

CHAPTER 186
HB 413 - FINAL VERSION

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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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:

1 186:1 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 registry of
4 deeds and every site plan approved by the planning board and properly recorded in the registry of deeds,
5 if recording of site plans is required by the planning board or by local regulation, shall be exempt from all
6 subsequent changes in subdivision regulations, site plan review regulations, impact fee ordinances, and
7 zoning ordinances adopted by any city, town, or county in which there are located unincorporated towns
8 or unorganized places, except those regulations and ordinances which expressly protect public health
9 standards, such as water quality and sewage treatment requirements, for a period of [5] 7 years after the
10 date of approval; provided that:

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

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

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

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

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

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

CHAPTER 186
HB 413 - FINAL VERSION
- Page 2 -

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

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

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

9 186:2 Powers of Building Code Board of Appeals. Amend RSA 674:34, I to read as follows:

10 I. The building code board of appeals shall hear and decide appeals of orders, decisions, or
11 determinations made by the building official or fire official relative to the application and interpretation of
12 the state building code or state fire code as defined in RSA 155-A:1. ***If the zoning board of adjustment or***
13 ***board of selectmen is acting as the building code board of appeals under either RSA 673:1, V, or RSA***
14 ***673:3, IV, its jurisdiction shall be limited to hearing appeals of local amendments to the state building code***
15 ***or state fire code, and all other appeals shall be made to the building code review board under RSA 155-***
16 ***A:11-b.*** An application for appeal shall be based on a claim that the true intent of the code or the rules
17 adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an
18 equally good or better form of construction is proposed. The board shall have no authority to waive
19 requirements of the state building code or the state fire code.

20 186:3 New Hampshire Building Code; Appeal of Decisions of Local Building Code Board of Appeals.
21 Amend RSA 155-A:11-b, I to read as follows:

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

26 186:4 New Paragraph; Register of Deeds; Site Plans. Amend RSA 478:1-a by inserting after
27 paragraph XIII the following new paragraph:

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

31 186:5 Housing Appeals Board; Authority and Duties; Appeals of Decisions by the Building Code
32 Review Board. Amend RSA 679:5, IV to read as follows:

33 IV. After local remedies have been exhausted, appeals may be brought before the board by an
34 applicant to the municipal board, committee, or commission, or by any other aggrieved or injured party
35 who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15. The municipality
36 shall be a party to the action. If the applicant is not the party initiating the action before the board, then
37 the applicant shall automatically be an intervenor. The board shall grant intervenor status to abutters and
38 to any other aggrieved or injured party who can demonstrate legal standing to appeal pursuant to RSA
39 677:4 or RSA 677:15. ***Decisions of the state fire marshal that may be appealed under RSA 155-A:11, I,***

CHAPTER 186
HB 413 - FINAL VERSION

- Page 3 -

1 *and final decisions of a local building code board of appeals that may be appealed under RSA 155-A:11-b*
2 *shall first be appealed to the building code review board pursuant to those sections. Decisions of the*
3 *building code review board on such appeals may then be appealed either to superior court pursuant to*
4 *RSA 155-A:12 or the board under this chapter.*

5 186:6 Zoning Board of Adjustment and Building Code Board of Appeals. Amend RSA 673:3, IV to
6 read as follows:

7 IV. The building code board of appeals shall consist of 3 or 5 members who shall be appointed in
8 a manner prescribed by the local legislative body; provided, however, that [an-elected] a zoning board of
9 adjustment may act as the building code board of appeals pursuant to RSA 673:1, V. Each member of the
10 board shall be a resident of the municipality in order to be appointed.

186:7 Effective Date. This act shall take effect July 1, 2025.

Approved: July 15, 2025

Effective Date: July 01, 2025