

HB 244 - AS INTRODUCED

2025 SESSION

25-0112

06/09

HOUSE BILL            **244**

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

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

COMMITTEE:          Executive Departments and Administration

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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.

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Explanation:          Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular  
type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

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

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

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

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

11 2 State Fire Code; Rules. Amend RSA 153:5, V to read as follows:

12 V. The state fire marshal, and the local fire chief, in accordance with RSA 154:2, shall use  
13 the state fire code, including rules adopted under paragraph I, and any local codes adopted in  
14 accordance with RSA ~~[47:22 or RSA 155-A:3]~~ **155-A:3-d through 3-n**, for the purposes of new  
15 construction, additions, and alterations. It is the intent of the legislature to avoid conflicts in the  
16 adoption and application of the state building code and the state fire code.

17 3 Public Accommodations Constructed After January 1, 1992. Amend RSA 155:39-d to read as  
18 follows:

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

28 4 Definitions. Amend RSA 155-A:1, III to read as follows:

29 III. "Local enforcement agency" means for a municipality that has adopted enforcement  
30 provisions or additional regulations under RSA 674:51 or RSA ~~[47:22]~~ **155-A:3-d through 3-n**, the  
31 building inspector, code official, or other local government official qualified and authorized to make

HB 244 - AS INTRODUCED

- Page 2 -

1 inspections and to enforce the laws, ordinances, and rules enacted by the state and by local  
2 government that establish standards and requirements applicable to the construction, alteration, or  
3 repair of buildings. For the purpose of enforcement of the state fire code for buildings and structures  
4 not owned by the state, ~~[the local]~~ **the local** enforcement ~~[agency means]~~ **agency means** the  
5 municipal fire chief or his or her representative, pursuant to RSA 154:2, II.

6 5 New Paragraph; Building Code Definitions. Amend RSA 155-A:1 by inserting after paragraph  
7 VI the following new paragraphs:

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

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

11 (a) Board of selectmen in a town;

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

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

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

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

18 (a) Council, whether city or town;

19 (b) Mayor-council;

20 (c) Mayor-board of aldermen;

21 (d) Village district or precinct;

22 (e) Town meeting; or

23 (f) County convention.

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

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

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

33 6 State Building Code. Amend RSA 155-A:2, III to read as follows:

34 III. To the extent that it does not conflict with any other provision of law, and except as  
35 otherwise provided in this paragraph, the issuance of permits and the collection of fees pursuant to  
36 the state building code is expressly reserved for counties, towns, cities, and village districts where  
37 such activities have been authorized in accordance with RSA ~~[674:51]~~ **155-A:3-d and 3-e** and RSA

HB 244 - AS INTRODUCED

- Page 3 -

1 [47:22] **155-A:3-h through 3-j.** Pursuant to the state fire marshal's authority to enforce the state  
2 building code under RSA 155-A:7, I, the fire marshal may establish for municipalities that do not  
3 have a building inspector or other enforcement mechanism authorized in RSA 155-A:4, with  
4 approval of the commissioner of safety and by rules adopted under RSA 541-A, fees to defray the cost  
5 of issuing building permits in accordance with the state building code. Such fees shall be deposited  
6 in the fire standards and training and emergency medical services fund established in RSA 21-P:12-  
7 d.

8 7 State Building Code. Amend RSA 155-A:2, VI to read as follows:

9 VI. For any municipality which has not adopted an enforcement mechanism under RSA  
10 [674:51] **155-A:3-d**, the contractor of the building, building component, or structure shall notify the  
11 state fire marshal concerning the type of construction before construction begins excluding one- and  
12 2-family dwellings. Any municipality that has adopted an enforcement mechanism under RSA  
13 [674:51] **155-A:3-d** may contract with a local enforcement agency or a qualified third party for these  
14 services as an alternative to establishing the position of building inspector under RSA [674:51, III(e)]  
15 **155-A:3-f**, and such agency or third party shall have the same authority as a building inspector as  
16 provided in that section.

17 8 New Sections; Building Code Enforcement. Amend RSA 155-A by inserting after section 3-c  
18 the following new sections:

19 155-A:3-d Building Code Enforcement Mechanism.

20 I. The local legislative body may enact a process, pursuant to this chapter, for the  
21 enforcement of the state building code and any additional regulations thereto, and the provisions of a  
22 nationally recognized code that are not included in and are not inconsistent with the state building  
23 code.

24 II. Any such ordinance enacted or adopted under this section by a local legislative body after  
25 January 1, 2023 shall not be enforced unless confirmed by the building code review board pursuant  
26 to RSA 155-A:10, IV(c). The procedural history of local adoption relating to published notice, public  
27 hearing, and vote of approval shall be submitted to the board within 30 days of enactment or  
28 adoption and prior to enforcement.

29 III. The local ordinance or amendment adopted according to the provisions under this  
30 section shall include, at a minimum, the following:

31 (a) The date of first enactment of any building code regulations in the municipality and  
32 of each subsequent amendment thereto.

