

New Hampshire Municipal Association

THE SERVICE AND ACTION ARM OF NEW HAMPSHIRE MUNICIPALITIES

LEGISLATIVE BULLETIN

Legislative Bulletin 17

2025 Session

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[Live Bill Tracker](#)
[Bill Hearings Schedule](#)

Zoning Mandates: House Edition

On **Tuesday, May 6**, beginning at **10:00 a.m.** in **LOB Room 305** the [House Housing Committee](#) will hold executive sessions on eight zoning mandates opposed by NHMA that have already been passed by the Senate, including four priority bills.

As we head into the home stretch of the legislative session, **we're asking our members to redouble their efforts to advocate against all these proposals by [emailing or calling](#) members of the **House Housing Committee** and your own representatives before next Tuesday.** Honestly, the odds are long that any of these proposals can be stopped—this session, the committee has already recommended [ten zoning mandates](#) as ought to pass (OTP) on a combined vote of 166-2 (not a typo!)—but garnering enough opposition to keep these bills off the consent calendar so there can be an actual debate on the House floor is still a worthwhile goal. Priority bills are denoted with an asterisk (*).

* [SB 84](#) mandates zoning ordinances adhere to specific lot sizes for all single-family homes, overriding current zoning regulations. The bill also requires municipalities to provide empirical evidence that the sewer system cannot support the lots, which adds a layer of complexity and bureaucracy in local government.

* [SB 163](#) prohibits local moratoria and limitations on building permits.

* [SB 170](#) relative to development and related requirements in cities, towns, and municipalities. This bill is, frankly, a mess. The bill has several conflicting and unworkable zoning mandates, such as, but not limited to, ending most connectivity requirements for subdivisions, mandating unlimited development at the end of dead-end roads or cul-de-sacs, tying maximum dead-end roads lengths to the state fire code (the state fire code does not regulate road lengths), preventing or limiting cluster developments and other innovative land uses, and banning any setback or frontage requirements larger than 50 feet. It also establishes a new, convoluted, and conflicting process for recording of plats and plans at the registry of deeds, which would conflict with RSA 674:37.

[SB 174](#) prohibits planning boards from considering the number of bedrooms a given unit or development has during the hearing and approval process.

* [SB 188](#) allows property owners or developers to use licensed, insured private providers for building code plan reviews and inspections related to the state building code and any local technical amendments, excluding fire prevention and fire safety codes, and creates a “building permits by default” model if communities fail to meet strict deadlines.

[SB 281](#) prohibits municipalities from denying building or occupancy permits for property adjacent to class VI roads under certain circumstances. Municipalities currently may restrict building on class VI to prevent overdevelopment of undeveloped infrastructure and, in this case, unmaintained roads and to control scattered and premature development. While the bill requires that landowners sign a liability waiver, it does not consider whether the class VI roads and abutting properties can sustain new development.

[SB 282](#) allows residential buildings with four or fewer floors to have only one stairway, provided that the building is equipped with a compliant sprinkler system and meets specific fire code requirements and outlines the conditions under which residential buildings with 5 or 6 floors may also have only one stairway.

[SB 283](#) mandates that municipalities exclude below-grade areas, which include basements and sublevels, from the calculation of floor-area-ratios for new construction projects.

It’s essential for local officials and residents to continue to engage with legislators, share their concerns, and advocate for balanced, practical approaches to zoning and housing development.

