

HB 1136 - AS INTRODUCED

2026 SESSION

26-2289

06/07

HOUSE BILL **1136**

AN ACT relative to accessory dwelling units.

SPONSORS: Rep. Turcotte, Straf. 4; Rep. Kuttab, Rock. 17; Rep. B. Boyd, Hills. 12; Rep. Perez, Rock. 16; Rep. Terry, Belk. 7; Rep. Sirois, Hills. 32; Rep. Foote, Rock. 13; Rep. Nelson, Rock. 13

COMMITTEE: Housing

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ANALYSIS

This bill:

I. Allows municipalities to authorize accessory dwelling units by matter of right, conditional use permit, or special exception.

II. Permits municipalities to allow more than one ADU per single-family dwelling.

III. Clarifies that if a zoning ordinance contains no ADU provisions, one ADU shall be deemed a permitted accessory use without municipal conditions other than building permits, if required by municipal ordinance.

IV. Expands ingress and egress standards to apply to all ADUs, not just attached units, and prohibits municipalities from limiting the choice of access method.

V. Allows municipalities to enforce local septic pumping ordinances while maintaining the prohibition on requiring separate systems for principal and accessory units.

VI. Affirms municipal authority to require owner occupancy of one unit, without specifying which unit, and to establish reasonable enforcement regulations.

VII. Distinguishes between attached and detached ADUs for purposes of aesthetic regulation and size limits; attached ADUs may be regulated for aesthetic continuity with the principal dwelling; detached ADUs may be subject to aesthetic standards only if such standards apply to the principal dwelling; and municipalities may set minimum and maximum size limits, but may not restrict ADUs to less than 750 square feet.

VIII. Allows municipalities to impose a familial relationship between occupants of the ADU and the principal dwelling.

IX. Allows municipalities to prohibit ADUs associated with townhouses, manufactured housing or rented/leased land.

X. Prohibits condominium conveyance of an ADU separate from the principal dwelling unless expressly allowed by the municipality.

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Explanation: Matter added to current law appears in ***bold italics***.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

1 1 Accessory Dwelling Units Definitions. Amend RSA 674:71 to read as follows:

2 674:71 Definitions.

3 As used in this subdivision:

4 I. "Accessory dwelling unit" means a residential living unit that is located on a lot  
5 containing a single-family dwelling that provides independent living facilities for one or more  
6 persons, including provisions for sleeping, eating, cooking, and sanitation, on the same parcel of land  
7 as the principal dwelling unit it accompanies. Accessory dwelling units may be constructed at the  
8 same time as the principal dwelling unit.

9 II. "Attached unit" means a unit that is within or physically connected to the principal  
10 dwelling unit~~[, or completely contained within a pre-existing detached structure].~~

11 III. "Detached unit" means a unit that is neither within nor physically connected to the  
12 principal dwelling unit~~[, nor completely contained within a pre-existing detached structure].~~

13 2 Accessory Dwelling Units. Amend RSA 674:72 to read as follows:

14 674:72 Accessory Dwelling Units.

15 I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this  
16 chapter shall allow **one** accessory dwelling units in all zoning districts that permit single-family  
17 dwellings ***either as a matter of right, by conditional use permit pursuant to RSA 674:21 or by***  
18 ***special exception.*** ~~[One accessory dwelling unit, which may be either attached or detached, shall~~  
19 ~~be allowed as a matter of right.]~~ The municipality shall allow one accessory dwelling unit without  
20 additional requirements for lot size, except as described by this section, setbacks, aesthetic  
21 requirements, design review requirements, frontage, space limitations, or other controls beyond  
22 what would be required for a single-family dwelling without an accessory dwelling unit. The  
23 municipality may not impose greater requirements for a septic system for a single-family home with  
24 an accessory dwelling unit than is required by the department of environmental services, ***except***  
25 ***that any local septic pumping ordinances shall apply.*** The municipality~~[is not required to]~~  
26 ***may*** allow more than one accessory dwelling unit for any single-family dwelling. The municipality  
27 may prohibit accessory dwelling units associated with multiple single-family dwellings attached to  
28 each other, such as townhouses, ***and with manufactured housing as defined in RSA 674:31.***  
29 The municipality may prohibit accessory dwelling units associated with rented or leased land.  
30 Subsequent condominium conveyance of any accessory dwelling unit separate from that of the

1 principal dwelling unit shall be prohibited, notwithstanding the provisions of RSA 356-B:5, unless  
2 allowed by the municipality.

