

CHAPTER 197
HB 577 - FINAL VERSION

6Mar2025... 0449h
26Jun2025... 2874EBA

2025 SESSION

25-0119
06/02

HOUSE BILL

577

AN ACT relative to modifying the definition of ADUs.

SPONSORS: Rep. Alexander Jr., Hills. 29; Rep. A. Murray, Hills. 20; Rep. D. McGuire, Merr. 14;
Rep. Damon, Sull. 8; Rep. Grill, Hills. 18; Rep. Sweeney, Rock. 25; Rep. Mazur, Hills.
44; Sen. Innis, Dist 7; Sen. Murphy, Dist 16

COMMITTEE: Housing

ANALYSIS

This bill expands accessory dwelling units by right to include detached units, adds definitions related to accessory dwelling units, and increases the maximum square footage.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to modifying the definition of ADUs.

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

1 197:1 Accessory Dwelling Unit Definition. Amend RSA 674:71 to read as follows:

2 674:71 [Definition] **Definitions.** As used in this subdivision[;]:

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

8 II. ***"Attached unit" means a unit that is within or physically connected to the principal dwelling***
9 ***unit, or completely contained within a preexisting detached structure.***

10 III. ***"Detached unit" means a unit that is neither within nor physically connected to the principal***
11 ***dwelling unit, nor completely contained within a preexisting detached structure.***

12 197:2 Accessory Dwelling Units. RSA 674:72 is repealed and reenacted to read as follows:

13 674:72 Accessory Dwelling Units.

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

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

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

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

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

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

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

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

31 IX. A municipality shall not limit an accessory dwelling unit to only one bedroom.

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

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

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

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1 197:3 Detached Accessory Dwelling Units. Amend RSA 674:73 to read as follows:

2 674:73 Detached Accessory Dwelling Units. A municipality [~~is not required to but may~~] **shall** permit
3 **one** detached accessory dwelling [~~units~~] **unit**. Detached accessory dwelling units shall comply with the
4 requirements of, and any municipal ordinances or regulations adopted pursuant to, RSA 674:72, IV
5 through IX. [~~If a municipality allows detached accessory dwelling units, it may require an increased lot~~
6 ~~size.~~]

197:4 Effective Date. This act shall take effect July 1, 2025.

Approved: July 15, 2025

Effective Date: July 01, 2025