

NH Statute (RSA)	Statute Topic	Previous Language	New or Amended Language, effective 7/1/25	Summary of Changes
674:71, I	Definition of ADU	As used in this subdivision, "accessory dwelling unit" means a residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more people, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.	I. "Accessory dwelling unit" means a residential living unit that is <del>[within or attached to]</del> located on a lot containing a single-family dwelling <del>[- and]</del> that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation, on the same parcel of land as the principal dwelling unit it accompanies.	<ul style="list-style-type: none"> <li>Revises definition of an ADU as being limited to within or attached to a single-family dwelling to being "located on a lot containing" a single-family dwelling.</li> </ul>
674:71, II	Definition of Attached ADU	n/a	"Attached unit" means a unit that is within or physically connected to the principal dwelling unit or completely contained within a preexisting detached structure.	<ul style="list-style-type: none"> <li>New definition of attached unit, which includes ADUs completely contained within a preexisting detached structure.</li> </ul>
674:71, III	Definition of Detached ADU	n/a	"Detached unit" means a unit that is neither within nor physically connected to the principal dwelling unit, nor completely contained within a preexisting detached structure.	<ul style="list-style-type: none"> <li>New definition of detached unit, which includes ADUs that are not completely contained within a preexisting detached structure.</li> </ul>
674:72, I	Procedure By Which ADUs Must Be Allowed	A municipality that adopts a zoning ordinance pursuant to the authority granted in this chapter shall allow accessory dwelling units as a matter of right or by either conditional use permit pursuant to RSA 674:21 or by special exception, in all zoning districts that permit single-family dwellings. One accessory dwelling unit shall be allowed without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit. The municipality is not required to allow more than one accessory dwelling unit for any single-family dwelling. The municipality may prohibit accessory dwelling units associated with multiple single-family dwellings attached to each other such as townhouses, and with manufactured housing as defined in RSA 674:31. Subsequent condominium conveyance of any accessory dwelling unit separate from that of the principal dwelling unit shall be prohibited, notwithstanding the provisions of RSA 356-B:5, unless allowed by the municipality.	A municipality that adopts a zoning ordinance pursuant to the authority granted in this chapter shall allow accessory dwelling units <del>as a matter of right or by either conditional use permit pursuant to RSA 674:21 or by special exception,</del> in all zoning districts that permit single-family dwellings. One accessory dwelling unit, which may be either attached or detached, shall be allowed as a matter of right. The municipality shall allow one accessory dwelling unit without additional requirements for lot size, except as described by this section, setbacks, aesthetic requirements, design review requirements, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit. The municipality may not impose greater requirements for a septic system for a single-family home with an accessory dwelling unit than is required by the Department of Environmental Services. The municipality is not required to allow more than one accessory dwelling unit for any single-family dwelling. The municipality may prohibit accessory dwelling units associated with multiple single-family dwellings attached to each other, such as townhouses, <del>and</del> . The municipality may prohibit accessory dwelling units associated with <del>manufactured housing as defined in RSA 674:31</del> rented or leased land. Subsequent condominium conveyance of any accessory dwelling unit separate from that of the principal dwelling unit shall be prohibited, notwithstanding the provisions of RSA 356-B:5, unless allowed by the municipality.	<ul style="list-style-type: none"> <li>Removes option for a municipality to subject an ADU to a conditional use permit or special exception.</li> <li>Requires that one attached or detached ADU be allowed as a matter of right in all zoning districts that permit single-family dwellings.</li> <li>Adds new language that ADU may not be subject to setbacks, aesthetic requirements, design review requirements in addition to lot size, frontage, space limitations beyond what is required for a single-family dwelling.</li> <li>Prohibits municipalities from imposing septic system requirements for a single-family home with an accessory dwelling unit that are greater than required by NH DES.</li> <li>Replaces option for municipalities to prohibit ADUs with manufactured housing with option for municipalities to prohibit ADUs associated with rented or leased land (i.e. manufactured home park).</li> </ul>
674:72, II	Building Permit Requirement	If a zoning ordinance contains no provisions pertaining to accessory dwelling units, then one accessory dwelling unit shall be deemed a permitted accessory use, as a matter of right, to any single-family dwelling in the municipality, and no municipal permits or conditions shall be required other than a building permit, if necessary.	If a zoning ordinance contains no provisions pertaining to accessory dwelling units, then one accessory dwelling unit shall be deemed a permitted accessory use, as a matter of right, to any single-family dwelling in the municipality, and no municipal permits or conditions shall be required other than <del>a building permit</del> permits, if <del>necessary</del> required by statute.	<ul style="list-style-type: none"> <li>Only grammatical changes. No substantive change to previous requirement that an ADU requires a building permit, even if the zoning ordinance contains no provisions for ADUs, if required by statute.</li> </ul>
