

— 2026 —

NEW LAWS



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Expanding certain approval exemptions in condominium developments

Senate Bill 415 – Chapter Law 245

Previous statutory requirements stated that if not more than 10 units are included in the condominium proposal, they would be exempted from certain review requirements of the Department of Justice.

This new law expands that exemption to not more than 25 units.

The bill also grants the attorney general's office discretion in requiring documentation demonstrating the financial capacity to finance and complete the project, as opposed to the current requirement that personal financial statements or tax returns must be submitted.

The bill is in effect immediately.

Relative to disclosure requirements for homeowners' associations

House Bill 1523 – Chapter Law 306

All Homeowners Associations (HOA) are now required to maintain detailed records of receipts and expenditures affecting the operation and administration of the association and other appropriate accounting records, including;

Minutes of all meetings of board of directors other than executive sessions, a record of all actions taken by the shareholders or members or board of directors without a meeting, and a record of all actions taken by a committee in place of the board of directors on behalf of the association;

The names of shareholders or members in a form that permits preparation of a list of the names of all shareholders or members and the addresses at which the association communicates with them, in alphabetical order showing the number of votes each shareholder or member is entitled to cast;

The HOA's original and any restated or amended organizational documents required under this chapter, original and any amended land plats or maps, and all rules currently in effect;

All financial statements and tax returns of the association for the past 3 years;

A list of the names and addresses of current board of directors' members and officers;

Its most recent annual report delivered to the secretary of state, if any;

Financial and other records sufficiently detailed to enable the association to comply with other requirements of law;

Copies of current contracts to which it is a party and records of board of directors or committee actions to approve or deny any requests for design or architectural approval from shareholders or members; and

Ballots, proxies, and other records related to voting by shareholders or members for one year after the election, action, or vote to which they relate.

The bill is effective Jan. 1, 2027.

Relative to Multi-Family in Commercial Zones

House Bill 1010 – Chapter Law 319

House Bill 1588 - Chapter Law 329

These bills are intended to further clarify a developer's ability to construct multi-family housing in commercial zones as established under 2025's House Bill 631.

House Bill 1010 clarifies that when infrastructure is not adequate, it may be provided by the applicant in accordance with town's regulations. In determining whether infrastructure is adequate, the planning board may require a traffic impact study, require permission from the owner of a public water system to connect to the system or, in the absence of a public water system, develop a water supply in accordance with NH Dept. of Environmental approvals.

House Bill 1588 underscores that municipalities may require site plan review for multi-family dwelling units.

For multi-family dwelling units proposed in commercial districts existing, created, or expanded after July 1, 2026, municipalities may impose frontage, setbacks, and height requirements; provided that such requirements cannot differ from what is allowed for commercial development.

The new law also states multi-family dwelling units must be allowed as a matter of right, and municipalities cannot enforce additional requirements unless expressly authorized by this state statute

Municipalities must allow pre-existing nonconforming structures to be converted to multi-family dwelling units or mixed use

provided that the structure's envelope is not altered to further violate zoning district dimensional requirements.

Importantly, any owner of commercially zoned property improperly denied an application for multi-family housing, or who is subjected to requirements beyond those allowed in this section, and who is thereby required to file suit against the municipality in order to exercise their property rights will be entitled to be reimbursed reasonable attorney's fees incurred as a direct result.

Effective as of July 1, 2026.

Prohibiting mandates which require that a parking space be garaged

House Bill 1588 – Chapter Law 329

In 2025, the Legislature clarified that municipalities may regulate accessory vehicle parking but prohibited them from requiring more than one residential parking space per unit. This bill prohibits municipalities from requiring a parking space to be garaged.

Effective September 13, 2026.

Relative to municipal authority over maximum road length and caps on dead-end roads

Senate Bill 564 – Chapter Law 316

Prohibits municipalities from placing limits on maximum road length, provided that the proposed roadway or extension fully complies with state fire code.

Prohibits municipalities from imposing a cap on the number of housing lots on a dead-end road or street, unless cap is in compliance with state fire code and National Fire Protection Association standard 1141, and provided that the proposed lots otherwise comply with current zoning restrictions and requirements.

Requires municipalities to allow the placement of utilities within or along buffer areas, or wetland buffers or conservation areas of a subdivision or lot by a special exception or conditional use permit.

Finally, the bill prohibits municipalities from imposing additional restrictions or requirements regarding building or lot size for affected properties before the effective date of the act.

Effective April 1, 2027.

Relative to notice and proceedings for tenants and landlords engaged in eviction processes

House Bill 1598 – Chapter Law 308

The new law makes numerous changes to notice and proceedings of evictions.