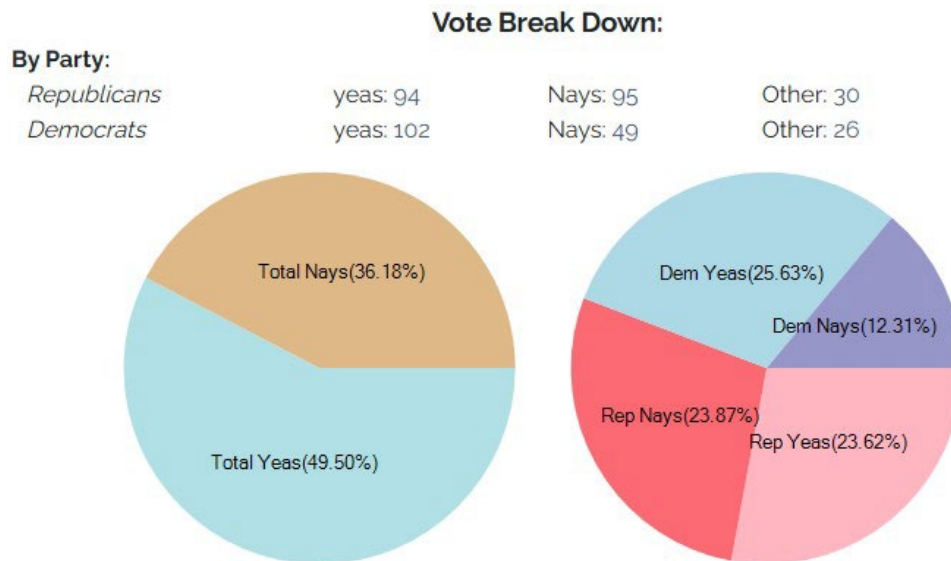
You many have begun seeing commercials about these mandates in recent weeks, which indicates that there’s money to be made through stripping away local control, but continue to remind lawmakers that **these sweeping, one-size-fits-all statewide mandates do nothing to incentivize or encourage the building of affordable housing and disregard the will of the voters.**

Also in the House ...

On Thursday, the House—on a [197-144 roll call vote](#)—passed [SB 284](#), a priority bill opposed by NHMA that reduces the number of residential parking spaces per residential housing unit from 1.5 to one. As one representative stated on the floor, this bill prioritizes “profit over residents’ needs.” We encourage you to look at the vote and see how your representative(s) voted.

The version of this zoning mandate passed by the House differs from the version of [SB 284](#) passed by the Senate, which means the Senate will have to concur, non-concur, or a request a committee of conference on the bill. Please [contact your senator now and ask them to vote for non-concurrence](#).

The amended version passed by the House is identical to [HB 382](#), which the Senate used for a non-germane amendment. [SB 284](#), as amended, did not gain a plurality of Republican votes, despite the original [HB 382](#) having multiple sponsors in Republican leadership, including the majority leader. Perhaps the floor speeches in opposition to the bill had an effect, including one that stated, “We should not be passing legislation telling the voters that you do not count anymore.” We agree.



Zoning Mandates: Senate Edition

On **Tuesday, May 6**, beginning at **10:20 a.m.** in **SH Room 100**, the [Senate Commerce Committee](#) will hold back-to-back public hearings on a pair of zoning mandates.

[HB 342](#) allows property owners to build on their property without seeking a variance for minimum lot size or lot coverage if the proposed building density conforms to that of the surrounding neighborhood.

[HB 457](#) prohibits municipalities from adopting any ordinance that discriminates based on the familial or non-familial relationships or marital status among the occupants of the dwelling unit or restricts the number of occupants of any dwelling unit to less than 2 occupants.

Municipalities that would be impacted by these proposals are encouraged to attend the hearings or use the Senate [remote sign-in sheet](#) to oppose these bills. Written testimony can be submitted via the “Email Entire Committee” link found on the [Senate committee page](#).

On **Thursday, May 8**, the Senate will act on two zoning mandates that followed the same smooth path through [Senate Commerce Committee](#) that most of these mandates have experienced. However, thanks to the one senator on the committee voting to oppose these mandates, these priority bills opposed by NHMA will be on the regular calendar, which means they can be debated.

Contact your local senator now and tell him or her that these bills are bad for taxpayers and municipalities. Also mention that forcing all municipalities to adhere to a uniform set of zoning mandates undermines the autonomy that has long been a cornerstone of local governance in our state and will lead to unintended consequences.

[HB 631](#) permits residential building in commercial zones by right, mandating mixed-use development in nearly every zoning district in New Hampshire. While promoting urban density, it may lead to conflicts over land use priorities and contradicts one of the key purposes of zoning in RSA 674:17: to “consider the character of the area involved and its peculiar suitability for particular uses.”

[HB 685](#) mandates manufactured housing by right in residentially zoned areas. The bill’s language directly conflicts with RSA 674:32, the existing statute that says, “Municipalities shall afford reasonable and realistic opportunities for the siting of manufactured housing...” and mandates several updates to local zoning ordinances. **HB 685** establishes a conflicting requirement that will create confusion for municipalities, local land use boards, voters, and developers. We have continually raised this issue, yet the bill has been recommended ought to pass without any amendments.