674:72, III	Relationship of Principal Dwelling Unit to Attached ADU	An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but a municipality shall not require that it remain unlocked.	<del>An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but a municipality shall not require that it remain unlocked.</del> Attached accessory dwelling units shall have either an independent means of ingress and egress or ingress and egress through a common space shared with the principal dwelling. However, the municipality shall not limit the choice of ingress and egress.	<ul style="list-style-type: none"> <li>Replaces requirement that an interior door shall be provided between the principal dwelling unit and attached ADU with a requirement that an attached ADU shall have an independent means of ingress and egress or through a common space (i.e. shared hallway) shared with the principal dwelling unit. However, the municipality shall not limit the choice of ingress and egress.</li> </ul>



674:72, IV	Limitations on Municipal Regulations for ADUs	Any municipal regulation applicable to single-family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit including but not limited to lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the U.S. Department of Housing and Urban Development. A municipality may require adequate parking to accommodate an accessory dwelling unit.	Any municipal regulation applicable to single-family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit, including; but not limited to, lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the U.S. Department of Housing and Urban Development. <del>A municipality may require adequate parking to accommodate an accessory dwelling unit.</del> , provided that such municipal regulations shall not be more restrictive for accessory dwelling units than for any single-family use in the same zoning district. If a municipality has established regulations requiring parking for the principal dwelling unit, it may require up to one additional parking space for each accessory dwelling unit. Required parking spaces may be provided either on-site or at a legally dedicated off-site location, at the property owner's discretion.	<ul style="list-style-type: none"> <li>• Adds language clarifying that any municipal regulations applicable to both a single-family dwelling and ADU shall not be more restrictive for the ADU than for the single-family dwelling.</li> <li>• Replaces ability for a municipality to require adequate parking for an ADU with requirement that a municipality shall require no more than one additional parking space for each ADU, if it has established regulations requiring parking for the principal dwelling unit.</li> <li>• Adds new language that a property owner shall determine whether the parking space for each ADU is provided either on-site or at a legally dedicated off-site location.</li> </ul>
674:72, V	Water and Sewage Disposal Requirements	The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling units. In order to comply with this paragraph and prior to constructing an accessory dwelling unit, an application for approval for a sewage disposal system shall be submitted in accordance with RSA 485-A as applicable. The approved sewage disposal system shall be installed if the existing system has not received construction approval and approval to operate under current rules or predecessor rules, or the system fails or otherwise needs to be repaired or replaced.	The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling units. In order to comply with this paragraph and prior to constructing an accessory dwelling unit, an application for approval for a sewage disposal system shall be submitted in accordance with RSA 485-A as applicable. The approved sewage disposal system shall be installed if the existing system has not received construction approval and approval to operate under current rules or predecessor rules, or the system fails or otherwise needs to be repaired or replaced.	<ul style="list-style-type: none"> <li>• No changes to previous required compliance with NH Department of Environmental Services (DES) water supply and sewage disposal requirements outlined in RSA 485-A:38; and requirement that an application for a septic disposal system be submitted to NH DES in accordance with RSA 485-A.</li> </ul>
674:72, VI	Owner Occupancy Requirement	A municipality may require owner occupancy of one of the dwelling units, but it shall not specify which unit the owner must occupy. A municipality may require that the owner demonstrate that one of the units is his or her principal place of residence, and the municipality may establish reasonable regulations to enforce such a requirement.	A municipality may require owner occupancy of one of the dwelling units, but it shall not specify which unit the owner must occupy. A municipality may require that the owner demonstrate that one of the units is his or her principal place of residence, and the municipality may establish reasonable regulations to enforce such a requirement.	<ul style="list-style-type: none"> <li>• No changes to previous option for a municipality to require owner occupancy of the principal dwelling unit or ADU; and establishment of reasonable regulations to enforce such a requirement.</li> </ul>