If the tenant wishes to challenge an eviction they must file an answer not more than 5 days after the return date stating the defendant's affirmative defenses and/or counterclaims.

If the tenant files any post-judgment motions, including, but not limited to, a motion for reconsideration, the tenant must pay all rent, as it comes due, between the date of the motion and the final ruling on the motion.

Absent good cause or agreement of the parties, any motion for continuance to allow time to complete discovery must be filed no later than 5 days after the return day appearing on the writ. Any party that requests discovery must state the defense, claim, or counterclaim relevant to the request.

If the tenant raises a defense at the hearing on the merits that the landlord did not have prior notice of, the landlord shall be entitled to a continuance of the hearing not to be more than 7 days unless the landlord requests a longer time to prepare a response.

If the tenant fails to file an appearance or fails to appear at the hearing on the merits, the tenant shall be considered in default. If both the plaintiff and defendant appeared at the hearing on the merits, the court must mail a notice of judgment to the addresses on the summons as soon as possible, but no later than 2 days after the hearing on the merits. Seven days after mailing the notice, if the prevailing party was the landlord, then the court must enter judgment for the landlord and issue the writ of possession without delay.

Any motion to continue or otherwise delay the hearing on the merits will not be granted without good cause or by agreement of the parties. Any tenant default precludes any discretionary stay. The court may order the tenant not to be dispossessed until a date not later than 60 days, unless the defendant proves that a longer discretionary stay will not result in financial harm to the plaintiff, damage to the premises, or ongoing threats to the health or safety of the landlord or other tenants, and that the defendant needs additional time due to factors such as tenant age, familial status, disability, or limited

English proficiency, whereupon the court may grant a discretionary stay of not more than 75 days. Under previous law the court had discretion to allow up to 90 days before dispossession.

No tenant, members of the tenant's household, guests, or other occupants of the premises can willfully damage the property of the landlord or willfully deny tenants their right to quiet enjoyment of their tenancies, nor adversely impact the health or safety of other tenants.

A court may order tenant's family, guests or occupants to immediately vacate the rented or leased premises.

Effective Oct 8, 2026.

Relative to the definition, inspection, and local approval of tiny houses as innovative housing structures

House Bill 1681 Chapter Law 330

The new law does not mandate municipalities allow tiny homes but does set up guidelines which should make it easier for towns to choose to do so.

A "Tiny house" is defined as a detached building used or intended to be used for habitation, providing permanent provisions for living, sleeping, eating, cooking and sanitation which is 600 square feet or less in floor area, excluding lofts; complies with the tiny home provisions of the state building code; and is constructed on a stable ground surface or foundation.

An "innovative housing structure" means a tiny house, a tiny house on wheels or a yurt.

A municipality may permit an innovative housing structure to be placed or erected on an individual house lot where single-family dwellings are allowed, or to be used as an accessory dwelling unit and subject to all applicable land use requirements.

Innovative housing structures must be treated as single-family dwellings or accessory dwelling units for zoning purposes and meet all applicable state laws and regulations regarding drinking water supply and wastewater treatment and disposal.

Effective September 13, 2026.

Eliminating use of agitators near temporary docks on water bodies

Senate Bill 594 - Chapter Law 127

No person shall place or operate any agitator device except as necessary to protect legally existing permanent structures located adjacent to their shoreline from ice damage. Any person or persons responsible for the placement of a device protecting structures by impeding ice formation shall ensure that warning signs are posted to warn of its location.

Effective August 2026.

Relative to dwellings over water

Senate Bill 27 – Chapter Law 17

Currently, existing dwellings over water which were constructed or converted to be made suitable for use as a dwelling in accordance with the law in effect at the time of construction or conversion, may be repaired

or reconstructed, for maintenance purposes only.

The new law states that the existing footprint or outside dimensions of a structure may be modified by adding or expanding legally existing exterior features only, such as decks, balconies, stairs, rooflines, or eaves, provided that no such addition or expansion will result in an increase in interior floor space nor change a recreational, water-based activity to a land-based, residential or commercial activity. The cumulative area across all added or expanded exterior features cannot exceed 100 square feet with less than or equal to 100 linear feet of shoreline frontage and not more than one square foot per linear foot of the subject property's shoreline frontage for properties that have greater than 100 linear feet of shoreline frontage. Such modifications cannot result in any penetration of the water or bank by any columns, supports, beams, or other like items. Such modifications must be approved by the Department of Environmental Services.

The law is currently in effect.

Relative to Municipal Zoning Requirements for Child Day Care Providers

House Bill 1195 – Chapter Law 217

This bill defines childcare centers for purposes of local zoning requirements and provides that, with limited exception, municipalities must allow the operation of a child care center by right on commercially zoned land provided that the center is in

compliance with child care licensing requirements.

