

HB 1540 - AS AMENDED BY THE HOUSE

11Mar2026... 0951h

2026 SESSION

26-2743

06/07

HOUSE BILL **1540**

AN ACT relative to municipal health ordinances and accessory dwelling units.

SPONSORS: Rep. Fracht, Graf. 16; Rep. Rung, Hills. 12; Rep. Howland, Straf. 20; Rep. Maggiore, Rock. 23; Rep. J. MacDonald, Carr. 6; Rep. Ebel, Merr. 7; Rep. Grote, Rock. 24; Rep. N. Murphy, Hills. 12

COMMITTEE: Housing

AMENDED ANALYSIS

This bill clarifies that municipalities retain authority to enforce local health ordinances related to septic safety and maintenance when regulating accessory dwelling units.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to municipal health ordinances and accessory dwelling units.

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

1 1 Accessory Dwelling Units. Amend RSA 674:72, I to read as follows:

2 I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this
3 chapter shall allow accessory dwelling units in all zoning districts that permit single-family
4 dwellings. One accessory dwelling unit, which may be either attached or detached, shall be allowed
5 as a matter of right. The municipality shall allow one accessory dwelling unit without additional
6 requirements for lot size, except as described by this section, setbacks, aesthetic requirements,
7 design review requirements, frontage, space limitations, or other controls beyond what would be
8 required for a single-family dwelling without an accessory dwelling unit. The municipality may not
9 impose greater requirements for a septic system for a single-family home with an accessory dwelling
10 unit than is required by the department of environmental services. ***Nothing in this section shall***
11 ***be interpreted to prohibit or restrict the adoption or enforcement of municipal health***
12 ***ordinances pursuant to RSA 147, related to the inspection, maintenance, upgrade, or***
13 ***replacement of subsurface sanitary disposal systems, or to ensure the safety and adequacy***
14 ***of subsurface sanitary disposal systems within the municipality.*** The municipality is not
15 required to allow more than one accessory dwelling unit for any single-family dwelling. The
16 municipality may prohibit accessory dwelling units associated with multiple single-family dwellings
17 attached to each other, such as townhouses. The municipality may prohibit accessory dwelling units
18 associated with rented or leased land. Subsequent condominium conveyance of any accessory
19 dwelling unit separate from that of the principal dwelling unit shall be prohibited, notwithstanding
20 the provisions of RSA 356-B:5, unless allowed by the municipality.

21 2 Effective Date. This act shall take effect July 1, 2026.