

Amendment to HB 297-FN

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to providing self-funded employer health benefit plans access to their claims
4 data and establishing the Granite State home mitigation and resiliency program.

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6 Amend the bill by replacing all after section 1 with the following:

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8 2 New Chapter; Granite State Home Mitigation and Resiliency Program. Amend RSA by
9 inserting after chapter 407-D the following new chapter:

10

CHAPTER 407-E

11

GRANITE STATE HOME MITIGATION AND RESILIENCY PROGRAM

12

13 407-E:1 Granite State Home Mitigation and Resiliency Program. There is hereby established
14 the Granite State home mitigation and resiliency program (program), which shall be implemented
15 under this chapter.

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17 407-E:2 Purpose and Policy. The purpose of this chapter is to establish a program to provide
18 financial grants to homeowners to mitigate residential real property against loss from severe
19 weather events, including but not limited to those involving rain, wind, snow, ice, sleet, hail,
20 tornadoes, hurricanes, and microbursts. The intent of this chapter is to provide New Hampshire
21 residents the opportunity to mitigate the risk to their homes from severe weather events, thereby
22 reducing claim severity, frequency of claims, and insurance premiums for New Hampshire
23 homeowners. This chapter does not create an entitlement for property owners and does not obligate
24 the state to pay for property to be inspected, constructed, improved, mitigated, or retrofitted. The
25 program is subject to legislative appropriations, the receipt of federal grants or money, or the receipt
26 of other sources of funding.

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407-E:3 Definitions.

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In this chapter:

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I. "Commissioner" means the insurance commissioner.

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II. "Department" means the insurance department.

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III. "Homeowner" means a natural person who is a New Hampshire resident and owns
32 residential real property in New Hampshire.

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IV. "IBHS" means Insurance Institute for Business and Home Safety.

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1 V. "Manufactured housing" is housing that is transported in one or more sections and
2 erected on site on a permanent cement foundation, and which is at least 320 square feet.

3 VI. "Non-IBHS grant" means a program grant used for the following items: tree removal or
4 trimming and repair or replacement of foundations, stairs, railings, decks or porches.

5 VII. "Residential real property" means an owner-occupied, single-family, primary residence
6 located in New Hampshire, which is not a mobile home, condominium, townhouse, or multi-unit
7 dwelling. Residential real property includes, but is not limited to, manufactured housing.

8 VIII. "State" means the state of New Hampshire.

9 IX. "State median income" means an annual income figure calculated by the United States
10 Census Bureau representing the point in which there are as many families earning more than a
11 specific amount as there are earning less than that amount.

12 407-E:4 Fund Established. There is established the Granite State home mitigation and
13 resiliency fund, which shall be administered by the commissioner, and which shall be kept separate
14 and distinct from all other funds. All moneys in the fund shall be continually appropriated to the
15 department for the purposes of this chapter. State moneys paid into the Granite State home
16 mitigation and resiliency fund shall lapse into the general fund if not awarded within 5 years.

17 407-E:5 Appropriation and Funding Transfer.

18 I. Deposits into the Granite State home mitigation and resiliency fund shall consist
19 exclusively of the following:

20 (a) One million dollars of the amount of insurance premium tax received by the state
21 shall annually be appropriated to the fund;

22 (b) Federal or other sources of grants or funds; and

23 (c) Gifts, grants, and donations.

24 II. The department shall use its best efforts to obtain grants or funds from the federal
25 government or other funding sources to supplement the financial resources of the program provided
26 by the state.

27 III. The moneys in the fund shall not be subject to any state taxes and shall not be subject to
28 any federal taxes to the extent allowed by applicable federal law.

29 IV. Each year no later than March 15, the state treasurer shall transfer funds from the
30 general fund to the Granite State home mitigation and resiliency fund as required pursuant to
31 subparagraph I(a).

32 407-E:6 Availability and Use of Grants.

33 I. Consistent with this chapter, grants awarded under this chapter shall be used for projects
34 that will enhance resiliency and risk mitigation to improve insurability in underwriting of
35 residential real property against loss from severe weather events.

36 II. Grants shall be awarded on a first-come, first-served basis to residential real property
37 owners who meet the eligibility requirements subject to the availability of funds.

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1 III. Grants awarded under the program shall be for a value of no more than \$9,500 per New
2 Hampshire residence, per year. No more than one grant shall be awarded for any single eligible
3 residence within a 3-year period.

4 IV. The grant recipient is responsible for any local, state, or federal taxes the grant recipient
5 may owe as a result of receiving grant money from the program.

6 407-E:7 Grant Eligibility Requirements.

7 I. To be eligible for any grant, the residential real property owner shall:

8 (a) Own a residential real property.

