

Changes to Planning & Zoning Laws in 2025

A Guide for Municipalities

Revised August 13, 2025



This is an updated version of the **Changes to Planning & Zoning Laws in 2025 Guide**, published in July 2025.

Summary of Changes Pursuant to HB 577

[HB 577](#) (see separate guidance document)

Summary of Changes Pursuant to HB 631

[HB 631](#) creates two new zoning mandates. First, the new law requires municipalities to allow multi-family residential development on commercially zoned land, provided that adequate infrastructure is available to support that development. Municipalities may still restrict residential development in zones where industrial and manufacturing uses are permitted “which may result in impacts that are incompatible with residential use, such as air, noise, odor, or transportation impacts.” Nevertheless, municipalities may require that the ground floor space in the commercially zone property may be required to be dedicated in whole or in part to retail or similar uses.

Second, where an existing building is being repurposed for adaptive reuse for residential purposes, municipalities are required to afford exemptions to setbacks, height or frontage of a building, provided the dimensional elements of the building do not change.

When implementing this new mandate locally, the definitions in the statute must be adhered to in determining whether the proposed use must be permitted; however, municipalities are not required to update their zoning ordinances with these definitions.

The statute does not prevent application of dimensional and other similar requirements to developments proposed under this statute. Furthermore, to

determine whether proposed development under these statutes must be allowed, municipalities will need to understand their infrastructure capacity and whether the infrastructure is adequate to sustain proposed development.

Although perhaps seemingly straightforward at first read, HB 631 contains many ambiguities and will require local officials to work with legal counsel to interpret and then implement the new requirements. Below are the major questions raised by this new law.

What is “commercially zoned land”?

The new law defines “commercially zoned land” as “land zoned for such commercial activities as retail and office space.” Each municipality will need to determine which zones are “commercial,” which should be based on the definition of a “commercial use” in the zoning ordinance. Municipalities are advised to carefully review their definition of “commercial use” to ensure the definition is clear and specific.

What is “infrastructure” under this new statute?

The new statute does not define “infrastructure,” but RSA 674:21, V, which provides an exclusive list of allowable purposes for a impact fees, may be instructive:

As used in this section "impact fee" means a fee or assessment imposed upon development, including subdivision, building construction, or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the municipality, **including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; municipal road systems and rights-of-way; municipal office facilities; public school facilities; public works facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing, and disposal facilities; public library facilities; and public recreational facilities not including public open space.**

Who decides whether there is adequate infrastructure?

The new law does not say what local official or local body makes these infrastructure capacity determinations. Possibilities include:

1. The planning board could review and make infrastructure capacity determinations when exercising site plan review authority.
2. The select board could be responsible for assessing infrastructure capacities of water, sewer, roads, etc. The select board may also wish to undertake studies about capacity before any application is presented. For example, the select board could commission a study to determine the maximum additional load the public water sewer system can handle.
3. The code enforcement/building code officer could be responsible for the determination as part of the building permit review and issuance process.
4. A combination of more than one, depending on the circumstances. For example, since roads are within the purview of the select board, they may need to weigh in on whether a new development exceeds the capacity of the road impacted by the development.

What does “multi-family” mean?

The statute does not define this term. However, two existing statutes may be instructive: Site plan review for multi-family homes is triggered when the proposed project contains three or more units. RSA 674:43, I. On the other hand, the workforce development statute defines “multi-family housing” as five or more units. RSA 674:58, II.

How does the new requirement for allowing “adaptive reuse” factor in?

The adaptive reuse requirement is related, but ultimately separate, from the requirement to allow multi-family development in commercially zoned areas. This portion of the bill focuses on the conversion of existing *buildings* to residential uses. The law does not limit the mandate for allowing adaptive reuse to commercially zoned areas only; instead, it presumably requires a municipality to allow the conversion of an existing commercial building, wherever located, for adaptive reuse, exempting the conversion from “setbacks, height, or frontage” if the building is being “converted to multi-family or mixed-use through adaptive reuse,” as long as the “building’s floor area, height, and setbacks do not change.” In other words, it appears that the conversion must be permitted as long as the footprint of the building is not changed.

Effective Date: July 1, 2026

Statutes Adopted: RSA 674:79; RSA 674:80

Summary of Changes Pursuant to SB 284

[SB 284](#) prohibits municipal zoning ordinances from requiring more than one residential parking space per unit. This amendment to RSA 674:16 does not affect the power to regulate parking at land uses other than residential uses. This amendment should be presumed to mean that when determining how much parking will be required for a residential use of land under a municipal zoning ordinance, each unit of housing can only be required to have one parking space.

Effective Date: September 13, 2025

Statute Amended: RSA 674:16, VII

Summary of Changes Pursuant to HB 457

[HB 457](#) prohibits municipal zoning ordinances from restricting the number of occupants of any dwelling unit to less than 2 occupants per bedroom. In addition, any existing zoning ordinance that restricts the number of occupants per bedroom to less than 2 occupants can no longer be enforced by the governing body. Furthermore, municipal zoning ordinances based on the familial or non-familial relationships or marital status, occupation, employment status, or educational status, including but not limited to scholastic enrollment, or academic achievement at any level among, the occupants shall not be enforced.

