

HB 1251 - AS INTRODUCED

2026 SESSION

26-2759

06/08

HOUSE BILL **1251**

AN ACT relative to restricting municipal downzoning inconsistent with existing neighborhood density.

SPONSORS: Rep. Long, Hills. 26; Rep. H. Howard, Straf. 4; Rep. Alexander Jr., Hills. 29

COMMITTEE: Housing

ANALYSIS

This bill requires municipalities to approve residential construction permits when a licensed architect certifies that the proposed density matches surrounding development, and prohibits discretionary zoning denials inconsistent with existing neighborhood patterns.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 restricting municipal downzoning inconsistent with existing neighborhood density.

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

1 1 New Section; Downzoning. Amend RSA 674 by inserting after section 21-a the following new
2 section:

3 674:21-b Residential Construction Consistent with Existing Neighborhood Density. In this
4 section:

5 I. "Downzone" or "downzoning" means changing a zoning ordinance or zoning map to reduce
6 the number of dwelling units, decrease building size, or limit the types or intensity of uses that are
7 allowed on land compared to what was previously permitted.

8 II. The purpose of this section is to ensure that property owners may construct residential
9 buildings on residential property in a manner consistent with the existing density of the surrounding
10 neighborhood, and to prevent municipalities from adopting or enforcing zoning ordinances that
11 arbitrarily downzone areas in a way that is inconsistent with current land use patterns.

12 III. A municipality shall not deny a permit for residential construction on a lot if the
13 proposed construction is consistent with the density of existing residential development in the
14 surrounding neighborhood, as certified under this section.

15 IV. The property owner shall be responsible for conducting an analysis of existing
16 residential density in the surrounding neighborhood. This analysis shall be prepared and signed by
17 a licensed architect, who shall certify that the proposed residential construction is consistent with
18 the prevailing density of residential structures in the area. The analysis shall be submitted to the
19 municipal official or body responsible for issuing permits for residential construction.

20 V. The issuance of a permit under this section shall be ministerial and non-discretionary,
21 provided that the architect has certified compliance with this section. The municipality shall not be
22 required to conduct any analysis or mapping, nor shall it exercise discretion in evaluating the
23 certification.

24 VI. Nothing in this section shall be construed to limit the authority of a municipality to
25 enforce applicable building codes, life safety codes, or other non-zoning regulations that apply
26 uniformly to all residential construction.

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