Suggested Language on HB 1021 –

Replace RSA 674:75 with the following:

674:75 Religious Use of Land and Structures.

1. No zoning ordinance or local land use regulation shall prohibit, regulate, or restrict the use of land or structures based solely on the religious nature of the use.
2. No zoning ordinance or local land use regulation shall impose a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the regulation is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest. (additional sentence I’d like to add: “The building of housing to house the unhoused shall qualify as religious exercise for the purpose of this legislation.”)

As discussed in the webinar that NHMA did with the Bureau of Economic Affairs, the law as passed is unclear and we have seen substantial interest from our membership in clarifying what is and what is not allowed. This rewrite accomplishes the following:

* Section I incorporates the decision in [*Church of Lukumi Babalu Aye, Inc.* v. *Hialeah,* 508 U. S. 520, 533 (1993)](https://scholar.google.com/scholar_case?case=975414503455261754&q=RLUIPA+land+use&hl=en&as_sdt=4,60,105,119,152) (“[A] law targeting religious beliefs as such is never permissible”).
* Section II incorporates the [Religious Land Use and Institutionalized Persons Act of 2000](https://www.justice.gov/crt/about/hce/housing_rluipa2.php) (RLUIPA), 42 U.S.C. §§ 2000cc, et seq., which protects individuals, houses of worship, and other religious institutions from discrimination in zoning laws.

We believe that this rewrite would serve the interests of protecting religious practice while also clarifying the law in a manner that removes ambiguity from its drafting.