

New Hampshire Municipal Association

THE SERVICE AND ACTION ARM OF NEW HAMPSHIRE MUNICIPALITIES

LEGISLATIVE BULLETIN

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Urgent Call to Action

The Time is Now to Stand Up Against Zoning Mandates

The zoning mandates under consideration in the legislature this year fundamentally shift control away from municipal authorities—and local voters—replacing local decision-making with statewide dictates.

The importance of addressing housing shortages is undeniable, but urgency must not come at the expense of thoughtful policymaking and responsible, sustainable growth. In the end, zoning and planning are not merely technical exercises—they are reflections of the values and visions of the communities they serve.

At the midpoint of the legislative session, we're asking our members to redouble their efforts to advocate against all these proposals—we'll tell you how at the bottom of the email—and keep it up over the coming months.

Let the folks at the State House know loudly and clearly (and respectfully) that forcing all municipalities to adhere to a uniform set of zoning mandates undermines the autonomy that has long been a cornerstone of local governance in our state and will lead to unintended consequences.

Priority bills in the House and Senate

SB 84 mandates zoning ordinances to allow smaller lot sizes for all single-family homes, overriding current zoning regulations. The bill also requires municipalities to provide empirical evidence that the sewer system cannot support the lots, which adds a layer of complexity and bureaucracy in local government. We also fear the bill will forever alter zoning districts that permit residential and agricultural uses. (House Housing Committee; **Public Hearing, Tuesday, April 15, 10:00 a.m., Legislative Office Building Room 305**)

HB 410 prohibits municipalities from enforcing or adopting any “extraordinary restriction of residential property,” an undefined term, unless the ordinance is directly necessary for the health or safety of the community. It would somehow require the legislative body (the voters) to produce “empirical evidence” to defend adoption of such an ordinance, with no process outlined for how that works; the bill also states empirical evidence “may be relevant ... but are not necessarily dispositive”! Additionally, HB 410 would conflict with all the other zoning mandates relative to residential zones. (Senate Commerce Committee; public hearing TBD)

SB 170 limits various development and related requirements in cities, towns, and municipalities. The bill significantly reduces municipal autonomy and undermines the ability of local governments to address the needs of their individual communities. Some specific state mandates in SB 170 that would negatively impact municipalities are banning frontage or setback requirements greater than 50 feet, prohibiting municipalities from capping the number of housing lots on a dead-end road or street, requiring zoning ordinances that regulate road dead-end lengths to match the state fire code (the state fire code does not address road lengths), and mandating dormitories or group living in all zoning districts that permit residential uses. (House Housing Committee; **Public Hearing, Tuesday, April 8, 2:30 p.m., LOB Room 305**)

SB 188 allows property owners or developers to use licensed, insured private providers—who are not required to be educated in the intricacies of the building code—for building code plan reviews and inspections related to the state building code and any local technical amendments, excluding fire prevention and fire safety codes. The bill also requires a municipal regulatory body to review and approve or provide written notice to the independent provider of any specific deficiencies or compliance issues, within a required number of days (3 days or 5 days for code inspections depending on the type of building and 8 days for reviews of development documents and permits). Approvals will be considered granted as a matter of law (i.e., “building permits by default”) if the municipal regulatory body fails to respond within the mandated time limit. (House Housing Committee; **Public Hearing, Tuesday, April 8, 11:00 a.m., LOB Room 305**)

HB 577 requires municipalities to allow either one detached or attached accessory dwelling unit (ADU) by right on single-family lots. In addition to expanding to detached units, the bill would repeal several provisions that provide for local regulation in the current ADU statutes and would essentially turn single-family residential zones into two-family residential zones. Some specific things the bill would repeal are most parking requirements and the current approval and the local building permitting processes for ADUs. HB 577 would also significantly water-down the existing aesthetic requirements for ADUs, allowing properties to look like duplexes. (Senate Commerce Committee already held public hearing; [email committee members now](#) before it is voted on at an executive session.)

HB 631 permits residential building in commercial zones by right, mandating for mixed-use developments. While promoting urban density, it may lead to conflicts over land use priorities and contradicts one of the key purposes of zoning in RSA 674:17: to “consider the character of the area involved and its peculiar suitability for particular uses.” (Senate Commerce Committee; public hearing TBD)

HB 382 restricts the ability of municipalities to require an average of one and a half parking spaces per residential unit in a development. NHMA opposes this bill, as well as a similar bill, SB 284, because it eliminates local control, creates potential planning issues including traffic management concerns, community aesthetic concerns, health/safety concerns, snow removal, and potentially more neighbor disputes, which could require law enforcement presence. (Senate Commerce Committee; public hearing TBD)

SB 284 prevents municipalities from setting the maximum residential parking spaces per unit to more than one parking space per residential unit, except that studio and one-bedroom units under 1,000 square feet that meet the requirements for workforce housing, and multi-family developments of 10 units or more may require up to 1.5 parking spaces per unit. (House Housing Committee; **Public Hearing, Tuesday, April 8, 2:00 p.m., LOB Room 305**)

SB 163 removes local authority for moratoria and limitations on building permits. In rare circumstances, municipalities need to delay or restrict the issuance of permits. Municipalities do this when they have infrastructure failures, typically water and sewer systems, and can no longer sustain increased development. These municipalities must do several things to abide by RSA 674:23, which permits these ordinances and requires providing information, in writing, to the state. This is a comprehensive and last resort option for municipalities struggling with failing or already failed infrastructure that cannot support new development. (House Housing Committee; **Public Hearing, Tuesday, April 15, 11:30 a.m., Legislative Office Building Room 305**)

The above bills are the most concerning of all the zoning mandates and we really need members to speak out against them; however, there are many more proposals that also impact local autonomy.

