

New Hampshire Municipal Association

THE SERVICE AND ACTION ARM OF NEW HAMPSHIRE MUNICIPALITIES

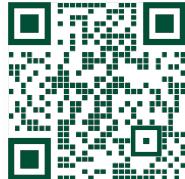
LEGISLATIVE

BULLETIN

Legislative Bulletin 4

2026 Session

January 23, 2026



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

In this issue:

- Power Play on Data Center Zoning?
- Committee to Vote on Anti-NHMA Bills
- Housing Champions on Chopping Block
- Flawed No Trespass Order Bill is Back
- Tepid Reception for Tax Cap Referendum
- Fewer Retirement Bills in 2026
- Get Involved in Legislative Policy Process
- Housing Policy and Local Governance
- How to Make Your Voice Heard
- Follow Bills That Matter to You Online



Legislative hearings can draw a diverse crowd, so we're not sure whether the porcupine who showed up at the entrance to the House meeting rooms at Government Place on Thursday was planning to testify or simply lost. Either way, we hope that he (or she) subscribes to NHMA's Legislative Bulletin. (Photo by Brodie Deshaies)

Power Play on Data Center Zoning?

SB 439, relative to data centers, was amended by the **Senate Election Law and Municipal Affairs Committee** this week and is on the Senate consent calendar for **Thursday, January 29**.

As introduced, the bill stated, “A local legislative body **may** permit” data centers within commercial or industrial zones, “... subject to the provisions of this subdivision and local land use regulations adopted pursuant to this title.” The bill also contained a long set of specific requirements.

The **amended bill** simply states that data centers “**are** allowed” in these zones, “subject to the provisions of local land use regulations.”

So, what happens if a municipality wants to allow data centers in industrial zones, but not in commercial zones? Under the amendment, the municipality is out of luck.

NHMA had no position on the original bill because local legislative bodies can already permit data centers; however, we **oppose** this amendment because it overrides local choice. We believe this bill may be taken off the consent calendar so it can be debated on the Senate floor and potentially amended, so **we are asking members to contact their local Senator and ask them to vote against this, pardon the pun, “power play.”**

House Committee to Vote on Anti-NHMA Bills

The **House Legislative Administration Committee** held hearings Thursday on a pair of bills that specifically take aim at NHMA’s ability to advocate and at member

municipalities' ability to govern the organization. On **Thursday, January 29, at 10:00 a.m. in Government Place (GP) Room 234** the committee will hold executive sessions on these bills. (Note: There is no public input at these sessions, so no need to come to Concord, although you can [watch here](#).)

HB 1359 requires a two-thirds majority vote of the legislative body, by roll call or ballot, to authorize funding the lobbying portion of municipal association dues. This means a roll call or secret ballot vote by the town meeting for most municipalities. Worse, the bill would change the business model under which NHMA has operated for decades by requiring us to split up the educational, legal and advocacy services we offer and bill for them separately, which would certainly cost more for members.

HB 1360 creates a legislative oversight commission to review NHMA's finances, activities, and use of public funds and adds new reporting requirements over and above what is required of other non-governmental entities that receive public funding. The commission can issue suspension orders for up to one year if NHMA is found to be noncompliant in reporting lobbying activities or "acting in a manner contrary to the best interests of its member municipalities," allowing legislators to cut off the advocacy we can do on behalf of our members if they so wish.

Both bills contain sections that would make it impossible for NHMA—a non-profit, non-partisan, voluntary membership organization overseen by a board of local officials—to continue operating in its current manner.

Despite no one beyond the sponsor testifying in support of either of these bills, they are expected to be favorably reported out of committee. We're still asking local officials to [contact members](#) of the **House Legislative Administration Committee** before next Thursday to explain the value of NHMA membership and of having a shared voice at the State House.

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. These bills may be voted on by the full House as soon as **February 5**. If your municipality requires assistance with a letter or resolution, feel free to [contact us at \[governmentaffairs@nhmunicipal.org\]\(mailto:governmentaffairs@nhmunicipal.org\)](#).

Housing Champions on the Chopping Block

The [House Housing Committee](#) voted, 10-8, this week to recommend **HB 1196** as ought to pass. This bill **repeals the [Housing Champions](#) program administered through the state Department of Business and Economic Affairs (BEA)**.

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—28 so far—are eligible to apply for grants to help them develop solutions and advance infrastructure that will help alleviate the state’s housing shortage. According to BEA, these grants supported 2,700 new housing units to date. Just this week, [**BEA recognized the Town of Exeter**](#) as a Housing Champion.

While no funding for the program was included in the current state budget, there is approximately \$3 million remaining in the fund. According to the fiscal note for the bill prepared by BEA “it is unclear whether the intent is to repeal the fund yet allow obligated funds to be paid, approximately \$2,600,000, or to repeal the fund entirely and have all remaining funds lapse to the General Fund.”

Repealing one of the few attempts the state has made to partner with municipalities to address the housing crisis is truly a head-scratcher.

The recommendation will be voted on by the full House at an unspecified future date. If your municipality benefited—or hopes to benefit—from this program, [**contact your local legislators to oppose HB 1196**](#) when it goes to the House floor.

Flawed No Trespass Order Bill is Back

On **Tuesday, January 27, at 9:55 a.m. in GP 154**, the [**House Municipal and County Government Committee**](#) will hold a public hearing on [**HB 1184**](#), relative to the issuance of no trespass orders (NTO) on municipal or school district property. NHMA **opposes** this bill, which would require a unanimous vote from the governing body in a public meeting to issue an NTO, unless the individual involved requests a non-public session. Additionally, a temporary NTO can be issued for a maximum of 24 hours without following the full procedural requirements, but any extensions must follow hearing process outlined in the bill.

