

HB 577 - AS AMENDED BY THE HOUSE

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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

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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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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

2 674:71 Definition.

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

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

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

13 2 Accessory Dwelling Units. RSA 674:72 is repealed and reenacted to read as follows: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 accessory dwelling units in all zoning districts that permit single-family  
17 dwellings. One accessory dwelling unit, which may be either attached or detached, shall be allowed  
18 as a matter of right. The municipality shall allow one accessory dwelling unit without additional  
19 requirements for lot size, except as described by this section, setbacks, aesthetic requirements,  
20 design review requirements, frontage, space limitations, or other controls beyond what would be  
21 required for a single-family dwelling without an accessory dwelling unit. The municipality may not  
22 impose greater requirements for a septic system for a single-family home with an accessory dwelling  
23 unit than is required by the department of environmental services. The municipality is not required  
24 to allow more than one accessory dwelling unit for any single-family dwelling. The municipality may  
25 prohibit accessory dwelling units associated with multiple single-family dwellings attached to each  
26 other, such as townhouses. The municipality may prohibit accessory dwelling units associated with  
27 rented or leased land. Subsequent condominium conveyance of any accessory dwelling unit separate  
28 from that of the principal dwelling unit shall be prohibited, notwithstanding the provisions of RSA  
29 356-B:5, unless allowed by the municipality.

30 II. If a zoning ordinance contains no provisions pertaining to accessory dwelling units, then  
31 one accessory dwelling unit shall be deemed a permitted accessory use, as a matter of right, to any

1 single-family dwelling in the municipality, and no municipal permits or conditions shall be required  
2 other than building permits, if required by statute.

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

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

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

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

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

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

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

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

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

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

6 3 Detached Accessory Dwelling Units. Amend RSA 674:73 to read as follows:

7 674:73 Detached Accessory Dwelling Units. A municipality [~~is not required to but~~  
8 ~~may~~] **shall** permit **one** detached accessory dwelling [~~units~~] **unit**. Detached accessory dwelling units  
9 shall comply with the requirements of, and any municipal ordinances or regulations adopted  
10 pursuant to, RSA 674:72, IV through IX. [~~If a municipality allows detached accessory dwelling units,~~  
11 ~~it may require an increased lot size.~~]

12 4 Effective Date. This act shall take effect July 1, 2025.