On a positive note, Senate Commerce unanimously recommended re-referring [HB 410](#) to committee. The bill, another priority bill NHMA opposes, prohibits municipalities from enforcing or adopting any “extraordinary restriction of residential property,” an undefined term, unless the ordinance is directly necessary for the health or safety of the community. It would somehow require the legislative body (the voters) to produce “empirical evidence” to defend adoption of such an ordinance.

Senate to Vote on Troublesome Tax Cap Bill

HB 200, which is on the Senate calendar for **Thursday, May 8**, deals with tax caps, but in a way that fundamentally misunderstands what a tax cap is. By changing the concept of a tax cap from a cap on what is proposed to the legislative body to a cap on what the legislative body approves, the bill is detrimental to the voters and to local decision-making.

HB 200 requires a tax cap override by the legislative body to be done by secret yes/no ballot as provided in RSA 40:4-a. In SB 2 municipalities and traditional town meetings, the bill mandates a 3/5 majority to override the tax cap rather than a majority vote as currently required.

Then there's the "Hotel California" aspect of the bill ("You can check in, but you can never leave"): Any municipality with an existing tax cap would automatically have to implement this new override provision—there's no requirement that the voters readopt the tax cap statute, even though the bill would fundamentally change what the voters originally adopted. Since rescinding a tax cap already requires a 3/5 majority, some communities that adopted caps may find themselves "prisoners of their own device."

Finally, the bill is also an invitation for chaos and litigation due to conflicting language which in one sentence says towns should follow the usual procedures to override, but goes on to say the supermajority is needed. There's also a timing issue. How do you know *when* an appropriation has taken the town over the tax cap? This is especially tricky for an SB 2 town that vote by ballot on appropriations. Do you go in reverse order up the ballot, invalidating any warrant article votes with money that exceeded the tax cap? The bill does not say.

No matter how you slice it, this bill undermines the voters. **Contact your local Senator** and ask him or her to relegate this muddled mess to oblivion.

Work Session on Risk Pool Bill

On **Wednesday, May 7**, beginning at **10:00 a.m.** in **LOB Room 302-304**, the **House Commerce and Consumer Affairs Committee** will hold work sessions on multiple bills, including **SB 297**, a priority bill opposed by NHMA. The bill, which relates to the operations and oversight of pooled risk management programs that are created by cities, towns, counties, and school districts to reduce risks and associated insurance costs, is opposed by NHMA for two primary reasons: The effect it would have on the operations of insurance risk pools and the effect it would have on municipalities that choose to participate in health pools. **Municipal officials who have not yet done so are encouraged to contact the committee to register their opposition to SB 297 and also reach out to their local senator and representatives** to encourage them

to support legislation that will further maintain the integrity of the risk pools, not regulate them out of existence.

Hearings Next Week on Other Priority Bills

HB 123 (support), allows municipalities to tax standing timber that's on land used for carbon sequestration, which would make up for any lost timber tax revenues that towns and cities would have otherwise received if the timber were cut. **Status:** [Senate Energy and Natural Resources Committee](#) public hearing scheduled for **Tuesday, May 6, at 9:00 a.m. in SH Room 103.**

HB 67 (support), makes permanent last year's pilot program regarding Accessible Voting Systems, ensuring that the state provides accessible voting systems through agreements with municipalities. Under this bill, the state would pay for the systems and municipalities would continue to be responsible for programming costs. **Status:** [Senate Election Law and Municipal Affairs Committee](#) public hearing scheduled for Tuesday, May 6, at 10:00 a.m. in LOB Room 103.

SB 291 (oppose), modifies the law regarding property tax exemptions for religious entities and allows for up to six residential housing units or congregate housing units used residential purposes to be exempt, provided they are owned by the religious organization on or before January 1, 2025, or for a minimum of five years. **Status:** [House Ways and Means Committee](#) public hearing scheduled for **Tuesday, May 6, at 10:00 a.m. in LOB Room 202-204.**

State Budget Update

It's getting real, folks. The [Senate Ways and Means Committee](#) received **an update** Wednesday from the Department of Revenue Administration and others and the news was ... OK-ish.

DRA estimates business taxes—the state's largest single source of revenue—will grow between 2% and 8% over the next two years, which is more optimistic than House estimates based on previous data. However, business tax revenues are still running below estimates in the current fiscal year.

