

CHAPTER 318
HB 244 - FINAL VERSION

7Jan2026... 2952h
03/12/2026 1025s
4Jun2026... 2006CofC
4Jun2026... 2188EBA

2026 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Six

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:

1 318:1 Procedure for Ordering Building Vacated. Amend the introductory paragraph of RSA 147:16-a
2 to read as follows:

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

10 318:2 Public Accommodations Constructed After January 1, 1992. Amend RSA 155:39-d to read as
11 follows:

12 155:39-d Public Accommodations Constructed After January 1, 1992. This section applies to any
13 new building or facility proposed to be constructed specifically as a place of public accommodation on or
14 after January 1, 1992. This section also applies to any single enlargement of an existing building or
15 facility which enlargement is proposed to be constructed on or after January 1, 1992, if the cost of such
16 enlargement exceeds 25 percent of the fair market value of the real estate and building or facility situated
17 thereon but only to the portion thereof which is so enlarged. Facilities subject to this section shall meet
18 the requirements of the New Hampshire code for barrier-free design established pursuant to RSA 275-
19 C:14-17. This section shall also be enforced by the building [~~inspector~~] **official** as provided in RSA
20 [~~676:11-13~~] **155-A:3**.

21 318:3 New Paragraphs; Definitions. Amend RSA 155-A:1 by inserting after paragraph VI the
22 following new paragraphs:

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

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

25 (a) Board of selectmen in a town;

26 (b) City council or board of aldermen in a city;

27 (c) Village district commissioners in a village district; or

28 (d) County commissioners in a county in which there are located unincorporated towns or
29 unorganized places.

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

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

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

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

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

318:4 State Building Code. Amend RSA 155-A:2, VI to read as follows:

VI. For any municipality which has not adopted an enforcement mechanism under RSA [674:54] **155-A:3**, the contractor of the building, building component, or structure shall notify the state fire marshal concerning the type of construction before construction begins excluding one- and 2-family dwellings. Any municipality that has adopted an enforcement mechanism under RSA [674:54] **155-A:3** may contract with a local enforcement agency or a qualified third party for these services as an alternative to establishing the position of building [inspector] **official** under RSA [674:51, III(e)] **155-A:3**, and such agency or third party shall have the same authority as a building [inspector] **official** as provided in that section.

318:5 Enforcement Mechanism; Local Enforcement Agency. Amend RSA 155-A:3, I to read as follows:

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

318:6 Local Amendments; Application. Amend RSA 155-A:3, III(b)-(d) to read as follows:

(b) Provision for the establishment of a building code board of appeals as provided in RSA [673:1, V; 673:3, IV; and 673:5] **155-A:3-d**.

(c) Provision for the establishment of the position of building official as provided in RSA [673:1] **155-A:3, III(d)**.

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(d) The building official shall have the authority to:

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

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

(3) Perform inspections as may be necessary to assure compliance with the state building code; and

(4) Issue any certificates of occupancy as enacted pursuant to paragraph IV.

318:7 Local Amendments; Application. Amend RSA 155-A:3, VII to read as follows:

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

318:8 Local Amendments; Application. Amend RSA 155-A:3, IX and X to read as follows:

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

X. Notwithstanding any provision of law to the contrary, no municipality, **as defined in RSA 155-A:1, XI**, ~~[or local land use board]~~ shall enforce any existing ordinance, regulation, code, or administrative practice requiring the installation or use of automatic fire suppression sprinklers in any manufactured housing unit, as defined in RSA 674:31, situated in a manufactured housing park, as defined in RSA 205-A:1, II. Nothing in this paragraph shall affect the ability of an applicant for a local land use permit to include the installation of fire suppression sprinklers pursuant to RSA 674:36, ~~[IV]~~ **VI**, or affect the validity or enforceability of such inclusion.

