

HB 1351 - AS INTRODUCED

2026 SESSION

26-3153

06/08

HOUSE BILL ***1351***

AN ACT relative to uniform municipal standards for regulation of home-based businesses.

SPONSORS: Rep. Beaulier, Graf. 1; Rep. Cole, Hills. 26; Rep. Osborne, Rock. 2; Rep. Dumont, Hills. 13; Rep. Sweeney, Rock. 25; Rep. Ulery, Hills. 13; Rep. Miles, Hills. 12; Rep. Farrington, Straf. 8; Rep. Reinfurt, Hills. 29

COMMITTEE: Municipal and County Government

ANALYSIS

This bill establishes a uniform statewide standard for home-based businesses.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 uniform municipal standards for regulation of home-based businesses.

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

1 1 Findings and Purpose.

2 I. The general court finds that thousands of Granite Staters lawfully operate businesses
3 from their homes with minimal neighborhood impacts; that some municipal codes impose categorical
4 limits unrelated to actual health or safety (e.g., 2-client caps, family-only staffing, blanket signage
5 bans, and prohibitions on screened out-door storage).

6 II. It is the purpose of this act to establish uniform, least-restrictive rules for low-impact
7 home enterprises while preserving neutral nuisance, noise, traffic, and safety standards.

8 2 New Subdivision; Home-Based Businesses, Uniform Standard, and Preemption. Amend RSA
9 674 by inserting after section 80 the following new subdivision:

10 Home-Based Businesses, Uniform Standard, and Preemption

11 674:81 Definitions. In this subdivision:

12 I. "Home-based business" means any lawful business, profession, occupation, or trade
13 conducted wholly or partly within a dwelling or its accessory structures by the occupants as a
14 secondary use of the residence.

15 II. "No-impact" means a home-based business that:

16 (a) Is not visible from a public right-of-way;

17 (b) Generates no on-site customer visits; and

18 (c) Does not exceed typical residential deliveries.

19 III. "Low-impact" means a home-based business that may have limited visibility, employees,
20 or customer visits, but remains residential in character and meets the standards of this subdivision.

21 IV. "Residential appearance" means the dwelling retains exterior characteristics typical of
22 residential use; ordinary residential signage, parking, lighting, and landscaping are permitted.

23 674:82 No-Impact Home-Based Businesses Allowed by Right. A no-impact home-based business
24 shall be allowed as an accessory residential use in every zoning district. No municipality or political
25 subdivision shall require a special exception, variance, conditional use permit, site plan review, or
26 business license for a no-impact home-based business.

27 674:83 Low-Impact Home-Based Businesses Allowed by Right; Objective Standards. A low-
28 impact home-based business shall be allowed by right in every zoning district if it meets all of the
29 following performance standards. Municipalities may require only a ministerial registration, with
30 no public hearing, issued within 30 calendar days, to verify conformance:

HB 1351 - AS INTRODUCED

- Page 2 -

I. Up to 4 non-resident employees may work on-site at any time. There shall be no limit on off-site or remote workers. Independent contractors shall be treated as employees for the purposes of this subdivision.

II. Customer visits shall be permitted between 7:00 a.m. and 9:00 p.m. A business shall be deemed compliant if it generates no more than 20 customer visits per day and no queuing occurs on a public way. Municipalities may by ordinance adopt a higher safe-harbor number.

III. Routine parcel deliveries, including those by the United States Postal Service and common carriers, shall be permitted.

IV. Off-street parking shall be permitted on the lot. On-street parking shall be allowed to the extent it is available to residences generally and does not violate posted restrictions.

V. One non-illuminated wall, window, door, or yard sign not exceeding 6 square feet shall be permitted.

VI. Outdoor storage or display not exceeding 200 square feet shall be permitted, provided materials are kept in good order and screened from direct view of a public right-of-way or located within a side or rear yard. Storage of hazardous materials shall comply with applicable fire and building codes.

VII. The business shall comply with generally applicable residential standards for noise, odor, vibration, glare, and lighting.

VIII. No change to building occupancy classification shall be required unless mandated by the state building or fire code due to actual use or occupancy load.

IX. Sexually oriented businesses, junkyards, and any use prohibited state-wide by statute shall not qualify as home-based businesses under this subdivision.

674:84 Preemption; Prohibited Local Restrictions. Ordinances inconsistent with this subdivision are preempted and shall be unenforceable to the extent of conflict. A municipality or political subdivision shall not:

I. Impose a numerical cap on clients more restrictive than RSA 674:83, II;

II. Limit employees to family members only;

III. Prohibit the signage allowed under RSA 674:83, V;

IV. Ban outdoor storage or display compliant with RSA 674:83, VI;

V. Require a special exception, variance, conditional use permit, site plan review, or rezoning for a home-based business meeting the standards of RSA 674:82 or RSA 674:83;

VI. Impose higher parking, landscaping, or screening standards than apply to a residence of similar size; or

VII. Prohibit or restrict Internet sales, mail order, or home-pickup beyond the standards in RSA 674:83.

674:85 Enforcement; Remedies.

I. Enforcement under this subdivision shall be complaint-based.

HB 1351 - AS INTRODUCED

- Page 3 -

1 II. A municipality shall provide written notice of violation and allow 15 calendar days for
2 cure before any citation is issued.

3 III. Penalties shall be civil only and shall not exceed \$100 per day of continuing violation
4 after the cure period. Criminal penalties shall be prohibited.

5 674:86 Private Covenants. This subdivision shall not alter or impair private covenants or
6 homeowners' association rules enforceable under contract law.

7 674:87 Appeals. An aggrieved person may appeal an adverse determination under this
8 subdivision to the zoning board of adjustment pursuant to RSA 676:5.

9 3 Preemption. Notwithstanding any ordinance, regulation, or policy to the contrary, the
10 provisions of this subdivision shall govern home-based businesses statewide. Any municipal
11 ordinance, regulation, or policy in conflict with this subdivision is preempted and shall be
12 unenforceable to the extent of such conflict.

13 4 Severability. If any provision of this act or the application thereof is held invalid, such
14 invalidity shall not affect other provisions or applications that can be given effect without the invalid
15 provision or application, and to this end the provisions of this act are declared to be severable.

16 5 Effective Date. This act shall take effect January 1, 2027.