

HB 1079 - AS AMENDED BY THE SENATE

11Mar2026... 0823h
05/07/2026 1710s

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

ANALYSIS

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

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1079 - AS AMENDED BY THE SENATE

11Mar2026... 0823h
05/07/2026 1710s

26-2594
04/09

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.***

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

4 3 Effective Date. This act shall take effect 60 days after its passage.