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

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

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1 *safety requires vacating the premises. Such an order shall be subject to the procedures of RSA 147:16-a,*
2 *which shall 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 by the owner*
4 *and his or her immediate family, unless the condition of such premises constitutes a clear and imminent*
5 *danger to the life or health of persons other than the occupant or occupants.*

6 318:9 New Sections; Building Code Enforcement. Amend RSA 155-A by inserting after section 3-c
7 the following new sections:

8 155-A:3-d Building Code Board of Appeals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 XVI. Each building code board of appeals may appoint such employees as it deems necessary
27 for its work who shall be subject to the same employment rules as other corresponding civil employees of
28 the municipality. Each board may also contract with planners, engineers, architects, and other
29 consultants for such services as it may require. The expenditures of the board, exclusive of gifts,
30 reimbursements, or amounts held pursuant to this section, shall be within the amounts appropriated for
31 the purpose by the local legislative body, which may provide such funds, equipment, and
32 accommodations as it deems necessary or advisable for the board's work. Each board may accept and
33 use gifts, grants, or contributions for the exercise of its functions, in accordance with procedures
34 established for the expenditure of funds within the municipality.

35 XVII. Any fee which a building code board of appeals, acting pursuant to this title, collects from
36 an applicant to cover an expense lawfully imposed upon that applicant, including but not limited to the
37 expense of notice, the expense of consultant services or investigative studies under this title, or the
38 implementation of conditions lawfully imposed as part of a conditional approval, may be paid out toward
39 that expense without approval of the local legislative body. This paragraph shall not apply to application,

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1 permit, or inspection fees which have been set by the local legislative body as part of an ordinance, or by
2 the selectmen under RSA 41:9-a. Notwithstanding RSA 155-A:1, a building official shall not be
3 considered a "building code board of appeals" for purposes of this section. Such fees shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 155-A:3-e Method of Enactment in Cities Operating Under the Board of Mayor and Aldermen, or the
24 Corresponding Governmental Body Form of Government.

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

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

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

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

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

8 155-A:3-f Method of Enactment in Cities and Towns Operating Under Town Council Form of
9 Government.

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

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

21 155-A:3-g Method of Enactment in Certain Towns and Village Districts.

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

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

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

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

37 V. Official copies of the final proposal to adopt or amend the building code shall be placed on file
38 and made available to the public at the town or village clerk's office not later than the fifth Tuesday prior to

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1 the date when action is to be taken. An official copy of the proposal shall be on display for the voters at
2 the meeting place on the date of the meeting.

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

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

11 "Are you in favor of the establishment of a local enforcement agency or amendment(s) to the state
12 building code as proposed by the local governing body?" In the event that there shall be more than a
13 single proposed amendment to be submitted to the voters at any given meeting, the issue as to the
14 several amendments shall be put in the following manner: "Are you in favor of the adoption of Amendment
15 No. ____ as proposed by the local governing body for the [town (village district)] state building code as
16 follows: (Here insert topical description of substance of amendment.)?" If such action is to be taken at a
17 meeting other than the one at which officers are to be elected, the clerk shall prepare a special ballot
18 containing the question or questions above stated, and the meeting shall open not later than noon and
19 shall remain open at least 8 hours. If such action is to be taken at a meeting in a town or village district
20 which has not adopted an official ballot, the clerk may prepare a special ballot likewise separate from the
21 ballot used to elect town or village district officers for the use of voters in voting on the question. If a
22 majority of the voters present and voting on any question as herein provided shall vote in the affirmative,
23 the ordinance or amendment thereto shall be declared to have been adopted. When submitting any
24 question to the voters under this section, there shall be 2 squares printed after the question, one with the
25 word "yes" beside it and another with the word "no" beside it.

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

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

32 155-A:3-h Method of Enactment by Petition.

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

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

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

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

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

18 155-A:3-i Notice Requirements for Public Hearing.

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

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

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

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

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

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

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1 155-A:3-j Filing of Building Codes and Amendments. All ordinances establishing a local enforcement
2 agency and amendments to the state building code shall be placed on file with the city, town, or village
3 district clerk, or, in the case of unincorporated towns or unorganized places, with the clerk for the county
4 commissioners for public inspection.

