

HB 413 - VERSION ADOPTED BY BOTH BODIES

2025 SESSION

25-0145

06/05

HOUSE BILL **413**

AN ACT relative to subdivision regulations on the completion of improvements and the regulation of building permits.

SPONSORS: Rep. Pauer, Hills. 36; Rep. Alexander Jr., Hills. 29; Rep. J. Aron, Sull. 4; Rep. Cole, Hills. 26; Rep. Damon, Sull. 8; Rep. Gibbs, Merr. 23; Rep. M. Aron, Sull. 8; Sen. Murphy, Dist 16

COMMITTEE: Municipal and County Government

ANALYSIS

This bill:

I. Extends the existing 5-year exemption for subdivision plats to 7 years and increases the preliminary step from 2 years to 3 years.

II. Changes the building code and fire code appeals process, limiting the jurisdiction of the local building code board of appeals to hearing decisions made under local amendments to those codes.

III. Provides that decisions of the building code review board regarding decisions of the fire marshal and local building code board of appeals may be appealed to superior court or the housing appeals board.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to subdivision regulations on the completion of improvements and the regulation of building permits.

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

1 1 Regulation of Subdivision of Land; Exemption. Amend RSA 674:39 to read as follows:

2 674:39 ~~[Five]~~ **Seven**-Year Exemption.

3 I. Every subdivision plat approved by the planning board and properly recorded in the
4 registry of deeds and every site plan approved by the planning board and properly recorded in the
5 registry of deeds, if recording of site plans is required by the planning board or by local regulation,
6 shall be exempt from all subsequent changes in subdivision regulations, site plan review regulations,
7 impact fee ordinances, and zoning ordinances adopted by any city, town, or county in which there are
8 located unincorporated towns or unorganized places, except those regulations and ordinances which
9 expressly protect public health standards, such as water quality and sewage treatment
10 requirements, for a period of ~~[5]~~ **7** years after the date of approval; provided that:

11 (a) Active and substantial development or building has begun on the site by the owner or
12 the owner's successor in interest in accordance with the approved subdivision plat within ~~[24~~
13 ~~months]~~ **3 years** after the date of approval, or in accordance with the terms of the approval, and, if a
14 bond or other security to cover the costs of roads, drains, or sewers is required in connection with
15 such approval, such bond or other security is posted with the city, town, or county in which there are
16 located unincorporated towns or unorganized places, at the time of commencement of such
17 development;

18 (b) Development remains in full compliance with the public health regulations and
19 ordinances specified in this section; and

20 (c) At the time of approval and recording, the subdivision plat or site plan conforms to
21 the subdivision regulations, site plan review regulations, and zoning ordinances then in effect at the
22 location of such subdivision plat or site plan.

23 II. Once substantial completion of the improvements as shown on the subdivision plat or site
24 plan has occurred in compliance with the approved subdivision plat or site plan or the terms of said
25 approval or unless otherwise stipulated by the planning board, the rights of the owner or the owner's
26 successor in interest shall vest and no subsequent changes in subdivision regulations, site plan
27 regulations, or zoning ordinances, except impact fees adopted pursuant to RSA 674:21 and 675:2-4,
28 shall operate to affect such improvements.

1 III. The planning board may, as part of its subdivision and site plan regulations or as a
2 condition of subdivision plat or site plan approval, specify the threshold levels of work that shall
3 constitute the following terms, with due regard to the scope and details of a particular project:

4 (a) "Substantial completion of the improvements as shown on the subdivision plat or site
5 plan," for purposes of fulfilling paragraph II; and

6 (b) "Active and substantial development or building," for the purposes of fulfilling
7 paragraph I.

8 IV. Failure of a planning board to specify by regulation or as a condition of subdivision plat
9 or site plan approval what shall constitute "active and substantial development or building" shall
10 entitle the subdivision plat or site plan approved by the planning board to the ~~[5-year]~~ **7-year**
11 exemption described in paragraph I. The planning board may, for good cause, extend the ~~[24-month]~~
12 **3-year** period set forth in subparagraph I(a).

13 ***V. The 7-year period and 3-year exemption in this section shall apply to any***
14 ***approval granted on or after July 1, 2023.***

15 2 Powers of Building Code Board of Appeals. Amend RSA 674:34, I to read as follows:

16 I. The building code board of appeals shall hear and decide appeals of orders, decisions, or
17 determinations made by the building official or fire official relative to the application and
18 interpretation of the state building code or state fire code as defined in RSA 155-A:1. ***If the zoning***
19 ***board of adjustment or board of selectmen is acting as the building code board of appeals***
20 ***under either RSA 673:1, V, or RSA 673:3, IV, its jurisdiction shall be limited to hearing***
21 ***appeals of local amendments to the state building code or state fire code, and all other***
22 ***appeals shall be made to the building code review board under RSA 155-A:11-b.*** An
23 application for appeal shall be based on a claim that the true intent of the code or the rules adopted
24 thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an
25 equally good or better form of construction is proposed. The board shall have no authority to waive
26 requirements of the state building code or the state fire code.

27 3 New Hampshire Building Code; Appeal of Decisions of Local Building Code Board of Appeals.
28 Amend RSA 155-A:11-b, I to read as follows:

29 I. The board ***shall hear and decide appeals of orders, decisions, or determinations***
30 ***made by the local building official relative to the application and interpretation of the***
31 ***state building code and state fire code as defined in RSA 155-A:1,*** and shall hear appeals of
32 final decisions of any local building code board of appeals established under RSA 674.

33 4 New Paragraph; Register of Deeds; Site Plans. Amend RSA 478:1-a by inserting after
34 paragraph XIII the following new paragraph:

35 XIV. The register of deeds shall not refuse to record a plat under this section for failure to
36 comply with a law, regulation, or ordinance adopted after the date the site plan or plat was approved
37 by the municipal planning board.

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1 5 Housing Appeals Board; Authority and Duties; Appeals of Decisions by the Building Code
2 Review Board. Amend RSA 679:5, IV to read as follows:

3 IV. After local remedies have been exhausted, appeals may be brought before the board by
4 an applicant to the municipal board, committee, or commission, or by any other aggrieved or injured
5 party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15. The
6 municipality shall be a party to the action. If the applicant is not the party initiating the action
7 before the board, then the applicant shall automatically be an intervenor. The board shall grant
8 intervenor status to abutters and to any other aggrieved or injured party who can demonstrate legal
9 standing to appeal pursuant to RSA 677:4 or RSA 677:15. ***Decisions of the state fire marshal***
10 ***that may be appealed under RSA 155-A:11, I, and final decisions of a local building code***
11 ***board of appeals that may be appealed under RSA 155-A:11-b shall first be appealed to the***
12 ***building code review board pursuant to those sections. Decisions of the building code***
13 ***review board on such appeals may then be appealed either to superior court pursuant to***
14 ***RSA 155-A:12 or the board under this chapter.***

15 6 Zoning Board of Adjustment and Building Code Board of Appeals. Amend RSA 673:3, IV to
16 read as follows:

17 IV. The building code board of appeals shall consist of 3 or 5 members who shall be
18 appointed in a manner prescribed by the local legislative body; provided, however, that ~~an elected~~ ***a***
19 zoning board of adjustment may act as the building code board of appeals pursuant to RSA 673:1, V.
20 Each member of the board shall be a resident of the municipality in order to be appointed.

21 7 Effective Date. This act shall take effect July 1, 2025.