

HB 399 - AS AMENDED BY THE SENATE

6Feb2025... 0023h
03/06/2025 0736s

2025 SESSION

25-0622
06/08

HOUSE BILL

399

AN ACT establishing a commission to study the New Hampshire zoning enabling act and relative to the effective date of the C-PACER program.

SPONSORS: Rep. Alexander Jr., Hills. 29; Rep. Osborne, Rock. 2; Rep. Simpson, Rock. 33; Rep. Sweeney, Rock. 25; Sen. McConkey, Dist 3; Sen. Murphy, Dist 16; Sen. Reardon, Dist 15

COMMITTEE: Housing

AMENDED ANALYSIS

This bill:

I. Establishes a commission to study the New Hampshire zoning enabling act.

II. Changes the effective date of 2025; 1 (SB 4), relative to the C-PACER program, from January 1, 2026 to upon passage.

III. Modifies the definition of "municipality" in the energy efficiency and clean energy districts chapter.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT establishing a commission to study the New Hampshire zoning enabling act and relative to the effective date of the C-PACER program.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Subdivision; New Hampshire Zoning Enabling Act; Commission to Study the Historical
2 Evolution of the New Hampshire Zoning Enabling Act. Amend RSA 674 by inserting after section
3 16-a the following new subdivision:

4 Commission to Study the Historical Evolution of the
5 New Hampshire Zoning Enabling Act

6 674:16-b Commission Established. There is established a commission to study the historical
7 evolution of New Hampshire's zoning enabling act, currently codified at RSA 674:16. The legislative
8 intent is to study the evolution of the New Hampshire Zoning Enabling Act as it turns 100 this year.
9 The goal is to see how the New Hampshire Zoning Enabling Act has changed over time and to
10 consider and make recommendations for future legislation on the balance of zoning powers between
11 the state and municipalities.

12 I. The members of the commission shall be as follows:

13 (a) Four members of the house of representatives appointed by the speaker of the house
14 in consultation with the house minority leader, no more than 2 from the same political party.

15 (b) Two members of the senate, appointed by the president of the senate in consultation
16 with the minority leader of the senate, no more than one from the same political party.

17 (c) One designee from the judicial branch, appointed by the chief justice of the supreme
18 court.

19 (d) Two national housing policy experts, appointed by the speaker of the house in
20 consultation with the minority leader of the house.

21 (e) One member representing municipal governments, appointed by the president of the
22 senate in consultation with the minority leader of the senate.

23 (f) One member of the public, appointed by the president of the senate in consultation
24 with the minority leader of the senate.

25 II. Legislative members of the commission shall receive mileage at the legislative rate when
26 attending to the duties of the commission.

27 III. The commission shall:

HB 399 - AS AMENDED BY THE SENATE

- Page 2 -

(a) Study the policy problem that the drafters of the Standard State Zoning Enabling Act intended to solve with the "Grant of Power" section, as enacted by the New Hampshire legislature in RSA 674:16.

(b) Determine if that problem or those problems are still relevant today, whether in whole or in part.

(c) Evaluate if RSA 674:16 has been effective in resolving that problem or problems.

(d) Examine whether the regulatory powers granted by RSA 674:16 were intended to be plenary or limited to those stated.

(e) Assess how those powers have been construed by courts and by local legislators over the years.

(f) Determine if the listed powers are still appropriate and/or applicable today, and if any could be removed or if any not present should be added.

(g) Similarly, assess if the listed purposes in RSA 674:17 are still appropriate or applicable today, and if any could be removed or if any not present should be added.

(h) Identify legislative alternatives to the approach taken by the Standard State Zoning Enabling Act, including any adopted by other states, and consider RSA 674:25, an enabling act for adopting interim zoning ordinances.

(i) Identify elements of the other sections of the Standard State Zoning Enabling Act, as codified at RSA 674:16-23, that would benefit from examination and potential revision.

(j) Investigate the relationship between the zoning provisions of RSA 674:16 et seq. and the subdivision provisions of RSA 674:35 et seq., and explore opportunities for aligning or combining these provisions.

IV. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum.

V. The commission shall make an interim report its findings and any recommendations for proposed legislation on or before November 1, 2025 and a final report of its findings and any recommendations for proposed legislation on or before November 1, 2026. The commission shall send the interim report and the final report to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

2 Energy Efficiency and Clean Energy Districts Definitions. Amend RSA 53-F:1, VIII to read as follows:

VIII. "Municipality" means any city, town, *unincorporated town, unorganized place*, or village district, or the designated representative of the city, town, or village district.

3 Repeal. RSA 674:16-b, relative to study the historical evolution of New Hampshire's zoning enabling act, is repealed.

HB 399 - AS AMENDED BY THE SENATE

- Page 3 -

1 4 C-PACER; Energy Efficiency and Clean Energy Districts; Effective Date of 2025; 1 (SB 4).

2 Amend 2025, 1:9 to read as follows:

3 1:9 Effective Date. This act shall take effect [~~January 1, 2026~~] ***upon its passage.***

4 5 Effective Date.

5 I. Section 1 of this act shall take effect July 1, 2025.

6 II. Section 3 of this act shall take effect November 1, 2026.

7 III. The remainder of this act shall take effect upon its passage.