

HB 1010 - AS AMENDED BY THE SENATE

19Feb2026... 0274h

05/14/2026 1712s

2026 SESSION

26-2305

06/05

HOUSE BILL **1010**

AN ACT relative to multi-family residential development on commercially zoned land.

SPONSORS: Rep. Kuttub, Rock. 17; Rep. Mandelbaum, Rock. 21; Rep. Rhodes, Ches. 17; Sen. Birdsell, Dist 19

COMMITTEE: Housing

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AMENDED ANALYSIS

This bill:

I. Permits municipalities to allow multi-family dwelling units on commercially zoned land, subject to the local planning board confirming the infrastructure is adequate.

II. Authorizes the local planning board to deny applications to build multi-family dwelling units on commercially zoned land in certain circumstances.

III. Removes the ability for municipalities to provide an exception for requirements relative to the conversion of structures into multi-family dwelling units, and replaces such exception to permit the waiver of requirements so long as the converted dwelling unit is not altered to further violate zoning dimensional requirements.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struck through]~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty-Six*

AN ACT relative to multi-family residential development on commercially zoned land.

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

1       1 Multi-Family Residential Development on Commercially Zoned Land; Amendment to Zoning  
2 Regulations; Conversion of Multi-Family Dwelling Units Permitted. Amend RSA 674:80 to read as  
3 follows:

4       674:80 Amendment to Zoning Regulations.

5       I. Notwithstanding any provision to the contrary, municipalities shall allow **by right** multi-  
6 family ~~[residential development]~~ **dwelling units, as defined in RSA 674:43, I** on commercially  
7 zoned land, provided that adequate infrastructure, including roads, water, and sewage systems,  
8 shall be available ~~[or provided]~~ to support the development. **Where infrastructure is not**  
9 **adequate it may be provided by the applicant in accordance with regulations. In**  
10 **determining whether infrastructure is adequate, the planning board may:**

11           (a) *For road infrastructure, require a traffic impact study to ascertain the*  
12 *potential impacts to the existing traffic conditions in the vicinity of the project, including*  
13 *but not limited to, the ability of existing road infrastructure to accommodate increased*  
14 *vehicular traffic, the availability of sidewalks, and infrastructure to ensure pedestrian*  
15 *safety.*

16           (b) *For water infrastructure, require that the applicant receive permission from*  
17 *the owner of a public water system to connect to the system or, in the absence of a public*  
18 *water system, develop a water supply in accordance with RSA 482-B and RSA 485 as*  
19 *applicable.*

20           (c) *For sewage infrastructure, require that the applicant receive permission*  
21 *from the operator of a public sewer within the boundary prescribed by RSA 147:8 or as*  
22 *negotiated between the applicant and operator to connect to the system.*

23       II. *The planning board may deny an application submitted pursuant to paragraph*  
24 *I, if the planning board determines that:*

25           (a) *The volume of traffic is not supported by the road design at the conclusion of*  
26 *construction, or the developments layout and design does not ensure pedestrian safety;*

27           (b) *The applicant is unable to secure a source of water; or*

28           (c) *The applicant is unable to dispose of wastewater and sewage in accordance*  
29 *with regulations.*

1           **III.** Nothing in this section shall be interpreted to prohibit municipalities from restricting  
2 residential development in zones where industrial and manufacturing uses are permitted which may  
3 result in impacts that are incompatible with residential use, such as air, noise, **dust, glare,**  
4 **vibration,** odor, or transportation impacts.

5           ~~[III.]~~ **IV.** A municipality may require all available ground floor space or a percentage thereof  
6 to be dedicated to retail or similar uses.

7           ~~[IV.]~~ **V.** A municipality shall provide an exemption to any requirements regarding setbacks,  
8 height, or frontage of a building being converted to multi-family or mixed-use through adaptive  
9 reuse, provided that the building's floor area, height, and setbacks do not change.

10           2 Effective Date. This act shall take effect July 1, 2026 at 12:01 a.m.