HB 1184, which is similar to a bill opposed by NHMA and other organizations that died in conference last year, contains multiple procedural ambiguities and does not contemplate that NTOs are often issued due to rapidly developing circumstances in which the safety of municipal employees or the general public are at risk. Moreover, it tells the municipal employees who are decision-makers in these situations that the governing body does not trust their judgment to keep others safe. Please [**sign in to oppose this bill**](#) and if you have local legislators on this committee, please [**contact them to share your concerns**](#).

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

Tepid Reception for Tax Cap Referendum

The [House Election Law Committee](#) held a public hearing Tuesday on a non-germane amendment to [HB 1300](#) that would **create biennial local tax cap referendums for every city, town, county, and school district in New Hampshire**.

The introduced version of **HB 1300** dealt with congressional redistricting, but the draft amendment ([am 2026-0093h](#)) mandates a **biennial local property tax limitation ballot question for each state general election** held in November of even-numbered years. For the cap to take effect, it must be approved by a 3/5 majority in an individual jurisdiction.

No one but the proposal's sponsor—who admitted the amendment was “a work in progress”—spoke in support of the amendment, while those opposing it included local officials, NHMA, and legislators from both parties. Several pointed out that a tax cap tied to inflation fails to recognize that large cost drivers such as health insurance tend to increase more than the general rate of inflation. Additionally, NHMA pointed out that the proposed process is technically flawed and won't work in New Hampshire.

Since this is “a work in progress” there's not much to do except monitor things until the committee has an actual amendment to vote on. Stay tuned.

Fewer Retirement Bills in 2026

There will be fewer headlines and far less drama this year, but there are still a number of bills related to the New Hampshire Retirement System that NHMA is following.

On **Tuesday, January 27, at 1:55 p.m. in State House Room 103**, the [Senate Finance Committee](#) will hold a public hearing on [SB 601](#), a bill making the state responsible for 7.5% of local employer contributions to the New Hampshire Retirement System for teachers, police officers and firefighters.

From 1977-2009, the state paid 35% of the employer contributions for Teacher, Police, and Fire members employed by political subdivisions, but the statute was amended to reduce the state's share to 30% in FY 2010 and 25% in FY 2011. The 2009 amendment also restored the State contribution to 35% in FY 2012. However, the statute was amended again in 2011 to eliminate the State's percentage share of employer contributions altogether. The net result was to shift pension costs from the State to political subdivisions. In 2022, legislation provided one-time funding for employers in FY 2023, equal to 7.5%. **SB 601** would obligate the state to make that contribution going forward, offsetting municipal retirement costs and, as a result, property taxes.

NHMA supports this legislation and encourages our members to contact the committee to endorse **SB 601.**

Other retirement-related bills this year include:

- Three bills dealing with retirees working for participating employers: [**HB 1014**](#) exempts certain retirees from the 28-day waiting period for part-time employment; [**HB 1439**](#) modifies the application of penalties in cases in which a retiree exceeds the annual limit on hours worked; [**HB 1459**](#) expands the “grandfathering” provision that currently allows anyone who retired prior to January 1, 2019, to work additional hours provided they remain in the same position.
- [**HB 1170**](#) provides a state-funded cost-of-living adjustment (COLA) for Group II (Police and Fire) retirees only.
- [**HB 1471**](#) is described as a “cleanup bill” to address some language included in the major pension changes enacted last year that impacted about one quarter of active Group II members.

All of these bills had public hearings last week and remain with the [**House Executive Departments and Administration \(ED&A\) Committee**](#). NHMA has no position on any of these bills, as they do not have any cost or administrative impact on municipalities.

Get Involved in Legislative Policy Process

NHMA’s biennial legislative policy process is getting under way. 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.

Housing Policy and Local Governance

While policymakers across the political spectrum agree that New Hampshire lacks sufficient housing—particularly affordable rental and workforce units—recent legislation has increasingly focused on state-level mandates rather than collaborative, community-driven solutions.

NHMA has released a whitepaper examining the state's longstanding housing shortage and the shifting policy landscape affecting local zoning and land use authority. The paper is [available here](#).

The paper traces the roots of the housing deficit back nearly two decades and advocates for renewed partnership between the state and municipalities. NHMA believes sustainable, fiscally responsible growth requires empowering communities to shape solutions that reflect their unique needs and capacities.

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 local legislators, there are [Contact a Senator](#) and [Contact a Representative](#) links on the [General Court](#) website.

Note: For any readers who print these emails out, all of the above links can be found on the General Court website at: <https://gc.nh.gov/>

Because the House and Senate have moved to digital calendars, committees now have the ability to reschedule when there is bad weather, when there are absences, or when issues with bills just haven’t quite 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.

Finally, remember that House committees are meeting in a new location. The Legislative Office Building (LOB), where House committees typically meet, is closed for renovation and hearings are now being held at 1 Granite Place (GP), which is about 1.6 miles north of the State House. NHMA has [prepared a handout](#) on how to navigate Government Place.

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. This tool can help ensure that you know when the bills that you care about most are scheduled for public hearing or votes.

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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Bill Hearings Schedule
NHMA Events Calendar
2024 Final Legislative Bulletin

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