

HB 1540 - AS INTRODUCED

2026 SESSION

26-2743

06/07

HOUSE BILL **1540**

AN ACT establishing uniform requirements for accessory dwelling units and providing municipalities with authority and guidance for zoning, permitting, and environmental protections.

SPONSORS: Rep. Fracht, Graf. 16; Rep. Rung, Hills. 12; Rep. Howland, Straf. 20; Rep. Maggiore, Rock. 23; Rep. J. MacDonald, Carr. 6; Rep. Ebel, Merr. 7; Rep. Grote, Rock. 24; Rep. N. Murphy, Hills. 12

COMMITTEE: Housing

ANALYSIS

This bill limits the by-right allowance of accessory dwelling units within the protected shoreland and clarifies that municipalities may permit detached units in those areas at their discretion.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 establishing uniform requirements for accessory dwelling units and providing municipalities with authority and guidance for zoning, permitting, and environmental protections.

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

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

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

18 ***I-a. Within the protected shoreland as defined in RSA 483-B:4, XV, the accessory***
19 ***dwelling unit shall be allowed as a matter of right or by either conditional use permit***
20 ***pursuant to RSA 674:21 or by special exception. A municipality is not required to, but may***
21 ***permit, detached accessory dwelling units in the protected shoreland, provided the***
22 ***detached units comply with the requirements of, and any municipal ordinances or***
23 ***regulations adopted pursuant to this chapter or any other applicable chapter of law.***

24 2 Detached Accessory Dwelling Units. Amend RSA 674:73 to read as follows:

25 674:73 Detached Accessory Dwelling Units. ***Except within the protected shoreland, as***
26 ***defined in RSA 483-B:4, XV***, a municipality shall permit one detached accessory dwelling unit.
27 Detached accessory dwelling units shall comply with the requirements of, and any municipal
28 ordinances or regulations adopted pursuant to, RSA 674:72, ***I and I-a, and*** IV through IX.

29 3 Effective Date. This act shall take effect July 1, 2026.