

HB 244 - AS AMENDED BY THE HOUSE

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2025 SESSION

25-0112

06/09

HOUSE BILL **244**

AN ACT updating and recodifying the municipal enforcement of the building and fire code.

SPONSORS: Rep. C. McGuire, Merr. 27; Rep. Erf, Hills. 28; Sen. Murphy, Dist 16; Sen. Pearl,
Dist 17

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill reorganizes the state building and fire code by repealing it from certain parts of the RSA and reenacting it with some modifications to another part of the RSA.

This bill makes some grammar and spelling corrections.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT updating and recodifying the municipal enforcement of the building and fire code..

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

1 1 Procedure for Ordering Building Vacated. Amend the introductory paragraph of RSA 147:16-
2 a to read as follows:

3 The health officer shall have the authority to order occupants to vacate a building, structure, or
4 other premises if the officer determines, based on reasonable information and belief, that the
5 condition of such premises constitutes a clear and imminent danger to the life or health of occupants
6 or other persons, and that protection of life or health requires vacating the premises. For the
7 purposes of this section, "officer" shall mean any municipal official who orders such vacation,
8 including the health officer acting under the authority of this section, RSA 147:4, or RSA 147:11, the
9 building [~~inspector~~] **official** acting under RSA [~~674:52-a~~] **155-A:3**, or the fire chief acting under RSA
10 154:21-a. The following procedure shall apply:

11 2 Public Accommodations Constructed After January 1, 1992. Amend RSA 155:39-d to read as
12 follows:

13 155:39-d Public Accommodations Constructed After January 1, 1992. This section applies to
14 any new building or facility proposed to be constructed specifically as a place of public
15 accommodation on or after January 1, 1992. This section also applies to any single enlargement of
16 an existing building or facility which enlargement is proposed to be constructed on or after January
17 1, 1992, if the cost of such enlargement exceeds 25 percent of the fair market value of the real estate
18 and building or facility situated thereon but only to the portion thereof which is so enlarged.

19 Facilities subject to this section shall meet the requirements of the New Hampshire code for barrier-
20 free design established pursuant to RSA 275-C:14-17. This section shall also be enforced by the
21 building [~~inspector~~] **official** as provided in RSA [~~676:11-13~~] **155-A:3**.

22 3 New Paragraphs; Definitions. Amend RSA 155-A:1 by inserting after paragraph VI the
23 following new paragraphs:

24 VII. "District commissioners" means the board of commissioners of a village district or
25 precinct.

26 VIII. "Local governing body" means, in addition to any other appropriate title:

- 27 (a) Board of selectmen in a town;
- 28 (b) City council or board of aldermen in a city;
- 29 (c) Village district commissioners in a village district; or
- 30 (d) County commissioners in a county in which there are located unincorporated towns
31 or unorganized places.

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1 IX. "Local legislative body" means one of the following basic forms of government utilized by
2 a municipality:

- 3 (a) Council, whether city or town;
- 4 (b) Mayor-council;
- 5 (c) Mayor-board of aldermen;
- 6 (d) Village district or precinct;
- 7 (e) Town meeting; or
- 8 (f) County convention.

9 X. "Mayor" means the chief executive officer of the municipality, whether the official
10 designation of the office is mayor of a city, city or town manager, the board of selectmen of a town,
11 the board of commissioners of a village district, the county commissioners of a county in which there
12 are located unincorporated towns or unorganized places, or any other title or any official designated
13 in the municipal charter to perform the duties of "mayor."

14 XI. "Municipality" or "municipal" means, includes and relates to cities, towns, village
15 districts, and counties in which there are located unincorporated towns or unorganized places.

16 XII. "Selectmen" means the board of selectmen of a town and the county commissioners of a
17 county in which there are located unincorporated towns or unorganized places.

18 4 State Building Code. Amend RSA 155-A:2, VI to read as follows:

19 VI. For any municipality which has not adopted an enforcement mechanism under RSA
20 674:51, the contractor of the building, building component, or structure shall notify the state fire
21 marshal concerning the type of construction before construction begins excluding one- and 2-family
22 dwellings. Any municipality that has adopted an enforcement mechanism under RSA 674:51 may
23 contract with a local enforcement agency or a qualified third party for these services as an
24 alternative to establishing the position of building inspector under RSA 674:51, III(c), and such
25 agency or third party shall have the same authority as a building ~~inspector~~ **official** as provided in
26 that section.

27 5 Enforcement Mechanism; Local Enforcement Agency. Amend RSA 155-A:3, I to read as
28 follows:

29 I. The local legislative body, as defined in RSA ~~[672:8]~~ **155-A:1**, is hereby empowered and
30 authorized to establish a local enforcement agency, as defined in RSA 155-A:1, III, to enforce the
31 state building code adopted under RSA 155-A. The local legislative body may adopt a nationally
32 recognized code not included in, and not inconsistent with, the state building code, except for a
33 nationally recognized code which has the same or similar scope or purpose, as determined by the
34 building code review board, that is included in the most recent edition of the state building code
35 adopted under RSA 155-A:1, IV.

36 6 Local Amendments; Application. Amend RSA 155-A:3, III(d)(1) - (2) to read as follows:

- 37 (1) Accept and review appropriate ~~[design]~~ **construction** documents;

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1 (2) Issue building permits as provided in RSA ~~[676:11-13]~~ **155-A:4**;

2 7 Local Amendments; Application. Amend RSA 155-A:3, VII to read as follows:

3 VII. The state building code established in RSA 155-A shall be effective in all municipalities,
4 as defined in RSA ~~[672:10]~~ **155-A:1**, in the state, without further local modification, except as
5 permitted by this section, and shall be enforced as provided in RSA 155-A:7. Notwithstanding any
6 other provision of law, no local legislative body shall enact or enforce any ordinance, adopt or enforce
7 any rule, or implement any regulation that amends, overrides, or deviates from the state building
8 code, or addresses any subject included in the state building code, except as otherwise permitted by
9 this section or other statute, on or after the effective date of this section. All municipalities with an
10 enforcement mechanism shall enforce and comply fully with the state building code without further
11 local modification, except as otherwise permitted by this section or other statute.

12 8 Local Amendments; Application. Amend RSA 155-A:3, IX and X to read as follows:

13 IX. No municipality or local land use board, as defined in RSA ~~[672:7]~~ **155-A:1**, shall enforce
14 any ordinance, regulation, code, or administrative practice requiring the installation of automatic
15 fire suppression sprinklers in any new or existing detached one- or two-family dwelling unit in a
16 structure used only for residential purposes, or in existing buildings that contain, or will contain, no
17 more than four dwelling units, unless fire sprinklers are existing or are required by a nonresidential
18 occupancy.

19 X. Notwithstanding any provision of law to the contrary, no municipality or local land use
20 board shall enforce any existing ordinance, regulation, code, or administrative practice requiring the
21 installation or use of automatic fire suppression sprinklers in any manufactured housing unit, as
22 defined in RSA 674:31, situated in a manufactured housing park, as defined in RSA 205-A:1, II.
23 Nothing in this paragraph shall affect the ability of an applicant for a local land use permit to
24 include the installation of fire suppression sprinklers pursuant to RSA 674:36, ~~[IV]~~ **VI**, or affect the
25 validity or enforceability of such inclusion.

26 ~~[X.]~~ **XI.** No county, city, town, village district, local land use board, or other subdivision of
27 this state shall adopt any ordinance, regulation, code, or administrative practice that prohibits or
28 restricts a person or entity from installing a safe and commercially available heating or other energy
29 system of their choice, or from engaging the services of an energy provider of their choice to install,
30 connect, or resupply such energy system. In this paragraph, "energy provider" means a qualified and
31 licensed distributor of oil, propane, natural gas, or other company or entity that supplies energy or
32 related services to the public.

33 **XII.** *The building official shall have the authority to order occupants to vacate a*
34 *building, structure, or other premises if the inspector determines, based on reasonable*
35 *information and belief, that there is imminent danger of failure or collapse, or the*
36 *condition of such premises otherwise constitutes a clear and imminent danger to the life or*
37 *safety of occupants or other persons and that protection of life or safety requires vacating*

1 *the premises. Such an order shall be subject to the procedures of RSA 147:16-a, which shall*
2 *supersede inconsistent provisions contained in any local code or code adopted by reference.*

3 *XIII. The provisions of paragraph I shall not apply to a residence which is occupied*
4 *by the owner and his or her immediate family, unless the condition of such premises*
5 *constitutes a clear and imminent danger to the life or health of persons other than the*
6 *occupant or occupants.*

7 9 New Sections; Building Code Enforcement. Amend RSA 155-A by inserting after section 3-c
8 the following new sections:

9 155-A:3-d Building Code Board of Appeals.

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

20 II. Appeals of decisions of any local building code board of appeals shall be made within 30
21 days of the board's decision to the state building code review board as outlined under RSA 155-A:10,
22 IV(c).

23 III. The building code board of appeals shall consist of 3 or 5 members who shall be
24 appointed in a manner prescribed by the local legislative body; provided, however, that an elected
25 zoning board of adjustment may act as the building code board of appeals. Each member of the
26 board shall be a resident of the municipality in order to be appointed.

27 IV. The term of an appointed building code board of appeals member shall be 3 years. The
28 initial terms of members first appointed or elected to any building code board of appeals shall be
29 staggered so that no more than one appointment occurs annually in the case of a 3 member board
30 and no more than 2 appointments or elections occur annually in the case of a 5 member board,
31 except when required to fill vacancies.

32 V. The term of office for an appointed building code board of appeals member shall begin on
33 a date established by the appointing authority, or as soon thereafter as the member is qualified, and
34 shall end 3 years after the date so established. If no successor has been appointed and qualified at
35 the expiration of an appointed member's term, the member shall be entitled to remain in office until
36 a successor has been appointed and qualified.