5 318:10 Permit Required. Amend RSA 155-A:4, I to read as follows:

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

8 318:11 New Paragraphs; Building Code Enforcement. Amend RSA 155-A:4 by inserting after
9 paragraph III the following new paragraphs:

10 IV. No building permit shall be denied on the grounds of uncompleted streets or utilities when the
11 construction of such streets or utilities has been secured to the municipality by a bond or other security
12 approved by the planning board pursuant to RSA 674:36, III or RSA 674:44, IV; provided, however, that
13 on land which is part of a subdivision plat or site plan, no building shall be used or occupied prior to the
14 completion of required streets and utilities, except upon such terms as the planning board may have
15 authorized as part of its decision approving the plat or site plan.

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

19 VI. No building permit shall be issued when prohibited under the provisions of RSA 674:12,
20 674:13, 674:21, 674:22, 674:23, 674:41, 674:53, 674:75, 676:8, 676:9 or 676:12.

21 VII. The building official shall comply with RSA 674:30, if applicable.

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

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

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

35 318:12 Accessibility Standards for Public Buildings. RSA 155-A:5-a, III and IV are repealed and
36 reenacted to read as follows:

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

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

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

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

8 IV. Nothing in this section shall be construed as requiring municipalities to inspect and certify
9 public buildings for compliance with accessibility standards. Public buildings located in a municipality that
10 has chosen to authorize its municipal building official to inspect and certify shall remain subject to all
11 other provisions of this section.

12 318:13 Penalty. RSA 155-A:8 is repealed and reenacted to read as follows:

13 155-A:8 Injunctive Relief. In case any building or structure or part thereof is or is proposed to be
14 erected, constructed, altered, or reconstructed, or is proposed to be used in violation of this title or of any
15 local ordinance, code, or regulation adopted under this title, or of any provision or specification of an
16 application, approved by, or any requirement or condition of a permit issued by, any local building official
17 acting under the authority of this title, the building official or other official with authority to enforce the
18 provisions of this title or any local ordinance, code, or regulation adopted under this title, may, in addition
19 to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate
20 action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, alteration,
21 or reconstruction.

22 318:14 New Sections; Remedies. Amend RSA 155-A by inserting after section 8 the following new
23 sections:

24 155-A:8-a Fines and Penalties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 VIII. If a judgment is not complied with in the time prescribed, the local governing body may
36 cause the corrective action to be taken as set forth in the judgment. The cost to the municipality of taking
37 such corrective action together with its other expenses as provided in paragraph IX, shall be a lien against
38 the real estate on which the violation occurred, which shall continue for 18 months from the date upon
39 which the expense account is allowed by the court, as provided in paragraph IX.

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

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

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

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

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

II. No local building code citation as set forth in this section shall be served unless the defendant has first been given written notice of the violation by the municipality. If the notice involves or includes a decision which may be appealed to the building code board of appeals pursuant to RSA 155-A:3-d, such notice shall set forth a reasonable period, as provided by the rules of the respective board, in no case less than 7 days, within which such appeal shall be filed after receipt of the written notice, and the citation shall not be served until after the end of such period. If such an appeal is filed, further proceedings shall be governed by RSA 155-A:3-d.

III. The local building code citation shall contain:

- (a) The caption: "Local Building Code Citation, Town (City) of ____".
- (b) The name of the offender, and address if known to the prosecuting official.
- (c) The statute, code, ordinance, regulation, provision, specification, requirement or condition the offender is charged with violating.

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(d) The act or circumstances constituting the violation.

(e) The place of the violation.

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

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

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

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

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

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

(l) The signature of the prosecuting official.

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

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

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

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

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

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

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

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

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

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

318:15 Energy Code Compliance Form. Amend RSA 155-A:10-a to read as follows:

155-A:10-a Energy Code Compliance Form. The state building code review board shall prescribe by amendment and make available to the public, in electronic formats, a simplified residential energy code compliance form based upon the energy provisions in the International Residential Code and the International Energy Conservation Code identified in RSA 155-A:1. The correctly completed form shall be accepted by all code enforcement authorities within the state of New Hampshire as one method of verification that the applicable project meets the code requirements. Completed compliance forms shall be submitted to the building official in those municipalities that have adopted an enforcement mechanism under RSA [674:54] **155-A:3**. For municipalities without an adopted code enforcement mechanism, completed compliance forms shall be submitted to the New Hampshire department of energy, on behalf of the building code review board, for verification that the applicable project meets the code requirements. The department of energy shall then forward the reviewed compliance forms to the municipality for retention in property records.

