

HB 459-FN - AS INTRODUCED

2025 SESSION

25-0883

11/09

HOUSE BILL **459-FN**

AN ACT relative to acreage requirements and zoning regarding sewer infrastructure and single-family residential uses.

SPONSORS: Rep. Alexander Jr., Hills. 29; Rep. Berry, Hills. 44; Rep. Granger, Straf. 2; Rep. Grill, Hills. 18; Rep. Long, Hills. 26; Rep. D. McGuire, Merr. 14; Rep. A. Murray, Hills. 20; Rep. Sweeney, Rock. 25; Sen. McConkey, Dist 3; Sen. Murphy, Dist 16; Sen. Reardon, Dist 15

COMMITTEE: Housing

ANALYSIS

This bill prohibits zoning ordinances regarding single-family residential uses from requiring larger acreage sizes than are necessary for community health and safety, given sewer infrastructure.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to acreage requirements and zoning regarding sewer infrastructure and single-family residential uses.

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

1 1 New Section; Single Family Housing Acreage. Amend RSA 674 by inserting after section 16-a
2 the following new section:

3 674:16-b Single Family Housing Acreage.

4 I. In a majority of land area that is zoned to permit single-family residential uses in a
5 municipality, for lots not serviced by municipal or community sewer infrastructure, no ordinance
6 shall require lot sizes for single-family residential uses larger than is required by the department of
7 environmental services for individual sewage disposal systems pursuant to RSA 485-A and chapter
8 Env-Wq 1000, unless the municipality provides empirical evidence that the health or safety of the
9 community will be meaningfully impacted without the ability to require larger lot sizes. In
10 determining what constitutes a majority of land area zoned for residential uses, the municipality
11 may include areas serviced by municipal sewer infrastructure.

12 II. For lots serviced by municipal or community sewer infrastructure, no ordinance shall
13 require lot sizes greater than 22,000 square feet for single-family residential uses, provided there is
14 adequate sewage system capacity to accommodate development on such lots, unless the municipality
15 provides empirical evidence that the health or safety of the community will be meaningfully
16 impacted without the ability to require larger lot sizes.

17 III. The requirements in paragraphs I and II shall not be construed to limit the potential for
18 development of lots created prior to July 1, 2025.

19 IV. Nothing in this section shall be construed so as to override or supersede applicable
20 municipal zoning regulations unrelated to minimum lot sizes.

21 2 Effective Date. This act shall take effect July 1, 2025.

**HB 459-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to acreage requirements and zoning regarding sewer infrastructure and single-family residential uses.

FISCAL IMPACT:

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	\$0	\$0	\$0
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill prohibits zoning ordinances regarding single-family residential uses from requiring larger acreage sizes than are necessary for community health and safety, given sewer infrastructure.

The New Hampshire Municipal Association states that there will be indeterminable municipal costs associated with amending local zoning ordinances; determining what constitutes a majority of the land area zoned for residential use, and determining whether the sewer system has adequate capacity as outlined in the bill. Additionally, there will be costs for municipalities in gathering empirical evidence to contest the lot size requirement.

AGENCIES CONTACTED:

New Hampshire Municipal Association