Other Zoning Mandates with the Senate

HB 342 allows property owners to build on their property without seeking a variance for minimum lot size or lot coverage if the proposed building density conforms to that of the surrounding neighborhood. (Senate Commerce Committee; public hearing TBD)

HB 413 amends existing laws regarding subdivision regulations and the appeals process for building and fire codes. It extends the exemption period for subdivision plats from five years to seven years and increases the preliminary development period from two years to three years. The bill also modifies the authority of the local building code board of appeals, limiting it to decisions made under local amendments to the state building and fire codes. (Senate Commerce Committee; public hearing TBD)

HB 428 prohibits municipal amendments to the state building code. (Senate ED&A Committee; public hearing TBD)

HB 457 prohibits municipalities from adopting any ordinance that discriminates based on the familial or non-familial relationships or marital status among the occupants of the dwelling unit or restricts the number of occupants of any dwelling unit to less than 2 occupants. (Senate Commerce Committee; public hearing TBD)

HB 685 mandating manufactured housing by right in residentially zoned areas. (Senate Commerce Committee; public hearing TBD)

Other Zoning Mandates with the House

SB 78 sets the zoning board of adjustments appeal period at 30 days. (House Municipal and County Government Committee; **Public Hearing, Monday, April 7, 10:55 a.m., LOB Room 301-303**)

SB 94 prohibits municipal amendments to the state building code like HB 428, albeit with different wording. (House ED&A Committee; public hearing TBD)

SB 174 prohibits planning boards from considering the number of bedrooms a given unit or development has during the hearing and approval process. Municipalities often regulate the number of bedrooms per dwelling unit in dense zoning districts to ensure the infrastructure capacity exists to support the developments and housing in those zoning districts. Also, there is no definition of bedroom in the building or fire code in the bill. These requirements also limit the number of parking spaces required for the development, which might be necessary if there is limited land for parking. Finally, the bill unintentionally creates new definition of planning board and planning board

authority, giving planning boards authority to review and approve building permits instead of select board or building official. (House Housing Committee; **Public Hearing, Tuesday, April 8, 10:30 a.m., LOB Room 305**)

SB 281 prohibits municipalities from denying building or occupancy permits for property adjacent to class VI roads under certain circumstances. Municipalities currently may restrict building on class VI to prevent overdevelopment of undeveloped infrastructure and, in this case, unmaintained roads and to control scattered and premature development. While the bill requires that landowners sign a liability waiver, it does not consider whether the class VI roads and abutting properties can sustain new development. Additionally, it increases the chance that property owners who live on the class VI road request the road become regularly maintained, which increases costs. (House Housing Committee; **Public Hearing, Tuesday, April 8, 10:30 a.m., LOB Room 305**)

SB 283 relative to the calculation of floor-area-ratios under local building ordinances. (House Housing Committee; **Public Hearing, Tuesday, April 8, 1:30 p.m., LOB Room 305**)

Take Action!

It's essential for municipal officials and concerned residents to engage with legislators, share their concerns, and advocate for balanced, practical approaches to zoning and housing development. Here are some of the things you should do right away—and continue to follow up on throughout the rest of the legislative session.

- **Attend the public hearings on these bills and sign up to testify.** When NHMA is the only voice in the room raising concerns, it's easier for legislators to tune out. Hearing multiple officials explaining the ground-level impacts of these mandates is much harder to ignore. In addition to the already scheduled hearing dates/time above, you can keep track of all the planning/zoning/land use bills NHMA is following [here](#)—and sign up for alerts on these bills. We also include a link to upcoming hearings in our weekly [Legislative Bulletin](#) every Friday.
- **Submit written testimony** if you can't attend a hearing. The House has an [online testimony submission system](#) that allows you to indicate your position on the bill with an option to attach testimony. The Senate has [a remote sign-in sheet](#) where you can indicate whether you are supportive of a bill, opposed, or neutral. Written testimony can be submitted via the “Email Entire Committee” link found on the [Senate committee page](#).
- **Speak to your local legislators** by phone or in person on each and every one of these bills. Even if you can't convince them to oppose a bill, implore them to put

them on the regular calendar so there can be a floor debate. Here are links to [Contact a Senator](#) and [Contact a Representative](#).

- **Invite your local legislators** to a select board, council, or aldermen meeting.
- **Tell your constituents** about these bills and explain their impact.
- **Write a letter or a commentary** to send to local media outlets.
- **Share your concerns about specific bills with [the governor's office](#)**, so you will be on the record if any of these bills reach her desk. (And contact the office again if/when a bill makes it through both chambers.)
- **Talk to NHMA** to get additional background on these bills.

While some of these bills may not impact your municipality directly, they collectively chip away at the concept of local control and create precedent for the legislature to continue diminishing the voice of your voters.

[Bill Hearings Schedule](#)
[NHMA Events Calendar](#)
[2024 Final Legislative Bulletin](#)

Editorial Staff:

Margaret M.L. Byrnes, Executive Director
Marty Karlon, Editor in Chief, Policy & Research Analyst
Sarah Burke Cohen, Legislative Advocate
Brodie Deshaies, Legislative Advocate

Layout & Communications:

Miranda Augustine, Communications Coordinator

New Hampshire Municipal Association
25 Triangle Park Drive
Concord, NH 03301
Tel: 603.224.7447
Email: governmentaffairs@nhmunicipal.org
Website: www.nhmunicipal.org