318:16 Appeal of Decisions of Local Building Code Board of Appeals. Amend RSA 155-A:11-b, I to read as follows:

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

318:17 Fees. Amend RSA 205-D:12, III to read as follows:

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

318:18 Rehearing; Appeals. Amend RSA 310:14, III to read as follows:

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

318:19 Inspectors. Amend RSA 319-C:5, V to read as follows:

V. A state, city, or town building ~~[inspector]~~ **official** or code enforcement officer appointed by the administrative authority of the state, city, or town, who performs electrical inspections authorized in

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accordance with RSA 155-A:2, IV, RSA 155-A:2, VI, ~~[RSA 47:22,]~~ or RSA ~~[674:51]~~ **155-A:3** shall have the authority to check the license or identification card issued under this chapter.

318:20 Third Party Electrical Inspections. Amend the section heading and RSA 319-C:5-a, I to read as follows:

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

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

318:21 Exemptions. Amend RSA 356-A:3, I-a(b)(4)(C) to read as follows:

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

318:22 Local Land Use Board. Amend RSA 672:7 to read as follows:

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

318:23 Zoning and Building Code Board of Appeals. Amend RSA 673:3 section heading to read as follows:

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

318:24 Scheduling of Meetings. Amend RSA 673:10, I to read as follows:

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

318:25 Disqualification of Member. Amend RSA 673:14, I to read as follows:

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

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1 318:26 Power to Compel Witness Attendance and Administer Oaths. Amend RSA 673:15 to read as
2 follows:

3 673:15 Power to Compel Witness Attendance and Administer Oaths. The chairperson of the zoning
4 board of adjustment ~~[or the chairperson of the building code board of appeals]~~ or, in the chairperson's
5 absence, the acting chairperson may administer oaths. Whenever the board exercises its regulatory or
6 quasi judicial powers it may, at its sole discretion, compel the attendance of witnesses. All expenses
7 incurred under this section for compelling the attendance of a witness shall be paid by the party or parties
8 requesting that a witness be compelled to attend a meeting of the board.

9 318:27 Abolishing Planning Board, Heritage Commission, Historic District Commission, Agricultural
10 Commission, or Housing Commission. Amend subdivision heading preceding RSA 673:18 to read as
11 follows:

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

12
13 318:28 Transfer of Documents Upon Abolition of Zoning Ordinance or Building Code. Amend RSA
14 673:22 section heading to read as follows:

15 673:22 Transfer of Documents Upon Abolition of Zoning Ordinance ~~[or Building Code]~~.

16 318:29 Appeals Where There is a Zoning Ordinance. Amend the introductory paragraph of RSA
17 674:13, I to read as follows:

18 I. Any zoning ordinance adopted pursuant to RSA 674:16 shall provide that the board of
19 adjustment created under a local zoning ordinance and having the power to make variances or exceptions
20 in zoning regulations shall have the further power, in specific cases and by vote of a majority of its
21 members, upon an appeal filed with it by the owner of any such land, to ~~[grant a]~~ **remove the prohibition**
22 **on a building** permit based on considerations of justice and equity for a building or structure, or part
23 thereof, in a mapped-street location shown on the official map, in any case in which the board of
24 adjustment finds, upon the evidence and arguments presented to it upon appeal:

25 318:30 Appeals Where There is a Zoning Ordinance. Amend RSA 674:13, II to read as follows:

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

33 318:31 Appeals; Public Hearing. Amend RSA 674:15 to read as follows:

34 674:15 Appeals; Public Hearing. Before taking any action authorized in RSA 674:13, 674:14, and
35 674:41, the zoning board of adjustment~~[,] or the legislative body[, or the boards of appeal,]~~ according to
36 whichever of them is designated by ordinance as the body to which zoning appeals may be made, shall
37 give a hearing at which parties in interest and others shall have an opportunity to be heard. Notice for a
38 public hearing under this section shall be as provided in RSA 675:7.