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1 VI. The local legislative body may provide for the appointment of not more than 5 alternate
2 members to any appointed building code board of appeals, who shall be appointed by the appointing
3 authority. The terms of alternate members shall be 3 years.

4 VII. Each building code board of appeals shall elect its chairperson from the appointed or
5 elected members and may create other offices as it deems necessary.

6 VIII. The term of every officer and chairperson elected by a building code board of appeals
7 shall be one year. Both the chairperson and officers shall be eligible for reelection.

8 IX. Meetings of the building code board of appeals shall be held at the call of the chairperson
9 and at such other times as the board may determine.

10 X. A majority of the membership of a building code board of appeals shall constitute the
11 quorum necessary in order to transact business at any meeting of a building code board of appeals.

12 XI. Whenever a regular member of a building code board of appeals is absent or whenever a
13 regular member disqualifies himself or herself, and an alternate member is present, the chairperson
14 shall designate an alternate to act in the absent member's place.

15 XII. Vacancies in the membership of a building code board of appeals occurring other than
16 through the expiration of a term of office shall be filled by the original appointing authority for the
17 unexpired term. The chairperson of the building code board of appeals may designate an alternate
18 member of the board to fill the vacancy temporarily until the vacancy is filled.

19 XIII. After public hearing, appointed members and alternate members of an appointed
20 building code board of appeals may be removed by the appointing authority upon written findings of
21 inefficiency, neglect of duty, or malfeasance in office.

22 XIV. The appointing authority or the building code board of appeals shall file with the city
23 or town clerk, the village district clerk, or the clerk for the county commissioners, whichever is
24 appropriate, a written statement of reasons for removal under this section.

25 XV. No member of a building code board of appeals shall participate in deciding or shall sit
26 upon the hearing of any question which the board is to decide in a judicial capacity if that member
27 has a direct personal or pecuniary interest in the outcome which differs from the interest of other
28 citizens, or if that member would be disqualified for any cause to act as a juror upon the trial of the
29 same matter in any action at law. Reasons for disqualification do not include exemption from service
30 as a juror or knowledge of the facts involved gained in the performance of the member's official
31 duties.

32 XVI. Each building code board of appeals may appoint such employees as it deems necessary
33 for its work who shall be subject to the same employment rules as other corresponding civil
34 employees of the municipality. Each board may also contract with planners, engineers, architects,
35 and other consultants for such services as it may require. The expenditures of the board, exclusive
36 of gifts, reimbursements, or amounts held pursuant to this section, shall be within the amounts
37 appropriated for the purpose by the local legislative body, which may provide such funds, equipment,

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1 and accommodations as it deems necessary or advisable for the board's work. Each board may
2 accept and use gifts, grants, or contributions for the exercise of its functions, in accordance with
3 procedures established for the expenditure of funds within the municipality.

4 XVII. Any fee which a building code board of appeals, acting pursuant to this title, collects
5 from an applicant to cover an expense lawfully imposed upon that applicant, including but not
6 limited to the expense of notice, the expense of consultant services or investigative studies under this
7 title, or the implementation of conditions lawfully imposed as part of a conditional approval, may be
8 paid out toward that expense without approval of the local legislative body. This paragraph shall
9 not apply to application, permit, or inspection fees which have been set by the local legislative body
10 as part of an ordinance, or by the selectmen under RSA 41:9-a. Notwithstanding RSA 155-A:1, a
11 building official shall not be considered a "building code board of appeals" for purposes of this
12 section. Such fees shall:

13 (a) Be placed in the custody of the municipal treasurer whenever held by the
14 municipality, subject to the same investment limitations as for other municipal funds;

15 (b) Be paid out only for the purpose for which the expense was imposed upon the
16 applicant;

17 (c) Be held in a separate, nonlapsing account, and not commingled with other municipal
18 funds; provided, however, that such fees may be used to reimburse any account from which an
19 amount has been paid out in anticipation of the receipt of said fees; and

20 (d) Be paid out by the municipal treasurer only upon order of the building code board of
21 appeals or its designated agent for such purpose.

22 XVIII. Any fee which a city or town imposes on an applicant pursuant to this title shall be
23 published in a location accessible to the public during normal business hours. Any fee not published
24 in accordance with this section at the time an applicant submits an application shall be considered
25 waived for purposes of that application. A city or town may comply with the requirements of this
26 section by publicly posting a list of fees at the city or town hall or by publishing a list of fees on the
27 city or town's Internet website.

28 XIX. The chairperson of the building code board of appeals or, in the chairperson's absence,
29 the acting chairperson may administer oaths. Whenever the board exercises its regulatory or quasi
30 judicial powers it may, at its sole discretion, compel the attendance of witnesses. All expenses
31 incurred under this section for compelling the attendance of a witness shall be paid by the party or
32 parties requesting that a witness be compelled to attend a meeting of the board.

33 XX. Each building code board of appeals shall hold its meetings and maintain its records in
34 accordance with RSA 91-A.

35 XXI. Whenever a building code is repealed, the records of the building code board of appeals
36 shall be transferred to the planning board.

1 XXII. Every building code board of appeals, and every zoning board of adjustment acting as
2 a building code board of appeals, shall adopt rules of procedure concerning the method of conducting
3 its business. Rules of procedure shall be adopted at a regular meeting of the board and shall be
4 placed on file with city, town, village district clerk, or clerk for the county commissioners for public
5 inspection. The rules of procedure shall include when and how an alternate may participate in
6 meetings of the building code board of appeals.

7 XXIII. Anyone affected by a decision made by the building official can appeal to the board of
8 adjustment except as provided in RSA 155-A:3-d, I. To do this, the person affected must file an
9 appeal within a reasonable time, in compliance with the board's rules, by submitting a notice of
10 appeal to both the inspector who made the decision and the board, explaining the reasons for the
11 appeal. The inspector shall send all related documents to the board within a reasonable time.

12 XXIV. The building code appeals board may impose reasonable fees to cover its
13 administrative expenses and costs of special investigative studies, review of documents, and other
14 matters which may be required by particular appeals or applications.

15 XXV. The effect of an appeal to the board is to maintain the current state of affairs. An
16 appeal against the issuance of any permit or certificate shall suspend the permit or certificate, and
17 no related construction, alteration, or change of use may begin. An appeal against any order or
18 enforcement action shall halt all related proceedings unless the building official, after receiving the
19 notice of appeal, certifies to the building code board of appeals that a stay would, in their opinion,
20 cause imminent danger to life, health, safety, property, or the environment. In such cases,
21 proceedings shall only be stayed by a restraining order granted by the board or the superior court,
22 upon notice to the building official and for good cause shown.

23 XXVI. The building code board of appeals shall issue a final written decision and provide a
24 copy to the applicant. This decision shall include specific written findings of fact that substantiate
25 the decision. Should the board fail to provide these specific written findings in the case of a
26 disapproval, it shall be grounds for automatic reversal and remand by the superior court upon
27 appeal, unless the court identifies other factors justifying the disapproval. If the appeal is denied,
28 the board shall furnish the applicant with written reasons for the disapproval. If the appeal is
29 approved with conditions, the board shall include a detailed description of all conditions necessary
30 for final approval in the written decision.

31 XXVII. Whenever the building code appeals board votes to approve or disapprove an appeal
32 or deny a motion for rehearing, the minutes of the meeting, including the written decision with
33 reasons and all conditions of approval, shall be filed with the town clerk. These documents shall be
34 made available for public inspection within 5 business days of the vote.

35 155-A:3-e Method of Enactment in Cities Operating Under the Board of Mayor and Aldermen, or
36 the Corresponding Governmental Body Form of Government.

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1 I. The board of mayor and aldermen, or the corresponding governmental body of any city, is
2 hereby empowered and authorized to pass and adopt ordinances establishing a local enforcement
3 agency, as defined in RSA 155-A:1 and amending the state building code as permitted by RSA 155-
4 A:3. Upon adoption of such an ordinance, wherein codes, rules, and regulations or portions thereof
5 are incorporated by reference, 3 copies of these codes, rules, and regulations shall be filed in the
6 main office of the municipal department or agency administering them, and 3 copies shall be filed in
7 the office of the city clerk. All copies filed as provided herein shall be available for public use and
8 examination.

9 II. Any ordinance may be amended or supplemented in a similar manner, provided that 3
10 copies of the amended or supplemented ordinance are filed with the office of the building official and
11 3 copies are filed with the office of the city clerk for public use and examination.

12 III. The provisions of RSA 155-A:3-d shall not be interpreted to allow the adoption by
13 reference of penalty clauses included in any nationally recognized codes, rules, or regulations. The
14 city councils shall have the authority to impose penalties deemed necessary, not exceeding \$1,000,
15 for any violations of such ordinances.

16 IV. At least 30 days prior to the adoption of any ordinance or any amendment or supplement
17 thereto, no fewer than 3 copies of the referenced code or regulation shall be filed in the office of the
18 building official, and 3 copies in the office of the city clerk for public use and examination.

19 V. No ordinance or amendments or supplements thereto, as previously set forth, shall
20 become effective or be altered until after a public hearing. At the hearing, interested parties and
21 citizens shall have the opportunity to be heard. Notice of the time and place of such hearing shall be
22 published in a newspaper of general circulation in the state at least 15 days before the hearing.

23 155-A:3-f Method of Enactment in Cities and Towns Operating Under Town Council Form of
24 Government.

25 I. In cities or towns operating under the town council form of government, and in counties
26 with unincorporated towns or unorganized places, the local legislative body shall determine the
27 manner in which a local enforcement agency, as defined in RSA 155-A:1 and amendments to the
28 state building code as permitted by RSA 155-A:3 are established. However, any question concerning
29 the establishment of a local enforcement agency and amendments to the state building code may be
30 placed on a ballot separate from the ballot used to elect city or town officers. All proposed
31 amendments to the state building code shall be forwarded to the town clerk no later than the fifth
32 Tuesday prior to the date for electing city or town officers.

