2026 SESSION

26-2275
12/08

SENATE BILL ***562***

AN ACT relative to a home damage mitigation and resiliency program.

SPONSORS: Sen. Abbas, Dist 22; Sen. Lang, Dist 2; Sen. Watters, Dist 4; Sen. Avard, Dist 12; Sen. Gannon, Dist 23; Sen. Rosenwald, Dist 13; Rep. Packard, Rock. 16

COMMITTEE: Commerce

ANALYSIS

This bill establishes the Granite State home mitigation and resiliency program to provide financial grants to homeowners to mitigate residential real property against loss from severe weather events. The bill also establishes a fund to provide support for this program.

This bill is a request of the insurance department.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

06/04/2026 2135EBA

26-2275
12/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to a home damage mitigation and resiliency program.

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

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

CHAPTER 407-E

GRANITE STATE HOME MITIGATION AND RESILIENCY PROGRAM

407-E:1 Granite State Home Mitigation and Resiliency Program Established. There is hereby established the granite state home mitigation and resiliency program which shall be implemented under this chapter.

407-E:2 Purpose and Policy. The purpose of this chapter is to establish a program to provide financial grants to homeowners to mitigate residential real property against loss from severe weather events, including but not limited to those involving rain, wind, snow, ice, sleet, hail, floods, sea water, lake water, river water, surface water, tornadoes, hurricanes, and microbursts. The intent of this chapter is to provide New Hampshire residents with the opportunity to mitigate risks to their homes from severe weather events, thereby reducing claim severity, frequency of claims, and insurance premiums for New Hampshire homeowners. This chapter does not create an entitlement for property owners and does not obligate the state to pay for the residential real property to be inspected, constructed, improved, remodeled, mitigated, retrofitted, or otherwise modified. The granite state home mitigation and resiliency program is subject to the availability of funds in the granite state home mitigation and resiliency fund established in RSA 407-E:4.

407-E:3 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the New Hampshire insurance department.

II. "Department" means the New Hampshire insurance department.

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

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

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

VI. "Non-IBHS grant" means a program grant used for the following items:

(a) Tree removal or trimming; and

(b) Repair or replacement of foundations, stairs, railings, decks or porches.

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

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

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

407-E:4 Fund Established. There is established the granite state home mitigation and resiliency fund, which shall be administered by the commissioner, and which shall be kept separate and distinct from all other funds. All moneys in the granite state home mitigation and resiliency fund shall be continually appropriated to the department for the purposes of this chapter. Moneys paid into the granite state home mitigation and resiliency fund shall not lapse, unless required by law.

407-E:5 Appropriation and Funding Transfer.

I. Deposits into the granite state home mitigation and resiliency fund shall consist of the following:

(a) Federal government grants, loans or other federal moneys; and

(b) Gifts, grants, donations or moneys that are accepted by the department from any other source. The department may accept gifts, grants, donations or moneys from any source.

II. Whenever the federal government or other entity makes grant funds available to the state for purposes that are consistent with this chapter, the department is authorized to accept such funds and to take such action as may be necessary to secure the funds.

III. The moneys in the granite state home mitigation and resiliency fund shall not be subject to any state taxes and shall not be subject to any federal taxes to the extent allowed by applicable federal law.

IV. The department shall use the moneys in the granite state home mitigation and resiliency fund for grant awards and program expenses.

407-E:6 Availability and Use of Grants.

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

II. Grants shall be awarded on a first-come, first-served basis to real residential property owners who meet the eligibility requirements subject to the availability of funds. Eligibility does not create entitlement to receive grant funds or to a particular amount of grant funds.

III. Grants awarded under the granite state home mitigation and resiliency program shall be for a value of no more than $9,500 per New Hampshire residence, per year. No more than one grant shall be awarded for any single eligible residence within a 3 year period.

IV. The grant recipient is responsible for any local, state, or federal taxes the grant recipient may owe as a result of receiving grant money from the granite state home mitigation and resiliency program.

407-E:7 Grant Eligibility Requirements.

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

(a) Own a residential real property in New Hampshire;

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

(c) Submit a grant application to the department as required by this chapter; and

(d) Meet all other applicable requirements of this chapter, including, but not limited to the availability of funds.

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

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

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

(c) The residential real property owner shall:

(1) Agree to reinforce the residential structure to the IBHS FORTIFIED Home roof or silver designations, or successor designation, or similar standard approved by the commissioner.