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1 318:32 Board of Adjustment and Administrative Provisions Under Interim Zoning Ordinance. Amend
2 RSA 674:29 to read as follows:

3 674:29 Board of Adjustment and Administrative Provisions Under Interim Zoning Ordinance. In any
4 town in which an interim zoning ordinance has been adopted, and while it remains in effect, the board of
5 selectmen shall be the appointing authority for the zoning board of adjustment and shall appoint the first
6 such board forthwith, upon the adoption of interim zoning. Such board shall have all the powers and
7 jurisdiction and be subject to all the duties, requirements and other provisions applicable to zoning boards
8 of adjustment under RSA 673. The board of selectmen~~[, if no building inspector exists,]~~ shall act ~~[jointly]~~
9 as the ~~[building inspector and]~~ administrative officer charged with enforcement and may issue ~~[building or]~~
10 use permits in the first instance if clearly permitted by law. The applicable provisions of RSA 677 shall
11 govern motions for rehearing, appeals, enforcement, and interpretation. In addition to other remedies,
12 any person convicted of violation of the provisions of RSA ~~[674:25-29]~~ 674:25 through 29 by a court of
13 competent jurisdiction shall be subject to a fine of not more than \$50 for each offense. Each day the
14 violation continues shall constitute a separate offense.

15 318:33 Utility Structures. Amend the introductory paragraph of RSA 674:30 and RSA 674:30, I to
16 read as follows:

17 674:30 Utility Structures. Local ordinances~~[, codes,]~~ and regulations enacted pursuant to this title
18 shall apply to public utility structures, provided, however, that:

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

27 318:34 Utility Structures. Amend RSA 674:30, III to read as follows:

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

37 318:35 Other General Provisions. Amend RSA 674:32-c, II to read as follows:

38 II. Nothing in this subdivision, or in RSA 674:32-b, shall exempt new, re-established, or expanded
39 agricultural operations or activities from generally applicable building and site requirements such as

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dimensional standards, setbacks, driveway and traffic regulations, parking requirements, noise, odor, or vibration restrictions or sign regulations; provided, however, that in circumstances where their literal application would effectively prohibit an agricultural use or activity allowed by this subdivision, or would otherwise be unreasonable in the context of an agricultural use or activity, in accordance with the provisions of RSA 672:1, III-b, the board of adjustment~~[, building code board of appeals,]~~ or other applicable local board, after due notice and hearing, shall grant a waiver from such requirement to the extent necessary to reasonably permit the agricultural use or activity, unless such waiver would have a demonstrated adverse effect on public health or safety, or on the value of adjacent property. Such waiver shall continue only as long as utilized for the permitted agricultural use or activity.

318:36 Erection of Buildings on Streets; Appeals. Amend RSA 674:41, II to read as follows:

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

318:37 Erection of Buildings on Streets; Appeals. Amend RSA 674:41, III to read as follows:

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

318:38 Procedure. Amend RSA 674:60, IV to read as follows:

IV. A municipality may require that an applicant record restrictive covenants acceptable to the land use board that the workforce housing may not be rented to or sold to any household whose income is greater than that specified in RSA 674:58, IV. The covenant shall be for the term specified in the

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1 regulations of the land use board. The municipality may adopt regulations to [insure] **ensure** compliance
2 with the covenants, which regulations may include requirements for the monitoring of the project by the
3 municipality or by a suitable ~~[third-party]~~ **third-party** agency qualified to carry out such requirements,
4 including but not limited to requiring the production of annual income verification for renters and non-
5 owner occupiers. The land use board may consider the existence of recorded covenants or income
6 qualification and occupancy criteria as satisfying the purpose of this paragraph if such covenants or
7 criteria are administered by a state or federal entity.

