

Rep. D. Paige, Carr. 1
Rep. Fracht, Graf. 16
March 2, 2026
2026-0951h
04/09

Amendment to HB 1540

1 Amend the title of the bill by replacing it with the following:

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

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5 Amend the bill by replacing all after the enacting clause with the following:

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7 1 Accessory Dwelling Units. Amend RSA 674:72, I to read as follows:

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

27 2 Effective Date. This act shall take effect July 1, 2026.

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- Page 2 -

2026-0951h

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.