

SB 163 - AS INTRODUCED

2025 SESSION

25-1046

06/05

SENATE BILL **163**

AN ACT prohibiting local moratoria and limitations on building permits.

SPONSORS: Sen. Pearl, Dist 17; Sen. Lang, Dist 2; Sen. Murphy, Dist 16; Sen. Watters, Dist 4;
Sen. Innis, Dist 7; Sen. McGough, Dist 11; Rep. Harvey-Bolia, Belk. 3; Rep.
Moffett, Merr. 4; Rep. Alexander Jr., Hills. 29; Rep. Morton, Hills. 39

COMMITTEE: Commerce

ANALYSIS

This bill prohibits municipalities from adopting new ordinances, regulations, or policies that establish moratoria or limitations on building permits or approvals for subdivisions and site plans, and repeals existing authority for temporary moratoria or limitations.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 prohibiting local moratoria and limitations on building permits.

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

1 1 Temporary Moratoria and Limitations on Building Permits and the Approval of Subdivisions
2 and Site Plans RSA 674:23 is repealed and reenacted to read as follows:

3 674:23 Prohibition on Local Moratoriums and Permit Limitations.

4 I. Municipalities shall not adopt any ordinance, regulation, or policy establishing a
5 moratorium or limitation on the issuance of building permits or the granting of subdivision or site
6 plan approval, regardless of term or circumstance.

7 II. No ordinance, regulation, or policy may be enacted or enforced that delays or restricts the
8 issuance of building permits or the approval of subdivisions and site plans due to growth
9 management concerns, municipal service capacity, or any other reason. Growth management needs
10 shall be addressed solely through the adoption of zoning ordinances, master plans, or capital
11 improvement programs in accordance with RSA 674:22.

12 III. The authority previously granted under this section to establish temporary moratoria or
13 limitations is hereby repealed. Municipalities are prohibited from utilizing exceptions or conditional
14 provisions to justify such actions.

15 IV. Any existing moratoria or limitations currently in effect shall be null and void as of the
16 effective date of this section.

17 2 Innovative Land Use Controls. Amend RSA 674:21, IV(b) to read as follows:

18 (b) "Phased development" means a development, usually for large-scale projects, in
19 which construction of public or private improvements proceeds in stages on a schedule over a period
20 of years established in the subdivision or site plan approved by the planning board. In a phased
21 development, the issuance of building permits in each phase is solely dependent on the completion of
22 the prior phase and satisfaction of other conditions on the schedule approved by the planning board.
23 Phased development does not include a general limit on the issuance of building permits or the
24 granting of subdivision or site plan approval in the municipality, which may be accomplished only by
25 a growth management ordinance under RSA 674:22[~~or a temporary moratorium or limitation under~~
26 ~~RSA 674:23~~].

27 3 Power to Regulate Subdivisions. Amend RSA 674:35, III to read as follows:

28 III. The planning board shall not limit the number of building permits that may be issued
29 except in accordance with an innovative land use control ordinance addressing timing incentives and
30 phased development under RSA 674:21 and adopted under RSA 674:16; or an ordinance to regulate
31 and control the timing of development, adopted under RSA 674:22[~~or an ordinance establishing a~~

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1 ~~temporary moratorium or limitation on the issuance of building permits, adopted under RSA~~
2 ~~674:23].~~ This paragraph shall not be construed to limit the planning board's authority to deny a
3 subdivision application on the basis that it is scattered or premature.

4 4 Effective Date. This act shall take effect upon its passage.