674:72, VII	Aesthetic Standards and Square Footage Requirements	A municipality may establish standards for accessory dwelling units for the purpose of maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling. A municipality may also establish minimum and maximum sizes for an accessory dwelling unit, provided that size may not be restricted to less than 750 square feet.	A municipality may <del>establish</del> apply aesthetic standards <del>for</del> to accessory dwelling units <del>for the purpose of maintaining the aesthetic continuity with</del> only if it has also applied such standards to the principal dwelling unit <del>as a single-family dwelling. A municipality may also establish minimum and maximum sizes for an</del> . The total living space of the accessory dwelling unit, <del>provided that size may</del> shall not <del>be restricted</del> exceed 950 square feet unless otherwise authorized by the municipality. A municipality may not restrict the total living space to less than 750 square feet.	<ul style="list-style-type: none"> <li>• Replaces language allowing a municipality to impose standards requiring aesthetic continuity between the ADU and single-family dwelling with an allowance for aesthetic standards only if such standards apply to both the ADU and single-family dwelling. For example, a municipality may not impose requirements on the outside color, wall materials, or location of an ADU's ingress or egress if it doesn't impose the same standards for the single-family dwelling.</li> <li>• Replaces previous requirement that a municipality allows ADUs up to 750 square feet, with language that the ADU may not exceed 950 square feet unless authorized by the municipality. New language has also been added which prohibits a municipality from restricting the total living space to less than 750 square feet.</li> </ul>
674:72, VIII	Prohibition on Familial Relationship of Occupants	A municipality may not require a familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit.	A municipality <del>may</del> shall not require a familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit.	<ul style="list-style-type: none"> <li>• Clarifies that a municipality shall not require a familial relationship between the occupants of the ADU and principal dwelling unit.</li> </ul>



<b>674:72, IX</b>	Number of Bedrooms in an ADU	A municipality may not limit an accessory dwelling unit to only one bedroom.	A municipality <del>may</del> shall not limit an accessory dwelling unit to only one bedroom.	<ul style="list-style-type: none"> <li>Clarifies that a municipality shall not limit an ADU to only one bedroom. Note that the term “bedroom” is not defined in statute.</li> </ul>
<b>674:72, X</b>	ADUs Count as Workforce Housing Units	An accessory dwelling unit may be deemed a unit of workforce housing for purposes of satisfying the municipality's obligation under RSA 674:59 if the unit meets the criteria in RSA 674:58, IV for rental units.	An accessory dwelling unit may be deemed a unit of workforce housing for <del>purposes</del> the purpose of satisfying the municipality's regional fair share obligation under RSA 674:59, III if the unit meets the criteria in RSA 674:58, IV for rental units.	<ul style="list-style-type: none"> <li>Clarifies that an ADU may count as a unit of workforce housing for meeting the municipality’s regional fair share obligation under the workforce housing law, if it is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by HUD.</li> </ul>
<b>674:72, XI</b>	Conversion of Non-Conforming Structures to ADU	n/a	A municipality shall allow accessory dwelling units to be converted from existing structures, including but not limited to detached garages, regardless of whether such structures violate current dimensional requirements for setbacks or lot coverage.	<ul style="list-style-type: none"> <li>New requirement that a municipality allows the conversion of existing structures (including, but not limited to, detached garages) even if the structure doesn’t conform to the zoning ordinance’s front, side, or rear setbacks and/or lot coverage requirements.</li> </ul>
<b>674:72, XII</b>	Electrical Requirements for ADU	n/a	A municipality shall not deny the establishment of a separate electrical panel and separate electrical service to the accessory dwelling unit.	<ul style="list-style-type: none"> <li>New requirement that a municipality not deny a separate electrical panel and separate electrical service to the ADU, from the principal dwelling unit.</li> </ul>
<b>674:73</b>	Detached ADUs	A municipality is not required to but may permit detached accessory dwelling units. Detached accessory dwelling units shall comply with the requirements of, and any municipal ordinances or regulations adopted pursuant to, RSA 674:72, IV through IX. If a municipality allows detached accessory dwelling units, it may require an increased lot size.	A municipality <del>[is not required to but may]</del> shall permit one detached accessory dwelling <del>[units]</del> unit. Detached accessory dwelling units shall comply with the requirements of, and any municipal ordinances or regulations adopted pursuant to, RSA 674:72, IV through IX. <del>[If a municipality allows detached accessory dwelling units, it may require an increased lot size.]</del>	<ul style="list-style-type: none"> <li>Replaces option for municipalities to permit detached ADUs and allowance of increased lot sizes for detached ADUs with a requirement that all municipalities permit one detached ADU, as stated in RSA 674:72, I.</li> </ul>