

HB 342 - AS AMENDED BY THE SENATE

13Mar2025... 0579h
05/22/2025 2155s

2025 SESSION

25-0634
06/08

HOUSE BILL **342**

AN ACT relative to the approval process for new construction and to the adoption of energy efficient and clean energy districts by municipalities.

SPONSORS: Rep. Long, Hills. 26; Sen. Innis, Dist 7

COMMITTEE: Housing

AMENDED ANALYSIS

This bill:

I. Allows property owners to build on their property without seeking a variance for minimum lot size or lot coverage if the proposed building density conforms to that of the surrounding neighborhood and with how the property is zoned, as verified by the local planning board.

II. Modifies the requirements for the adoption of energy efficient and clean energy districts by municipalities.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to the approval process for new construction and to the adoption of energy efficient and clean energy districts by municipalities.

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

1 1 New Section; Property Density Conformity and Building Without Variance Innovative.
2 Amend RSA 674 by inserting after section 21-a the following new section:

3 674:21-b Property Density Conformity and Building Without Variance.

4 I. In this section:

5 (a) "Density" means the number of dwelling units per acre or the percentage of lot
6 coverage by buildings and structures.

7 (b) "Neighborhood" means the properties within a 1,000-foot radius of the subject
8 property's boundary lines.

9 II. Notwithstanding any other provisions of law to the contrary, property owners shall be
10 allowed to build on their property without seeking a variance for minimum lot size or percentage of
11 lot coverage if the proposed building conforms to how the property is zoned and the density of the
12 neighborhood, which shall be assessed based on the density of 51 percent of the properties within a
13 1,000-foot radius built before the effective date of this section.

14 III. The zoning administrator shall be responsible for verifying that the proposed building
15 conforms to the density requirements under this section.

16 IV. Property owners seeking to build shall submit documentation proving that new or
17 existing lots conform to the requirements in this section to the zoning administrator for review and
18 approval.

19 V. Property owners seeking to subdivide a lot within a 1,000-foot radius shall obtain
20 planning board approval.

21 2 Towns, Cities, Village Districts, and Unincorporated Places; Energy-Efficient and Clean
22 Energy Districts; Adoption by Municipality. RSA 53-F:2 is repealed and reenacted to read as
23 follows:

24 53-F:2 Adoption by Municipality or County. A city, town, village district, or county on behalf of
25 an unincorporated place may adopt the provisions of this chapter in the following manner:

26 I. In a city, town, village district, or county on behalf of an unincorporated place that has
27 adopted a charter pursuant to RSA 49-D, the legislative body or governing body may consider and
28 act upon the question in accordance with its normal procedures for passage of resolutions,
29 ordinances, and other legislation.

1 II. In a town other than a town that has adopted a charter pursuant to RSA 49-D, or in a
2 village district, the governing body has the authority to adopt the provisions of this chapter and
3 create a district after they hold at least one public hearing.

4 (a) The governing body's vote may occur at the conclusion of the public hearing, or at a
5 subsequent public meeting noticed pursuant to RSA 91-A. Public notice of the time and place of the
6 public hearing shall be posted at least 10 calendar days before the public hearing and shall be posted
7 in at least 2 public places, one of which may be the entity's website, provided that the notice itself, or
8 a direct link to the notice, appears predominantly on the home page, and remains until the
9 conclusion of the last public hearing.

10 (b) The public notice shall contain a description of the boundaries of the proposed
11 district, and either the full text of the proposed C-PACER ordinance, or an adequate statement
12 describing the proposal and designating the place where the proposed ordinance is on file for public
13 inspection.

14 (c) An additional public hearing shall be held if the proposed ordinance is substantively
15 altered by the governing body during or after the public hearing. Subsequent public hearings shall
16 be held at least 14 days after the prior public hearing and with the notice provided herein.

17 (d) Notwithstanding paragraph II, upon the written petition of 50 registered voters
18 presented to the governing body prior to the governing body's vote, the question of the adoption of
19 this chapter and the creation of a district shall be inserted as an article in the warrant for the next
20 available annual meeting.

21 III. The C-PACER district may cover all or a portion of the area within the municipality or
22 unincorporated place.

23 IV. A city, town, village district, or county on behalf of an unincorporated place may vote to
24 rescind its action and dissolve the district in the same manner as it may vote to adopt, provided that
25 all agreements entered into with property owners and related legal obligations created prior to its
26 vote to rescind shall remain in effect.

27 3 Agreements with Property Owners. Amend RSA 53-F:4, III to read as follows:

28 III. The municipality shall execute a notice of the assessment and lien, and an assignment of
29 notice of assessment and lien under this chapter for recording in the county registry of deeds. The
30 notice shall consist of the following statement or its substantial equivalent: "This property is subject
31 to a special assessment related to the installation of qualifying *improvements* under RSA 53-F."

32 4 Effective Date. This act shall take effect upon its passage.