

Senate Commerce Committee

Aaron Jones 271-2609

SB 283, relative to the calculation of floor-area-ratios under local building ordinances.

Hearing Date: March 4, 2025

Time Opened: 11:11 a.m.

Time Closed: 11:16 a.m.

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

Members of the Committee Absent : Senator Fenton

Bill Analysis: This bill requires municipalities to exclude below-grade areas from floor-area-ratio (FAR) calculations and review and adjust height limitations as needed to maximize capacity and height potential for new construction.

Sponsors:

Sen. Murphy
Sen. Pearl

Sen. Innis
Rep. Osborne

Sen. Perkins Kwoka
Rep. Alexander Jr.

Who supports the bill: Senator Keith Murphy, Natch Greyes (BIA), Jack Ruderman (NH Housing), Nick Taylor (Housing Action NH), Krista Chamberlain, Curtis Howland, James Gardner, Greg Moore (Americans for Prosperity), Bill Alleman

Who opposes the bill: Representative Linda Gould, Sherrill Howard, Daniel Richardson, Brodie Deshaies (NHMA)

Who is neutral on the bill: No one

Summary of testimony presented in support:

Senator Keith Murphy

- Typically, ordinances for floor area ratios are in communities with dense areas, such as Manchester, Nashua, and Portsmouth.
- Floor area ratios are a way to ensure height is proportional to the width and depth dimensions of a lot. Senator Murphy said there are inconsistencies on how this is calculated, but this bill would clarify it is calculated as area above grade. If there were parking or storage space below, it would not be counted as part of the floor area ratio.
- Communities could adopt and enforce floor area ratios, but this bill would ensure they are consistent statewide.

- **Senator Innis** asked if this was about basement space not counting towards the overall height.
 - **Senator Murphy** said that was correct.

Summary of testimony presented in opposition:

Brodie Deshaies, New Hampshire Municipal Association

- RSA 674:78, II, specifically Lines 15 to 17, would be unnecessary because unfinished or livable space that is below grade is included in the floor area ratio.
- Mr. Deshaies said Lines 18 to 20 should be removed. This would provide zoning boards with more authority because they do not ordinarily review and approve new construction projects. Some zoning boards grant variances or special exceptions, while planning boards approve construction details.
- Mr. Deshaies said Lines 21 to 22 were vague and unenforceable. He asked who would review height limitations and decide whether revisions were necessary.
- This bill was broad, and it lacked clarity. Mr. Deshaies believed the intent was to allow taller buildings; however, this is set independently from floor area ratios. He said it was not clear how changing floor area ratios to exclude below grade areas would have an impact on municipal height limitations.

Neutral Information Presented: None

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Date Hearing Report completed: March 7, 2025