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Legislative blueprint: How New Hampshire is tackling the housing crisis - by Phillip Hastings and Alexandra Brewer

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As is the case throughout the Northeast, New Hampshire is in the midst of a severe housing shortage, resulting in inflated home prices and rental rates and impeding economic growth and tax base expansion. One of the primary causes of this crisis is burdensome regulations at the state and local levels. In recognition of this situation, the New Hampshire legislature is currently considering several remedial bills that could have a significantly positive impact.

The pending legislation covers various issues, including (in no particular order):

- Providing alternatives for getting a building permit for land on a private road.
- Eliminating the need for a variance of the zoning ordinance from the zoning board of adjustment for minimum lot size or lot coverage if the proposed building's density conforms to that of the surrounding neighborhood, as verified by the planning board.
- Limiting the ability of municipalities to set minimum lot size requirements for single-family residential uses, particularly if served by municipal or community water or sewer infrastructure.
- Prohibiting municipalities from imposing minimum on-site parking requirements.
- Prohibiting municipalities from adopting or enforcing an extraordinary restriction of residential

property unless directly necessary for the health or safety of the community, including the adoption and enforcement of any zoning ordinance that restricts the number of occupants of a dwelling unit to fewer than two occupants per bedroom or discriminates based on familial, non-familial, or marital status.

- Revising the statute requiring municipalities to permit accessory dwelling units (ADUs) by modifying and adding certain definitions and increasing the maximum size a municipality can set for an ADU from 750 s/f to 950 s/f.
- Establishing a conditional loan forgiveness program to encourage lower-income homeowners to construct or renovate ADUs.
- Allowing multifamily or mixed-use development as a permitted use by right in certain urban municipalities and limiting those municipalities' authority with respect to residential density limits, building height of certain developments, setbacks, lot size or coverage, mandatory walls, fences or screening other than if necessary for disability accommodations or public health and safety, and open space or common areas.
- Prohibiting municipalities from adopting new ordinances, regulations, or policies that establish moratoria or limitations on building permits or approvals for subdivisions and site plans.
- Updating the definition of manufactured housing and requiring manufactured housing to be permitted in all residential zoned areas within every municipality in the state, overriding any local zoning ordinances that prohibit or unreasonably restrict its placement.
- Extending the grandfathered protection of approved subdivision plans from five years to seven years and extending the time for commencing active and substantial development or building from two years to three years, for vesting purposes.
- Raising the threshold for alteration of terrain permitting from 100,000 s/f to 200,000 s/f of disturbed area.

This list is not exhaustive, and other legislative and administrative efforts are underway with the goal to reduce the regulatory burden on developers, streamline approval processes and provide incentives for developers to meet the state's housing needs. Governor Ayotte has made streamlining the permitting process at the state level a top priority and several state agencies (notably NHDES) appear to be taking steps to reduce the delay in the permitting process.

While it is at this point unclear which of these measures will be enacted by the legislature and signed into law by the governor, most of the pending legislation noted above appear to have broad support. If nothing else, their consideration marks a significant step toward tackling the housing challenges facing the Granite State.

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