9 (b) Have a gross household income of no greater than 60 percent of the New Hampshire
10 state median income.

11 (c) Submit a grant application to the department as required by this chapter.

12 (d) Meet all other applicable requirements of this chapter.

13 II. To be eligible for an IBHS grant to be used to mitigate a residential real property:

14 (a) The residential structure on the residential real property shall have a foundation,
15 which is not a dry stack or field stone foundation.

16 (b) The residential real property owner shall maintain an in-force homeowner's
17 insurance policy on the residential real property unless the real property owner has satisfied the
18 commissioner that the real property owner cannot procure insurance until the mitigation work has
19 been completed.

20 (c) The residential real property owner shall:

21 (1) Agree to reinforce the residential structure to the IBHS FORTIFIED Roof™
22 (Roof) or FORTIFIED Silver™ (Silver) designation, or successor designation, or similar standard
23 approved by the commissioner.

24 (2) Agree to use an IBHS certified contractor to perform the home fortification work.

25 (3) Have a certified IBHS evaluator prequalify the insured property as mitigable and
26 identify all improvements required to achieve IBHS FORTIFIED Roof™ (Roof) or FORTIFIED
27 Silver™ (Silver) designation, or successor designation, or similar standard approved by the
28 commissioner.

29 (4) Obtain bids from at least 2 IBHS certified contractors who agree to the scope of
30 work and approximate cost of the mitigation work covered by the grant.

31 (5) Agree to obtain all necessary local and state permits.

32 (6) Agree to conduct all local and state required inspections.

33 (7) Meet all other applicable requirements of this chapter.

34 III. To be eligible for a non-IBHS grant:

35 (a) There must be a residential structure on the residential real property.

36 (b) The non-IBHS grant item must threaten the insurability of the residence.

37 (c) The residential real property owner shall:

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- 1 (1) Provide proof of the insurability issue as required by the commissioner.
- 2 (2) Agree to use an eligible contractor to perform the non-IBHS work.
- 3 (3) Agree to obtain all necessary local and state permits.
- 4 (4) Agree to conduct all local and state required inspections.
- 5 (5) Maintain a current homeowner's insurance policy on the residential real property
- 6 unless the real property owner has satisfied the commissioner that the real property owner cannot
- 7 procure such insurance until the work has been completed.
- 8 (6) Meet all other applicable requirements of this chapter.

9 V. Grants under this chapter are not available for new construction.

10 407-E:8 Grant Application Process.

11 I. Residential real property owners shall apply for a grant under the program on a form

12 prescribed by the commissioner.

13 II. Incomplete applications shall not be accepted and shall be returned to the applicant to be

14 made complete and resubmitted to the department.

15 III. The department shall send a determination letter to the applicant within 30 days of

16 approval or denial of a complete application.

17 407-E:9 Payment of Grant Funds.

18 I. Approved grants shall only be paid after the residential real property owner establishes

19 that the applicable work has been completed.

20 II. The residential real property owner establishes that the non-IBHS work has been

21 completed by providing the department with:

22 (a) A copy of the signed contract between the eligible contractor and the real property

23 owner for the work.

24 (b) A copy of the itemized invoice detailing the work.

25 (c) A sworn affidavit from the eligible contractor who performed the work that the work

26 has been completed in conformance with the requirements of this chapter.

27 III. In addition to the requirements of paragraph II, for IBHS grants, the residential

28 property owner shall further provide the department with:

29 (a) The IBHS evaluator's required interim inspection report during construction.

30 (b) A FORTIFIED Roof™ or FORTIFIED Silver™ designation certificate.

31 (c) A sworn affidavit from the eligible contractor who performed the work that the work

32 has been completed in conformance with the requirements of this chapter.

33 IV. If the residential real property owner has established compliance with this section, the

34 department shall issue the approved grant funds directly to the eligible contractor who performed

35 the work for the residential real property owner.

36 V. The real property owner is responsible for any amount owed to an eligible contractor that

37 exceeds the amount of the awarded grant moneys.

1 407-E:10 Contractor Eligibility, Hiring, and Duties.

2 I. The contractor shall demonstrate IBHS certified contractor status for RSA 407-E:7, II,
3 IBHS grants.

4 II. The department shall not endorse or otherwise provide preferential treatment to any
5 contractor.

6 III. The contractor shall meet all applicable requirements of this chapter, including, but not
7 limited to, those listed in this section, and maintain a current copy of all applicable certificates,
8 licenses, and proof of insurance coverages for inspection by the department at the department's
9 request:

10 (a) The contractor shall be registered to do business with the New Hampshire secretary
11 of state.

12 (b) The contractor shall hold any necessary local or state licenses.

