

Rep. D. Paige, Carr. 1  
Rep. Howland, Straf. 20  
Rep. Read, Rock. 10  
January 20, 2026  
2026-0149h  
04/07

Amendment to HB 1008

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Innovation Land Use Controls. Amend RSA 674:21, IV to read as follows:

4 IV. As used in this section:

5 (a) "Inclusionary zoning" means land use control regulations which provide a voluntary  
6 incentive or benefit to a property owner, **or a local requirement**, in order to induce **or require** the  
7 property owner to produce housing units, **or a portion thereof**, ~~which~~ **that** are affordable to  
8 persons or families of low and moderate income. ~~[Inclusionary zoning includes, but is not limited to,~~  
9 ~~density bonuses, growth control exemptions, and a streamlined application process.]~~ **For the**  
10 **purposes of this section, "affordable housing" shall have the same meanings as "affordable"**  
11 **and "workforce housing" as defined in RSA 674:58. A municipality may require a**  
12 **restrictive covenant consistent with RSA 674:60, IV to be recorded in the registry of deeds to**  
13 **enforce compliance with these definitions.**

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

23 **IV-a. An inclusionary zoning ordinance may require a developer to provide a**  
24 **specified number or percentage of affordable housing units in a development or allow a**  
25 **developer to contribute to a municipal housing fund or another alternative in lieu of**  
26 **building the affordable units. However, in exchange for any such requirement, a**  
27 **municipality shall provide incentives that fully offset all costs to the developer of its**  
28 **affordable housing contribution, which may include, but are not limited to:**

29 (a) **Density bonus incentives;**

30 (b) **Expedited approvals;**

Amendment to HB 1008

- Page 2 -

1           (c) *Reducing or waiving fees, such as impact fees or water and sewer charges;*

2           (d) *Tax incentives; or*

3           (e) *Granting other incentives.*

4           2 New Section; Inclusionary Zoning Requirements and Appeal. Amend RSA 674 by inserting  
5 after section 80 the following new section:

6           674:80-a Inclusionary Zoning Requirements and Appeal.

7           I. In a funded inclusionary zone, as defined in RSA 674:21, the applicant may demonstrate  
8 that an alternative solution will reasonably meet the requirements of the local ordinance or  
9 regulation. The planning board shall approve the alternative solution proposed by the applicant as  
10 a substitute for the existing requirements established in the local ordinance or regulation.

11           II. If the planning board, during its review of a subdivision plat, site plan, or other land use  
12 application for the alternative solution to an inclusionary zoning ordinance or regulation, disagrees  
13 with the applicant's determination that the alternative solution meets reasonable affordability  
14 criteria or any other reasonable requirements, the planning board may request third-party review  
15 under RSA 676:4-b, I.

16           3 Workforce Housing Opportunities. Amend RSA 674:59, II to read as follows:

17           II. A municipality shall not fulfill the requirements of this section by adopting [~~voluntary~~]  
18 inclusionary zoning provisions [~~that rely on inducements~~] that render workforce housing  
19 developments economically unviable.

20           4 Effective Date. This act shall take effect 60 days after its passage.

**Amendment to HB 1008**  
**- Page 3 -**

2026-0149h

AMENDED ANALYSIS

This bill clarifies the definition of inclusionary zoning, expands municipal options for promoting affordable housing, adds funded inclusionary zoning with offsetting incentives, and establishes a process for applicants to propose alternative compliance subject to independent review.