

# Senate Commerce Committee

*Aaron Jones 271-2609*

**HB 1010**, relative to multi-family residential development on commercially zoned land.

**Hearing Date:** April 21, 2026

**Time Opened:** 9:31 a.m.

**Time Closed:** 9:47 a.m.

**Members of the Committee Present:** Senators Innis, Ricciardi, Birdsell, Murphy, Fenton and Reardon

**Members of the Committee Absent :** None

**Bill Analysis:** This bill:

I. Permits municipalities to allow multi-family dwelling units on commercially zoned land, subject to the local planning board confirming the infrastructure is adequate.

II. Authorizes the local planning board to deny applications to build multi-family dwelling units on commercially zoned land in certain circumstances.

III. Removes the ability for municipalities to provide an exception for requirements relative to the conversion of structures into multi-family dwelling units, and replaces such exception to permit the waiver of requirements so long as the converted dwelling unit is not altered to further violate zoning dimensional requirements.

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**Sponsors:**

Rep. Kuttab  
Sen. Birdsell

Rep. Mandelbaum

Rep. Rhodes

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**Who supports the bill:** Margaret Byrnes (NHMA), Phillip Jasak (NH Home Builders Association), Richard Krauss

**Who opposes the bill:** Drew Cline (Josiah Bartlett Center), Chris Norwood (NH Association of Realtors), Curtis Howland, Daniel Richardson, Pamela Harders

**Who is neutral on the bill:** No one

**Summary of testimony presented in support:**

***Senator Denise Ricciardi, on behalf of Representative Katelyn Kuttab***

- HB 631-FN allowed multi-family developments on commercially zoned land by right, provided adequate infrastructure, including roads, water, and sewer systems, are available.
- Since criteria for adequate infrastructure was not specified, Senator Ricciardi said it could lead to lawsuits, which would have an impact on developers, towns, and taxpayers.
- This bill would provide a precise definition for adequate infrastructure.

***Margaret Byrnes, New Hampshire Municipal Association***

- Last year, the Legislature passed HB 631-FN. RSA 674:80 does not take effect until July 2026.
- This bill would make important changes and clarifications, while also retaining the original intent of HB 631-FN.
- This bill would require applicants to provide infrastructure. If it is not adequate, they would be required to receive permission to connect to a public water or sewer system.
- On Page 1, Line 19, it states, “in accordance with local regulations established pursuant to RSA 674:36 or 674:44, II, a planning board may require ... a water supply study.” Ms. Byrnes said a planning board would have already adopted subdivision or site plan regulations to require a water study, which could include a focus on quality and/or supply.
- Frequently, state law provides municipalities with broad parameters on zoning and what is allowed. Significant authority is delegated to local land use boards to adopt regulations and rules on how applications are adjudicated.
- This bill would clarify that nonconforming structures could be altered, but they could not violate dimensional requirements. It also would clarify the definition of “multi-family residential development” by tying it to RSA 674:43, and it would ensure multi-family dwelling units are subject to subdivision or site plan review like other developments.
- Ms. Byrnes said it was important to be proactive by making clarifications to existing law rather than waiting to see if municipalities and developers have issues.

**Summary of testimony presented in opposition:**

***Chris Norwood, 2026 Public Policy Chair, New Hampshire Association of Realtors***

- On Line 16, Mr. Norwood was concerned that the water supply study was not defined. He said a lack of definitions created uncertainty for applicants, regulators, and municipalities.

- Over the past 3 sessions, Mr. Norwood said the Legislature has been hesitant to regulate the definition of water infrastructure.
- While the Department of Environmental Services has not taken a formal position, they found that hydraulic studies are costly and they do not produce clear, objective pass-fail standards.
- Based on his conversations with developers and civil engineers, Mr. Norwood said there were gaps in HB 631-FN and there was hesitancy among them to be the first to use the law. He said the Legislature could react to some of the challenges in the future.
- **Senator Birdsell** said Hampstead voted on a warrant article that required a water test prior to any development. Like other communities, Hampstead has suffered from droughts and PFA contamination. She asked if it would be advantageous for them to do a study to ensure there is enough water and if it is safe to drink.
  - **Mr. Norwood** said there was ambiguity on Lines 16 through 24 because water supply study was not formally defined, nor did it include the impact on surrounding wells or the number of gallons needed per minute.
- **Senator Birdsell** asked if the state should be able to do something since Hampstead had the capability to put together a warrant article.
  - **Mr. Norwood** said he would like to see how the warrant was drafted, and how the water study requirement was defined.
- **Senator Ricciardi** said if there are problems, she sought to fix them beforehand. She did not believe waiting to see was an effective approach.
  - **Mr. Norwood** said on Page 2, Line 12, density is not discussed. Similarly, HB 631-FN did not include density or the number of units allowed by right in a particular zone. Given the vagueness, the development community will have to go through trial and error.

***Drew Cline, President, Josiah Bartlett Center for Public Policy***

- Mr. Cline said the current statute was broad, yet it clarified that development could not be started unless there was infrastructure in place.
- Mr. Cline said he was concerned this bill was overly prescriptive, and it would give municipalities a way to block development.
- Mr. Cline suggested including a sentence to allow municipalities to provide infrastructure. If municipalities do not think it would be beneficial, he said they should be allowed to work with the developer to provide infrastructure.

**Neutral Information Presented:** None