

HB 1759 - AS AMENDED BY THE HOUSE

19Feb2026... 0240h

2026 SESSION

26-2741
06/05

HOUSE BILL **1759**

AN ACT relative to the disqualification of a member of a local land use board.

SPONSORS: Rep. Fracht, Graf. 16; Rep. Aylward, Merr. 5; Rep. Pauer, Hills. 36

COMMITTEE: Municipal and County Government

ANALYSIS

This bill makes a land use board's vote on whether a member should be disqualified binding rather than advisory, requiring recusal if a majority finds disqualification is warranted.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the disqualification of a member of a local land use board.

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

1 1 Disqualification of Member. Amend RSA 673:14, II to read as follows:

2 II. When uncertainty arises as to the application of paragraph I to a board member in
3 particular circumstances, the board shall, upon the request of that member or another member of
4 the board, vote on the question of whether that member should be disqualified. ***Where the member***
5 ***seeks clarification as to whether recusal is required, he or she shall clearly state the***
6 ***circumstances causing uncertainty. The remaining members may ask questions and***
7 ***deliberate prior to voting. Where the member or alternate member believes that another***
8 ***member should recuse himself or herself, that member shall clearly state the facts and***
9 ***present evidence upon which such belief is based. The subject member or alternate member***
10 ***shall have an opportunity for rebuttal and to present evidence. The remaining members***
11 ***may ask questions and deliberate prior to voting.*** Any such request and vote shall be made
12 prior to or at the commencement of any required public hearing. Such a vote shall be ~~advisory and~~
13 ~~non-binding~~ ***binding***, and may not be requested by persons other than board members, except as
14 provided by local ordinance or by a procedural rule adopted under RSA 676:1.

15 2 Effective Date. This act shall take effect 60 days after its passage.