



Legislature Moves 15 Housing Bills in One Day

Policy Brief

March 19, 2025

New Hampshire's housing shortage, and the price spike that it created, has made housing the No. 1 problem facing the state, according to University of New Hampshire polling. Fixing the state's housing shortage is such a priority for voters that a 2024 UNH poll found more than 1/3 of voters rating it as the top problem, with the No. 2 problem a full 29 points behind. In response, the state House of Representatives has created a standing Committee on Housing to deal with the issue.

Forty-eight housing-related bills have been introduced to the House Housing Committee (22) and Senate Commerce Committee (26) this session. Nearly 1/3 of those bills were considered by the House and Senate on Thursday, March 20.

Below is a brief summary of each of those 15 bills. Eight were placed on the consent calendar, which means they received unanimous votes out of committee. (One was pulled off the House consent calendar Thursday morning.) To give the reader a sense of how the committees prioritized each bill, we list them by their position on the calendars. We also include how each chamber voted on each bill.

Thursday's action suggests that legislators have gotten the message that voters want action to increase the supply of housing, and they want it now.

SENATE

CONSENT CALENDAR

- Senate Bill 90, allowing high-density residential development on land zoned for commercial use. Re-referred to committee.

SB 90 defines a “high density residential zone” as one that allows at least 20 residential units per acre, and it adds to RSA 674 the requirement that “municipalities shall allow high-density residential development on land zoned for commercial use, provided that adequate infrastructure, including roads, water, and sewage systems, shall be available or provided to support the development.”

- Senate Bill 170, relative to development and related requirements in cities, towns, and municipalities. Passed by voice vote.

SB 170 incorporates multiple proposals into a single bill. It:

- Prohibits municipalities from mandating that occupants of housing units be related by blood or marriage;
 - Prohibits cities, towns, municipalities, and counties with unincorporated places from mandating more stringent test-pitting requirements for septic systems and more stringent well-siting requirements than the Department of Environmental Services does;
 - Prohibits municipalities from imposing maximum road lengths to impede development, provided that the proposed roadway or extension complies with the state fire code;
 - Prohibits municipalities from capping the number of housing lots on dead-end streets;
 - Requires municipalities to permit utilities (including septic systems, wells, electric systems, drainage structures, and other utilities) to be placed in open spaces or perimeter buffers of subdivisions as applicable; provided that such open spaces or perimeter buffers are not wetlands or shoreland areas protected by RSA 483-B;
 - Requires municipalities to stamp and accept changes to plans within three days, after an initial review, when requested by that city, town, or municipality, provided the developer has made the requested alterations based on the initial planning board review;
 - limits road frontage requirements and setbacks for lot lines to no more than 50 feet.
- Senate Bill 173, relative to residential property subject to housing covenants under the low income housing tax credit program. Passed by voice vote.

Rent-restricted residential housing enrolled in the Low-Income Housing Tax Credit Program can be assessed under state law in one of two ways. It is either taxed at 10 percent of income generated by the property, or subject to the following formula:

“The assessed value shall be calculated using an income approach whereby the net operating income is divided by the overall capitalization rate and, except when the municipality has updated its assessment values to equate to market values, multiplying that value by the previous year's equalization ratio.”

SB 173 eliminates the formula so that the simpler 10% tax will be used. Because it eliminates a complicated formula inconsistently applied by municipalities, it has the support of assessors, municipalities and developers.

- Senate Bill 175, relative to the use of covenants by municipalities. Re-referred to committee.

SB 175 would prohibit municipalities from “requiring or encouraging the establishment of covenants as a condition of any zoning or land use approval.” Existing covenants created by landowners or homeowners associations would be grandfathered. The Senate Commerce Committee concluded that the bill needed more work and recommended that it be sent back to committee.

- Senate Bill 281, relative to property adjacent to Class VI roads. Passed by voice vote.

SB 281 allows homes on class VI roads if the property owner signs a waiver acknowledging that the road is not maintained and the municipality is not responsible for damages. Buildings on the property also must be insurable. A Class VI road is an unmaintained road.

- Senate Bill 282, relative to stairway requirements in certain residential buildings. Passed by voice vote.

SB 282 allows multifamily buildings of up to six stories to be built with a single staircase, provided certain safety requirements are met. Mandates for dual staircases increase building footprints and costs. Single staircase designs are

common in most of the rest of the world, at heights considerably taller than six stories.

- Senate Bill 283, relative to the calculation of floor-area-ratios under local building ordinances. Passed by voice vote.

SB 283 exempts below-grade areas from the calculation of floor area ratios. Floor area ratios are the portion of floor area of a building relative to the size of the parcel of land. Municipalities use floor area ratios to limit how large a building can be relative to its lot size.

REGULAR CALENDAR

- Senate Bill 84, relative to zoning procedures concerning residential housing. Passed 13-10.

SB 84 caps minimum lot sizes at 2 acres in areas not served by water or sewer, 1.5 acres in areas served by water only, and half an acre in areas served by both water and sewer.

- Senate Bill 163, repealing the temporary moratoria and limitation on building permits and the approval of subdivisions and site plans. Passed by voice vote.

SB 163 repeals the portion of state law allowing municipalities to impose temporary moratoria on the issuing of building permits or on the approval of subdivisions and site plans.

- Senate Bill 174, prohibiting planning boards from considering the number of bedrooms a given unit or development has during the hearing and approval process.

SB 174 prohibits planning boards from favoring or disfavoring housing proposals based on the number of bedrooms per unit.

- Senate Bill 284, relative to the required maximum number of residential parking spaces. Passed by voice vote.

SB 284 prohibits municipalities from requiring more than one parking space per housing unit, with one exception. Workforce housing developments with studio and one-bedroom units of fewer than 1,000 square feet can be required to have 1.5 parking spaces.

HOUSE

REGULAR CALENDAR

- House Bill 351, requiring landlords to give tenants of at-will tenancies at least 60-days notice to evict. Tabled.

HB 351 would require landlords to give tenants who are on at-will leases at least 60 days notice before eviction.

- House Bill 558, creating a public county registry of the monthly rent charged by landlords for each owned unit and prohibiting landlords from using algorithms or software to determine rental rates. Voted inexpedient to legislate on voice vote.

HB 558 would require county registers of deeds to create an annual registry of rents charged in the county and prohibit landlords from using algorithms or software to determine rental rates.

- House Bill 628, prohibiting landlords from discriminating against prospective tenants holding certain vouchers under the housing choice voucher program. Voted inexpedient to legislate on a 213-152 vote.

HB 628 requires landlords to rent to anyone enrolled in the Housing Choice Voucher Program (federal Section 8 vouchers).

- House Bill 631, permitting residential building in commercial zoning. Passed 204-134.

HB 631 would allow multi-family housing on commercially zoned land, provided the infrastructure (such as water and sewer) is available.