33 II. No local enforcement agency shall be established or the state building code amended
34 until after a public hearing is held in accordance with the procedures required under RSA 155-A:3-i
35 on the proposed local enforcement agency or amendment.

36 155-A:3-g Method of Enactment in Certain Towns and Village Districts.

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1 I. Any town not operating under the town council form of government, or any village district
2 which is specifically authorized by law to enact a building code, shall establish a local enforcement
3 agency as defined in RSA 155-A:1 and amend the state building code as permitted by RSA 155-A:3
4 upon the affirmative vote by ballot of a majority of the legal voters present and voting on the day of
5 the meeting, as provided in paragraph VII.

6 II. No local enforcement agency shall be established or the state building code amended at a
7 town or village district meeting until after the local governing body holds at least one public hearing
8 on the proposed code or amendment. Notice for the time and place of each public hearing shall be
9 the same as that provided in RSA 155-A:3-i.

10 III. After the public hearing the local governing body shall, by vote, determine the final form
11 of the ordinance to be presented to the town or village district, which ordinance or amendment may
12 include editorial revisions and textual modifications resulting from the proceedings of that hearing.

13 IV. An additional public hearing shall be held if the proposal is substantively altered after
14 public hearing. Subsequent public hearings shall be held at least 14 days after the prior public
15 hearing and with the notice provided in RSA 155-A:3-i.

16 V. Official copies of the final proposal to adopt or amend the building code shall be placed on
17 file and made available to the public at the town or village clerk's office not later than the fifth
18 Tuesday prior to the date when action is to be taken. An official copy of the proposal shall be on
19 display for the voters at the meeting place on the date of the meeting.

20 VI. Each village district must be specifically authorized to establish a local enforcement
21 mechanism by the legislature.

22 VII. If the town or village district has adopted an official ballot for the election of its
23 respective officers, the issue as to the adoption of the proposed building code or amendment shall be
24 presented to the voters of the town or village district by having the town or village district clerk
25 prepare an official ballot separate from the official ballot used to elect town or village district officers
26 which shall include the following question, or by including the following question on the official
27 ballot as prepared by the town or village district clerk:

28 "Are you in favor of the establishment of a local enforcement agency or amendment(s) to the state
29 building code as proposed by the local governing body?" In the event that there shall be more than a
30 single proposed amendment to be submitted to the voters at any given meeting, the issue as to the
31 several amendments shall be put in the following manner: "Are you in favor of the adoption of
32 Amendment No. ___ as proposed by the local governing body for the [town (village district)] state
33 building code as follows: (Here insert topical description of substance of amendment.)?" If such action
34 is to be taken at a meeting other than the one at which officers are to be elected, the clerk shall
35 prepare a special ballot containing the question or questions above stated, and the meeting shall
36 open not later than noon and shall remain open at least 8 hours. If such action is to be taken at a
37 meeting in a town or village district which has not adopted an official ballot, the clerk may prepare a

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1 special ballot likewise separate from the ballot used to elect town or village district officers for the
2 use of voters in voting on the question. If a majority of the voters present and voting on any question
3 as herein provided shall vote in the affirmative, the ordinance or amendment thereto shall be
4 declared to have been adopted. When submitting any question to the voters under this section, there
5 shall be 2 squares printed after the question, one with the word "yes" beside it and another with the
6 word "no" beside it.

7 VIII. If an amendment is submitted by the selectmen or village district commissioners, the
8 ballot shall so indicate. A notation on the ballot stating the local governing body's approval or
9 disapproval shall immediately follow the question's description.

10 IX. The method for establishing a local enforcement agency or amending the state building
11 code, as set forth in this section, may also be utilized to repeal such ordinance or code. The ballot
12 question shall use the word "repeal" in place of the words "adoption" or "amendment."

13 155-A:3-h Method of Enactment by Petition.

14 I. Twenty-five or more voters may petition for an amendment to the state building code.
15 Petitioned amendments shall be voted only at the annual town or village district meeting. A petition
16 to amend the state building code shall be submitted to the board of selectmen or the village district
17 commissioners during the period between 120 and 90 days prior to the annual town or village
18 district meeting. The petition shall be in correct warrant article form, as determined by the
19 selectmen or village district commissioners, to amend the state building code. The selectmen or the
20 village district commissioners shall submit the petitions to the planning board in a timely manner.

21 II. The local governing body at its first regular meeting following the petition period shall
22 set the date of the public hearing for each petitioned amendment which is received and shall hold a
23 public hearing on each petitioned amendment. Notice for the time and place of the public hearing
24 shall be the same as that provided in RSA 155-A:3-i.

25 III. Each petitioned amendment shall be placed on a ballot which may be separate from the
26 ballot used to elect town or village district officers. A notation on the ballot stating the local
27 governing body's approval or disapproval shall immediately follow the question's description. Any
28 petitioned question receiving an affirmative vote of a majority of the legal voters present and voting
29 shall be adopted. The local governing body shall forward to the town or village district clerk all
30 proposed amendments to the state building code under this section not later than the fifth Tuesday
31 prior to the date for electing town or village district officers.

32 IV. The town or village district clerk shall include each question on a petitioned amendment
33 on the appropriate official or special ballot, or separate official ballot, in the same manner as
34 provided in paragraph III and in RSA 675:3, VII.

35 V. The method for amending the state building code, as set forth in this section, may also be
36 utilized to repeal such ordinance. The ballot question shall use the word "repeal" in place of the
37 word "amendment."

1 155-A:3-i Notice Requirements for Public Hearing.

2 I. Notice shall be given for the time and place of each public hearing held under RSA 155-
3 A:3-i through 3-k at least 10 calendar days before the hearing. The notice required under this
4 section shall not include the day notice is posted or the day of the public hearing. Notice of each
5 public hearing shall be published in a paper of general circulation in the municipality and shall be
6 posted in at least 2 public places. Any person owning property in the municipality may request
7 notice of all public hearings on proposed amendments to the building code ordinance, and the
8 municipality shall provide notice, at no cost to the person, electronically or by first class mail.

9 II. In lieu of publication in a paper of general circulation pursuant to paragraph I, notice
10 may be posted on the municipality's Internet website, if such exists. If notice is posted on the
11 municipality's website in lieu of publication in a paper of general circulation, the notice shall:

12 (a) Appear prominently on the website home page, or a link directly to the notice shall
13 appear prominently on the home page;

14 (b) Be posted at the time stated in paragraph I and shall remain on the website until the
15 conclusion of the hearing; and

16 (c) Be posted in 2 other public places.

17 III. The full text of the proposed building code, or amendment need not be included in the
18 notice if an adequate statement describing the proposal and designating the place where the
19 proposal is on file for public inspection is stated in the notice. The notice of a hearing on a proposed
20 amendment to a building code to be sent electronically or by first class mail shall include a
21 statement describing, to the greatest extent practicable and in easily understood language, the
22 proposed changes to the code, the areas affected, and any other information calculated to improve
23 public understanding of the proposal.

24 155-A:3-j Filing of Building Codes and Amendments. All ordinances establishing a local
25 enforcement agency and amendments to the state building code shall be placed on file with the city,
26 town, or village district clerk, or, in the case of unincorporated towns or unorganized places, with the
27 clerk for the county commissioners for public inspection.

28 10 Permit Required. Amend RSA 155-A:4, I to read as follows:

29 I. Before starting [~~new construction or renovation of buildings and structures~~] *work* as
30 described in RSA 155-A:2, I, the person responsible for such construction shall obtain a permit.

31 11 New Paragraphs; Building Code Enforcement. Amend RSA 155-A:4 by inserting after
32 paragraph III the following new paragraphs:

33 IV. No building permit shall be denied on the grounds of uncompleted streets or utilities
34 when the construction of such streets or utilities has been secured to the municipality by a bond or
35 other security approved by the planning board pursuant to RSA 674:36, III or RSA 674:44, IV;
36 provided, however, that on land which is part of a subdivision plat or site plan, no building shall be

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1 used or occupied prior to the completion of required streets and utilities, except upon such terms as
2 the planning board may have authorized as part of its decision approving the plat or site plan.

3 V. The building official shall not issue any building or occupancy permit for any proposed
4 construction, remodeling, or maintenance which will not comply with any or all zoning ordinances,
5 building codes, or planning board regulations which are in effect.

6 VI. No building permit shall be issued when prohibited under the provisions of RSA 674:12,
7 674:13, 674:21, 674:22, 674:23, 674:41, 674:53, 674:75, 676:8, 676:9 or 676:12.

8 VII. The building official shall comply with RSA 674:30 and RSA 676:66, if applicable.

9 VIII. If any building official is prosecuted for violation of RSA 643:1 and found guilty of
10 issuing any permit contrary to the provisions of this section, it shall be prima facie evidence that the
11 building official has knowingly refrained from performing a duty imposed on the building official by
12 law.

13 IX. The building official shall adopt a form or set of standards specifying the minimum
14 contents of a completed application for any building permit. Upon the submission of a completed
15 application, the building official shall act to approve or deny a building permit within 30 days;
16 provided, however, that nonresidential applications or residential applications encompassing more
17 than 10 dwelling units shall be approved or denied within 60 days.

18 X. The time for the building official to act upon building permits for collocation applications
19 and modification applications for personal wireless service facilities shall be governed by RSA 12-
20 K:10. In the event that the form or set of standards for a building permit application conflicts with
21 any of the limitations under RSA 12-K:11 for a collocation application or a modification application
22 for a personal wireless service facility, the limitations in RSA 12-K:11 shall control.

23 12 Accessibility Standards for Public Buildings. RSA 155-A:5-a, III and IV is repealed and
24 reenacted to read as follows:

25 III. The requirements of paragraph II shall not apply to a public building for which the
26 review of design drawings or construction drawings and inspection of completed work is performed
27 by a municipal building official who:

28 (a) Satisfies the qualifications under RSA 155-A:5-b;

29 (b) Examines the design drawings or construction drawings prior to the commencement
30 of work and inspects the building upon completion of work for compliance with the accessibility
31 standards in the state building code; and

32 (c) Provides the governing body of the municipality with a written certification that the
33 design and construction of the building upon completion of work comply with the accessibility
34 standards of the state building code.

