

HB 1008 - AS INTRODUCED

2026 SESSION

26-2299

06/08

HOUSE BILL **1008**

AN ACT relative to modifying innovative land use controls, requirements, and appeals.

SPONSORS: Rep. Preece, Hills. 17; Rep. Maggiore, Rock. 23

COMMITTEE: Housing

ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to modifying innovative land use controls, requirements, and appeals.

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

1 1 Innovative Land Use Controls. Amend RSA 674:21, IV(a) to read as follows:

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

13 2 New Section; Inclusionary Zoning Requirements and Appeal. Amend RSA 674 by inserting
14 after section 80 the following new section:

15 674:80-a Inclusionary Zoning Requirements and Appeal.

16 I. If a municipality requires inclusionary zoning, as defined in RSA 674:21, the applicant
17 may demonstrate that an alternative solution will reasonably meet the requirements of the local
18 ordinance or regulation. The planning board shall approve the alternative solution proposed by the
19 applicant as a substitute for the existing requirements established in the local ordinance or
20 regulation.

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

26 3 Effective Date. This act shall take effect 60 days after its passage.