

SB 564 - AS INTRODUCED

2026 SESSION

26-2190

12/09

SENATE BILL

564

AN ACT

prohibiting certain municipal development restrictions.

SPONSORS:

Sen. Innis, Dist 7; Sen. Lang, Dist 2; Sen. Sullivan, Dist 18; Sen. Watters, Dist 4;
Sen. Murphy, Dist 16; Rep. Alexander Jr., Hills. 29; Rep. Harvey-Bolia, Belk. 3;
Rep. Read, Rock. 10; Rep. Sellers, Graf. 10

COMMITTEE:

Commerce

ANALYSIS

This bill prohibits municipalities from placing limits on maximum road length and imposing a numerical cap on the number of housing lots on a dead-end road or street. The bill also permits municipalities to place utilities within open space or perimeter buffer areas of subdivisions.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 prohibiting certain municipal development restrictions.

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

1 1 Statement of Findings and Purpose. The general court finds that:

2 I. New Hampshire faces a severe shortage of housing, which has contributed to rising
3 housing costs and diminished affordability for working families, first responders, teachers, veterans,
4 seniors, and young people.

5 II. Arbitrary local restrictions on road length, caps on the number of lots on dead-end
6 streets, and prohibitions on the placement of utilities in non-sensitive open space areas
7 unnecessarily increase development costs and reduce the supply of housing.

8 III. The state fire code already establishes uniform and comprehensive requirements to
9 ensure life safety, property access, and emergency vehicle passage, rendering duplicative or more
10 restrictive municipal caps on road length unnecessary and duplicative.

11 IV. Environmental protections for wetlands and protected shoreland under RSA 482-A and
12 RSA 483-B remain vital and are not altered by this act. Allowing utilities in other open space or
13 buffer areas promotes compact development and reduces sprawl, preserving larger tracts of
14 conservation land.

15 V. These provisions represent common-sense reforms that balance the need for more
16 housing with the preservation of public safety, conservation values, and local planning review
17 authority.

18 2 New Section; Prohibition of Certain Municipal Development Restrictions. Amend RSA 674 by
19 inserting after section 21-a the following new section:

20 674:21-b Prohibition of Certain Municipal Development Restrictions.

21 I. Municipalities shall not limit maximum road length so as to impede development,
22 provided that the proposed roadway or extension thereof fully complies with the state fire code,
23 including but not limited to standards for life safety, property access, asset preservation, emergency
24 vehicle access, and roadway design.

25 II. Municipalities shall not impose a numerical cap on the number of housing lots on a dead-
26 end road or street provided the proposed lots are within current zoning restrictions and
27 requirements.

28 III. Municipalities shall permit the placement of utilities, including but not limited to septic
29 systems, wells, electric distribution, drainage structures, and other utilities, within designated open
30 space or perimeter buffer areas of subdivisions, provided that such areas are not wetlands as defined
31 in RSA 482-A:2, X and that such areas are not protected shoreland as defined in RSA 483-B:4, XV.

1 IV. Nothing in this section shall be construed to limit the authority of municipalities to
2 enforce generally applicable health, safety, environmental, or building standards; to conduct
3 planning board and conservation commission review; or to impose reasonable conditions necessary to
4 ensure compliance with the state fire code, RSA 483-B, and other state environmental laws.

5 3 Effective Date. This act shall take effect 60 days after its passage.