

CHAPTER 319
HB 1010 - FINAL VERSION

19Feb2026... 0274h
05/14/2026 1712s
4Jun2026... 2075CofC
4Jun2026... 2185EBA

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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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:

1 319:1 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 follows:
3 674:80 Amendment to Zoning Regulations.

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

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

13 (b) ***For water infrastructure, require that the applicant receive permission from the owner of a***
14 ***public water system to connect to the system or, in the absence of a public water system, develop a water***
15 ***supply in accordance with RSA 482-B and RSA 485 as applicable.***

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

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

21 (a) ***The volume of traffic is not supported by the road design at the conclusion of construction,***
22 ***or the development's layout and design do not ensure pedestrian safety;***

23 (b) ***The applicant is unable to secure a source of water or the owner of an abutting well is***
24 ***able to demonstrate that their well will be unable to meet existing demand; or***

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

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

CHAPTER 319
HB 1010 - FINAL VERSION
- Page 2 -

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

3 ~~[IV.]~~ **V.** A municipality shall provide an exemption to any requirements regarding setbacks, height,
4 or frontage of a building being converted to multi-family or mixed-use through adaptive reuse, provided
5 that the building's floor area, height, and setbacks do not change.

319:2 Effective Date. This act shall take effect July 1, 2026 at 12:01 a.m.

Approved: July 15, 2026
Effective Date:
July 1, 2026 at 12:01 a.m.