

Amendment to HB 577

1 Amend the bill by replacing section 2 with the following:

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3 2 Accessory Dwelling Units. RSA 674:72 is repealed and reenacted to read as follows:

4 674:72 Accessory Dwelling Units.

5 I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this
6 chapter shall allow accessory dwelling units in all zoning districts that permit single-family
7 dwellings. One accessory dwelling unit, which may be either attached or detached, shall be allowed
8 as a matter of right. The municipality shall allow one accessory dwelling unit without additional
9 requirements for lot size, except as described by this section, setbacks, aesthetic requirements,
10 design review requirements, frontage, space limitations, or other controls beyond what would be
11 required for a single-family dwelling without an accessory dwelling unit. The municipality may not
12 impose greater requirements for a septic system for a single-family home with an accessory dwelling
13 unit than is required by the department of environmental services. The municipality is not required
14 to allow more than one accessory dwelling unit for any single-family dwelling. The municipality may
15 prohibit accessory dwelling units associated with multiple single-family dwellings attached to each
16 other, such as townhouses. The municipality may prohibit accessory dwelling units associated with
17 rented or leased land. Subsequent condominium conveyance of any accessory dwelling unit separate
18 from that of the principal dwelling unit shall be prohibited, notwithstanding the provisions of RSA
19 356-B:5, unless allowed by the municipality.

20 II. If a zoning ordinance contains no provisions pertaining to accessory dwelling units, then
21 one accessory dwelling unit shall be deemed a permitted accessory use, as a matter of right, to any
22 single-family dwelling in the municipality, and no municipal permits or conditions shall be required
23 other than building permits, if required by statute.

24 III. Attached accessory dwelling units shall have either an independent means of ingress
25 and egress or ingress and egress through a common space shared with the principal dwelling.
26 However, the municipality shall not limit the choice of ingress and egress.

27 IV. Any municipal regulation applicable to single-family dwellings shall also apply to the
28 combination of a principal dwelling unit and an accessory dwelling unit, including but not limited to
29 lot coverage standards and standards for maximum occupancy per bedroom consistent with policy
30 adopted by the United States Department of Housing and Urban Development, provided that such
31 municipal regulations shall not be more restrictive for accessory dwelling units than for any single-
32 family use in the same zoning district. If a municipality has established regulations requiring

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1 parking for the principal dwelling unit, it may require up to one additional parking space for each
2 accessory dwelling unit. Required parking spaces may be provided either on-site or at a legally
3 dedicated off-site location, at the property owner's discretion.

4 V. The applicant for a permit to construct an accessory dwelling unit shall make adequate
5 provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with
6 RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling
7 units. In order to comply with this paragraph and prior to constructing an accessory dwelling unit,
8 an application for approval for a sewage disposal system shall be submitted in accordance with RSA
9 485-A as applicable. The approved sewage disposal system shall be installed if the existing system
10 has not received construction approval and approval to operate under current rules or predecessor
11 rules, or the system fails or otherwise needs to be repaired or replaced.

12 VI. A municipality may require owner occupancy of one of the dwelling units, but it shall not
13 specify which unit the owner must occupy. A municipality may require that the owner demonstrate
14 that one of the units is his or her principal place of residence, and the municipality may establish
15 reasonable regulations to enforce such a requirement.

16 VII. A municipality may apply aesthetic standards to accessory dwelling units only if it has
17 also applied such standards to the principal dwelling unit. The total living space of the accessory
18 dwelling unit shall not exceed 950 square feet unless otherwise authorized by the municipality. A
19 municipality may not restrict the total living space to less than 750 square feet.

20 VIII. A municipality shall not require a familial relationship between the occupants of an
21 accessory dwelling unit and the occupants of a principal dwelling unit.

22 IX. A municipality shall not limit an accessory dwelling unit to only one bedroom.

23 X. An accessory dwelling unit may be deemed a unit of workforce housing for the purpose of
24 satisfying the municipality's regional fair share obligation under RSA 674:59, III if the unit meets
25 the criteria in RSA 674:58, IV for rental units.

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

29 XII. A municipality shall not deny the establishment of a separate electrical panel and
30 separate electrical service to the accessory dwelling unit.