35 IV. Nothing in this section shall be construed as requiring municipalities to inspect and
36 certify public buildings for compliance with accessibility standards. Public buildings located in a

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1 municipality that has chosen to authorize its municipal building official to inspect and certify shall
2 remain subject to all other provisions of this section.

3 13 Penalty. RSA 155-A:8 is repealed and reenacted to read as follows:

4 155-A:8 Injunctive Relief. In case any building or structure or part thereof is or is proposed to
5 be erected, constructed, altered, or reconstructed, or is proposed to be used in violation of this title or
6 of any local ordinance, code, or regulation adopted under this title, or of any provision or
7 specification of an application, approved by, or any requirement or condition of a permit issued by,
8 any local building official acting under the authority of this title, the building official or other official
9 with authority to enforce the provisions of this title or any local ordinance, code, or regulation
10 adopted under this title, may, in addition to other remedies provided by law, institute injunction,
11 mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or
12 remove such unlawful erection, construction, alteration, or reconstruction.

13 14 New Sections; Remedies. Amend RSA 155-A by inserting after section 8 the following new
14 sections:

15 155-A:8-a Fines and Penalties.

16 I. Any person who violates any of the provisions of this title, or any local ordinance, code, or
17 regulation adopted under this title, or any provision or specification of any application, approved by,
18 or any requirement or condition of a permit or decision issued by, any local building official acting
19 under the authority of this title shall be guilty of a misdemeanor if a natural person, or guilty of a
20 felony if any other person; and shall be subject to a civil penalty of \$275 for the first offense, and
21 \$550 for subsequent offenses, for each day that such violation is found to continue after the
22 conviction date or after the date on which the violator receives written notice from the municipality
23 that the violator is in violation, whichever is earlier. Each day that a violation continues shall be a
24 separate offense.

25 II. In any legal action brought by a municipality to enforce, by way of injunctive relief as
26 provided by RSA 155-A:8, I or otherwise, any local ordinance, code, or regulation adopted under this
27 title, or to enforce any building code board of appeals decision made pursuant to this title, or to seek
28 the payment of any fine levied under paragraph II, the municipality shall recover its costs and
29 reasonable attorney fees actually expended in pursuing the legal action if it is found to be a
30 prevailing party in the action. For the purposes of this paragraph, recoverable costs shall include all
31 out-of-pocket expenses actually incurred, including but not limited to, inspection fees, expert fees
32 and investigatory expenses.

33 III. If any violation of a local ordinance, code, or regulation, or any violation of a building
34 code board of appeals decision, results in the expenditure of public funds by a municipality which are
35 not reimbursed under paragraph II, the court in its discretion may order, as an additional civil
36 penalty, that a violator make restitution to the municipality for such funds so expended.

1 IV. The superior court may, upon a petition filed by a municipality and after notice and a
2 preliminary hearing as in the case of prejudgment attachments under RSA 511-A, require an alleged
3 violator to post a bond with the court to secure payment of any penalty or remedy or the performance
4 of any injunctive relief which may be ordered or both. At the hearing, the burden shall be on the
5 municipality to show that there is a strong likelihood that it will prevail on the merits, that the
6 penalties or remedies sought are reasonably likely to be awarded by the court in an amount
7 consistent with the bond sought, and that the bond represents the amount of the projected expense
8 of compliance with the injunctive relief sought.

9 V. The building official or other local official with the authority to enforce the provisions of
10 this title or any local ordinance, code, or regulation adopted under this title may commence an action
11 under paragraph I either in the district court pursuant to RSA 502-A:11-a, or in the superior court.
12 The prosecuting official in the official's discretion may, prior to or at the time of arraignment, charge
13 the offense as a violation, and in such cases the penalties to be imposed by the court shall be limited
14 to those provided for a violation under RSA 651:2 and the civil penalty provided in subparagraph I(b)
15 of this section. The provisions of this section shall supersede any inconsistent local penalty
16 provision.

17 155-A:8-b Cease and Desist Orders. The building official, code enforcement officer, zoning
18 administrator or other official designated as an enforcement authority by ordinance or resolution of
19 the local legislative body may issue a cease and desist order against any violation of this title, any
20 local ordinance, code or regulation adopted under this title, or any provision or specification of an
21 application, approved by, or any requirement or condition of a permit or decision issued by, any local
22 building official acting under the authority of this title, subject to the following:

23 I. The order shall be in writing and include:

24 (a) The precise regulation, provision, specification, or condition which is being violated.

25 (b) The facts constituting the violation, including the date of any inspection from which
26 these facts were ascertained.

27 (c) The corrective action required, including a reasonable time within which such action
28 shall be taken.

29 (d) A statement that a motion for summary enforcement of the order shall be made to
30 the court of the district in which the property is situated unless such corrective action is taken
31 within the time provided, or unless an answer is filed within 20 days, as provided under paragraph
32 V.

33 (e) A statement that failure to either take the corrective action, or to file an answer, may
34 result in corrective action being taken by the municipality, and that if this occurs the municipality's
35 costs shall constitute a lien against the real estate, enforceable in the same manner as real estate
36 taxes, including possible loss of the property if not paid.

1 II. The order shall be served upon the record owner of the property or the record owner's
2 agent, and upon the person to whom taxes are assessed for the property, if other than the owner, and
3 upon any occupying tenant of the property, and upon any other person known by the enforcing
4 officer to exercise control over the premises in violation, and upon all persons holding mortgages
5 upon such property as recorded in the office of the register of deeds, in the same manner provided for
6 service of a summons in a civil action in district court. Personal service may be made by a sheriff,
7 deputy sheriff, local police officer, or constable. If the owner is unknown or cannot be found, the
8 order shall be served by posting it upon the property and by 4 weeks' publication in a newspaper in
9 general circulation in the municipality.

10 III. Upon service of the order, the owner or their agent, occupying tenant or their agent, or
11 any other person who is engaged in development, construction, excavation, or other changes of the
12 land or buildings on the land shall cease immediately such activities, if so provided in the order,
13 until such time as judgment is rendered under paragraph VI or VII. Failure to cease such activity
14 shall constitute a separate violation of this title in addition to the violation cited in the order, unless
15 such order is annulled as provided in paragraph VII.

16 IV. A copy of the order with proof of service shall be filed with clerk of the district court of
17 the district in which the property is located not fewer than 5 days prior to the filing of a motion to
18 enforce under paragraph VI.

19 V. Within 20 days after the date of service, any person upon whom the order is served may
20 serve an answer in the manner provided for the service of an answer in a civil action, specifically
21 denying such facts in the order as are in dispute.

22 VI. If no answer is served, the enforcement official may move the court for the enforcement
23 of the order. If such a motion is made the court may, upon the presentation of such evidence as it
24 may require, affirm or modify the order and enter judgment accordingly, fixing a time after which
25 the governing body may proceed with the enforcement of the order. The clerk of the court shall mail
26 a copy of the judgment to all persons upon whom the original order was served.

27 VII. If an answer is filed and served as provided in paragraph V, further proceedings in the
28 action shall be governed by the rules of the district court. If the order is sustained following trial,
29 the court shall enter judgment and shall fix a time within which the corrective action shall be taken,
30 in compliance with the order as originally filed, or as modified by the court. If the order is not
31 sustained, it shall be annulled and set aside. If it appears to the court that the order was frivolous,
32 was commenced in bad faith, or was not based upon information and belief formed after reasonable
33 inquiry or was not well-grounded in fact, then the court shall order the defendant's costs and
34 reasonable attorneys fees to be paid by the municipality. The clerk of the court shall mail a copy of
35 the judgment to the persons upon whom the original order was served.

36 VIII. If a judgment is not complied with in the time prescribed, the local governing body may
37 cause the corrective action to be taken as set forth in the judgment. The cost to the municipality of

1 taking such corrective action together with its other expenses as provided in paragraph IX, shall be a
2 lien against the real estate on which the violation occurred, which shall continue for 18 months from
3 the date upon which the expense account is allowed by the court, as provided in paragraph IX.

4 IX. The municipality shall keep an accurate account of the expenses incurred in carrying out
5 the order and of all other expenses in connection with its enforcement, including but not limited to
6 filing fees, service fees, publication fees, the expense of searching the registry of deeds to identify
7 mortgages, witness and expert fees, attorneys fees and traveling expenses. The court shall examine,
8 correct if necessary, and allow the expense account. The municipal governing body, by majority vote,
9 may commit the expense account to the collector of taxes, in which case the mayor, as defined by
10 RSA 155-A:1, shall direct the expense account, together with a warrant under the mayor's hand and
11 seal, to the municipal tax collector, requiring the tax collector to collect the same from the person to
12 whom real estate taxes are assessed for the premises upon which such corrective action was taken,
13 and to pay the amount so collected to the municipal treasurer. Within 30 days after the receipt of
14 such warrant, the collector shall send a bill as provided in RSA 76:11. Interest as provided in RSA
15 76:13 shall be charged on any amount not paid within 30 days after the bill is mailed. The collector
16 shall have the same rights and remedies as in the collection of taxes, as provided in RSA 80.

17 X. A party aggrieved by the judgment of the district court may appeal, within 15 days after
18 the rendering of such judgment, to the superior court.

19 XI. The remedy provided in this section is supplementary to other enforcement remedies
20 provided by this chapter or local ordinance. At the discretion of the local enforcement official, an
21 action to enforce a cease and desist order under this section may be joined with an action under RSA
22 155-A:8-a, I, and the cease and desist order shall constitute the written notice under RSA 155-A:8-a,
23 I.

24 155-A:8-c Local Building Code Citations; Pleas by Mail.

