

SB 170 - AS AMENDED BY THE SENATE

03/20/2025 0991s

2025 SESSION

25-1026

07/05

SENATE BILL **170**

AN ACT relative to development and related requirements in cities, towns, and municipalities.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Prentiss, Dist 5; Sen. Long, Dist 20; Sen. Rosenwald, Dist 13; Sen. Watters, Dist 4; Sen. Reardon, Dist 15; Sen. Fenton, Dist 10; Sen. Altschiller, Dist 24; Sen. Innis, Dist 7; Rep. Simpson, Rock. 33; Rep. Stavis, Graf. 13; Rep. D. Paige, Carr. 1

COMMITTEE: Commerce

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AMENDED ANALYSIS

This bill:

I. Prohibits cities, towns, and municipalities from restricting certain development-related activities.

II. Requires cities, towns, and municipalities to allow for septic systems, wells, electric systems, drainage structures, and other utilities to be placed in open spaces or perimeter buffers of subdivisions.

III. Prohibits cities, towns, and municipalities from mandating that occupants of housing units be related by blood or marriage.

IV. Adopts limits on road frontage requirements and setbacks for lot lines to improve housing density, ensuring these requirements are consistent with existing shoreland protection and environmental standards.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 development and related requirements in cities, towns, and municipalities.

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

1 1 Trade and Conduct; Fair Housing; Equal Housing Opportunity Without Discrimination a Civil  
2 Right. Amend RSA 354-A:8 to read as follows:

3 354-A:8 Equal Housing Opportunity Without Discrimination a Civil Right. The opportunity to  
4 obtain housing without discrimination because of age, sex, gender identity, race, creed, color, marital  
5 status, familial status, physical or mental disability or national origin is hereby recognized and  
6 declared a civil right. In addition, no person shall be denied the benefit of the rights afforded by this  
7 section on account of that person's sexual orientation. **Cities, towns, and municipalities shall**  
8 **not mandate that occupants of housing units be related by blood or marriage.**

9 2 New Sections; Local Land Use Planning and Regulatory Powers; Prohibitions on Cities and  
10 Towns, and Municipalities. Amend RSA 674 by inserting after section 23 the following new sections:

11 674:23-a Prohibitions on Cities and Towns, and Municipalities. Notwithstanding any laws to  
12 the contrary:

13 I. Cities, towns, municipalities, and counties with unincorporated places shall not require  
14 more stringent test-pitting requirements for septic systems than the department of environmental  
15 services requires.

16 II. Cities, towns, and municipalities shall not require more stringent well-siting  
17 requirements than required by the department of environmental services.

18 III. Municipalities shall not limit maximum road length so as to impede development  
19 provided that the proposed roadway or extension thereof complies with the state fire code.

20 IV. Cities, towns, and municipalities shall not impose a cap on the number of housing lots on  
21 dead-end roads or streets.

22 V. Cities, towns, and municipalities shall permit utilities, including septic systems, wells,  
23 electric systems, drainage structures, and other utilities, to be placed in open spaces or perimeter  
24 buffers of subdivisions as applicable; provided that such open spaces or perimeter buffers are not  
25 wetlands or shoreland areas protected by RSA 483-B.

26 VI. Cities, towns, and municipalities shall stamp and accept changes to plans within 3 days  
27 as they are submitted, after an initial review, when requested by that city, town, or municipality,  
28 provided the developer has made the requested alterations based on the initial planning board  
29 review.

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1           3 New Subparagraph; Purposes of Zoning Ordinances. Amend RSA 674:17, I by inserting after  
2 subparagraph (j) the following new subparagraph:

3                   (k) To limit road frontage requirements and setbacks for lot lines to no more than 50  
4 feet to improve housing density, ensuring these limitations are consistent with existing shoreland  
5 protection standards under RSA 483-B:9 and do not override environmental standards under RSA  
6 489:2.

7           4 Effective Date. This act shall take effect July 1, 2026.

**SB 170- FISCAL NOTE**  
**AS AMENDED BY THE SENATE (AMENDMENT #2025-0991s)**

AN ACT relative to development and related requirements in cities, towns, and municipalities.

**FISCAL IMPACT:**

| <b>Estimated Political Subdivision Impact</b> |                |                |                |                |
|---|----------------|----------------|----------------|----------------|
|   | <b>FY 2025</b> | <b>FY 2026</b> | <b>FY 2027</b> | <b>FY 2028</b> |
| <b>County Revenue</b>                         | \$0            | \$0            | \$0            | \$0            |
| <b>County Expenditures</b>                    | \$0            | \$0            | \$0            | \$0            |
| <b>Local Revenue</b>                          | \$0            | \$0            | \$0            | \$0            |
| <b>Local Expenditures</b>                     | \$0            | Indeterminable | Indeterminable | Indeterminable |

**METHODOLOGY:**

This bill prohibits cities, towns, and municipalities from restricting certain development-related activities; requires cities, towns, and municipalities to allow for septic systems, wells, electric systems, drainage structures, and other utilities to be placed in open spaces or perimeter buffers of subdivisions. The bill also prohibits cities, towns, and municipalities from mandating that occupants of housing units be related by blood or marriage and adopts limits on road frontage requirements and setbacks for lot lines to improve housing density, ensuring these requirements are consistent with existing shoreland protection and environmental standards.

The New Hampshire Municipal Association believes there would be indeterminable municipal costs of less than \$10,000 per municipality associated with amending local zoning ordinances to comply with the bill. There also may be additional personnel expenses associated with the mandatory three-day turnaround to respond to changes to development plans. To the extent that there is ambiguity or disagreement concerning the interpretation of the provisions of this bill, individual municipalities may also incur expenses related to litigation. Finally, the Association indicates that increasing residential housing and housing density will expand the tax base but will not increase revenue. However, it may increase costs associated with public services, such as police, fire, road maintenance, water, and sewer.

**AGENCIES CONTACTED:**

New Hampshire Municipal Association