Effective Date: September 13, 2025

Statute Amended: RSA 674:16 by inserting new paragraph VIII

Summary of Changes Pursuant to SB 283

[SB 283](#) enacts new statutes, RSA 674:77 and RSA 674:78 that will require municipalities to exclude from floor-area-ratio (FAR) calculations any part of a building that is entirely or partially below ground level, including basements, cellars and sublevels. Below-grade areas may be utilized for parking, storage, mechanical spaces and additional facilities without affecting FAR calculations.

Effective Date: 60 Days after passage

Statutes Adopted: RSA 674:77 and RSA 674:78

Summary of Changes Pursuant to SB 282

[SB 282](#) will permit residential buildings up to four floors above grade to have only one stairway under conditions to be established by the state building code review board (BCRB). Conditions must be set by the BCRB because the current state building code requires more than one stairway.

Effective Date: September 13, 2025

Statute Amended: RSA 155-A:2, XII

Summary of Changes Pursuant to SB 281

[SB 281](#) amends RSA 674:41, by permitting the issuance of building permits on Class VI roads without requiring approval from the governing body. Instead, in order to get a building permit for erection of a building a Class VI road the applicant will need only sign and record at the registry of deeds a liability waiver acknowledging: that the municipality will not maintain the road nor provide services to any lot accessible by the road; that the municipality will not be responsible for losses or damages caused by lack of services; and, that the responsibility for such services falls solely on the applicant. Prior to the issuance of the building permit, the applicant shall prove that the lot and any buildings thereon are insurable. We recommend that select boards prepare a standard liability waiver that is used for applicants under this statute. The municipality must verify that the waiver has been recorded.

The statute does not prohibit municipalities from establishing separate road frontage requirements for new construction. Therefore, a municipal zoning ordinance can require frontage (of a certain length) on a Class V or better road. However, the municipal ordinance must clearly state this requirement by defining the road as “Class V or better.” If the zoning ordinance does require frontage of a Class V or better road, a variance from the ZBA would still be required to build on a Class VI road. Because the statute is not effective until July 1, 2026, municipalities have time to amend their zoning ordinances if desired.

Effective Date: July 1, 2026

Statute Amended: RSA 674:41, I (c)

Summary of Changes Pursuant to HB 296

[HB 296](#) amends RSA 674:41, building and subdivision on Class VI and Private Roads, and RSA 676:5, appeals to the Zoning Board of Adjustment. Currently, a building permit for the erection of a building on a Private Road can only be authorized by the local governing body after review and comment by the planning board. This amendment to RSA 674:41, I (d)(1) will allow as an alternative to going to the planning board for review and comment the applicant can instead establish that the private road identifies and complies with a policy adopted by the governing body. Therefore, if the governing body adopts a policy for building on private roads, and the applicant complies with that policy, then planning board input is not required.

In addition, this bill modifies the statute governing the time for appealing to the Zoning Board of Adjustment. Currently, RSA 676:5, I, states that appeals to the

Zoning Board of Adjustment will be taken within a reasonable time as provided by the rules of the board. This amendment changes that appeal period to a standard 30-day period.

Effective Date: September 13, 2025

Statutes Amended: RSA 674:41, I (d)(1); RSA 676:5, I

Summary of Changes Pursuant to HB 92

[HB 92](#) mandates that a Zoning Board of Adjustment member shall recuse himself or herself from voting on matters previously voted upon by the same member while serving as a member of the planning board in a quasi-judicial capacity.

Effective Date: July 23, 2025

Statute Amended: RSA 673:3 by inserting new paragraph V

Summary of Changes Pursuant to HB 413

[HB 413](#) extends the vesting time periods that protect approved subdivision and site plans from changes in local planning and zoning regulations. Currently, approved plans are vested from subsequently enacted local zoning and planning amendments if active and substantial work commences within 24 months of approval, and the development project is substantially completed within 5 years of approval. HB 413 extends these time periods so that substantial work shall commence within 3 years of approval, and the project shall be substantially completed within 7 years of approval. The 7-year and 3-year exemption periods shall apply to any planning board approval granted on or after July 1, 2023. HB 413 also limits the authority of the Zoning Board of Adjustment or Select Board when acting as the building code board of appeals to only hearing appeals involving local amendments to the state building code or state fire code, with all other appeals shall be made to the state building code board of review. Furthermore, in matters involving a possible appeal to the Housing Appeals Board involving final decisions of a local building code board of appeals, the matter would first have to be appealed to the building code board of review and thereafter could then be appealed to the superior court or the Housing Appeals Board.

Effective Date: July 1, 2025

Statutes Amended: RSA 674:39; RSA 674:34, I; RSA 155-A:11-b; RSA 478:1-a; RSA 679:5, IV; RSA 673:3, IV