25 I. A building official or other local official with authority to prosecute an offense within the
26 scope of RSA 155-A:8-a, and who, prior to or at the time of serving the summons, elects, pursuant to
27 RSA 155-A:8-a, V, to charge the offense as a violation, may issue and serve upon the defendant, in
28 addition to the summons, a local building code citation as set forth in this section. The defendant
29 receiving such a citation may plead guilty or nolo contendere by mail by entering that plea as
30 provided herein. If such a plea is accepted by the court, the defendant shall not be required to
31 appear personally or by counsel; otherwise the defendant shall appear as directed by the court. The
32 following procedure shall be used:

33 II. No local building code citation as set forth in this section shall be served unless the
34 defendant has first been given written notice of the violation by the municipality. If the notice
35 involves or includes a decision which may be appealed to the building code board of appeals pursuant
36 to RSA 155-A:3-d, such notice shall set forth a reasonable period, as provided by the rules of the
37 respective board, in no case less than 7 days, within which such appeal shall be filed after receipt of

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1 the written notice, and the citation shall not be served until after the end of such period. If such an
2 appeal is filed, further proceedings shall be governed by RSA 155-A:3-g.

3 III. The local building code citation shall contain:

4 (a) The caption: "Local Building Code Citation, Town (City) of ____".

5 (b) The name of the offender, and address if known to the prosecuting official.

6 (c) The statute, code, ordinance, regulation, provision, specification, requirement or
7 condition the offender is charged with violating.

8 (d) The act or circumstances constituting the violation.

9 (e) The place of the violation.

10 (f) The date upon which the offender received written notice of the violation by the
11 municipality.

12 (g) The time and date upon which the violation was witnessed subsequent to such
13 written notice.

14 (h) The amount of the civil penalty as set forth in paragraph II, which is payable by the
15 offender for each day the violation continued subsequent to such written notice, up to a maximum of
16 5 days' violation charged in one citation.

17 (i) Instructions informing the defendant that the defendant may answer the citation by
18 mail or may personally appear in court upon the date on the summons, and instructing the
19 defendant how to enter a plea by mail, together with either the amount of the penalty specified in
20 the citation, or a request for a trial.

21 (j) The address of the clerk of the district court, where the plea by mail may be entered.

22 (k) A warning to the defendant that failure to respond to the citation on or before the
23 date on the summons may result in the defendant's arrest as provided in paragraph VI.

24 (l) The signature of the prosecuting official.

25 IV. Defendants who are issued a summons and local building code citation and who wish to
26 plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of
27 the civil penalty, as set forth in the citation, to the clerk of the court prior to the arraignment date,
28 or shall appear in court on the date of arraignment.

29 V. Civil penalties collected by the district court under this section shall be remitted to the
30 municipality issuing the citation. Whenever a defendant (a) does not enter a plea by mail prior to
31 the arraignment day or does not appear personally or by counsel on or before that date or move for a
32 continuance; or (b) otherwise fails to appear for a scheduled court appearance in connection with a
33 summons for any offense, the defendant shall be defaulted and the court shall determine what the
34 civil penalty would be upon a plea of guilty or nolo contendere and shall impose an administrative
35 processing fee in addition to the civil penalty. Such fee shall be the same as the administrative
36 processing fee under RSA 502-A:19-b, and shall be retained by the court for the benefit of the state.

1 VI. The court may, in its discretion, issue a bench warrant for the arrest of any defendant
2 who:

3 (a) Is defaulted in accordance with the provisions of paragraph V;

4 (b) Fails to pay a fine or other penalty imposed in connection with a conviction under
5 this title which a court has determined the defendant is able to pay, or issues a bad check in
6 payment of a fine or other penalty; or

7 (c) Fails to comply with a similar order on any matter within the court's discretion.

8 VII. For cause, the court in its discretion may refuse to accept a plea by mail and may
9 impose a fine or penalty other than that stated in the local building code citation. The court may
10 order the defendant to appear personally in court for the disposition of the defendant's case.

11 VIII. The prosecuting official may serve additional local building code citations, without
12 giving additional written notice or appeal opportunity under paragraph II, if the facts or
13 circumstances constituting the violation continue beyond the date or dates of any prior citation. A
14 plea of guilty or nolo contendere to the prior citation shall not affect the rights of the defendant with
15 respect to a subsequent citation.

16 IX. Forms and rules for the local building code citation and summons shall be developed and
17 adopted by the New Hampshire supreme court.

18 X. This section is not intended in any way to abrogate other enforcement actions or remedies
19 in the district or superior court pursuant to this title, nor to require written notice as a prerequisite
20 to other types of actions or remedies under this title.

21 15 Energy Code Compliance Form. Amend RSA 155-A:10-a to read as follows:

22 155-A:10-a Energy Code Compliance Form. The state building code review board shall
23 prescribe by amendment and make available to the public, in electronic formats, a simplified
24 residential energy code compliance form based upon the energy provisions in the International
25 Residential Code and the International Energy Conservation Code identified in RSA 155-A:1. The
26 correctly completed form shall be accepted by all code enforcement authorities within the state of
27 New Hampshire as one method of verification that the applicable project meets the code
28 requirements. Completed compliance forms shall be submitted to the building official in those
29 municipalities that have adopted an enforcement mechanism under RSA [674:51] **155-A:3**. For
30 municipalities without an adopted code enforcement mechanism, completed compliance forms shall
31 be submitted to the New Hampshire department of energy, on behalf of the building code review
32 board, for verification that the applicable project meets the code requirements. The department of
33 energy shall then forward the reviewed compliance forms to the municipality for retention in
34 property records.

35 16 Appeal of Decisions of Local Building Code Board of Appeals. Amend RSA 155-A:11-b, I to
36 read as follows:

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1 I. The board shall hear and decide appeals of orders, decisions, or determinations made by
2 the local building official relative to the application and interpretation of the state building code and
3 state fire code as defined in RSA 155-A:1, and shall hear appeals of final decisions of any local
4 building code board of appeals established under 155-A:3 ~~[and RSA 674]~~.

5 17 Fees. Amend RSA 205-D:12, III to read as follows:

6 III. If an inspection is conducted by a local enforcement agency, the local enforcement
7 agency may charge fees established pursuant to RSA ~~[674:51, III(d)]~~ **155-A:3**.

8 18 Rehearing; Appeals. Amend RSA 310:14, III to read as follows:

9 III. Appeals from a decision on rehearing shall be by appeal to the supreme court pursuant
10 to RSA 541, except as specified in RSA ~~[674:34]~~ **155-A:3-d** or other applicable statutes. No sanction
11 shall be stayed by the board during an appeal.

12 19 Inspectors. Amend RSA 319-C:5, V to read as follows:

13 V. A state, city, or town building ~~[inspector]~~ **official** or code enforcement officer appointed
14 by the administrative authority of the state, city, or town, who performs electrical inspections
15 authorized in accordance with RSA 155-A:2, IV, RSA 155-A:2, VI, RSA ~~[47:22]~~ **155-A:3** ~~[or RSA~~
16 ~~674:51]~~ shall have the authority to check the license or identification card issued under this chapter.

17 20 Third Party Electrical Inspections. Amend the section heading and RSA 319-C:5-a, I to read
18 as follows:

19 319-C:5-a ~~[Third Party]~~ **Third-Party** Electrical Inspections.

20 I. The board shall adopt rules under RSA 319-C:6-a requiring any entity engaging a person
21 who conducts residential electrical inspections for up to 4 contiguous units, which shall be
22 considered a level 1 inspector, or a person who conducts all types of electrical inspections, which
23 shall be considered a level 2 inspector, who is conducting third-party electrical inspections of
24 electrical installations in this state to have the person conducting the inspection be approved by the
25 office of professional licensure and certification in accordance with criteria established by the board.
26 The board shall determine the qualifications necessary for approval as a level 1 or level 2 electrical
27 inspector. The office of professional licensure and certification shall maintain and make available a
28 list of such persons approved for level 1 or level 2 third-party electrical inspections. The approval of
29 a person to conduct either level of third-party electrical inspections shall not prohibit a city or town
30 that has established inspections under RSA ~~[47:22 or RSA 674:51]~~ **155-A:3** from contracting with
31 any person of its choice to perform third-party electrical inspections.

32 21 Exemptions. Amend RSA 356-A:3, I(b)(4)(C) to read as follows:

33 (C) Appointed a building ~~[inspector]~~ **official** pursuant to RSA ~~[673:1, III]~~ **155-A:3**.

34 22 Local Land Use Board. Amend RSA 672:7 to read as follows:

35 672:7 Local Land Use Board. "Local land use board" means a planning board, historic district
36 commission, ~~[inspector of buildings, building code board of appeals,]~~ zoning board of adjustment, or
37 other board or commission authorized under RSA 673 established by a local legislative body.

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1 23 Zoning and Building Code Board of Appeals. Amend RSA 673:3 section heading to read as
2 follows:

3 673:3 Zoning Board of Adjustment [~~and Building Code Board of Appeals~~].

4 24 Scheduling of Meetings. Amend RSA 673:10, I to read as follows:

5 I. Meetings of the heritage commission, the historic district commission, the agricultural
6 commission, the housing commission, [~~the building code board of appeals,~~] and the zoning board of
7 adjustment shall be held at the call of the chairperson and at such other times as the board may
8 determine.

9 25 Disqualification of Member. Amend RSA 673:14, I to read as follows:

10 I. No member of a zoning board of adjustment, [~~building code board of appeals,~~] planning
11 board, heritage commission, historic district commission, agricultural commission, or housing
12 commission shall participate in deciding or shall sit upon the hearing of any question which the
13 board is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in
14 the outcome which differs from the interest of other citizens, or if that member would be disqualified
15 for any cause to act as a juror upon the trial of the same matter in any action at law. Reasons for
16 disqualification do not include exemption from service as a juror or knowledge of the facts involved
17 gained in the performance of the member's official duties.

