

HB 1010 - AS AMENDED BY THE HOUSE

19Feb2026... 0274h

2026 SESSION

26-2305

06/05

HOUSE BILL **1010**

AN ACT relative to multi-family residential development on commercially zoned land.

SPONSORS: Rep. Kuttub, Rock. 17; Rep. Mandelbaum, Rock. 21; Rep. Rhodes, Ches. 17; Sen. Birdsell, Dist 19

COMMITTEE: Housing

AMENDED 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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 residential development on commercially zoned land.

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

1 1 Multi-Family Residential Development on Commercially Zoned Land; Amendment to Zoning
2 Regulations; Conversion of Multi-Family Dwelling Units Permitted. Amend RSA 674:80 to read as
3 follows:

4 674:80 Amendment to Zoning Regulations.

5 I. Notwithstanding any provision to the contrary, municipalities shall allow multi-family
6 [~~residential development~~] ***dwelling units, as defined in RS 674:43, I*** on commercially zoned land,
7 provided that adequate infrastructure, including roads, water, and sewage systems, shall be
8 available [~~or provided~~] to support the development. ***Where infrastructure is not adequate it may***
9 ***be provided by the applicant in accordance with regulations. In determining whether***
10 ***infrastructure is adequate, the planning board may:***

11 (a) *For road infrastructure, require a traffic impact study to ascertain the*
12 *potential impacts to the existing traffic conditions in the vicinity of the project, including*
13 *but not limited to, the ability of existing road infrastructure to accommodate increased*
14 *vehicular traffic, the availability of sidewalks, and infrastructure to ensure pedestrian*
15 *safety.*

16 (b) *For water infrastructure, require that the applicant receive permission from*
17 *the operator of a public water system to connect to the system or, in the absence of a public*
18 *water system, receive a well permit from the department of environmental services to*
19 *install a well. However, in accordance with local regulations established pursuant to RSA*
20 *674:36 or 674:44, II, a planning board may require as part of the complete application a*
21 *water supply study conducted by a hydrogeologist, geologist, or engineer with experience in*
22 *water supply issues if the applicant proposes to use a well that will not be subject to*
23 *regulation as a community water system under RSA 485:1-a, I or a large groundwater*
24 *withdrawal under RSA 485-C:2, IX-a, as the water supply for the project.*

25 (c) *For sewage infrastructure, require that the applicant receive permission*
26 *from the operator of a public sewer within the boundary prescribed by RSA 147:8 or as*
27 *negotiated between the applicant and operator to connect to the system.*

28 II. *The planning board may deny an application submitted pursuant to paragraph*
29 *I, if the planning board determines that:*

30 (a) *The volume of traffic is not supported by the road design at the conclusion of*
31 *construction or the developments layout and design does not ensure pedestrian safety;*

1 ***(b) The applicant is unable to secure a source of water, or, if applicable, the***
2 ***water supply study determines that one or more neighboring wells will be unable to meet***
3 ***existing demands; or***

4 ***(c) The applicant is unable to dispose of wastewater and sewage in accordance***
5 ***with regulations.***

6 ***III.*** Nothing in this section shall be interpreted to prohibit municipalities from restricting
7 residential development in zones where industrial and manufacturing uses are permitted which may
8 result in impacts that are incompatible with residential use, such as air, noise, ***dust, glare,***
9 ***vibration,*** odor, or transportation impacts.

10 ~~[III.]~~ ***IV.*** A municipality may require all available ground floor space or a percentage thereof
11 to be dedicated to retail or similar uses.

12 ~~[IV.]~~ ***V.*** A municipality ~~[shall provide an exemption to any requirements regarding setbacks,~~
13 ~~height, or frontage of a building being converted to multi-family or mixed use through adaptive~~
14 ~~reuse, provided that the building's floor area, height, and setbacks do not change]~~ ***shall allow***
15 ***nonconforming structures to be converted to multi-family dwelling units or mixed use***
16 ***provided that the structure is not altered to further violate zoning district dimensional***
17 ***requirements.***

18 ***VI.*** ***Nothing in this section shall be construed to exempt proposed multi-family***
19 ***dwelling units on commercially zoned land from subdivision or site plan review***
20 ***regulations.***

21 2 Effective Date. This act shall take effect July 1, 2026 at 12:01 a.m.