HB 1802-FN-A - AS INTRODUCED

2026 SESSION

26-2300
06/09

HOUSE BILL ***1802-FN-A***

AN ACT relative to training, testing, and certification of local land use board members and making an appropriations therefor.

SPONSORS: Rep. Aylward, Merr. 5; Rep. Fracht, Graf. 16; Rep. Ulery, Hills. 13

COMMITTEE: Municipal and County Government

ANALYSIS

This bill creates mandatory annual training, competency testing, and certification for members of planning boards and zoning boards of adjustment, establishes reporting requirements for the office of planning and development, sets minimum qualifications for board membership, and appropriates funds for implementation.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to training, testing, and certification of local land use board members and making an appropriations therefor.

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

1 Findings and Purpose.

I. The general court finds that members of local land use boards make decisions at regular meetings and hearings held in a quasi-judicial capacity, affecting property rights and community development, and that such service requires knowledge of applicable statutes, regulations, and procedures. It is therefore the intent of the general court to require training, testing, and certification for planning board and zoning board of adjustment members, and to provide for transparency, accountability, and minimum qualifications for service.

II. The general court therefore declares that it is in the public interest to require all members of planning boards and zoning boards of adjustment to annually complete training developed by the office of planning and development, to annually attempt to pass an open-book test designed to measure competency, and if passing, to obtain a certificate of completion from the office of planning and development indicating a passing grade. It is further the purpose of this act to promote transparency and accountability by requiring public reporting of training completion, to establish clear enforcement provisions for noncompliance, and to set minimum qualifications for board membership.

2 New Paragraph; Office of Planning and Development Training. Amend RSA 9-A:2 by inserting after paragraph IV the following new paragraph:

V. Develop and provide training, testing, and certification for members of planning boards and zoning boards of adjustment pursuant to RSA 673:3-a.

3 Training, Testing, and Certification; Duties of the Office of Planning and Development. RSA 673:3-a is repealed and reenacted to read as follows:

673:3-a Training, Testing, and Certification.

I. In this section:

(a) "Member" means elected, appointed, ex-officio, or appointed alternate members of planning boards and zoning boards of adjustment, including a committee or subcommittee of those boards.

(b) "Office" means the office of planning and development.

II. Each member of a zoning board of adjustment or planning board shall, within 60 days of being seated and annually thereafter, complete training developed and provided by the office, covering relevant statutes, regulations, and board procedures, and shall attempt to obtain a

certificate of completion by passing the associated test. Training and testing shall be web-based, open book, and provided at no cost. Members must make at least 3 attempts within 60 days of being seated, and annually thereafter, to obtain a certificate of completion by submitting the requisite test to the office for scoring. A score of at least 65 percent is required to pass and obtain a certificate of completion.

III. The office shall:

(a) Publish a list of current certificate holders, including name, town, board, membership type, and term expiration, within 30 days of issuance and update as necessary.

(b) Maintain confidential contact information for certificate delivery.

(c) Provide certificates electronically or via preferred mailing address.

(d) Members shall provide copies of their certificate to the board chair or appointing authority within 5 days for public record.

IV. The chairperson shall announce certified members at the start of any public hearing and provide newly seated members with a "Welcome to the Board" letter designed by the office.

V. Appointed or alternate member vacancies shall be posted in 2 public places, including the municipality's website if available, until filled.

VI. Interested parties must submit a letter of interest detailing relevant experience, education, or training, and affirm that they are not ineligible under paragraph VIII. No person removed from a local land use board under RSA 673:13, dismissed under RSA 42:1, or convicted under RSA 95:1 shall be eligible.

VII. Applications shall be reviewed publicly and selected by majority vote, with reasons for selection stated in the minutes.

4 Appropriations. The sum of $25,000 for the fiscal year ending June 30, 2027, is hereby appropriated to the office of planning and development for the purposes of this act. Said sum shall be allocated for the development of training content using subject matter experts, technology and infrastructure for a web-based platform, administrative staffing and support for certification and reporting, and marketing and outreach. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any unexpended balance as of June 30, 2027, shall not lapse but shall be carried forward for expenditure for the purposes of this act in subsequent fiscal years.

