

Floor Amendment to HB 577

1 Amend RSA 674:71, II as inserted by section 1 of the bill by replacing it with the following:

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3 ***II. “Attached unit” means a unit that is within or attached to the principal***
4 ***dwelling unit, or completely contained within a preexisting detached structure.***

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6 Amend the bill by replacing all after section 1 with the following:

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8 2 Accessory Dwelling Units. RSA 674:72 is repealed and reenacted to read as follows:

9 674:72 Accessory Dwelling Units.

10 I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this
11 chapter shall allow accessory dwelling units as a matter of right or by either conditional use permit
12 pursuant to RSA 674:21, or by special exception, in all zoning districts that permit single-family
13 dwellings. The municipality shall allow one accessory dwelling unit without additional requirements
14 for lot size, except as described in this section, setbacks, aesthetic requirements, design review
15 requirements, frontage, space limitations, or other controls beyond what would be required for a
16 single-family dwelling without an accessory dwelling unit. The municipality may not impose greater
17 requirements for a septic system for a single-family home with an accessory dwelling unit than those
18 required by the department of environmental services. The municipality is not required to allow
19 more than one accessory dwelling unit for any single-family dwelling. The municipality may
20 prohibit accessory dwelling units associated with multiple single-family dwellings attached to each
21 other, such as townhouses, and with manufactured housing as defined in RSA 674:31. The
22 municipality may prohibit accessory dwelling units associated with rented or leased land.
23 Subsequent condominium conveyance of any accessory dwelling unit separate from that of the
24 principal dwelling unit shall be prohibited, notwithstanding the provisions of RSA 356-B:5, unless
25 allowed by the municipality.

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

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

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1 IV. Any municipal regulation applicable to single-family dwellings shall also apply to the
2 combination of a principal dwelling unit and an accessory dwelling unit, including, but not limited
3 to, lot coverage standards and standards for maximum occupancy per bedroom consistent with
4 policies adopted by the United States Department of Housing and Urban Development. A
5 municipality may require adequate parking to accommodate an accessory dwelling unit; however,
6 such parking requirements shall not be more restrictive for accessory dwelling units than for single-
7 family dwellings in the same zoning district.

8 V. The applicant for a permit to construct an accessory dwelling unit shall make adequate
9 provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with
10 RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling
11 units. In order to comply with this paragraph and prior to constructing an accessory dwelling unit,
12 an application for approval for a sewage disposal system shall be submitted in accordance with RSA
13 485-A as applicable. The approved sewage disposal system shall be installed if the existing system
14 has not received construction approval and approval to operate under current rules or predecessor
15 rules, or the system fails or otherwise needs to be repaired or replaced.

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

20 VII. A municipality may establish standards for attached accessory dwelling units to
21 maintain aesthetic continuity with the principal dwelling unit as a single-family dwelling. A
22 municipality may also establish minimum and maximum sizes for an attached accessory dwelling
23 unit; however, the size may not be restricted to less than 750 square feet.

24 VIII. A municipality may apply aesthetic standards to detached accessory dwelling units
25 only if it has also applied such standards to the principal dwelling unit. The total living space of the
26 detached accessory dwelling unit shall not exceed 950 square feet unless otherwise authorized by the
27 municipality. A municipality may not restrict the total living space to less than 750 square feet.

28 IX. A municipality shall not require a familial relationship between the occupants of an
29 accessory dwelling unit and the occupants of a principal dwelling unit.

30 X. A municipality shall not limit an accessory dwelling unit to only one bedroom.

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

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

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1 XIII. A municipality shall not deny the establishment of a separate electrical panel and
2 separate electrical service to the accessory dwelling unit.

3 3 Repeal. RSA 674:73, relative to detached accessory dwelling units, is repealed.

4 4 Effective Date. This act shall take effect June 1, 2026.