

New Hampshire Municipal Association

THE SERVICE AND ACTION ARM OF NEW HAMPSHIRE MUNICIPALITIES

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[Live Bill Tracker](#)

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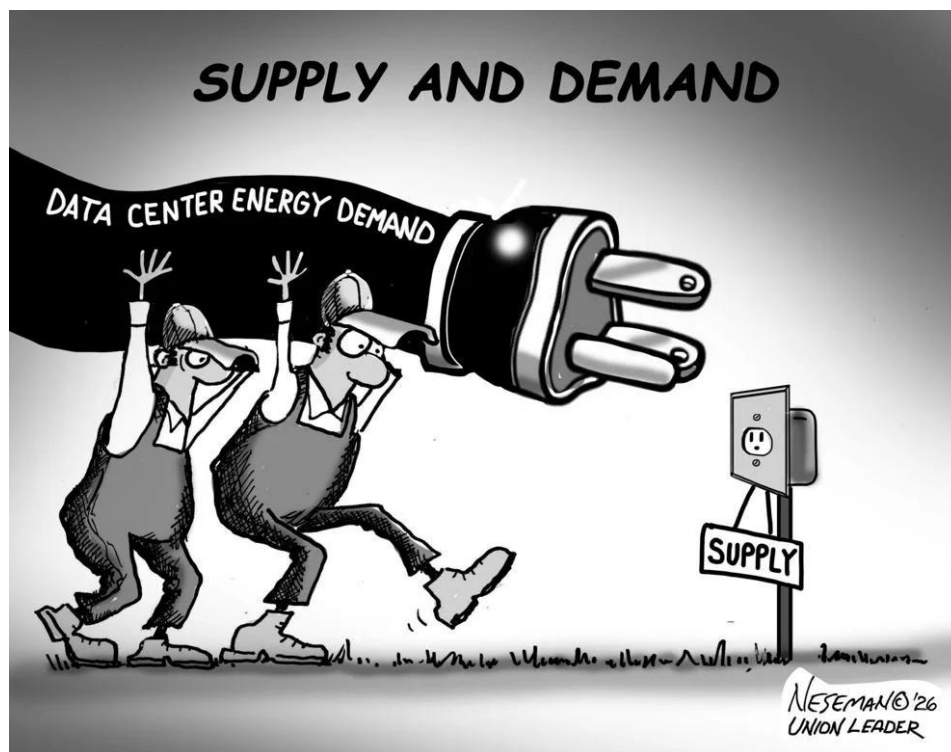
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Costly Local Liability Bill Still Alive

HB 1064, a bill **opposed** by NHMA that **eliminates municipal immunity regarding negligence that results in personal injury or property damage**, was **passed** by the Senate on Thursday and referred to the **Senate Finance Committee**. The bill had been recommended as refer to interim study by another committee, but this action gives the Senate a few more days to work on the bill, which has the potential to **blow a huge hole in municipal budgets**. **Senate Finance** will hold an executive session on **Tuesday, May 12, at 1:00 p.m. in State House (SH) Room 103** to report the bill out of committee; it will be acted on by the full Senate on **Thursday, May 14**.

While intended to expand liability and improve compensation for injured parties, the bill goes too far and **creates serious financial risks for cities and towns**. Significantly raising liability caps will increase insurance and risk pool costs, which will lead to a combination of **property tax increases and reductions in municipal services**. Additionally, **HB 1064** limits 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.

Contact the [Senate Finance Committee](#) and encourage them to take a deep breath and **study this issue rather than trying to rush a last-minute amendment with no opportunity for stakeholder input**. Also contact [your local Senator](#) and tell them regardless of the committee recommendation, **HB 1064 should be studied or tabled**.



Cartoon by Dale Neseman, republished with permission

Oppose Committee Power Play on Data Centers

The location and regulation of data centers is a national conversation that hit close to home this week when a House committee voted on party lines to roll out the welcome mat.

The growing use of AI, and to a lesser extent, cloud computing and other digital services, has increased the demand for data centers, which provide the physical infrastructure that supports these technologies. While data centers *may* provide increased property tax revenue and a limited number of new jobs, they also bring **increased energy demand and water usage along with noise considerations**. NHMA believes the location and regulation of data center--much like landfill siting--is ultimately a local issue that should be debated and decided by those most affected.