18 26 Power to Compel Witness Attendance and Administer Oaths. Amend RSA 673:15 to read as
19 follows:

20 673:15 Power to Compel Witness Attendance and Administer Oaths. The chairperson of the
21 zoning board of adjustment [~~or the chairperson of the building code board of appeals~~] or, in the
22 chairperson's absence, the acting chairperson may administer oaths. Whenever the board exercises
23 its regulatory or quasi judicial powers it may, at its sole discretion, compel the attendance of
24 witnesses. All expenses incurred under this section for compelling the attendance of a witness shall
25 be paid by the party or parties requesting that a witness be compelled to attend a meeting of the
26 board.

27 27 Abolishing Planning Board, Heritage Commission, Historic District Commission,
28 Agricultural Commission, or Housing Commission. Amend subdivision heading preceding RSA
29 673:18 to read as follows:

30 Abolition of Boards[~~,~~] or Zoning Ordinances[~~, or Building Codes~~]

31 28 Transfer of Documents Upon Abolition of Zoning Ordinance or Building Code. Amend RSA
32 673:22 section heading to read as follows:

33 673:22 Transfer of Documents Upon Abolition of Zoning Ordinance [~~or Building Code~~].

34 29 Appeals Where There is a Zoning Ordinance. Amend the introductory paragraph of RSA
35 674:13, I to read as follows:

36 I. Any zoning ordinance adopted pursuant to RSA 674:16 shall provide that the board of
37 adjustment created under a local zoning ordinance and having the power to make variances or

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1 exceptions in zoning regulations shall have the further power, in specific cases and by vote of a
2 majority of its members, upon an appeal filed with it by the owner of any such land, to ~~[grant a~~
3 ~~permit or]~~ remove the prohibition on a building permit based on considerations of justice and equity
4 for a building or structure, or part thereof, in a mapped-street location shown on the official map, in
5 any case in which the board of adjustment finds, upon the evidence and arguments presented to it
6 upon appeal:

7 30 Appeals Where There is a Zoning Ordinance. Amend RSA 674:13, II to read as follows:

8 II. In the event that the board of adjustment decides to authorize or issue remove the
9 prohibition on a building permit in such case, it shall have the power to specify the exact location,
10 ground area to be used or occupied, height, and other reasonable details and conditions of extent and
11 character, and also the duration of the building, or part hereof, permitted. Such requirements shall
12 be designed to promote the health, convenience, safety, or general welfare of and shall inure to the
13 benefit of the municipality. The board of adjustment shall ~~[refuse a]~~ prohibit the issuance of a
14 building permit if the applicant will not be substantially damaged by placing the applicant's building
15 outside the mapped-street location.

16 31 Appeals; Public Hearing. Amend RSA 674:15 to read as follows:

17 674:15 Appeals; Public Hearing. Before taking any action authorized in RSA 674:13, 674:14,
18 and 674:41, the zoning board of adjustment~~[,]~~ or the legislative body~~[, or the boards of appeal,]~~
19 according to whichever of them is designated by ordinance as the body to which zoning appeals may
20 be made, shall give a hearing at which parties in interest and others shall have an opportunity to be
21 heard. Notice for a public hearing under this section shall be as provided in RSA 675:7.

22 32 Board of Adjustment and Administrative Provisions Under Interim Zoning Ordinance.
23 Amend RSA 674:29 to read as follows:

24 674:29 Board of Adjustment and Administrative Provisions Under Interim Zoning Ordinance.
25 In any town in which an interim zoning ordinance has been adopted, and while it remains in effect,
26 the board of selectmen shall be the appointing authority for the zoning board of adjustment and shall
27 appoint the first such board forthwith, upon the adoption of interim zoning. Such board shall have
28 all the powers and jurisdiction and be subject to all the duties, requirements and other provisions
29 applicable to zoning boards of adjustment under RSA 673. The board of selectmen~~[, if no building~~
30 ~~inspector exists,]~~ shall act ~~[jointly]~~ as the ~~[building inspector and]~~ administrative officer charged
31 with enforcement and may issue ~~[building or]~~ use permits in the first instance if clearly permitted by
32 law. The applicable provisions of RSA 677 shall govern motions for rehearing, appeals, enforcement,
33 and interpretation. In addition to other remedies, any person convicted of violation of the provisions
34 of RSA ~~[674:25-29]~~ 674:25 through 29 by a court of competent jurisdiction shall be subject to a fine of
35 not more than \$50 for each offense. Each day the violation continues shall constitute a separate
36 offense.

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1 33 Utility Structures. Amend the introductory paragraph of RSA 674:30 and RSA 674:30, I to
2 read as follows:

3 674:30 Utility Structures. Local ordinances~~[, codes,]~~ and regulations enacted pursuant to this
4 title shall apply to public utility structures, provided, however, that:

5 I. Notwithstanding the provisions of any such ordinance~~[, code,]~~ or regulation, a planning
6 board, or its designee pursuant to paragraph II, upon application by a utility, may waive any
7 requirement contained in an ordinance~~[, code,]~~ or regulation for any unoccupied structure which is
8 less than 200 square feet in area, which is necessary for the furnishing of utility service for the
9 public health, safety, or general welfare, and for which the utility's siting options are limited by
10 virtue of said structure being a physically integrated component of the utility's transmission or
11 distribution apparatus. Any such waiver shall terminate, without further action by the planning
12 board, if said structure ceases to be used for provisions of utility services.

13 34 Utility Structures. Amend RSA 674:30, III to read as follows:

14 III. A public utility which uses or proposes to use a structure which does not fit the criteria
15 described in paragraph I, or fits those criteria and has been denied a waiver, or has been granted a
16 waiver with conditions unacceptable to the utility when the waiver was applied for pursuant to
17 paragraph I, may petition the public utilities commission to be exempted from the operation of any
18 local ordinance~~[, code,]~~ or regulation enacted under this title. The public utilities commission,
19 following a public hearing, may grant such an exemption if it decides that the present or proposed
20 situation of the structure in question is reasonably necessary for the convenience or welfare of the
21 public and, if the purpose of the structure relates to water supply withdrawal, the exemption is
22 recommended by the department of environmental services.

23 35 Other General Provisions. Amend RSA 674:32-c, II to read as follows:

24 II. Nothing in this subdivision, or in RSA 674:32-b, shall exempt new, re-established, or
25 expanded agricultural operations or activities from generally applicable building and site
26 requirements such as dimensional standards, setbacks, driveway and traffic regulations, parking
27 requirements, noise, odor, or vibration restrictions or sign regulations; provided, however, that in
28 circumstances where their literal application would effectively prohibit an agricultural use or
29 activity allowed by this subdivision, or would otherwise be unreasonable in the context of an
30 agricultural use or activity, in accordance with the provisions of RSA 672:1, III-b, the board of
31 adjustment~~[, building code board of appeals,]~~ or other applicable local board, after due notice and
32 hearing, shall grant a waiver from such requirement to the extent necessary to reasonably permit
33 the agricultural use or activity, unless such waiver would have a demonstrated adverse effect on
34 public health or safety, or on the value of adjacent property. Such waiver shall continue only as long
35 as utilized for the permitted agricultural use or activity.

36 36 Erection of Buildings on Streets; Appeals. Amend RSA 674:41, II to read as follows:

1 II. Whenever the enforcement of the provisions of this section would entail practical
 2 difficulty or unnecessary hardship, and when the circumstances of the case do not require the
 3 building, structure or part thereof to be related to existing or proposed streets, the applicant for such
 4 permit may appeal from the decision of the administrative officer having charge of the issuance of
 5 permits to the zoning board of adjustment in any municipality which has adopted zoning regulations
 6 in accordance with RSA 674, or, in municipalities in which no board of adjustment exists, to the local
 7 legislative body~~[, or to a board of appeals,]~~ whichever is appropriate, in accordance with RSA 674:14
 8 and 674:15, including the requirement for a public hearing. In a municipality which does not require
 9 building permits, direct application may be made to the zoning board of adjustment, or the local
 10 legislative body~~[, or the board of appeals]~~ for permission to erect the building. In passing on such
 11 appeal or application, the board of adjustment~~[,]~~ or local legislative body~~[, or board of appeals]~~ may
 12 make any reasonable exception and shall have the power to authorize or issue a permit, subject to
 13 such conditions as it may impose, if the issuance of the permit or erection of the building would not
 14 tend to distort the official map or increase the difficulty of carrying out the master plan upon which
 15 it is based, and if erection of the building or issuance of the permit will not cause hardship to future
 16 purchasers or undue financial impact on the municipality. Any such decision made in this
 17 connection by a board of adjustment, local legislative body~~[, or by a board of appeals]~~ pursuant to
 18 this section and RSA 674:14 and 674:15 shall be in writing, together with the reasons for the
 19 decision, and shall be subject to review in the manner described in RSA 677.

20 37 Erection of Buildings on Streets; Appeals. Amend RSA 674:41, III to read as follows:

21 III. This section shall supersede any less stringent local ordinance~~[, code]~~ or regulation, and
 22 no existing lot or tract of land shall be exempted from the provisions of this section except in
 23 accordance with the procedures expressly set forth in this section. For purposes of paragraph I, "the
 24 street giving access to the lot" means a street or way abutting the lot and upon which the lot has
 25 frontage. It does not include a street from which the sole access to the lot is via a private easement
 26 or right-of-way, unless such easement or right-of-way also meets the criteria set forth in
 27 subparagraphs I(a), (b), (c), (d), or (e).

28 38 Procedure. Amend RSA 674:60, IV to read as follows:

29 IV. A municipality may require that an applicant record restrictive covenants acceptable to
 30 the land use board that the workforce housing may not be rented to or sold to any household whose
 31 income is greater than that specified in RSA 674:58, IV. The covenant shall be for the term specified
 32 in the regulations of the land use board. The municipality may adopt regulations to ~~[insure]~~ **ensure**
 33 compliance with the covenants, which regulations may include requirements for the monitoring of
 34 the project by the municipality or by a suitable ~~[third party]~~ **third-party** agency qualified to carry
 35 out such requirements, including but not limited to requiring the production of annual income
 36 verification for renters and non-owner occupiers. The land use board may consider the existence of

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1 recorded covenants or income qualification and occupancy criteria as satisfying the purpose of this
2 paragraph if such covenants or criteria are administered by a state or federal entity.

