

CHAPTER 210
HB 1079 - FINAL VERSION

11Mar2026... 0823h
05/07/2026 1710s

2026 SESSION

26-2594
04/09

HOUSE BILL

1079

AN ACT allowing accessory dwelling units to be built within or attached to certain non-conforming structures.

SPONSORS: Rep. Howland, Straf. 20; Rep. D. Paige, Carr. 1; Rep. Preece, Hills. 17

COMMITTEE: Housing

ANALYSIS

This bill expands the definition of accessory dwelling units to allow them to be built within nonconforming structures.

Explanation: Matter added to current law appears in ***bold italics***.
 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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT allowing accessory dwelling units to be built within or attached to certain non-conforming structures.

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

1 210:1 Accessory Dwelling Unit; Definition. Amend RSA 674:71, II-III to read as follows:

2 II. "Attached unit" means a unit that is within or ~~[physically connected]~~ **attached** to the principal
3 dwelling unit~~[-or completely contained within a preexisting detached structure].~~

4 III. "Detached unit" means a unit that is neither within nor physically connected to the principal
5 dwelling unit~~[-nor completely contained within a preexisting detached structure].~~

6 210:2 Accessory Dwelling Unit; Existing Structures. Amend RSA 674:72, XI to read as follows:

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

10 *(a) For the purposes of this section, "existing structure" means a structure existing on or*
11 *before July 1, 2025, including detached garages, regardless of whether such structures violate current*
12 *dimensional requirements for setbacks or lot coverage. Any structure containing an accessory dwelling*
13 *unit approved and built after July 1, 2025, shall receive protection from future zoning changes in*
14 *accordance with RSA 674:39, II, provided the structure meets the time periods for reaching active and*
15 *substantial development in RSA 674:39, I(a) and substantial completion in RSA 674:39, I.*

16 *(b) If an existing structure does not comply with current dimensional requirements for*
17 *setbacks and lot coverage, a municipality may determine eligibility for placement of an accessory dwelling*
18 *unit within an existing structure by requiring the applicant for the building permit to demonstrate either:*

19 *(1) The existing structure qualifies as a preexisting, nonconforming structure exempt*
20 *from the currently applicable dimensional requirements for setbacks and lot coverage in accordance with*
21 *RSA 674:19 or any local zoning regulation protecting non-conforming structures; or*

22 *(2) The existing structure received a prior zoning approval or determination that it was*
23 *exempt from the current dimensional requirements for setbacks and lot coverage.*

24 *(c) An existing structure converted to an accessory dwelling unit shall not constitute a change*
25 *of use under RSA 674:19 or any local zoning regulations, which would cause the existing structure to lose*
26 *its status as a preexisting non-conforming structure. 210:*

210:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 02, 2026
Effective Date: August 31, 2026