Ways and Means is meeting on **Wednesday, May 7, at 9:30 a.m. in SH Room 100** to vote on the revenue estimates that the [Senate Finance Committee](#) will rely on as it modifies the House version of the FY 26-27 state budget, **HB 1** and **HB 2**. Expectations are that the Senate revenue estimates will be much higher than the House, but probably less than the governor's numbers.

Meanwhile, **Senate Finance** wrapped up the agency presentation phase of the budget process earlier this week and will hold a public hearing on **Tuesday, May 6, beginning**

at **1:00 p.m.** in **Representatives Hall**. This is the one remaining chance for interested parties to speak in person on the budget.

The budget currently contains several provisions that would have an adverse impact on municipalities, including suspension of the 30% municipal share of the rooms and meals tax, which would be replaced with a flat \$137 million appropriation annually in FYs 26-27. This change is projected to reduce municipal aid by \$11 million compared to the current statutory formula.

Another area of concern is state funding for significant changes to NH Retirement System benefits for first responders hired prior to July 1, 2011, and not vested prior to January 1, 2012, referred to as Group II-Tier B. Although the House budget currently contains \$55 million over two years to begin funding these changes—with language to continue this funding through 2034—there is no guarantee future legislatures will continue to fund the ongoing cost of these changes over a multi-year period. Should the state cut back or eliminate funding for these benefit changes, municipal employer rates will increase significantly. As it is, even with the annual \$27.5 million in state funding assumed to continue for 10 years, the NHRS actuary estimates that FY 28-29 NHRS **Group II employer contribution rates will increase** by 4.3% (1.34% of payroll) for police and 5.0% (1.46% of payroll) for firefighters due to these changes—**an increase in municipal and county contributions of nearly \$6.6 million in FY 28**.

NHMA has a one-page budget summary [here](#). You can read a more detailed letter about the budget that NHMA submitted to Senate Finance [here](#).

House, Senate Act on Multiple Bills

The House and Senate were in session Thursday and acted on several bills NHMA has taken a position on.

Along with **SB 284** (see above) the House also passed **SB 91** (oppose) as part of the consent calendar. The bill allows owners of residences in industrial/commercial zones to submit a single application for a special appraisal based on current residential use and removes the requirement for annual reapplication.

Senate actions (with NHMA position)

HB 124 (support), enabling a municipal forest committee or conservation commission to offer surplus money to the municipality for deposit in the municipal unreserved fund balance. **Passed** with amendment.

HB 230 (oppose), amends the existing authority of town health officers by removing the phrase “and such other regulations relating to public health,” thereby narrowing the scope of regulations that health officers can enact to only those for the prevention and removal of nuisances. **Passed**.

[HB 451](#) (support), establishing a paint product stewardship program. **Re-referred to committee.**

[HB 474](#) (oppose), requiring a second witness at the counting of write-in votes. **Passed.**

[HB 569](#) (support), relative to the establishment of county-wide communication districts. **Passed.**

[HB 250](#) (support), enabling local governing bodies to regulate the muzzling of dogs. **Passed.**

[HB 272](#) (support), exempting certain agricultural practices from municipal noise regulation. **Passed.**

[HB 146](#) (oppose), relative to the use of body-worn cameras. **Inexpedient to legislate.**

[HB 737](#) (support), creating local options for games of chance. **Passed** with amendment.

House, Senate Back in Action Next Week

The House and Senate will meet on **Thursday, May 8**, and several bills that NHMA has a position on are up for a vote. Please contact your [local senator](#) or [representatives](#)—particularly on the previously referenced [HB 200](#), [HB 631](#), and [HB 685](#)—before next Thursday and share your opposition. NHMA’s position on each bill is shown in parenthesis after the bill number. Priority bills are denoted with an asterisk (*).

Bills with the House

[SB 42](#) (support), relative to notice of death affidavits. **Recommendation:** OTP-consent calendar.

[SB 78](#) (oppose), changing the zoning board of adjustments appeal period to 45 days. **Recommendation:** OTP-A-consent calendar.

[SB 173](#) (oppose), relative to residential property subject to housing covenants under the low-income housing tax credit program. **Recommendation:** OTP-consent calendar.

[SB 217](#) (oppose), relative to public notice of historic tax rates and tax impacts of proposed projects. **Recommendation:** ITL-consent calendar.

[SB 225](#) (oppose), requiring public notice before reassessment of property values for local tax purposes. **Recommendation:** ITL-consent calendar.