8 318:39 Municipal Regulations of Small Wind Energy Systems. Amend RSA 674:63, V to read as
9 follows:

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

12 318:40 Abutter and Regional Notification. Amend RSA 674:66, I(a) to read as follows:

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

18 318:41 New Hampshire Building Code; State Building Code. Amend RSA 155-A:2, IV to read as
19 follows:

20 IV. Except for buildings owned by the state, the community college system of New Hampshire, or
21 the university system, the issuance of permits and certificates of occupancy pursuant to the state building
22 code is expressly reserved for counties, towns, cities, and village districts. The state fire marshal shall
23 issue permits, conduct inspections, and issue certificates of occupancy for buildings owned by the state,
24 the community college system of New Hampshire, and the university system. Nothing in this section shall
25 prohibit the state fire marshal from contracting with or authorizing a local enforcement agency or other
26 qualified third party for these services, provided the fees for such services are paid for by the applicant.
27 Any municipality that has adopted an enforcement mechanism under RSA ~~[674:51]~~ **155-A:3** alternatively
28 may request the services of the state fire marshal under the state building permit system, including
29 issuance of permits, conducting inspections, and issuance of certificates of occupancy, for buildings or
30 projects owned by the counties, town, cities, or village districts, if a project requires specialized knowledge
31 of the fire marshal or due to staffing limitations of the municipality. Nothing in this section shall require the
32 state fire marshal to accept a project under the state building permit system when requested by a
33 municipality.

34 318:42 Method of Enactment in Cities and Towns Operating Under Town Council Form of
35 Government. Amend the subdivision heading preceding RSA 675:2 and RSA 675:2 to read as follows:

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

37 675:2 Method of Enactment in Cities and Towns Operating Under Town Council Form of
38 Government.

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

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

318:43 Method of Enactment in Certain Towns and Village Districts. Amend RSA 675:3, I and II to read as follows:

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

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

318:44 Method of Enactment in Certain Towns and Village Districts. Amend RSA 675:3, V to read as follows:

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

318:45 Method of Enactment in Certain Towns and Village Districts. Amend RSA 675:3, VII to read as follows:

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

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"Are you in favor of the adoption of the zoning ordinance[, ~~or historic district ordinance[, or building code]~~ (or amendment to the existing town (village district) zoning ordinance[, ~~or historic district ordinance[, or building code]~~) as proposed by the planning board?" In the event that there shall be more than a single proposed amendment to be submitted to the voters at any given meeting, the issue as to the several amendments shall be put in the following manner: "Are you in favor of the adoption of Amendment No. ____ as proposed by the planning board for the town (village district) zoning ordinance (historic district ordinance [~~or building code]~~) as follows: (Here insert topical description of substance of amendment.)?" If such action is to be taken at a meeting other than the one at which officers are to be elected, the clerk shall prepare a special ballot containing the question or questions above stated, and the meeting shall open not later than noon and shall remain open at least 8 hours. If such action is to be taken at a meeting in a town or village district which has not adopted an official ballot, the clerk may prepare a special ballot likewise separate from the ballot used to elect town or village district officers for the use of voters in voting on the question. If a majority of the voters present and voting on any question as herein provided shall vote in the affirmative, the ordinance or amendment thereto shall be declared to have been adopted. When submitting any question to the voters under this section, there shall be 2 squares printed after the question, one with the word "yes" beside it and another with the word "no" beside it.

318:46 Method of Enactment in Certain Towns and Village Districts. Amend RSA 675:3, IX to read as follows:

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

318:47 Method of Enactment by Petition. Amend RSA 675:4, I to read as follows:

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

318:48 Method of Enactment by Petition. Amend RSA 675:4, III to read as follows:

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

318:49 Method of Enactment by Petition. Amend RSA 675:4, V to read as follows:

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

318:50 Notice Requirements for Public Hearing. Amend RSA 675:7, II to read as follows:

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

318:51 Filing of Zoning Ordinances, Historic District Ordinances, Building Codes, Subdivision Regulations, Site Plan Review Regulations, and Amendments. Amend RSA 675:8 to read as follows:

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

318:52 Place for Filing Documents; Reporting of Adoptions or Amendments. Amend RSA 675:9 to read as follows:

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

318:53 Third-Party Review and Inspection. Amend the section heading of RSA 676:4-b and RSA 676:4-b, I to read as follows:

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

I. A planning board reviewing a subdivision plat, site plan, or other land use application may require the applicant to reimburse the board for expenses reasonably incurred by obtaining ~~[third-party]~~

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

8 318:54 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 process shall
10 observe, record, and promptly report to the planning board or appropriate municipal authority and
11 applicant or applicant's successor in interest any perceived construction defect or deviation from the terms
12 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 report
14 properly and promptly a construction defect or deviation from the terms of the approval or approved
15 project plans, may file a written complaint to the office of professional licensure and certification under
16 RSA 310 for possible disciplinary action.