13 (c) The contractor shall possess an in-force, general liability insurance against all claims
14 of bodily injuries, death or property damage, in amounts not less than \$1,000,000 per occurrence and
15 \$2,000,000 aggregate for bodily injury or death any one incident, and \$500,000 for property damage
16 in any one incident.

17 (d) The contractor shall have workers' compensation and employer's liability insurance
18 consistent with state law.

19 (e) The contractor shall provide and maintain accurate contact information with the
20 department.

21 (f) The contractor shall not have a financial interest in any project funded by the
22 program for which they perform work other than receiving payment on behalf of the homeowner
23 from the program.

24 (g) The contractor shall not be the evaluator for any project funded by the program.

25 IV. The contractor shall establish that any subcontractor used by the contractor meets the
26 requirements applicable to contractors set forth in paragraph III.

27 407-E:11 Evaluator Eligibility Requirements.

28 To be eligible to work on a project funded by the program as an evaluator for RSA 407-E:7, II,
29 IBHS grants, the evaluator shall meet all applicable requirements of this chapter, including, but not
30 limited to, those listed in this section:

31 I. The evaluator shall maintain an active IBHS certification as a FORTIFIED Home
32 Evaluator.

33 II. The evaluator shall be registered with the New Hampshire secretary of state.

34 III. The evaluator shall maintain accurate contact information with the department.

35 IV. The evaluator shall not have any financial interest in any project the evaluator inspects
36 for designation purposes for the program.

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1 V. The evaluator shall not be a contractor or supplier of any materials or products or
2 systems installed in any residential real property the evaluator inspects for designation purposes for
3 the program.

4 VI. The evaluator shall not be the sales agent for any residential real property being
5 designated for the program.

6 407-E:12 Confidentiality of Information.

7 I. Except as required by state or federal law, grant applications, documents, materials and
8 other information submitted to the department by or on behalf of a residential real property owner
9 in support of a grant application shall be confidential by law, shall not be subject to RSA 91-A, shall
10 not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any
11 private civil action.

12 II. The commissioner may share documents, materials, or other information, including the
13 confidential applications, documents, materials, or other information under paragraph I, with other
14 state and federal regulatory agencies or the National Association of Insurance Commissioners, their
15 affiliates or subsidiaries; provided, that the recipient agrees to maintain the confidentiality status of
16 the application, document, material, or other information.

17 III. No waiver of any applicable confidentiality in the applications, documents, materials, or
18 information shall occur as a result of disclosure to the commissioner under this paragraph or as a
19 result of sharing as authorized in paragraph II.

20 IV. The commissioner shall disclose to the public annually the number and nature of grant
21 applications filed with the department and the nature, number, and amount of grants awarded;
22 provided, however, no information exempt from disclosure under RSA 91-A shall be disclosed and no
23 disclosure shall abridge the privacy interests of any applicant who filed a grant application or
24 received a grant.

25 V. In this paragraph “department,” “commissioner,” “regulatory agency,” and the “National
26 Association of Insurance Commissioners” include, but are not limited to, their employees, agents,
27 consultants, and contractors.

28 407-E:13 Limitation of Liability. There shall be no liability imposed by law on the department
29 or the state for any injury or damages in any way relating to or resulting from any work or
30 evaluation performed, completed, or attempted to be completed in connection with the program. The
31 department does not in any way guarantee any of the work that results from the application of this
32 chapter.

33 407-E:14 Appeals; Hearing. Any person aggrieved by any act or impending act of the
34 commissioner under this chapter may file a request for hearing pursuant to RSA 400-A:17, II(b).

35 407-E:15 Rulemaking. The commissioner may adopt rules under RSA 541-A that are reasonable
36 and necessary for the implementation and administration of this chapter.

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1 407-E:16 Severability. If any provision of this chapter, or the application thereof to any person
2 or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this
3 chapter which can be given effect without the invalid provision or application, and to this end the
4 provisions of the chapter are declared to be severable.

5 3 New Subparagraph; Application of Receipts; Granite State Home Mitigation and Resiliency
6 Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (399) the following new subparagraph:

7 (400) Moneys deposited in the Granite State home mitigation and resiliency fund
8 established in RSA 407-E:4.

9 4 Effective Date. This act shall take effect July 1, 2025.

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2025-0176h

AMENDED ANALYSIS

This bill provides that, if an employer sponsoring a self-funded health benefit plan authorizes submission of its claims data to the state's comprehensive health care information system, then the insurance commissioner shall provide that employer access to the claims data for that employer-sponsored plan.

The bill also establishes the Granite State home mitigation and resiliency program in the insurance department to provide financial grants to homeowners to mitigate loss from severe weather events.