

New Hampshire Municipal Association

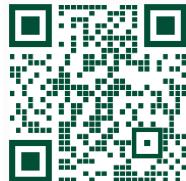
THE SERVICE AND ACTION ARM OF NEW HAMPSHIRE MUNICIPALITIES

LEGISLATIVE BULLETIN

Legislative Bulletin 5

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Building Permits Already Soaring Before Zoning Mandates

According to a [new report](#) issued this week by the state Department of Business and Economic Affairs (BEA), New Hampshire's **cities and towns issued building**

permits for 5,822 housing units in calendar year 2024, which was the highest annual number since 2006. The report states that if all the units permitted in 2024 were built in 2025, the state will have added 25,688 housing units since 2020.

It should go without saying that 2024 was the year before 2025, when the state passed a plethora of bills preempting local choice on zoning and land use based on the false narrative that municipalities were the primary culprit in the state's housing shortage. In fact, the **BEA data further supports the premise of NHMA's recently released whitepaper, “Room for Everyone,”** which traces the roots of the housing deficit back nearly two decades, outlining the economic, demographic, and market forces that fueled rising prices and constrained supply.

The NHMA paper also advocates for renewed partnership between the state and municipalities, emphasizing that effective housing policy must include infrastructure investment, targeted incentives, and flexible, locally tailored tools.

Highlighting the importance of such partnerships, the BEA report noted that “**the 28 cities and towns in the state designated as Housing Champions communities were responsible for approving 45% of housing units that were built in 2025.**” Housing Champions is a voluntary program created in 2023 and funded with a \$5 million appropriation to provide communities with another tool encouraging affordable housing development. Municipalities designated as Housing Champions are eligible to apply for grants to help them develop solutions and advance infrastructure that will help alleviate the state's housing shortage. Unfortunately, **the House will vote next Thursday on HB 1196, which repeals the program!** The vaguely worded repeal could potentially jeopardize about \$2.5 million in previously obligated grants from the state to municipalities.

Even if your community is not a Housing Champion, **please contact your local House members and oppose the repeal.** The return on investment of the bill is undeniable.

Despite the flurry of legislative activity in this area last year, NHMA is following close to 100 bills dealing with zoning, land use, and local choice in 2026. The good news about the high volume is that many of this year's bills were filed in response to the multiple changes enacted last year, with some bills making sensible revisions or addressing technical issues, some promoting ways to increase affordable housing development, and some seeking outright repeals of the recent changes.

The following bills are before the **House Housing Committee on Tuesday, February 3, in Government Place (GP) Room 231**. Please review any bills that you believe will impact your municipality and **contact the committee** to share your position and/or testify at the public hearings.

Executive sessions are scheduled beginning at **10:00 a.m.** on eight bills NHMA **supports**:

- [**HB 1008**](#), relative to modifying innovative land use controls, requirements, and appeals.
- [**HB 1010**](#), relative to residential development on commercially zoned land.
- [**HB 1017**](#), relative to accessory dwelling units and workforce housing.
- [**HB 1065**](#), relative to multi-family and mixed-use development in commercially zoned areas.
- [**HB 1120**](#), allowing subdivision regulations concerning water supply.
- [**HB 1136**](#), relative to accessory dwelling units.
- [**HB 1143**](#), relative to the remediation of mold in rental housing.
- [**HB 1145**](#), relative to affordable housing investment fees.

In the afternoon, the committee has public hearings on these bills:

- [**HB 1619**](#) (1:00 p.m.), relative to the rights of property owners and limitations on municipal land use regulation and repealing the workforce housing program. (Oppose)
- [**HB 1251**](#) (2:00 p.m.), relative to restricting municipal downzoning inconsistent with existing neighborhood density. (Oppose)
- [**HB 1357**](#) (3:01 p.m.), permitting the placement of newly constructed manufactured homes in **all** residentially zoned areas by right. (Oppose)

For detailed instructions on ways to share your position on this and any other bills, see **“How to Make Your Voice Heard”** below.

