

HB 1079 - AS AMENDED BY THE HOUSE

11Mar2026... 0823h

2026 SESSION

26-2594

04/09

HOUSE BILL            **1079**

AN ACT                allowing accessory dwelling units to be built within or attached to certain non-conforming structures.

SPONSORS:            Rep. Howland, Straf. 20; Rep. D. Paige, Carr. 1; Rep. Preece, Hills. 17

COMMITTEE:          Housing

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ANALYSIS

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

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Explanation:          Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty-Six*

AN ACT allowing accessory dwelling units to be built within or attached to certain non-conforming structures.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Accessory Dwelling Unit; Definition. Amend RSA 674:71, II-III to read as follows:

2 II. "Attached unit" means a unit that is within or [~~physically connected~~] **attached** to the  
3 principal dwelling unit[~~, or completely contained within a preexisting detached structure~~].

4 III. "Detached unit" means a unit that is neither within nor physically connected to the  
5 principal dwelling unit[~~, nor completely contained within a preexisting detached structure~~].

6 2 Accessory Dwelling Unit; Existing Structures. Amend RSA 674:72, XI to read as follows:

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

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

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

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

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

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

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- 1        3 Repeal. RSA 674:73, relative to detached accessory dwelling units, is repealed.
- 2        4 Effective Date. This act shall take effect 60 days after its passage.