3 39 Municipal Regulations of Small Wind Energy Systems. Amend RSA 674:63, V to read as
4 follows:

5 V. Setting electrical or structural design criteria that exceed applicable state[;] or federal[;
6 ~~or international~~] building or electrical codes or laws.

7 40 Abutter and Regional Notification. Amend RSA 674:66, I(a) to read as follows:

8 I.(a) A municipal building [~~inspector~~] **official** shall notify all abutters by verified mail, as
9 defined in RSA 21:53, upon application for a building permit to construct a small wind energy
10 system. Abutters shall be afforded a 30-day comment period prior to the issuance of a building
11 permit. An appeal may be made to the building code board of appeals pursuant to RSA [674:34] **155-**
12 **A:3-d** or to the zoning board of adjustment pursuant to RSA 676:5, as may be appropriate.

13 41 General Requirements. Amend RSA 675:1, II to read as follows:

14 II. Zoning ordinances proposed under RSA 674:16, and historic district ordinances proposed
15 under RSA 674:46 [~~and building codes proposed under RSA 674:51~~] shall be adopted in accordance
16 with the procedures required under RSA 675:2-5.

17 42 Method of Enactment in Cities and Towns Operating Under Town Council Form of
18 Government. Amend the subdivision heading preceding RSA 675:2 and RSA 675:2 to read as
19 follows:

20 Zoning Ordinance[;] and Historic District Ordinance [~~and Building Code~~] Enactment Procedures

21 675:2 Method of Enactment in Cities and Towns Operating Under Town Council Form of
22 Government.

23 I. In cities or in towns operating under the town council form of government, and in counties
24 in which there are located unincorporated towns or unorganized places, the local legislative body
25 shall determine the manner in which a zoning ordinance[;] or historic district ordinance[; ~~or a~~
26 ~~building code~~] is established and amended; provided, however, that any question concerning the
27 establishment and amendment of a zoning ordinance[;] or historic district ordinance[; ~~or a building~~
28 ~~code~~] may be placed on a ballot separate from the ballot used to elect city or town officers. The
29 planning board shall forward to the town clerk all proposed amendments to a zoning ordinance[;] or
30 historic district ordinance[; ~~or building code~~] not later than the fifth Tuesday prior to the date for
31 electing city or town officers.

32 II. No zoning ordinance[;] or historic district ordinance[; ~~or building code~~] shall be
33 established or amended until after a public hearing is held in accordance with the procedures
34 required under RSA 675:7 on the proposed zoning ordinance[;] or historic district ordinance[;
35 ~~building code~~] or amendment.

36 43 Method of Enactment in Certain Towns and Village Districts. Amend RSA 675:3, I and II to
37 read as follows:

1 I. Any town not operating under the town council form of government, or any village district
2 which is specifically authorized by law to enact a zoning ordinance, shall establish and amend a
3 zoning ordinance~~[,]~~ or historic district ordinance~~[, or building code]~~ upon the affirmative vote by
4 ballot of a majority of the legal voters present and voting on the day of the meeting, as provided in
5 paragraph VII. Any proposed zoning ordinance, as submitted by a planning board or any
6 amendment to an existing zoning ordinance as proposed by a planning board, board of selectmen or
7 village district commission shall be submitted to the voters of a town or village district in the
8 manner prescribed in this section.

9 II. No zoning ordinance~~[,]~~ or historic district ordinance~~[, or building code]~~ shall be
10 established or amended at a town or village district meeting until after the planning board holds at
11 least one public hearing on the proposed ordinance, code or amendment. Notice for the time and
12 place of each public hearing shall be the same as that provided in RSA 675:7.

13 44 Method of Enactment in Certain Towns and Village Districts. Amend RSA 675:3, V to read
14 as follows:

15 V. Official copies of the final proposal to adopt or amend the zoning ordinance~~[,]~~ or historic
16 district ordinance~~[, or building code]~~ shall be placed on file and made available to the public at the
17 town or village clerk's office not later than the fifth Tuesday prior to the date when action is to be
18 taken. An official copy of the proposal shall be on display for the voters at the meeting place on the
19 date of the meeting.

20 45 Method of Enactment in Certain Towns and Village Districts. Amend RSA 675:3, VII to read
21 as follows:

22 VII. If the town or village district has adopted an official ballot for the election of its
23 respective officers, the issue as to the adoption of the proposed zoning ordinance or historic district
24 ordinance~~[, building code,]~~ or amendment shall be presented to the voters of the town or village
25 district by having the town or village district clerk prepare an official ballot separate from the official
26 ballot used to elect town or village district officers which shall include the following question, or by
27 including the following question on the official ballot as prepared by the town or village district
28 clerk:

29 "Are you in favor of the adoption of the zoning ordinance~~[,]~~ or historic district ordinance~~[, or~~
30 ~~building code]~~ (or amendment to the existing town (village district) zoning ordinance~~[,]~~ or historic
31 district ordinance~~[, or building code]~~) as proposed by the planning board?" In the event that there
32 shall be more than a single proposed amendment to be submitted to the voters at any given meeting,
33 the issue as to the several amendments shall be put in the following manner: "Are you in favor of the
34 adoption of Amendment No. ___ as proposed by the planning board for the town (village district)
35 zoning ordinance (historic district ordinance [~~or building code]~~) as follows: (Here insert topical
36 description of substance of amendment.);" If such action is to be taken at a meeting other than the
37 one at which officers are to be elected, the clerk shall prepare a special ballot containing the question

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1 or questions above stated, and the meeting shall open not later than noon and shall remain open at
2 least 8 hours. If such action is to be taken at a meeting in a town or village district which has not
3 adopted an official ballot, the clerk may prepare a special ballot likewise separate from the ballot
4 used to elect town or village district officers for the use of voters in voting on the question. If a
5 majority of the voters present and voting on any question as herein provided shall vote in the
6 affirmative, the ordinance or amendment thereto shall be declared to have been adopted. When
7 submitting any question to the voters under this section, there shall be 2 squares printed after the
8 question, one with the word "yes" beside it and another with the word "no" beside it.

9 46 Method of Enactment in Certain Towns and Village Districts. Amend RSA 675:3, IX to read
10 as follows:

11 IX. The method for amending a zoning ordinance[~~;~~] or historic district ordinance [~~or building~~
12 ~~code,~~] as set forth in this section, may also be utilized to repeal such ordinance[~~or code~~]. The ballot
13 question shall use the word "repeal" in place of the words "adoption" or "amendment."

14 47 Method of Enactment by Petition. Amend RSA 675:4, I to read as follows:

15 I. Twenty-five or more voters may petition for an amendment to a zoning ordinance[~~;~~] or
16 historic district ordinance[~~or a building code~~]. Petitioned amendments shall be voted only at the
17 annual town or village district meeting. A petition to amend a zoning ordinance[~~;~~] or historic district
18 ordinance[~~or a building code~~] shall be submitted to the board of selectmen or the village district
19 commissioners during the period between 120 and 90 days prior to the annual town or village
20 district meeting. The petition shall be in correct warrant article form, as determined by the
21 selectmen or village district commissioners, to amend the zoning ordinance[~~;~~] or historic district
22 ordinance[~~or building code~~]. The selectmen or the village district commissioners shall submit the
23 petitions to the planning board in a timely manner.

24 48 Method of Enactment by Petition. Amend RSA 675:4, III to read as follows:

25 III. Each petitioned amendment shall be placed on a ballot which may be separate from the
26 ballot used to elect town or village district officers. A notation on the ballot stating the planning
27 board's approval or disapproval shall immediately follow the question's description. Any petitioned
28 question receiving an affirmative vote of a majority of the legal voters present and voting shall be
29 adopted, except as provided in RSA 675:5. The planning board shall forward to the town or village
30 district clerk all proposed amendments to a zoning ordinance[~~;~~] or historic district ordinance[~~or~~
31 ~~building code~~] under this section not later than the fifth Tuesday prior to the date for electing town
32 or village district officers.

33 49 Method of Enactment by Petition. Amend RSA 675:4, V to read as follows:

34 V. The method for amending a zoning ordinance[~~;~~] or historic district ordinance [~~or building~~
35 ~~code,~~] as set forth in this section, may also be utilized to repeal such ordinance[~~or code~~]. The ballot
36 question shall use the word "repeal" in place of the word "amendment."

37 50 Notice Requirements for Public Hearing. Amend RSA 675:7, II to read as follows:

1 II. The full text of the proposed master plan, zoning ordinance~~[, building code]~~, subdivision
2 regulation, site plan review regulation and historic district regulation, ordinance, or amendment
3 need not be included in the notice if an adequate statement describing the proposal and designating
4 the place where the proposal is on file for public inspection is stated in the notice. The notice of a
5 hearing on a proposed amendment to a zoning ordinance to be sent electronically or by first class
6 mail shall include a statement describing, to the greatest extent practicable and in easily understood
7 language, the proposed changes to the zoning ordinance, the areas affected, and any other
8 information calculated to improve public understanding of the proposal.

9 51 Filing of Zoning Ordinances, Historic District Ordinances, Building Codes, Subdivision
10 Regulations, Site Plan Review Regulations, and Amendments. Amend RSA 675:8 to read as follows:

11 675:8 Filing of Zoning Ordinances, Historic District Ordinances~~[, Building Codes]~~, Subdivision
12 Regulations, Site Plan Review Regulations, and Amendments. All zoning ordinances, historic
13 district ordinances~~[, building codes]~~, subdivision regulations, site plan review regulations, historic
14 district regulations and their amendments shall be placed on file with the city, town, or village
15 district clerk, or, in the case of unincorporated towns or unorganized places, with the clerk for the
16 county commissioners for public inspection.