Anti-NHMA Bills Remain in Committee

The [**House Legislative Administration Committee**](#) did not take action on [**HB 1359**](#) or [**HB 1360**](#) at a scheduled executive session on Thursday. These bills specifically **take aim at NHMA’s ability to advocate** and at member municipalities’ ability to govern the organization. Whatever the reason for the delay in reporting these bills out of committee, NHMA expects that they will advance and ultimately be debated on the House floor.

There is still time for local officials and concerned citizens to [contact committee members](#) and their [local legislators](#) to impress upon them the value of NHMA membership and of having a shared voice at the State House.

HB 1359 and **HB 1360** are attempts by the legislature to take over a private, member-run corporation. See [**last week’s Bulletin**](#) for more on these bills, which are an

intentional effort to silence local voices in the state's legislative process and make it harder for towns and cities to engage in collective advocacy.

We encourage members to send letters or resolutions, approved by their governing bodies, in support of NHMA and in opposition to these bills to your own House representatives.

If your municipality requires assistance with a letter or resolution, feel free to contact us at governmentaffairs@nhmunicipal.org.

Risk Pool Debate Resumes Next Week

The conversation on the appropriate way to regulate public employee insurance risk pools that ended last year in a stalemate between the House and Senate picks up next week.

Pools are created by cities, towns, counties, and school districts to reduce risks and associated insurance costs, shifting risk from an individual political subdivision to the pool. NHMA supports the ability of members to establish and govern the pools and understands that clear regulations that protect the members and allow the pools to operate are necessary. With health insurance being a huge driver of municipal costs, regularly outpacing inflation, resolving these regulatory disagreements is crucial.

On **Wednesday, February 4, at 1:45 p.m. in GP Room 229**, the [**House Commerce and Consumer Affairs Committee**](#) will hold a public hearing on [**HB 1491**](#), which is essentially the House position that the Senate rejected last year. This bill, which NHMA supports, recognizes that two distinct models of risk pools exist in New Hampshire: assessable and non-assessable. Assessable pools will remain under the authority of the Secretary of State, while non-assessable pools will shift oversight to the Department of Insurance (DOI). This distinction is consistent with how pools have operated in our state for decades and provides clarity to local governments, helping them decide which model best suits their needs. It is also consistent with the Association of Governmental Risk Pools (AGRIP) standards, which recognizes both models of risk pools.

The bill includes enhanced disclosures for both risk pool models and equips regulators with stronger enforcement tools than those currently in place. Both models have clear reserve level requirements, eliminating ambiguity, and also mandate actions to be taken if reserves fall too low, ensuring the financial security of the public sector.

For non-assessable pools, which would now operate under the “advance premium pooled risk management program” framework, oversight is robust—arguably even more stringent than the current regulations. Political subdivisions will be accountable for their monthly contributions without the risk of mid-year assessments, addressing a major concern in the Senate’s version of the bill.

On **Tuesday, February 3, at 2:15 p.m. in State House (SH) Room 103**, the Senate Finance Committee has a public hearing on **SB 605**, a bill that allows risk pools to levy special assessments on political subdivisions if the pool's agreement, contractual provisions, or bylaws indicate the right to levy special assessments; the bill clearly states that assessments are not required by statute. The bill also establishes a 36-month payment window for any assessments. NHMA has no position on the payment period, but strongly supports the sections of the bill giving a risk pool the option whether or not to levy assessments. **SB 605** keeps both types of risk pool under the aegis of the Secretary of State's office.

The Senate also has a late-drafted risk pool bill that has not yet been released, but it is likely to mirror last year's **SB 297**, which the House rejected. NHMA also opposed **SB 297** because it mandated that all pools operate under an "assessable" model that subjects members to potential mid-year assessments; this concern proved accurate last summer, when many school districts and a few towns received large "surprise bills" from two of the three health insurance risk pools operating in the state, one of which has since ceased operations.

Bill Would Expand Local Liability Exposure

On **Wednesday, February 4, at 1:00 p.m. in GP Room 230**, the House Judiciary Committee will hold a public hearing on **HB 1064**, a bill opposed by NHMA that expands municipal liability, increases damage caps, and mandates indemnification of employees.