3 II. If a zoning ordinance contains no provisions pertaining to accessory dwelling units, then  
4 one accessory dwelling unit shall be deemed a permitted accessory use, ~~[as a matter of right,]~~ to any  
5 single-family dwelling in the municipality, and no municipal permits or conditions shall be required  
6 other than building permits, if required by ~~[statute]~~ **municipal ordinance**.

7 III. ~~[Attached]~~ Accessory dwelling units shall have either an independent means of ingress  
8 and egress or ingress and egress through a common space shared with the principal dwelling.  
9 However, the municipality shall not limit the choice of ingress and egress.

10 IV. Any municipal regulation applicable to single-family dwellings shall also apply to the  
11 combination of a principal dwelling unit and an accessory dwelling unit, including but not limited to  
12 lot coverage standards and standards for maximum occupancy per bedroom consistent with policy  
13 adopted by the United States Department of Housing and Urban Development~~[-, provided that such~~  
14 ~~municipal regulations shall not be more restrictive for accessory dwelling units than for any single-~~  
15 ~~family use in the same zoning district. If a municipality has established regulations requiring~~  
16 ~~parking for the principal dwelling unit, it may require up to one additional parking space for each~~  
17 ~~accessory dwelling unit. Required parking spaces may be provided either on site or at a legally~~  
18 ~~dedicated off-site location, at the property owner's discretion].~~ **A municipality may require**  
19 **adequate parking to accommodate an accessory dwelling unit, and such parking**  
20 **requirements shall not be more restrictive for accessory dwelling units than for single-**  
21 **family dwellings in the same zoning district.**

22 V. The applicant for a permit to construct an accessory dwelling unit shall make ~~[adequate]~~  
23 **necessary** provisions for water supply and sewage disposal for the accessory dwelling unit in  
24 accordance with RSA 485-A:38, but separate systems shall not be required for the principal and  
25 accessory dwelling units. In order to comply with this paragraph and prior to constructing an  
26 accessory dwelling unit, an application for approval for a sewage disposal system shall be submitted  
27 in accordance with RSA 485-A as applicable. The approved sewage disposal system shall be  
28 installed if the existing system has not received construction approval and approval to operate under  
29 current rules or predecessor rules, or the system fails or otherwise needs to be repaired or replaced.

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

34 VII. A municipality may ~~[apply aesthetic standards to accessory dwelling units only if it has~~  
35 ~~also applied such standards to the principal dwelling unit]~~ **establish standards for attached**  
36 **accessory dwelling units for the purpose of maintaining the aesthetic continuity with the**  
37 **principal dwelling unit as a single-family dwelling.** ~~[The total living space of the accessory~~

1 ~~dwelling unit shall not exceed 950 square feet unless otherwise authorized by the municipality.] A~~  
2 municipality may ~~[not]~~ **also establish minimum and maximum sizes for an attached**  
3 **accessory dwelling unit,** ~~[restrict the total living space]~~ **provided that size may not be**  
4 **restricted** to less than 750 square feet.

5 VIII. ~~[A municipality shall not require a familial relationship between the occupants of an~~  
6 ~~accessory dwelling unit and the occupants of a principal dwelling unit.]~~ **A municipality may apply**  
7 **aesthetic standards to detached accessory dwelling units only if it has also applied such**  
8 **standards to the principal dwelling unit. The total living space of the detached accessory**  
9 **dwelling unit shall not exceed 950 square feet unless otherwise authorized by the**  
10 **municipality. A municipality may not restrict the total living space to less than 750 square**  
11 **feet.**

12 IX. ~~[A municipality shall not limit an accessory dwelling unit to only one bedroom.]~~ **A**  
13 **municipality may require a familial relationship between the occupants of an accessory**  
14 **dwelling unit and the occupants of a principal dwelling unit. The municipality may**  
15 **require that if a property has any accessory dwelling units, the units shall meet the**  
16 **definition of workforce housing in RSA 674:58, IV as it pertains to rental housing, and**  
17 **shall meet the definition of affordable in RSA 674:58, I. A municipality may require a**  
18 **restrictive covenant to be recorded in the registry of deeds to enforce compliance with these**  
19 **definitions.**

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

23 XI. A municipality shall allow accessory dwelling units to be converted from existing  
24 structures, including but not limited to detached garages~~[, regardless of whether such structures~~  
25 ~~violate current dimensional requirements for setbacks or lot coverage].~~ **A municipality may**  
26 **require that the existing structure shall be in compliance with all other local zoning**  
27 **ordinances and regulations before it can be converted.**

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

30 3 Repeal. RSA 674:73, relative to detached accessory dwelling units, is repealed.

31 4 Effective Date. This act shall take effect July 1, 2026.