17 52 Place for Filing Documents; Reporting of Adoptions or Amendments. Amend RSA 675:9 to
18 read as follows:

19 675:9 Place for Filing Documents; Reporting of Adoptions or Amendments. A copy of each
20 master plan, zoning ordinance, historic district ordinance, capital improvement plan~~[, building code]~~,
21 subdivision regulation, historic district regulation, site plan review regulation or amendment which
22 is adopted by a municipality shall be placed in a central file with the office of planning and
23 development; provided, however, that failure to file these documents or amendments with the office
24 of planning and development shall not affect the validity of the document. Every municipality which
25 adopts a master plan, zoning ordinance, historic district ordinance, capital improvement plan~~[,~~
26 ~~building code]~~, subdivision regulation or site plan review regulation or amendment thereto, shall
27 inform the office of planning and development of such adoption or amendment. The office of
28 planning and development is hereby authorized to gather this information by way of an annual
29 survey of the municipalities or other such means as may be deemed appropriate. The office of
30 planning and development shall periodically create lists and reports of the information gathered for
31 use by the municipalities and the general public.

32 53 Third-Party Review and Inspection. Amend the section heading of RSA 676:4-b and RSA
33 676:4-b, I to read as follows:

34 676:4-b ~~[Third Party]~~ **Third-Party** Review and Inspection.

35 I. A planning board reviewing a subdivision plat, site plan, or other land use application
36 may require the applicant to reimburse the board for expenses reasonably incurred by obtaining
37 ~~[third party]~~ **third-party** review and consultation during the review process, provided that the

1 review and consultation does not substantially replicate a review and consultation obtained by the
2 zoning board of adjustment. The applicant may request the planning board choose a different [~~third~~
3 ~~party~~] **third-party** consultant and the request may include the name of a preferred consultant. The
4 planning board shall exercise reasonable discretion to determine whether the request is warranted.
5 When such a request is granted by the planning board, the 65-day period for the board's action on an
6 application stated in RSA 676:4, I(c)(1) shall be extended 45 days to provide the board adequate time
7 to identify a different consultant.

8 54 Third-Party Review and Inspection. Amend RSA 676:4-b, IV and V to read as follows:

9 IV. A person retained as a [~~third-party~~] **third-party** inspector during the construction
10 process shall observe, record, and promptly report to the planning board or appropriate municipal
11 authority and applicant or applicant's successor in interest any perceived construction defect or
12 deviation from the terms of the approval or approved project plans.

13 V. Any person who becomes aware of a failure by a [~~third-party~~] **third-party** inspector to
14 report properly and promptly a construction defect or deviation from the terms of the approval or
15 approved project plans, may file a written complaint to the office of professional licensure and
16 certification under RSA 310 for possible disciplinary action.

17 55 Appeals to Board of Adjustment. Amend RSA 676:5, II(a) to read as follows:

18 (a) The "administrative officer" means any official or board who, in that municipality,
19 has responsibility for issuing permits or certificates under the ordinance, or for enforcing the
20 ordinance, and may include [~~a building inspector,~~] the board of selectmen[~~;~~] or other official or board
21 with such responsibility.

22 56 Determination of Which Local Ordinance Takes Precedence. Amend RSA 676:14 section
23 heading to read as follows:

24 676:14 Determination of Which Local **Land** Use Ordinance Takes Precedence.

25 57 Injunctive Relief. Amend RSA 676:15 to read as follows:

26 676:15 Injunctive Relief. In case any building or structure or part thereof is or is proposed to be
27 erected, constructed, altered, or reconstructed, or any land is or is proposed to be used in violation of
28 this title or of any local ordinance[~~;~~~~code,~~] or regulation adopted under this title, or of any provision
29 or specification of an application, plat, or plan approved by, or any requirement or condition of a
30 permit or decision issued by, any local administrator or board acting under the authority of this
31 title[~~;~~~~the building inspector~~] or other official with authority to enforce the provisions of this title or
32 any local ordinance[~~;~~~~code,~~] or regulation adopted under this title, or the owner of any adjacent or
33 neighboring property who would be specially damaged by such violation may, in addition to other
34 remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate
35 action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction,
36 alteration, or reconstruction.

37 58 Fines and Penalties; Second Offense. Amend RSA 676:17, I through III to read as follows:

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1 I. Any person who violates any of the provisions of this title, or any local ordinance~~[, code,]~~
2 or regulation adopted under this title, or any provision or specification of any application, plat, or
3 plan approved by, or any requirement or condition of a permit or decision issued by, any local
4 administrator or land use board acting under the authority of this title shall be guilty of a
5 misdemeanor if a natural person, or guilty of a felony if any other person; and shall be subject to a
6 civil penalty of \$275 for the first offense, and \$550 for subsequent offenses, for each day that such
7 violation is found to continue after the conviction date or after the date on which the violator
8 receives written notice from the municipality that the violator is in violation, whichever is earlier.
9 Each day that a violation continues shall be a separate offense.

10 II. In any legal action brought by a municipality to enforce, by way of injunctive relief as
11 provided by RSA 676:15 or otherwise, any local ordinance~~[, code]~~ or regulation adopted under this
12 title, or to enforce any planning board or zoning board of adjustment ~~[or building code board of~~
13 ~~appeals]~~ decision made pursuant to this title, or to seek the payment of any fine levied under
14 paragraph I, the municipality shall recover its costs and reasonable attorney's fees actually
15 expended in pursuing the legal action if it is found to be a prevailing party in the action. For the
16 purposes of this paragraph, recoverable costs shall include all out-of-pocket expenses actually
17 incurred, including but not limited to, inspection fees, expert fees and investigatory expenses.

18 III. If any violation of a local ordinance~~[, code]~~ or regulation, or any violation of a planning
19 board~~[,]~~ or zoning board of adjustment ~~[or building code board of appeals]~~ decision, results in the
20 expenditure of public funds by a municipality which are not reimbursed under paragraph II, the
21 court in its discretion may order, as an additional civil penalty, that a violator make restitution to
22 the municipality for such funds so expended.

23 59 Fines and Penalties; Second Offense. Amend RSA 676:17, V to read as follows:

24 V. The ~~[building inspector or other]~~ local official with the authority to enforce the provisions
25 of this title or any local ordinance~~[, code,]~~ or regulation adopted under this title may commence an
26 action under paragraph I either in the district court pursuant to RSA 502-A:11-a, or in the superior
27 court. The prosecuting official in the official's discretion may, prior to or at the time of arraignment,
28 charge the offense as a violation, and in such cases the penalties to be imposed by the court shall be
29 limited to those provided for a violation under RSA 651:2 and the civil penalty provided in
30 subparagraph I(b) of this section. The provisions of this section shall supersede any inconsistent
31 local penalty provision.

32 60 Cease and Desist Orders. Amend RSA 676:17-a introductory paragraph to read as follows:

33 676:17-a Cease and Desist Orders. The ~~[building inspector,]~~ code enforcement officer, zoning
34 administrator or other official designated as an enforcement authority by ordinance or resolution of
35 the local legislative body may issue a cease and desist order against any violation of this title, any
36 local ordinance~~[, code]~~ or regulation adopted under this title, or any provision or specification of an
37 application, plat, or plan approved by, or any requirement or condition of a permit or decision issued

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1 by, any local administrator or land use board acting under the authority of this title, subject to the
2 following:

3 61 Local Land Use Citations; Pleas by Mail. Amend the introductory paragraph of RSA 676:17-
4 b, and RSA 676:17-b, I to read as follows:

5 676:17-b Local Land Use Citations; Pleas by Mail. A [~~building inspector or other~~] local official
6 with authority to prosecute an offense within the scope of RSA 676:17, and who, prior to or at the
7 time of serving the summons, elects, pursuant to RSA 676:17, V, to charge the offense as a violation,
8 may issue and serve upon the defendant, in addition to the summons, a local land use citation as set
9 forth in this section. The defendant receiving such a citation may plead guilty or nolo contendere by
10 mail by entering that plea as provided herein. If such a plea is accepted by the court, the defendant
11 shall not be required to appear personally or by counsel; otherwise the defendant shall appear as
12 directed by the court. The following procedure shall be used:

13 I. No local land use citation as set forth in this section shall be served unless the defendant
14 has first been given written notice of the violation by the municipality. If the notice involves or
15 includes a decision which may be appealed to the zoning board of adjustment pursuant to RSA 676:5,
16 [~~or to the building code board of appeals pursuant to RSA 674:34, such notice to the building code~~
17 ~~board of appeals pursuant to RSA 674:34,~~] then such notice shall set forth a reasonable period, as
18 provided by the rules of the respective board, in no case less than 7 days, within which such appeal
19 shall be filed after receipt of the written notice, and the citation shall not be served until after the
20 end of such period. If such an appeal is filed, further proceedings shall be governed by RSA 676:6.

21 62 Local Land Use Citations; Pleas by Mail. Amend RSA 676:17-b, II(c) to read as follows:

22 (c) The statute[~~-code~~], local ordinance, regulation, provision, specification, requirement
23 or condition the offender is charged with violating.

24 63 Repeal. The following are repealed:

25 I. RSA 673:1, III and V, relative to the establishment of local land use boards.

26 II. RSA 673:3, IV, relative to zoning board of adjustment and building code board of appeals.

27 III. RSA 673:22, II, relative to transfer of documents upon abolition of zoning ordinance or
28 building code.

29 IV. RSA 674:34, relative to powers of building code board of appeals.

30 V. RSA 674:52-a, relative to ordering building vacated.

31 VI. RSA 676:11, relative to building permits required.

32 VII. RSA 676:13, relative to building permit restrictions.

33 64 Effective Date. This act shall take effect at 12:01 a.m. on July 1, 2026.