Bills with the Senate

* [HB 66](#) (oppose), relative to material subject to disclosure under the right to know law. **Recommendation:** ITL-consent calendar.

[HB 138](#) (oppose), relative to tax impact notation on warrant articles with multi-year tax impacts. **Recommendation:** OTP-consent calendar.

[HB 154](#) (oppose), enabling voters to request to have their ballots hand-counted. **Recommendation:** OTP-A-consent calendar.

* [HB 200](#) (oppose), see article above. **Recommendation:** OTP-A-consent calendar.

[HB 247](#) (support), authorizing municipalities to hold a referendum on whether to allow historic horse racing. **Recommendation:** ITL-regular calendar.

[HB 284](#) (oppose), requiring tax impact statements on municipal warrant articles. **Recommendation:** ITL-consent calendar.

* [HB 410](#) (oppose), see article above. **Recommendation:** ITL-consent calendar.

[HB 514](#) (oppose), allowing private persons to sue for violations of election laws. **Recommendation:** ITL-consent calendar.

[HB 522](#) (oppose), relative to the expectation of privacy in personal information maintained by the state. **Recommendation:** ITL-consent calendar.

[HB 584](#) (oppose), relative to public health, safety, and state sovereignty. **Recommendation:** ITL-consent calendar.

* [HB 631](#) (oppose), see article above. **Recommendation:** OTP-regular calendar.

[HB 666](#) (oppose), relative to adding restitution payment for violations of the confidentiality of the library use records and adding library cards and membership status to the list of confidential matters. **Recommendation:** ITL-consent calendar.

* [HB 685](#) (oppose), see article above. **Recommendation:** OTP-regular calendar.

House and Senate Deadlines

House

- Thursday, May 8: Last day to report Senate Bills going to a second committee.
- Thursday, May 15: Last day to act on SBs going to a second committee
- Thursday, May 29: Last day to report all remaining SBs and last day to report list of retained SBs
- Thursday, June 5: Last day to act on SBs.

Senate

- Thursday, May 15: Deadline for Policy Committees to act on all House bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-5.

- Thursday, June 5: Deadline to act on all House bills.

House and Senate

- Thursday, June 12: Deadline to form Committees of Conference.
- Thursday, June 19: Deadline to sign Committee of Conference Reports.
- Thursday, June 26: Deadline to act on Committee of Conference Reports.

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](#).

If you have time to follow along, livestreams of [House](#) and [Senate](#) sessions and committee meetings are available on YouTube. Prior sessions and committee meetings are also archived.

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

Note: For anyone who prints these emails out, all of the above links are available on the General Court website at: <https://gc.nh.gov/>

Because the House and Senate have moved to digital calendars, committees can now reschedule when there is bad weather, absences, or when issues with bills haven’t been worked out. If you are planning to attend a hearing or work session in person, we strongly recommend checking the [House Digital Calendar](#) and [Senate Digital Calendar](#) before heading to the State House. For those of you with an interest in a particular bill or set of bills, please use the ‘subscribe’ feature on [FastDemocracy](#) to get email updates when those bills are scheduled or rescheduled.

Reminder: Sharing is Caring ... About Good Public Policy!

If you know of anyone who may benefit from the NHMA Legislative Bulletin feel free to pass this email along and encourage them to sign up!

Members can subscribe to the Bulletin through our member portal at: <https://nhmunicipal.weblinkconnect.com/portal>

Once you are logged in, click “edit this profile” and “newsletter management.” You can sign up for the *Legislative Bulletin*, *Newslink*, and *Town & City* magazine in one place! (If you are having trouble logging into your account, [follow these steps](#).)

Nonmembers can email info@nhmunicipal.org to be added to our email list for the *Legislative Bulletin*.

NHMA Events Calendar **2024 Final Legislative Bulletin**

Editorial Staff:

Margaret M.L. Byrnes, Executive Director
Marty Karlon, Editor in Chief, Policy & Research Analyst
Sarah Burke Cohen, Legislative Advocate
Brodie Deshaies, Legislative Advocate

Layout & Communications:

Miranda Augustine, Communications Coordinator

New Hampshire Municipal Association
25 Triangle Park Drive
Concord, NH 03301
Tel: 603.224.7447
Email: governmentaffairs@nhmunicipal.org
Website: www.nhmunicipal.org