



Testimony on House Bill 1005

Housing Committee

Jan. 13, 2026

Dear Chairman Alexander and members of the House Housing Committee:

Thank you for the opportunity to testify on House Bill 1005, an act repealing the commission to study the historical evolution of the New Hampshire. This testimony is from the Josiah Bartlett Center for Public Policy, New Hampshire's free-market think tank.

Seldom do legislative bodies take the time to examine the long-term cumulative impact of laws and regulations they impose on the people. Last year's creation of the Commission to Study the Historical Evolution of the New Hampshire Zoning Enabling Act is one of these rare and laudable efforts.

Since legislators passed the Zoning Enabling Act a century ago, municipalities have woven a thick web of regulatory barriers across the state. These regulations severely restrict wide varieties of residential, commercial and industrial development.

Supporters of granting local governments tremendous power to severely restrict, or even prohibit, broad categories of private property use contend that such regulations are critical to preserving community values, norms and standards. Yet this is exactly backwards. Communities express their values, norms and standards organically, not by having ready-made zoning and planning regulations imposed on them by the government.

New Hampshire's Zoning Enabling Act did not grow out of local community demand. It was copied almost verbatim from model legislation developed in the early 1920s by the U.S. Department of Commerce.

In a U.S. Commerce Department report published in 1926, the department's Advisory Committee on Zoning boasted that New Hampshire was one of 19 states to have incorporated the federal government's model legislation "wholly or in part in their laws."

The Zoning Enabling Act was drafted by this federal government committee, not by local residents.

In that 1926 report, then-Commerce Secretary Herbert Hoover wrote that incorporating this federally drafted legislation into local government ordinances would let cities "carry out reasonable neighborly agreements as to the use of land."

With the hindsight of a century, we can see that there is nothing neighborly about the way municipalities have used their Washington-designed planning powers.

In New Hampshire, municipalities literally push neighbors farther apart by imposing unnecessarily large minimum lot sizes and banning traditional New England housing options such as duplexes. Regulations like these have no justification under the Zoning Enabling Act's stated purpose of protecting public health, safety and general welfare.

Municipalities across New Hampshire have literally outlawed the construction or expansion of traditional New England communities where families can live in small homes within walking distance of jobs, shops, schools and community centers.

Instead of promoting neighborliness, the aggressive implementation of excessive zoning regulations has divided communities physically, culturally and economically.

Over the last century, New Hampshire towns and cities have become more uniform, not more unique. Excessive zoning regulations have mandated cookie-cutter developments adopted from model ordinances shared by towns and cities nationwide. Instead of allowing citizens to build their communities naturally, as was done before 1925, municipalities dictate with minute precision the use of every parcel of land. The results speak for themselves. New Hampshire towns that used to have their own character, their own quirky neighborhoods and local charm, increasingly resemble every other small town or city in America.

New Hampshire replaced the unique, organically created charm of places like historic Portsmouth and downtown Exeter with government-designed zones of strip malls, office clusters and warrens of McMansions tucked into residential cul-de-sacs. This government imposition of cookie-cutter zoning makes parts of some New Hampshire communities nearly indistinguishable from similar-sized towns or cities in the rest of the country.

American towns and cities look so similar because they've all adopted similar planning and zoning regulations that grew out of the models created in the 1920s. This uniformity is evidence that communities have been violated, not protected, by overly strict regulations. Had these regulations protected local preferences, we'd see far more variation in American towns and cities today.

The Commission to Study the Historical Evolution of the New Hampshire Zoning Enabling Act will is not empowered to change a single zoning ordinance. It is tasked merely with researching how these ordinances have changed over the last century, determining whether these ordinances "are still appropriate or applicable today," and assessing whether any powers listed in the Zoning Enabling Act "could be removed or if any not present should be added."

Those are hardly frightening impositions of state authority. They instead constitute a wholly justified and long overdue review of a limited number of powers delegated to municipalities. When the commission's report is published, lawmakers will have the opportunity to debate its findings and recommendations. That process should proceed as planned.

Repealing the commission would deny Granite Staters a much-needed examination of these delegated powers, a better understanding of how their own local governments have used those powers to shape all of our lives in very profound ways for a century, and a chance to learn from and discuss this important research.

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