The [House Municipal and County Government Committee](#) recommended that [SB 439](#) be passed with a late amendment. As amended, the bill **limits how cities and towns can regulate data centers**. Under the proposal, data centers would be allowed “by right” in commercial and industrial zones and municipalities could not impose rules that are more restrictive than those applied to other uses in the same zoning district--despite the outsize infrastructure and environmental impacts associated with massive data centers.

The original version of the bill had proposed statewide standards, including restrictions to certain zones, requirements for setbacks and noise limits, and the ability for towns to enact additional local rules. It also required developers to demonstrate that sufficient electric grid capacity was available. The Senate already gutted the bill before passing it, essentially inverting the intention of the original proposal, which is why the sponsor asked the House to kill it. Rather than abiding by that request, the committee amended the bill to make it even worse. The bill will be voted on by the House on **Thursday, May 14**, and we’re asking members and concerned citizens to contact their [local House members](#) **to oppose the ought-to-pass as amended (OTP-A) recommendation on SB 439** and instead **support killing the bill, tabling it, or referring it to interim study**. Opening the door to data centers will have long-term impacts on New Hampshire that deserve robust analysis and bipartisan buy-in.

... But Wait, There’s More

The same committee this week resurrected a pair of bills **opposed** by NHMA that the Senate referred to interim study only a few weeks ago, amending them to a pair of Senate bills and recommending them as OTP-A. These bills also will be voted on next week on the regular calendar.

The text of [HB 1505](#) was added to [SB 643](#), a proposal **already opposed** by NHMA that requires municipalities to hold a public hearing and conduct a roll call vote when seeking to override a tax or spending cap--and requires cities and charter towns to include the roll call vote on the override on the property tax bill! The new amendment requires municipalities to submit documentation to the department of revenue administration proving they are in compliance with local budget and tax caps.

The text of [HB 1526](#) was added to [SB 653](#), which deals with county government. The new amendment overhauls the process for adopting a local budget committee in RSA 32:14 and other statutes and repeals and replaces the straightforward language in current law, making it so the question wouldn't be a warrant article taken up at the business session, but would be acted on with no context in the voting booth.

While you are bending your local reps' ears on SB 439, it wouldn't hurt to ask them to vote against these bills, as well.

Into the Home Stretch

Timelines are shrinking, nerves are fraying, and things are getting a little testy as the 2026 legislative session winds down. This can be a bad time for municipalities, as bad bills that were already killed regenerate as non-germane amendments to unrelated bills and a few well-placed whispers can gum up perfectly good bills. While diving into the *Bulletin* every week is a good thing, it's more important than ever as the legislative window closes.

We're also heading into committee of conference season. These committees are formed for those bills where both bodies liked the idea of the bill but didn't agree on amendments made by the other chamber. Small groups of senators and representatives--referred to as conferees--will meet to discuss each side's position and try to come to a compromise. If the House and Senate conferees, voting separately, unanimously agree, the committee of conference report is sent to the House and Senate, where each body can agree or disagree in one final vote. No other actions or further floor amendments can be made. We'll delve deeper into committees of conference and how to follow them next week, but we're mentioning them now because there are already a few municipal bills going to conference, including [SB 564](#), a concerning dead-end road bill **opposed** by NHMA that we [wrote about previously](#). The General Court website has a page listing committees of conference that you can [view here](#).

Key Dates

Thursday, May 14--Deadline to act on all bills from the other chamber.

Thursday, May 21--Deadline to form committees of conference.

Thursday, May 28--Deadline to sign Committee of Conference Reports. (4:00 p.m.)

Thursday, June 4--Deadline to act on Committee of Conference Reports.

Decision Day for Remaining Bills

The deadline for the Senate to act on all remaining House bills and the House to act on all remaining Senate bills is **Thursday, May 14**. Here are some of the bills NHMA will be watching when each chamber meets next week. On some of these bills, we're asking you to contact either your local senator or House delegation, but you can-and should-reach out on any bill that you believe will positively or negatively impact your municipality in a significant way.

