

HB 399 - VERSION ADOPTED BY BOTH BODIES

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2025 SESSION

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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

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

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

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

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

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

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

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

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

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

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

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

32 2 Energy Efficiency and Clean Energy Districts Definitions. Amend RSA 53-F:1, VIII to read as
33 follows:

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

36 3 Repeal. RSA 674:23-a, relative to the commission to study the historical evolution of New
37 Hampshire's zoning enabling act, is repealed.

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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.