The law mandates that any lot where residential use is permitted, a family or group family childcare center, licensed for 6 to 12 children, must be allowed by right in the primary or an existing accessory structure. The bill would also create similar types of opportunities in commercial zones.

In 2024, the legislature passed a bill to ensure communities could no longer prohibit home-based childcare nor could they require site plan review or a special exception permit. Instead, towns could either allow such childcare facilities by-right or through a conditional use permit. This bill effectively eliminates the option to require a conditional use permit.

The law is now in effect.

Relative to Snow Removal Responsibilities in Lease Agreements

House Bill 1112 – Chapter Law 213

Unless otherwise agreed to in the lease, the responsibility will rest with the landlord of restricted property for clearing snow and ice from, and maintaining safe access to, on-site common areas used by tenants of more than one rental unit, including but not limited to, driveways, walkways, stairs and entryways.

Unless otherwise agreed, the responsibility for clearing snow and ice from, and maintaining safe access to, private areas, including but not limited to, walkways, stairs, and entryways intended for exclusive use of one rental unit, shall rest with the tenants who have such exclusive use.

Nothing in this new law should be construed to alter snow and ice removal responsibilities for areas owned, maintained, or governed by a condominium association, cooperative, homeowners' association, manufactured housing park, or similar entity in which there is a mixture of private and common ownership.

This bill will be effective June 1, 2027.

Accessory Dwelling Units to be Built Within or Attached to Certain Non-Conforming Structures.

House Bill 1079 – Chapter Law 210

For the purposes of permitting an accessory dwelling unit (ADU), an "existing structure" means a structure existing on or before July 1, 2025, including detached garages, regardless of whether such structures violate current dimensional requirements for setbacks or lot coverage.

Any structure containing an accessory dwelling unit approved and built after July 1, 2025, shall receive protection from future zoning changes, provided the structure meets the time periods for reaching active and substantial development and substantial completion.

If an existing structure does not comply with current dimensional requirements for setbacks and lot coverage, a municipality may determine eligibility for placement of an accessory dwelling unit within an existing structure by requiring the applicant for the building permit to demonstrate either:

The existing structure qualifies as a preexisting, nonconforming structure exempt

from the currently applicable dimensional requirements for setbacks and lot coverage or the existing structure received a prior zoning approval or determination that it was exempt from the current dimensional requirements for setbacks and lot coverage.

The bill goes into effect August 31, 2026.

Requiring the removal of residential heating oil underground after 12 consecutive months of non-use except in certain circumstances.

House Bill 1620 – Chapter Law 122

Existing state fire code required the removal or containment of underground storage tanks when no longer in use. This bill generally duplicates that requirement in statute.

A residential heating oil underground storage tank shall be removed, in accordance with state fire code as defined by RSA 153:1, VI-a, if a change in the heating system removes it from use or if the owner does not intend to use it in the future.

Such a tank may be permanently abandoned by closure in-place, in accordance with state fire code as defined by RSA 153:1, VI-a, if removing the system would undermine the integrity of any overlying structure.

The law requires the seller to provide information relative to the presence of a residential heating oil underground storage tank. NHAR property disclosure form, Section 8, already provides for such notification.

Effective August 2026.

Establishing a home damage mitigation and resiliency grant program

Senate Bill 562 – Chapter Law 265

The purpose of this new law is to establish a program to provide financial grants to homeowners to mitigate residential real property against loss from severe weather events, including but not limited to those involving rain, wind, snow, ice, sleet, hail, floods, sea water, lake water, river water, surface water, tornadoes, hurricanes, and microbursts. By providing such grants, the state hopes it will reduce claim severity, frequency of claims, and insurance premiums for New Hampshire homeowners.

This new law does not create entitlement for property owners and does not obligate the state to provide funding.

It is important to note that the granite state home mitigation and resiliency program was not provided with state funding and is subject to the availability of funds. The NH Department of Insurance is exploring possible funding mechanisms.

Clarifying municipal adoption of C-PACER or Commercial Clean Energy Process.

Senate Bill 440 – Chapter Law 250

In 2025, the Legislature passed Senate Bill 4, which helped to streamline a funding process, also known as Commercial Property Assessed Clean Energy or Resiliency (C-PACER), to enable more construction of commercial and multi-family housing developments.

Under SB 4, however, municipalities could only adopt C-PACER through their annual town meeting process. As a result, at least 15 municipalities were unable to move forward.

This new law enables, but does not require, municipalities to adopt C-PACER through an opt-in selectboard hearing rather than an annual town meeting.

The bill is in effect immediately.