SB 84-FN - AS INTRODUCED

2025 SESSION

25-1006
06/02

SENATE BILL ***84-FN***

AN ACT relative to zoning procedures concerning residential housing.

SPONSORS: Sen. Murphy, Dist 16; Sen. Innis, Dist 7; Sen. McGough, Dist 11; Rep. Alexander Jr., Hills. 29; Rep. Osborne, Rock. 2

COMMITTEE: Commerce

ANALYSIS

This bill sets maximum lot sizes for single-family residential uses based on the type of infrastructure servicing the lot.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to zoning procedures concerning residential housing.

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

1 New Section; Lot Sizes for Single-Family Residential Uses. Amend RSA 674 by inserting after section 18-a the following new section:

674:18-b Lot Sizes for Single-Family Residential Uses.

I. In a majority of land zoned to permit single-family residential uses in a municipality, for lots not serviced by municipal or community sewer infrastructure, no ordinance shall require lot sizes greater than 66,000 square feet for single-family residential uses. In determining the majority of land zoned for residential uses, the municipality shall include all areas zoned residential or any non-residential zoned areas that allow single-family homes.

II. For lots serviced by municipal or community water infrastructure, no ordinance shall require lot sizes greater than 44,000 square feet for single-family residential uses if there is adequate water system capacity to accommodate development on such lots, unless the municipality provides empirical evidence that the water system cannot support additional homes.

III. For lots serviced by municipal or community sewer infrastructure, no ordinance shall require lot sizes greater than 22,000 square feet for single-family residential uses if there is adequate sewage system capacity to accommodate development on such lots, unless the municipality provides empirical evidence that the sewer system cannot support additional homes.

IV. The requirements of this section shall not be construed to limit the potential for development of lots created prior to July 1, 2024.

V. Nothing in this section shall override or supersede applicable municipal zoning regulations unrelated to minimum lot sizes.

VI. Nothing in this section shall override or supersede applicable department of environmental services septic and well regulations, which may require applicants on a case-by-case basis to have larger lot sizes to meet these regulations.

2 Effective Date. This act shall take effect July 1, 2025.

LBA
25-1006
1/19/25

SB 84-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to zoning procedures concerning residential housing.

FISCAL IMPACT:

Estimated Political Subdivision Impact				
	FY 2025	**FY 2026**	**FY 2027**	**FY 2028**
County Revenue	$0	$0	$0	$0
County Expenditures	$0	$0	$0	$0
Local Revenue	$0	$0	$0	$0
Local Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill sets maximum lot size requirements for single-family residential uses depending on the availability of municipal or community sewer and water infrastructure. For lots without municipal/community sewer, the maximum lot size is set at 66,000 square feet. For those with municipal/community water, the limit is 44,000 square feet, unless there's proof of inadequate water capacity. For lots with municipal/community sewer, the maximum is 22,000 square feet unless there's proof of inadequate sewer capacity to support more homes.

The New Hampshire Municipal Association indicates that municipalities will incur indeterminable costs with amending local zoning ordinances, determining what defines a majority of land zoned for residential uses, assessing if the water or sewer system has adequate capacity, and gathering empirical evidence to challenge the lot size requirement.

AGENCIES CONTACTED:

New Hampshire Municipal Association