

Floor Amendment to SB 84-FN

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to zoning procedures concerning single-family residential uses.

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5 Amend the bill by replacing all after the enacting clause with the following:

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7 1 New Section; Lot Sizes for Single-Family Residential Uses. Amend RSA 674 by inserting after
8 section 18-a the following new sections:

9 674:18-b Lot Sizes for Single-Family Residential Uses.

10 Municipalities may adopt the following provisions pursuant to RSA 674:18-c:

11 I. In a majority of land zoned to permit single-family residential uses in a municipality, for
12 lots not serviced by municipal or community sewer infrastructure, no ordinance shall require lot
13 sizes greater than 66,000 square feet for single-family residential uses. In determining the majority
14 of land zoned for residential uses, the municipality shall include all areas zoned residential or any
15 non-residential zoned areas that allow single-family homes.

16 II. For lots serviced by municipal or community water infrastructure, no ordinance shall
17 require lot sizes greater than 44,000 square feet for single-family residential uses if there is
18 adequate water system capacity to accommodate development on such lots, unless the municipality
19 provides empirical evidence that the water system cannot support additional homes. "Empirical
20 evidence" means information acquired through observation or experimentation. It is evidence based
21 on measurable and verifiable data, rather than theory or personal beliefs.

22 III. For lots serviced by municipal or community sewer infrastructure, no ordinance shall
23 require lot sizes greater than 22,000 square feet for single-family residential uses if there is
24 adequate sewage system capacity to accommodate development on such lots, unless the municipality
25 provides empirical evidence that the sewer system cannot support additional homes. "Empirical
26 evidence" means information acquired through observation or experimentation. It is evidence based
27 on measurable and verifiable data, rather than theory or personal beliefs.

28 IV. The requirements of this section shall not be construed to limit the potential for
29 development of lots created prior to July 1, 2024.

30 V. Nothing in this section shall override or supersede applicable municipal zoning
31 regulations unrelated to minimum lot sizes.

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1 VI. Nothing in this section shall override or supersede applicable department of
2 environmental services septic and well regulations, which may require applicants on a case-by-case
3 basis to have larger lot sizes to meet these regulations.

4 674:18-c Local Option For Lot Sizes for Single-Family Residential Uses.

5 I. Adoption of provisions of RSA 674:18-b shall be made pursuant to lawful authority under
6 RSA 672 through RSA 678, or any other applicable law. Upon adoption of the provisions of RSA
7 674:18-b, the provisions shall take effect immediately within the municipality until such time as the
8 legislative body votes to rescind its action.

9 II. A municipality that has adopted the provisions of RSA 674:18-b may consider rescinding
10 its action as follows:

11 (a) In a town, the question shall be placed on the warrant of an annual town meeting
12 under the procedures set out in RSA 39:3, and shall be voted on by ballot. In a city, the legislative
13 body may vote to place the question on the official ballot for any regular municipal election, or,
14 alternatively, shall place the question on the official ballot for any regular municipal election upon
15 submission to the legislative body of a petition signed by 5 percent of the registered voters.

16 (b) The selectmen, aldermen, or city council shall hold a public hearing on the question
17 at least 15 days, but not more than 30 days, before the question is to be voted on. Notice of the
18 hearing shall be posted in at least 2 public places in the municipality and published in a newspaper
19 of general circulation at least 7 days before the hearing.

20 (c) The wording of the question shall be substantially as follows: "Shall we rescind the
21 provisions of RSA 674:18-b, relative to lot sizes for single-family residential uses?"

22 III. On or before one year following its effective date, the municipality shall hold a vote at
23 the annual town meeting or regular municipal election to determine whether to continue or rescind
24 the adoption of RSA 674:18-b.

25 IV. If the vote to rescind is approved, RSA 674:18-b shall no longer apply within the town,
26 effective immediately.

27 V. If the vote to rescind is not approved, the provisions of RSA 674:18-b shall remain in
28 effect and the question may later be voted upon according to the provisions of paragraph II at the
29 next annual town meeting or regular municipal election.

30 2 Effective Date. This act shall take effect July 1, 2026.

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2025-1067s

AMENDED ANALYSIS

This bill establishes maximum lot sizes for single-family residential uses based on the type of infrastructure available to the lot. It requires municipalities to place a question on the ballot within one year of the bill's implementation to determine whether to rescind these provisions. If the ballot measure succeeds, the maximum lot size provisions will not apply within that municipality.