU.
- Large developments, such as subdivisions or multi-phase site plans, go through phases or they might be delayed due to financing or labor availability. Ms. Byrnes said they had a reason to be protected from future zoning ordinance changes that could substantially affect their development. In contrast, an ADU only requires a building permit. They do not go through a public hearing process, or standards that site divisions go through.
- Ms. Byrnes provided the Committee with an amendment to clarify the definition of existing structures.
- Ms. Byrnes said the repeal of RSA 674:73 was not redundant.

Chris Norwood, 2026 Public Policy Chair, New Hampshire Association of Realtors

- Mr. Norwood said Lines 10 through 27 were unnecessary, burdensome, and confusing.
- Mr. Norwood said tying a single ADU to vesting periods would be cumbersome.
- Mr. Norwood said the language on Line 28, which said existing structures shall not constitute a change of use, was important.

Neutral Information Presented: None

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Date Hearing Report completed: April 24, 2026