

Senate Commerce Committee

Aaron Jones 271-2609

SB 163, prohibiting local moratoria and limitations on building permits.

Hearing Date: March 4, 2025

Time Opened: 11:30 a.m.

Time Closed: 11:41 a.m.

Members of the Committee Present: Senators Innis, Ricciardi, Murphy, McGough, Fenton and Reardon

Members of the Committee Absent : None

Bill 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.

Sponsors:

Sen. Pearl

Sen. Lang

Sen. Murphy

Sen. Watters

Sen. Innis

Sen. McGough

Rep. Harvey-Bolia

Rep. Moffett

Rep. Alexander Jr.

Rep. Morton

Who supports the bill: Senator Howard Pearl, Senator Tim McGough, Natch Greyes (BIA), Jack Ruderman (NH Housing), Nick Taylor (Housing Action NH), Matt Mayberry (NH Home Builders), Chris Norwood (NH Realtors), Greg Moore (AFP-NH), Krista Chamberlain, Jordan King, Haley Demers, Mary Grace Allen, Curtis Howland, James Gardner, Timothy Finney, Taylor Barry, Bill Alleman, Laura Sokoloski

Who opposes the bill: Representative Linda Gould, Brodie Deshaies (NHMA), Tim Corwin (NH Planners Association), Roy Schweiker, Janice Mathews, Janet Lucas, Daniel Richardson, George Morin, Karen Santoro, Bruce Woodruff, Roger Murray, Eliza Grant, Ailie Byers, Benjamin Colbath, Megan Haffner

Who is neutral on the bill: No one

Summary of testimony presented in support:

Senator Howard Pearl

- This bill was filed at the request of the New Hampshire Home Builders Association, and it would prevent municipalities from imposing moratoriums on building permits.

- This bill aimed to eliminate unnecessary barriers to help address the ongoing housing crisis.
- Under RSA 674:23, towns are allowed to enact temporary moratoriums on building permits under specific conditions. Those include public need, a limited duration up to 1 year with an extension upon justification, or legislative approval.
- In Section 1, Paragraph 3, Senator Pearl requested the addition of an allowable exception if a municipality could provide data demonstrating a lack of water accessibility.

Matt Mayberry, CEO, New Hampshire Home Builders Association

- This bill was filed in response to a town where a planning board complained that building permits needed to be stopped, so individuals did not ruin their town. Eventually, the board blocked a proposed 40-unit workforce housing development.
- Mr. Mayberry said the project met the zoning requirements and they did not request any variances; however, the town justified their decision based on concerns about traffic and the preservation of their rural character.
- Currently, RSA 674:23 allows towns to impose temporary building permit moratoriums for public safety and health or other significant municipal issues.
- The amendment would allow for a pause in development if a town could prove with data that there is insufficient water capacity.
- **Senator McGough** asked if the meeting was public.
 - **Mr. Mayberry** replied yes, and it took place in Londonderry.

Chris Norwood, 2025 Vice Chair of the Public Policy Committee, New Hampshire Association of Realtors

- Recently, Mr. Norwood stated Wells, Maine enacted a moratorium on single-family housing.
- In the past week, Croydon, New Hampshire, began exploring a 1 year moratorium on subdivisions.
- In Conway, they instituted a moratorium on projects in excess of 50,000 square feet along a portion of the Route 16 corridor.
- Mr. Norwood believed this was a private property issue because towns can limit what an owner does for years.

Summary of testimony presented in opposition:

Brodie Deshaies, New Hampshire Municipal Association

- This bill would repeal and re-enact RSA 674:23, which allows municipalities to establish a temporary moratorium on development.
- Moratoriums cannot be longer than 1 year, and there are numerous stringent reporting requirements.

- The moratorium authority under RSA 674:23, III was adopted in the 1980s because the population increased significantly, and towns were not prepared. Towns were concerned that the increase in student population would increase their taxes towards schools and infrastructure.
- Mr. Deshaies said this was not an arbitrary statute, and there was some level of oversight.
- Mr. Deshaies said they were concerned with Sections 1 and 2 in RSA 674:23, which suggested a municipality could not place any restrictions on the granting of building permits or the approval of subdivisions.
- **Senator Innis** asked if he had talked to Senator Pearl about the amendment.
 - **Mr. Deshaies** said he had not.

Neutral Information Presented: None

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Date Hearing Report completed: March 7, 2025