5 Effective Date. This act shall take effect July 1 following its passage.

LBA
26-2300
Revised 1/12/26

HB 1802-FN-A- FISCAL NOTE
AS INTRODUCED

AN ACT relative to training, testing, and certification of local land use board members and making an appropriations therefor.

FISCAL IMPACT: This bill does not provide full funding.

Estimated State Impact				
	FY 2026	**FY 2027**	**FY 2028**	**FY 2029**
Revenue	$0	$0	$0	$0
Revenue Fund(s)	None			
Expenditures*	$0	Indeterminable Increase ($300,000 to $500,000)	Indeterminable Increase ($10,000 to $250,000)	Indeterminable Increase ($10,000 to $250,000)
Funding Source(s)	General Fund			
Appropriations*	$0	$25,000	$0	$0
Funding Source(s)	General Fund			

***Expenditure = Cost of bill** ***Appropriation = Authorized funding to cover cost of bill**

Estimated Political Subdivision Impact				
	FY 2026	**FY 2027**	**FY 2028**	**FY 2029**
County Revenue	$0	$0	$0	$0
County Expenditures	$0	$0	$0	$0
Local Revenue	$0	$0	$0	$0
Local Expenditures	$0	Under $10k per municipality	Under $10k per municipality	Under $10k per municipality

METHODOLOGY:

This bill requires the Office of Planning and Development within the Department of Business and Economic Affairs to develop and provide mandatory annual training, testing, and certification for planning board and zoning board members, publish certification status, maintain a statewide reporting system, and manage qualification and vacancy posting requirements for board members. The bill also provides, for fiscal year ending June 30, 2027, a $25,000 nonlapsing appropriation from the General Fund to BEA for the development and implementation of the training program.

The Department of Business and Economic Affairs states this bill will result in an indeterminable increase in state General fund expenditures between $100,000 to $500,000 beginning in FY 2027 and reducing after implementation. The Department indicates these costs stem from establishing and maintaining a statewide online training and testing platform, publishing and updating the list of certified members, maintaining confidential user information, providing certificates electronically or via preferred mailing method, and ensuring board members statewide continue to have access to training materials. The Department indicates that any online testing system would require review and approval by the Department of Information Technology and would likely require a specialized employee to serve as a product owner to manage the platform and testing functions. The bill includes a one-time appropriation of $25,000 in FY 2027 to support development of training content, technology infrastructure, staffing, and outreach; however, this amount is lower than the estimated ongoing costs to implement the bill. The Department also notes it does not have enforcement authority for local board compliance and assumes municipalities will be responsible for enforcing participation requirements. If enforcement responsibilities were assigned to the Department, significant additional costs would be incurred and additional statutory authority would be required.

The Department of Information Technology states they assume the program would be implemented using the state standard licensing, permitting, certification, and enforcement platform (Salesforce.com). To support this, the Department assumes three licensed users would be required at the Office of Planning and Development, at a fully loaded cost of approximately $2,000 per user per year, beginning in FY 2027, with cost inflation over time.

The Department further states there are no DoIT resources available to complete the implementation work and that a third-party system integrator would be required under the statewide platform services agreement. The Department estimates a one-time implementation cost between $300,000 and $500,000 in FY 2027.

The New Hampshire Municipal Association states this bill would have an indeterminable fiscal impact on municipalities. Municipalities may incur minor administrative costs to track certifications and manage board vacancies, which are expected to be de minimis and likely less than $10,000 per year. There is also the potential for increased legal costs if certification requirements are raised in challenges to local land use board decisions.

The effective date in the bill is unclear. If the bill is enacted after July 1, 2026, it may be interpreted that the effective date would shift to July 1, 2027. Under that interpretation, the $25,000 appropriation scheduled for June 30, 2027 would occur prior to the effective date of the act and therefore would not be made. In addition, lines 17–18 on page 2 reference a "Paragraph VIII"; however, no such paragraph exists in this bill or in the current statute, RSA 673:3-a.

AGENCIES CONTACTED:

Department of Business and Economic Affairs, Department of Information Technology, and New Hampshire Municipal Association