While intended to improve access to compensation for injured parties, **this proposal goes too far and creates serious financial risks for municipalities**. Significantly raising liability caps will increase insurance and risk pool costs, which will be borne by property taxpayers. Additionally, this bill will limit a municipality's ability to claim immunity as a defense in negligence claims, meaning municipalities will have greater financial exposure. Small communities will be disproportionately impacted, as a single large claim could force cuts to public safety, roads, or education. Further, mandatory indemnification removes important local discretion and weakens accountability. Local governing bodies are best positioned to determine when indemnification is appropriate. Finally, current law already allows injured parties to recover damages and strikes an appropriate balance between fairness to claimants and protection for taxpayers. We urge you to tell the committee you **oppose HB 1064 because it will lead to fiscal instability and higher taxes**.

Defining 'Citizen' for Public Record Requests

On **Tuesday, February 3, at 1:20 p.m. in SH Room 100**, the Senate Judiciary Committee will hold a public hearing on **SB 626**, which establishes a definition of

“citizen” in the Right to Know Law/RSA 91-A that continues to guarantee transparency to New Hampshire citizens and media outlets.

Adding the definition of “citizen” to RSA 91-A aligns with the New Hampshire Constitution, eliminates ambiguity, and allows public entities to filter access to governmental records in a way that continues to ensure New Hampshire citizens have full access to public records. It also would prevent bad-faith actors with no ties to the state from overwhelming public entities with burdensome or irrelevant requests unconnected to government accountability, such as marketing lead-generation services, which can eat up municipal staff time and resources, potentially leading to higher property taxes.

SB 626 will be easy to implement, as domicile or property ownership will be tied to the same or analogous documents required under RSA 654:12, I(c), when asserting a person’s right to vote. Additionally, the bill will have no impact on the media’s ability to request documents. While any attempt to tinker with the Right-to Know law is—and should be—viewed with a skeptical eye, the fact is **SB 626** does not limit legitimate access to governmental records. Rather, it simply protects the intent of the law by saying: if you live here or own property here, you have every right to know what **your** government is doing. If you do not live in New Hampshire, the same level of access does not automatically apply. By limiting frivolous or burdensome requests from those with no connection to New Hampshire, **SB 626** preserves access for those who live, vote or pay property taxes here, as well as for media outlets.

Simply put, **SB 626 will clarify the Right-to-Know Law and ensure transparency for the people it was written to serve—the citizens of New Hampshire.** We encourage members to **support SB 626 as a common-sense approach to government accountability.**

Senate and House in Session Next Week

The House and Senate meet on **Thursday, February 5**, to act on dozens of bills. Here are a few bills to keep an eye on; the committee recommendation and NHMA’s position in parenthesis. [Click here](#) for a list of all House bills. [Click here](#) for all Senate bills.

House

[**HB 1098**](#) (regular calendar; inexpedient to legislate (ITL); NHMA opposes ITL). This bill amends existing law to allow municipalities to take into account road maintenance, public safety, and related issues when deciding whether to grant building or occupancy permits for properties adjacent to class VI roads.

[**HB 1196**](#) (regular calendar; ought to pass (OTP); NHMA opposes). The bill repeals the Housing Champions program (see above).

Senate

SB 436 (consent calendar; ITL; NHMA supports ITL). The bill would require ZBA members to recuse themselves under a vague standard.

SB 559 (regular calendar; ought to pass-as amended (OTP-A); NHMA supports). This bill reduces the minimum allowable speed limits that municipal authorities may set on local roads in certain districts from 25 miles per hour to 20 miles per hour, based on engineering or traffic investigations. **Note:** A nearly identical bill, **SB 630**, is recommended for interim study on the consent calendar.

Senate Acts on Multiple Bills This Week

The Senate met Thursday and acted on a handful of bills of municipal interest:

SB 439 (passed with amendment). The bill, as amended, overrides local choice and allows data centers commercial or industrial zones, "... subject to the provisions of this subdivision and local land use regulations adopted pursuant to this title." NHMA opposes the bill as amended.

SB 418 (passed). The bill prohibits municipalities from requiring licenses for the production and sale of homestead food products, specifically stating that neither the governing body of a municipality nor the health officers of a town or city can impose regulations that require licenses for activities or products that are exempt under RSA 143-A:12. NHMA opposes the bill because it removes existing municipal authority.