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

(3) Have a certified IBHS evaluator pre-qualify the insured property as mitigable and identify all improvements required to achieve IBHS FORTIFIED Home roof or silver designations, or successor designation, or similar standard approved by the commissioner.

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

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

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

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

(8) Meet all other applicable requirements of this chapter, including, but not limited to the availability of funds.

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

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

(b) The non-IBHS grant item must threaten the insurability of the residence; and

(c) The residential real property owner shall:

(1) Provide proof of the insurability issue as required by the commissioner.

(2) Agree to use an eligible contractor to perform the non-IBHS work.

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

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

(5) Maintain a current homeowner's insurance policy on the residential real property unless the real property owner has satisfied the commissioner that the real property owner cannot procure such insurance until the work has been completed.

(6) Meet all other applicable requirements of this chapter, including, but not limited to the availability of funds.

IV. Grants under this chapter are not available for new construction.

407-E:8 Grant Application Process.

I. Residential real property owners shall apply for a grant under the granite state home mitigation and resiliency program on a form prescribed by the department.

II. Incomplete applications shall not be accepted and shall be returned to the applicant to be made complete and resubmitted to the department.

III. The department shall send a determination letter to the applicant within 60 days of approval or denial of a complete application. Lack of availability of funds will result in a denial of a completed application. The department's website shall be updated at least quarterly as to the current availability of funds but is not a guarantee that funds will be available at time of application or determination.

407-E:9 Payment of Grant Funds.

I. Approved grants shall only be paid after the residential real property owner establishes that the applicable work has been completed.

II. The residential real property owner establishes that the non-IBHS work has been completed by providing the department with:

(a) A copy of the signed contract between the eligible contractor and the real property owner for the work.

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

(c) A sworn affidavit from the eligible contractor who performed the work that the work has been completed in conformance with the requirements of this chapter.

III. In addition to the requirements of paragraph II, for IBHS grants, the residential property owner shall further provide the Department with:

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

(b) A FORTIFIED Home roof or silver designation certificate.

IV. If the residential real property owner has established compliance with this section, the department shall issue the approved grant funds directly to the eligible contractor who performed the work for the residential real property owner.

V. The real property owner is responsible for any amount owed to an eligible contractor that exceeds the amount of the awarded grant moneys.

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

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

II. The department shall not endorse or otherwise provide preferential treatment to any contractor. Contractors are not employees or in any way agents of the state.

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

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

(b) The contractor shall hold all local or state licenses.

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

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

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

(f) The contractor shall not have a financial interest in any project funded by the granite state home mitigation and resiliency program for which they perform work other than receiving payment on behalf of the homeowner from the granite state home mitigation and resiliency program.

(g) The contractor shall not be the evaluator for any project funded by the granite state home mitigation and resiliency program.

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

407-E:11 Evaluator Eligibility Requirements. To be eligible to work on a project funded by the granite state home mitigation and resiliency program as an evaluator for RSA 407-E:7, II, IBHS grants, the evaluator shall meet all applicable requirements of this chapter, including, but not limited to, those listed in this section:

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

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

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

IV. The evaluator shall not have any financial interest in any project the evaluator inspects for designation purposes for the granite state home mitigation and resiliency program.

V. The evaluator shall not be a contractor or supplier of any materials or products or systems installed in any residential real property the evaluator inspects for designation purposes for the granite state home mitigation and resiliency program.

VI. The evaluator shall not be the sales agent for any residential real property being designated for the granite state home mitigation and resiliency program.

VII. An evaluator performing work in relation to the granite state home mitigation and resiliency program does not become and is not considered an employee or agent of the state.

407-E:12 Disclosure of Information.

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

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

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

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

V. The department shall maintain a webpage detailing any and all gifts, grants, donations or moneys received for the granite state home mitigation and resiliency fund from any source. The webpage shall be updated at a minimum annually on January 15th of each year.

VI. Consistent with this chapter, the department shall keep an annual accounting of all funds received, the types of funds received, and all expenditures.

VII. In this section, “department,” “commissioner," "regulatory agency,” and the “National Association of Insurance Commissioners” include, but are not limited to, the employees, agents, consultants, and contractors of such entities and officers.

407-E:13 Limitation of Liability. There shall be no liability imposed by law on the department or the state for any act in any way related, directly or indirectly, to the granite state home mitigation and resiliency program.

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

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

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

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