SB 163 - AS AMENDED BY THE SENATE

03/20/2025 0910s

2025 SESSION

25-1046
06/05

SENATE BILL ***163***

AN ACT repealing the temporary moratoria and limitation on building permits and the approval of subdivisions and site plans.

SPONSORS: Sen. Pearl, Dist 17; Sen. Lang, Dist 2; Sen. Murphy, Dist 16; Sen. Watters, Dist 4; Sen. Innis, Dist 7; Sen. McGough, Dist 11; Rep. Harvey-Bolia, Belk. 3; Rep. Moffett, Merr. 4; Rep. Alexander Jr., Hills. 29; Rep. Morton, Hills. 39

COMMITTEE: Commerce

AMENDED ANALYSIS

This bill repeals the authority for a local legislative body to adopt an ordinance establishing a temporary moratoria and limitations on building permits and the approval of subdivisions and site plans.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT repealing the temporary moratoria and limitation on building permits and the approval of subdivisions and site plans.

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

1 Moratorium Cross-reference; Innovative Land Use Controls. Amend RSA 674:21, IV(b) to read as follows:

(b) "Phased development" means a development, usually for large-scale projects, in which construction of public or private improvements proceeds in stages on a schedule over a period of years established in the subdivision or site plan approved by the planning board. In a phased development, the issuance of building permits in each phase is solely dependent on the completion of the prior phase and satisfaction of other conditions on the schedule approved by the planning board. Phased development does not include a general limit on the issuance of building permits or the granting of subdivision or site plan approval in the municipality, which may be accomplished only by a growth management ordinance under RSA 674:22[~~ or a temporary moratorium or limitation under RSA 674:23~~].

2 Moratorium Cross-reference; Power to Regulate Subdivisions. Amend RSA 674:35, III to read as follows:

III. The planning board shall not limit the number of building permits that may be issued except in accordance with an innovative land use control ordinance addressing timing incentives and phased development under RSA 674:21 and adopted under RSA 674:16; or an ordinance to regulate and control the timing of development, adopted under RSA 674:22[~~; or an ordinance establishing a temporary moratorium or limitation on the issuance of building permits, adopted under RSA 674:23~~]. This paragraph shall not be construed to limit the planning board's authority to deny a subdivision application on the basis that it is scattered or premature.

3 Repeal. RSA 674:23, relative to the authority to adopt a local ordinance establishing a temporary moratoria and limitation on building permits and the approval of subdivisions and site plans, is repealed.

4 Effective Date. This act shall take effect upon its passage.