Senate

HB 1010, relative to multi-family residential development on commercially zoned land, is on the regular calendar as OTP-A. As amended by the House, this bill made significant positive updates to the 2025 universal zoning mandate, requiring municipalities to permit multi-family residential uses on all land zoned to permit commercial uses, and representing a balance between land use regulation and development. However, the Senate amendment removes key provisions from the bill and **expands the current universal mixed-use zoning mandate**. Further, it:

- **Adds language requiring** municipalities to permit residential development in commercial zones by right, rather than allowing municipalities to require a conditional use permit or special exception approval.
- **Removes language clarifying** how legal nonconforming structures could be converted into residential uses, and language ensuring that all state-mandated residential development in commercial zones remains subject to local site plan review regulations.

NHMA **opposes** this bill and encourages members to **contact their [local senator](#)** before next Thursday's session and **request that this bill be killed, tabled or referred to interim study**.

HB 1300 is on the regular calendar as OTP-A. The bill would mandate a local school tax cap question and related limitations on central office administrative expenses in school districts be included in the November 2026 state election on a separate ballot. NHMA **opposes** this bill because it does not contain a state appropriation for the cost of these additional ballots, meaning a city or town will be required to pay for the ballots.

HB 1469 is on the consent calendar as OTP-A. The bill, **supported** by NHMA, amends RSA 328-B (Massage) and RSA 328-H (Bodywork & Reflexology) to create establishment licenses for these businesses. Currently, only individual massage therapists must be licensed, but the state does not currently require separate licenses for massage parlors or the establishments where they operate. This bill is an important intervention to prevent human trafficking in our communities and it provides municipalities and law enforcement with additional tools to address unlawful massage businesses statewide.

HB 1491, *see below*.

House

SB 418, prohibiting municipalities from requiring licenses for the production and sale of homestead food products (a.k.a. the “pickle bill”) is on the consent calendar as OTP-A. NHMA **opposes**.

SB 435, which clarifies the relatively confusing language in current zoning statutes and replaces the term “unnecessary hardship” with “unreasonable restriction,” is on the consent calendar as inexpedient to legislate (ITL). NHMA **supports** the bill and **opposes the ITL motion**.

SB 439, *see above*.

SB 440, relative to the adoption of energy efficient and clean energy districts by municipalities, is on the consent calendar as ought to pass (OTP). NHMA **supports**.

SB 508, which requires municipalities to stamp and accept revised plans submitted by an applicant within 10 business days of submission, is on the regular calendar as OTP. The acceptance of the plans would be contingent upon the revised plans reflecting specific requests made during the planning board’s initial review, and the planning board would be prohibited from making any further requests to ensure the plans are compliant with local regulations. NHMA **opposes**.

SB 643, *see above*.

SB 653, *see above*.

SB 661, *see below*.

Risk Pool Update, Part XII

While the Senate continues to fine-tune a House risk pool regulatory bill with key stakeholders, a House committee this week unanimously backed the Senate risk pool bill, **SB 661**, as part of an apparent legislative compromise.

Pools are created by political subdivisions to reduce risks and associated insurance costs. Across the country, two primary types of risk pools exist: assessable and non-assessable. The Association of Governmental Risk Pools (AGRIP) recognizes both models.

The [Senate Finance Committee](#) is holding onto the House risk pool bill, [HB 1491](#), and will meet **Tuesday, May 12, at 1:00 p.m. in SH Room 103** for an executive session. Because the deadline to act on all House bills is **Thursday, May 14**, whatever comes out of Senate Finance will be placed on a “supplemental calendar” in order for the Senate to act on the recommendation next week; supplemental calendars are not uncommon at this time of year.

The latest iteration of **HB 1491** appears to compliment **SB 661**, which defines assessable pools and regulates them under RSA 5-B through the Secretary of State. **HB 1491**, based on a draft amendment, would allow non-assessable pools to be regulated under RSA 420-B by the NH Department of Insurance. The nitty-gritty details are pretty complicated, but the bottom line is, if both bills are enacted into law, two types of risk pools could continue to exist and municipalities would be able to choose which type of pool they prefer--or choose to participate in neither. Either way, both models would be properly regulated by an appropriate entity.

