

Rep. R. Brown, Carr. 8
Rep. Maggiore, Rock. 23
Rep. Hamblen, Carr. 3
January 2, 2026
2026-0022h
05/07

Floor Amendment to SB 27-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Restrictions on Use of Structures Built Over the Waters of the State; Dwellings Over Water.

4 Amend RSA 482-A:26, III to read as follows:

5 III.(a) Existing dwellings over water which were constructed or converted to be made
6 suitable for use as a dwelling in accordance with the law in effect at the time of construction or
7 conversion, may be repaired or reconstructed, for maintenance purposes only, using any modern
8 technologies, provided the result is a functionally equivalent use. Such repair or reconstruction may
9 alter the interior design or existing cribwork, but no expansion of the existing footprint or outside
10 dimensions shall be permitted, **except as allowed in subparagraph (b)**. A condition of RSA 482-
11 A:3 approval shall be the existence or installation of a sewage disposal system which has been
12 approved pursuant to RSA 485-A:29-44. No permit shall be required for routine maintenance that
13 does not involve work in the water.

14 (b) Without otherwise limiting the provisions of this section, [~~where the effect of repair~~
15 ~~or reconstruction of a structure subject to the provisions of this section represents greater protection~~
16 ~~of public water or the environment and where such repair or reconstruction does not change a~~
17 ~~recreational, water-based activity to a land-based, residential or commercial activity, the~~
18 ~~commissioner may waive the existing standards, provided that there shall be no expansion of the~~
19 ~~existing footprint, outside dimensions, and square footage of floor space; and there shall be a net~~
20 ~~reduction in the total square footage of kitchen, bathroom, shower, and toilet facilities.] **the existing**
21 **footprint or outside dimensions of a structure subject to the provisions of this section may**
22 **be modified by adding or expanding legally existing exterior features only, such as decks,**
23 **balconies, stairs, rooflines, or eaves, provided that no such addition or expansion shall**
24 **result in an increase in interior floor space nor change a recreational, water-based activity**
25 **to a land-based, residential or commercial activity. The cumulative area across all added**
26 **or expanded exterior features shall not exceed 100 square feet for a subject property with**
27 **less than or equal to 100 linear feet of shoreline frontage and not more than one square**
28 **foot per linear foot of the subject property's shoreline frontage for properties that have**
29 **greater than 100 linear feet of shoreline frontage. Such modifications shall not result in**
30 **any penetration of the water or bank by any columns, supports, beams, or other like items.**~~

1 *Such modifications shall be approved by the department in accordance with rules adopted*
2 *by the commissioner. The department shall not approve any subsequent exterior feature*
3 *modifications that result in an exceedance of the foregoing square footage limitation.*
4 *Approval by the department under this section shall be in addition to any local building*
5 *code enforcement and approval process under RSA 155-A:7 and RSA 674:51.*

6 *(c) The commissioner shall adopt rules under RSA 541-A relative to the*
7 *approval of such additions or expansions, the setting of the fee amount, the calculation of*
8 *the fees, the collection of such fees, and ensuring the payment of such fees as provided*
9 *herein. Revenues from such fees shall be deposited into the water resources fund*
10 *established in RSA 482-A:3, III to be used for the purposes thereof.*

11 2 Applicability. The department of environmental services shall not approve any addition or
12 expansion of structures pursuant to RSA 482-A:26, III, as amended by section 1 of this act, until the
13 commissioner adopts rules under RSA 541-A as authorized by RSA 482-A:26, III(c). The
14 commissioner shall adopt such rules within 120 days of the effective date of this section.

15 3 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill allows for expansion of existing dwellings over water, contingent upon approval by the department of environmental services and payment of a fee based on the square footage of the dwelling, to be deposited in the water resources fund.