

# Senate Executive Departments and Administration Committee

*Kevin Condict 271-7875*

**SB 188-FN**, allowing independent permitting and inspections, and allowing local governments to authorize licensed engineers and architects to perform building code inspections.

**Hearing Date:** February 5, 2025

**Time Opened:** 11:59 a.m.

**Time Closed:** 12:16 p.m.

**Members of the Committee Present:** Senators Pearl, McGough, Gannon, Altschiller and Reardon

**Members of the Committee Absent :** None

**Bill Analysis:** This bill:

I. Allows independent third-parties, hired by the property owner, to inspect land, buildings, and structures to determine compliance with state and local building codes.

II. Establishes private providers as an alternative to local enforcement agencies for conducting building code inspections and plan reviews.

---

**Sponsors:**

Sen. Murphy  
Sen. Pearl

Sen. Innis  
Rep. Alexander Jr.

Sen. McGough  
Rep. Osborne

---

**Who supports the bill:** Senator Keith Murphy (SD 16), Natch Greyes (BIA), Matt Mayberry (NH Homebuilders), Aubrey Freedman, William Peirce, Sara Holland (NH Realtors), Curtis Howland, Daniel Richardson, Senator Tim McGough (SD 11), and Greg Moore (AFPNH).

**Who opposes the bill:** Sarah Burke Cohen (NHMA), Bronwyn Sims, Jane Aiken, James McConnell, Martha Mills, Jill Bouchillon, David Bouchillon, Jim Avalon, John O'Day, Rick Hiland, Goerge Morin, Rosina Lis, Clarence Skidmore, Stuart Harnden, and Loretta Laurenitis.

**Who is neutral on the bill:** None.

## **Summary of testimony presented:**

### **Senator Keith Murphy, Senate District 16**

- Sen. Murphy introduced Senate Bill 188-FN.
- Sen. Murphy said that SB 188-FN attempts to address a major problem in having new housing built. He noted everyone is aware that New Hampshire is in a housing crisis, with the average home price being the ninth highest in the country at \$520,000. In the last five years the average home price has jumped 90% in Sullivan County, 77% in Grafton County and 70% in Merrimack County.
- He said one of the causes is supply and demand, but another part is that the process to get approval to build houses has gotten to be absurdly complicated. He said red tape, delays and redrafts harm home production.
- He noted when you require months and months of inspections you get a million-dollar house. He said people in this state are crying out for affordable houses.
- He said this bill allows builders the chance to go to independent providers who can use their engineering stamps, certifications, and licenses they already have passed to approve plans and inspect buildings.
- He said this already happens in some parts of the state where certain towns send plans out to be independently certified by engineering firms.
- He noted it does expand the building code. He said this legislation has already been the law in Florida since 2002. Nationally, in the last few years Texas and Tennessee have passed this language.
- Sen. Altschiller asked if the builders cannot hire private fire prevention and safety code officers.
  - o Sen. Murphy said that is correct.
- Sen. Altschiller asked why the state needs their own building code officers if they are just going to have the private market do it.
  - o Sen. Murphy said if a building code officer is taking ninety days to approve plans and perform inspections then there should be the option to go to an independent provider. He emphasized it is just an option.

### **Sarah Burke Cohen, NH Municipal Association**

- NHMA opposed this bill as it sets up an entirely new framework for building code plan review and building inspections.
- She noted this bill is entirely based on the Florida statute and has language that is not used in New Hampshire statute. This bill would impact municipalities negatively by reducing revenues that are received through the permitting process and moving these revenues to private providers.

- There would be increased expenditures for municipalities which would result in increased property taxes. These increased expenditures would be related to additional staffing for municipalities in order to meet the very short timelines that are part of this bill.
- Municipalities would be giving up their authority to issue permits and certificates if they do not meet the shortened timelines.
- This new framework would be the most difficult for small towns that have part time building inspectors or towns that share a building inspector.
- This bill would impact the ability of localities to use their local authority in these processes.
- There would be technical issues on implementation and there is no process for audits or how they would set up those audits.
- She noted that architects and engineers do not have training in building code, but they learn it on the job, so they are not certified as building inspectors.

### **Aubrey Freedman**

- Mr. Freedman supported this bill as it would improve the delays in building houses. He said anything that will speed up the process is a good thing.
- He noted that if a town building inspector were to mess up the taxpayer is liable. If a private contractor were to mess up the contractor's insurance company would be liable instead of the taxpayer.
- Mr. Freedman noted that if there is a safety issue, town enforcement officers have the authority to stop the project.

### **Matt Mayberry, NH Homebuilders Association**

- Mr. Mayberry expressed his strong support for SB 188-FN, with one small change due to an unintended consequence.
- He said this bill addresses a multi-faceted problem that directly affects housing production here in New Hampshire.
- Currently, many building inspectors are the local fire chiefs or their designees, who do a tremendous job. However, no matter how skilled they are in fire safety, they are not home builders, plumbers or electricians.
- SB 188-FN offers a practical solution by allowing developers to hire outside licensed third-party professionals which would ease staffing constraints and reduce wait times for inspections.

- The towns and municipalities would not lose any revenue as they will still issue the building permits.
- He said that some building inspectors weaponize inspections against builders who do not cater to them.
- Right now, there is no recourse when inspectors act arbitrarily, and unlike licensed professionals they cannot be held responsible for malpractice or malfeasance because they are not licensed.
- On page 2, line 13, he would like to take out the words, “improvements to land,” and add the words, “building code compliance.” He noted that request was from the New Hampshire Department of Environmental Services.

KC

Date Hearing Report completed: February 7, 2025