If this compromise comes together, it will be a major accomplishment attributable to the good-faith efforts of legislators, regulators, and the pools. If your community has been impacted by assessments or is concerned about the long-term viability of risk pools, please reach out to your [local Senator](#) and [House delegation](#) to share any thoughts and concerns.

Senate, House Roundup

The Senate and the House held sessions on Thursday.

Senate

[HB 1588](#) was **passed as amended**. The amended bill, **opposed** by NHMA, has become **one of the most anti-local control bills of the session**. The bill would:

- Effectively **exempt** all proposed residential development on land zoned to permit commercial uses from all zoning ordinances except those ordinances regulating frontage, setbacks, and height.
- **Prohibit** municipalities from adopting zoning ordinances for residential development in commercial zones that differ from those for commercial development.
- **Mandate** that municipalities reimburse private property owners “reasonable attorney's fees” if they go to court over whether a proposed residential development in a commercial zone is legal and conforming.

The bill returns to the House, which must now decide to concur, non-concur or request a committee of conference. **Contact your [local House members](#) and members of the [House Housing Committee](#) and request the House **non-concur on HB 1588**.**

HB 1064, *see above*.

HB 1184 was **passed** as amended. The bill, **opposed** by NHMA, outlines procedures for issuing, extending, and challenging no trespass orders (NTO) on public property. The amendment provides a more workable duration for an emergency NTO (45 days) and a more reasonable standard (majority vote of the governing body) for extending the NTO. The bill returns to the House.

HB 1131 was **passed** as amended. The amended bill, which NHMA is **neutral** on, amends the method of adopting the official ballot referendum form of town meeting (“SB 2”) by placing the question at the top of the warrant. The bill returns to the House.

HB 1195 was **passed**. The bill, **opposed** by NHMA due to unaddressed technical issues, expands the current statewide zoning mandates for commercial and home-based childcare operations. The bill will go to the governor.

HB 1079 was **passed** as amended. The bill, **opposed** by NHMA due to technical issues, allows accessory dwelling units (ADUs) to be built within or attached to certain non-conforming structures. The bill returns to the House.

HB 1540 was **passed** as amended. The bill, **supported** by NHMA, regulates ADUs in protected shoreland districts. The bill returns to the House.

HB 1681 was **passed** as amended. The bill, **opposed** by NHMA, establishes standards for innovative housing structures, including tiny houses, tiny houses on wheels, and yurts; authorizes their use as single-family or accessory dwelling; sets construction, inspection and off-site manufacturing requirements; and directs related rulemaking under the state building code and wastewater and modular building statutes. The bill is a local option; however, the bill’s requirements for assessing innovative housing structures needed to be significantly updated to address technical flaws. The bill returns to the House.

HB 1224 was **killed**. The bill, **opposed** by NHMA, places draconian requirements on the default budget calculation for SB 2 towns.

HB 1319 was **referred to interim study**. The bill, **opposed** by NHMA, enables towns, village districts, or school districts to adopt or rescind a local fiscal accountability committee for towns and schools.

HB 1355 was **referred to interim study**. The bill, **opposed** by NHMA, eliminates the default budget from the official ballot referenda and prevents the purpose of a petitioned warrant article from being amended.

HB 164 was **passed** as amended. The bill, **supported** by NHMA, authorizes the state to create and maintain a website for electronic records and allows municipalities to store electronic records on the website. The bill returns to the House.

HB 1021 was **passed** as amended. The member-requested bill, **supported** by NHMA, amends the date to provide written notice to a municipality of a taxpayer's election to be assessed under the low-income housing tax credit program. The bill returns to the House.

HB 1187 was **passed** as amended. The original bill, **opposed** by NHMA, mandated a town clerk's office to be open a mandated number of days to allow candidates for state representative to file their candidacy for a special election. The amendment removes the mandate and requires the town clerk to post contact information for election officials authorized to accept the declaration of candidacy. The bill returns to the House.

House

There were no Senate bills with significant municipal impact on the House calendar this week.

Follow Bills That Matter to You Online

In addition to our weekly Legislative Bulletin, NHMA provides members access to FastDemocracy, an online bill tracking platform, for efficient, real-time updates to legislative activity of interest to members. Visit our online **Bill Tracker** page to learn more and feel free to subscribe to weekly or daily updates on subjects and bills of interest.

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NHMA Events Calendar
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