17 318:55 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, has
19 responsibility for issuing permits or certificates under the ordinance, or for enforcing the ordinance, and
20 may include ~~[a building inspector,]~~ the board of selectmen~~[-]~~ or other official or board with such
21 responsibility.

22 318:56 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.

25 318:57 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 this
28 title or of any local ordinance~~[-code,]~~ or regulation adopted under this title, or of any provision or
29 specification of an application, plat, or plan approved by, or any requirement or condition of a permit or
30 decision issued by, any local administrator or board acting under the authority of this title~~[-the building~~
31 ~~inspector]~~ or other official with authority to enforce the provisions of this title or any local ordinance~~[-~~
32 ~~code,]~~ or regulation adopted under this title, or the owner of any adjacent or neighboring property who
33 would be specially damaged by such violation may, in addition to other remedies provided by law, institute
34 injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate,
35 or remove such unlawful erection, construction, alteration, or reconstruction.

36 318:58 Fines and Penalties; Second Offense. Amend RSA 676:17, I through III to read as follows:

37 I. Any person who violates any of the provisions of this title, or any local ordinance~~[-code,]~~ or
38 regulation adopted under this title, or any provision or specification of any application, plat, or plan
39 approved by, or any requirement or condition of a permit or decision issued by, any local administrator or

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land use board acting under the authority of this title shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person; and shall be subject to a civil penalty of \$275 for the first offense, and \$550 for subsequent offenses, for each day that such violation is found to continue after the conviction date or after the date on which the violator receives written notice from the municipality that the violator is in violation, whichever is earlier. Each day that a violation continues shall be a separate offense.

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

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

318:59 Fines and Penalties; Second Offense. Amend RSA 676:17, V to read as follows:

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

318:60 Cease and Desist Orders. Amend RSA 676:17-a introductory paragraph to read as follows:

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

318:61 Local Land Use Citations; Pleas by Mail. Amend the introductory paragraph of RSA 676:17-b, and RSA 676:17-b, I to read as follows:

676:17-b Local Land Use Citations; Pleas by Mail. A ~~[building inspector or other]~~ local official with authority to prosecute an offense within the scope of RSA 676:17, and who, prior to or at the time of serving the summons, elects, pursuant to RSA 676:17, V, to charge the offense as a violation, may issue

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and serve upon the defendant, in addition to the summons, a local land use citation as set forth in this section. The defendant receiving such a citation may plead guilty or nolo contendere by mail by entering that plea as provided herein. If such a plea is accepted by the court, the defendant shall not be required to appear personally or by counsel; otherwise the defendant shall appear as directed by the court. The following procedure shall be used:

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

318:62 Local Land Use Citations; Pleas by Mail. Amend RSA 676:17-b, II(c) to read as follows:

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

318:63 New Hampshire Building Code; Definitions. Amend RSA 155-A:1, III to read as follows:

III. "Local enforcement agency" means, for a municipality as defined in RSA ~~[672:10]~~ **155-A:1, XI** that has adopted an enforcement mechanism under RSA 155-A:3, the official qualified and authorized to issue permits, make inspections, and enforce the laws, ordinances, and rules enacted by the state and local government that establish standards and requirements applicable to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure, or any appurtenances connected or attached to such building or structure.

318:64 Repeal. The following are repealed:

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

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

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

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

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

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

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

318:65 Effective Date. This act shall take effect at 12:01 a.m. on July 1, 2026.

Approved: July 15, 2026

Effective Date:

July 1, 2026 at 12:01 a.m.