

SB 564 - VERSION ADOPTED BY BOTH BODIES

23Apr2026... 1600h
06/04/2026 2111CofC

2026 SESSION

26-2190
12/09

SENATE BILL **564**

AN ACT prohibiting certain municipal development restrictions.

SPONSORS: Sen. Innis, Dist 7; Sen. Lang, Dist 2; Sen. Sullivan, Dist 18; Sen. Watters, Dist 4; Sen. Murphy, Dist 16; Rep. Alexander Jr., Hills. 29; Rep. Harvey-Bolia, Belk. 3; Rep. Read, Rock. 10; Rep. Sellers, Graf. 10

COMMITTEE: Commerce

AMENDED ANALYSIS

This bill:

I. Prohibits municipalities from placing limits on maximum road length, provided that the proposed roadway or extension fully complies with state fire code.

II. Prohibits municipalities from imposing a cap on the number of housing lots on a dead-end road or street, unless such cap is in compliance with state fire code and National Fire Protection Association standard 1141, and provided that the proposed lots otherwise comply with current zoning restrictions and requirements.

III. Requires municipalities to allow the placement of utilities within or along buffer areas, or wetland buffers or conservation areas of a subdivision or lot by a special exception or conditional use permit.

IV. Prohibits municipalities from imposing additional restrictions or requirements regarding building or lot size for affected properties before the effective date of the act.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT prohibiting certain municipal development restrictions.

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

1 1 Statement of Findings and Purpose. The general court finds that:

2 I. New Hampshire faces a severe shortage of housing, which has contributed to rising
3 housing costs and diminished affordability for working families, first responders, teachers, veterans,
4 seniors, and young people.

5 II. Arbitrary local restrictions on road length, caps on the number of lots on dead-end
6 streets, and prohibitions on the placement of utilities in non-sensitive open space areas
7 unnecessarily increase development costs and reduce the supply of housing.

8 III. The state fire code already establishes uniform and comprehensive requirements to
9 ensure life safety, property access, and emergency vehicle passage, rendering duplicative or more
10 restrictive municipal caps on road length unnecessary and duplicative.

11 IV. Environmental protections for wetlands and protected shoreland under RSA 482-A and
12 RSA 483-B remain vital and are not altered by this act. Allowing utilities in other open space or
13 buffer areas promotes compact development and reduces sprawl, preserving larger tracts of
14 conservation land.

15 V. These provisions represent common-sense reforms that balance the need for more
16 housing with the preservation of public safety, conservation values, and local planning review
17 authority.

18 2 New Section; Prohibition of Certain Municipal Development Restrictions. Amend RSA 674 by
19 inserting after section 21-a the following new section:

20 674:21-b Prohibition of Certain Municipal Development Restrictions.

21 I. Municipalities shall not limit maximum road length so as to impede development,
22 provided that the proposed roadway or extension thereof fully complies with the state fire code.

23 II. Municipalities shall not impose a cap on the number of housing lots on a dead-end road
24 or street unless such cap in compliance with the state fire code and National Fire Protection
25 Association (NFPA) standard 1141, and provided that the proposed lots otherwise comply with
26 current zoning restrictions or requirements.

27 III. Municipalities shall permit the placement of utilities, including but not limited to septic
28 systems, wells, electric distribution, drainage structures, stormwater management structures, and
29 other utilities, within or along any designated buffer areas, including but not limited to perimeter
30 buffers, residential buffers, setbacks, and open space areas of a subdivision or lot, provided that such

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1 areas are not wetlands as defined in RSA 482-A:2, X and that such areas are not protected shoreland
2 as defined in RSA 483-B:4, XV.

3 IV. Municipalities shall permit the placement of utilities, including but not limited to septic
4 systems, wells, electric distribution, drainage structures, stormwater management structures, and
5 other utilities or improvements appurtenant to any utility, within or along wetland buffers or
6 conservation areas of a subdivision or lot by a special exception or conditional use permit, provided
7 that such areas are not wetlands as defined in RSA 482-A:2, X and that such areas are not protected
8 shoreland as defined in RSA 483-B:4, XV.

9 V. Municipalities shall not impose additional restrictions or requirements regarding
10 building or lot size for affected properties before the effective date of this section.

11 VI. Nothing in this section shall be construed to otherwise limit the authority of
12 municipalities to enforce generally applicable health, safety, environmental, or building standards;
13 to conduct planning board and conservation commission review; or to impose reasonable conditions
14 necessary to ensure compliance with the state fire code, RSA 483-B, or as otherwise required by
15 state law.

16 3 Effective Date. This act shall take effect April 1, 2027.