SB 401 (passed). The bill, which NHMA supports, repeals the requirement that local welfare departments file an obsolete report with the state.

SB 634 (killed). The bill, which NHMA supports, would allow municipalities to adopt a local option fee of no more than \$2 per day to be assessed on hotel occupancies to fund municipal public safety services, helping offset the cost burden of services associated with increased tourism and transient traffic.

The bills that passed in the Senate will advance to the House.

Quick Updates on Other Bills We Are Following

Paint By Numbers: While **HB 451**, already passed by the House and Senate, slowly wends its way to the Governor's desk (where it faces an uncertain future), the **House Commerce and Consumer Affairs Committee** will hold an executive session on **HB 1198** on **Wednesday, February 4, at 1:00 p.m. in GP Room 229**. These identical bills create a statewide paint stewardship program, allowing residents and businesses to recycle leftover paint and cans at participating retailers. The program, operated by PaintCare, is already in 11 states, collecting more than 75 million gallons of paint. Funding to cover program costs comes from a fee on new paint purchases, ranging from about 30 cents to \$2.45 per can depending on size. These bills are backed by a broad

coalition, including environmental groups, businesses, and paint manufacturers. (Support)

No Progress on “Works in Progress”: No new amendments were forthcoming this week on a pair of extremely concerning proposals that NHMA opposes in their current form. [HB 1474](#) would change the distribution formula for the meals and rooms tax. [HB 1300](#) would create biennial local tax cap referendums for every city, town, county, and school district in New Hampshire.

Get Involved in Legislative Policy Process

NHMA’s biennial legislative policy process is getting under way, and **there’s still time to get involved!** NHMA has a member-driven process by which it establishes the legislative policy positions to guide staff advocacy activities over the coming legislative biennium. As a first step, we are recruiting volunteers to serve on our three legislative policy committees. These committees will review legislative policy proposals submitted by local officials and make recommendations on those policies, which will go to the NHMA Legislative Policy Conference in September.

If you are a municipal official in a city or town and are interested in serving on one of the policy committees, please contact the advocacy staff at: governmentaffairs@nhmunicipal.org.

Each of the committees deals with a different set of municipal issues. The committees and their subject areas are as follows:

- Finance and Revenue: budgeting, revenue, tax exemptions, current use, assessing, tax collection, retirement issues, education funding.
- General Administration and Governance: elections, Right-to-Know Law, labor, town meeting, charters, welfare, public safety.
- Infrastructure, Development, and Land Use: solid/hazardous waste, transportation, land use, technology, environmental regulation, housing, utilities, code enforcement, economic development.

When you contact us, please indicate your first and second choices for a committee assignment. We will do our best to accommodate everyone’s first choice, but we strive for equal membership among the committees. We hope to have 15-20 members on each committee.

There will be an organizational meeting in Concord for all committees on **Friday, April 3**. After that, each committee will meet separately as many times as necessary to review the policy proposals assigned to it—typically three to five meetings, all held on either a Monday or Friday, between early April and the end of May.

How to Make your Voice Heard

The adage goes that “life is all about showing up.” The same can be said for legislative advocacy. If a bill is of importance to your municipality, it’s always best to make your case – for or against – in person. Every Friday, NHMA posts a [**Bill Hearings Schedule**](#) for the upcoming week. However, if you can’t make it to Concord, you can use the Legislature’s online portal to put your position on the hearing record.

The House has an [**online testimony submission system**](#) that allows you to indicate your position on the bill with an option to attach testimony. If you want to email all the members of a House committee, you will have to copy their email addresses individually from the [**committee page**](#).

The Senate has [**a remote sign-in sheet**](#) where you can indicate whether you are supportive of a bill, opposed, or neutral. Written testimony can be submitted via the “Email Entire Committee” link found on the [**Senate committee page**](#).

Finally, if you just want to contact your local legislators, there are [**Contact a Senator**](#) and [**Contact a Representative**](#) links on the [**General Court**](#) website.

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[**2024 Final Legislative Bulletin**](#)

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