

HB 1065-FN - AS INTRODUCED

2026 SESSION

26-2304

06/09

HOUSE BILL            ***1065-FN***

AN ACT                relative to multi-family and mixed-use development in commercially zoned areas.

SPONSORS:            Rep. Preece, Hills. 17; Rep. Maggiore, Rock. 23; Rep. Mandelbaum, Rock. 21

COMMITTEE:          Housing

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ANALYSIS

This bill expands and clarifies how municipalities must treat multi-family housing and mixed-used development on commercially zoned land.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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-Six*

AN ACT relative to multi-family and mixed-use development in commercially zoned areas.

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

1 1 Amendment to Zoning Regulations. Amend RSA 674:80 to read as follows:

2 674:80 Amendment to Zoning Regulations.

3 I. ~~[Notwithstanding any provision to the contrary,]~~ Municipalities shall allow multi-family  
4 ~~[residential development]~~ ***dwelling units, as defined in RSA 674:43***, on commercially zoned land,  
5 provided that adequate infrastructure~~[-, including roads, water, and sewage systems,]~~ shall be  
6 available~~[-or provided]~~ to support the development. ***In this section, "infrastructure" shall mean***  
7 ***all the capital facilities owned or operated by the municipality listed in RSA 674:21, V. The***  
8 ***existence of adequate infrastructure shall be determined by the planning board, governing***  
9 ***body, or building code officer, or a combination of more than one, as determined locally.***

10 II. Nothing in this section shall be interpreted to prohibit municipalities from restricting  
11 residential development in zones where industrial and manufacturing uses are permitted ~~[which~~  
12 ~~may result in impacts that are incompatible with residential use, such as air, noise, odor, or~~  
13 ~~transportation impacts]~~.

14 III. A municipality may require all available ground floor space or a percentage thereof to be  
15 dedicated to retail or similar uses.

16 IV. A municipality shall ~~[provide an exemption to any requirements regarding setbacks,~~  
17 ~~height, or frontage of a building being converted to multi-family or mixed use through adaptive~~  
18 ~~reuse, provided that the building's floor area, height, and setbacks do not change]~~ ***allow non-***  
19 ***conforming structures to be converted to a multi-family residential development or mixed***  
20 ***use provided that the structure is not made more nonconforming. Otherwise, a multi-***  
21 ***family residential development on commercially zoned land shall conform to all other***  
22 ***applicable dimensional requirements and subdivision or site plan review regulations.***

23 V. ***A municipality that adopts land use ordinances and regulations shall allow***  
24 ***adaptive reuse and mixed use in a majority, but not necessarily all, of the commercially***  
25 ***zoned land within the municipality. The municipality shall have the discretion to***  
26 ***determine what land areas are appropriate to meet this obligation.***

27 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1065-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to multi-family and mixed-use development in commercially zoned areas.

**FISCAL IMPACT:**

<b>Estimated Political Subdivision Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	\$0			
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	\$0	Indeterminable Increase (less than \$10,000 per municipality)		

**METHODOLOGY:**

This bill requires municipalities to permit multi-family housing on commercially zoned land if adequate infrastructure exists. Municipalities may restrict residential use in industrial zones, require ground-floor retail in mixed-use developments, and allow nonconforming structures to be converted to a multi-family residential development or mixed use provided that the structure is not made more nonconforming.

The New Hampshire Municipal Association estimates that this bill could lead to an indeterminable increase in municipal spending, likely under \$10,000 per municipality, as a result of updating local zoning ordinances to meet the new requirements.

**AGENCIES CONTACTED:**

New Hampshire Municipal Association