33 (b) A provision for the establishment of a building code board of appeals as provided in  
34 RSA 155-A:3-g. If no provision is made to establish a separate building code board of appeals, the  
35 ordinance shall designate the zoning board of adjustment to act as the building code board of  
36 appeals. If there is no zoning board of adjustment, the board of selectmen shall serve as the building  
37 code board of appeals.

**HB 244 - AS INTRODUCED**

**- Page 4 -**

1 (c) A provision for the establishment of the position of building inspector as provided in  
2 RSA 155-A:3-f. Additionally, the building inspector shall have the authority to issue building  
3 permits and any certificates of occupancy as enacted; to perform inspections as may be necessary to  
4 ensure compliance with the local building code; and, the local legislative body may fix the  
5 compensation for any inspector who is so appointed.

6 (d) A schedule of fees, or a provision authorizing the governing body to establish fees, to  
7 be charged for building permits, inspections, and for any certificate of occupancy as provided under  
8 this section.

9 IV. The regulations adopted pursuant under this section may include a requirement for a  
10 certificate of occupancy to be issued prior to the use or occupancy of any building or structure that is  
11 erected or remodeled, or undergoes a change or expansion of use, subsequent to the effective date of  
12 such requirement.

13 V. The provisions of this chapter and any local amendments under this section shall not be  
14 construed to restrict or encumber the local governing body's authority relative to the appointment,  
15 removal, or duties of municipal employees and the organization of municipal departments.

16 155-A:3-e Building Code.

17 I. The state building code established in RSA 155-A shall be effective in all towns and cities  
18 in the state and shall be enforced as provided in RSA 155-A:7.

19 II. Any provision of the state building code that conflicts with existing or amended local  
20 ordinances, regulations, policies, practices, or procedures regarding the appointment, removal, or  
21 duties of municipal employees and the organization of municipal departments, shall not apply,  
22 provided that the ordinances, regulations, policies, practices, or procedures do not prevent effective  
23 enforcement of the state building code or state fire code.

24 III. The issuance of permits and the collection of fees pursuant to RSA 155-A:2, III and  
25 issuance of permits and certificates of occupancy pursuant to RSA 155-A:2, IV shall not be  
26 considered amendments to the building code.

27 IV. No municipality shall adopt any ordinance, regulation, code, or administrative practice  
28 requiring the installation of automatic fire suppression sprinklers in any new or existing detached  
29 one- or 2-family dwelling unit in a structure used only for residential purposes.

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

1 VI. Notwithstanding paragraph I, no county, city, town, village district, local land use board,  
2 or other subdivision of this state shall adopt any ordinance, regulation, code, or administrative  
3 practice that prohibits or restricts a person or entity from installing a safe and commercially  
4 available heating or other energy system of their choice or to engage the services of an energy  
5 provider of their choice to install, connect, or resupply such energy system. In this paragraph,  
6 "energy provider" means a qualified and licensed distributor of oil, propane, natural gas, or other  
7 company or entity that supplies energy or related services to the public.

8 155-A:3-f Building Inspector Duties and Responsibilities.

9 I. At a minimum, the municipality shall ensure that implementation and enforcement  
10 includes:

- 11 (a) Review and acceptance of appropriate plans.
- 12 (b) Issuance of building permits.
- 13 (c) Inspection of the work authorized by the building permits.
- 14 (d) Issuance of appropriate use and occupancy certificates.

15 II. After a municipality has adopted a building code enforcement mechanism, any person  
16 who intends to erect or remodel any building in the municipality shall submit the plans to the  
17 building inspector for the building inspector's examination and approval prior to commencement of  
18 the planned construction.

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

25 IV. The building inspector shall not issue any building or occupancy permit for any proposed  
26 construction, remodeling, or maintenance which will not comply with any or all zoning ordinances,  
27 building codes, or planning board regulations which are in effect.

28 V. No building permit shall be issued when prohibited under the provisions of RSAs 674:12,  
29 674:13, 674:21, 674:22, 674:23, 674:41, 674:53, 674:75, 676:8, or 676:9.

30 VI. The building inspector shall comply with RSA 674:30 and RSA 676:66, if applicable.

31 VII. If any building inspector is prosecuted for violation of RSA 643:1 and found guilty of  
32 issuing any permit contrary to the provisions of this section, it shall be prima facie evidence that the  
33 building inspector has knowingly refrained from performing a duty imposed on the building  
34 inspector by law.

35 VIII. The building inspector shall adopt a form or set of standards specifying the minimum  
36 contents of a completed application for any building permit. Upon the submission of a completed  
37 application, the building inspector shall act to approve or deny a building permit within 30 days;

**HB 244 - AS INTRODUCED**  
**- Page 6 -**

1 provided, however, that nonresidential applications or residential applications encompassing more  
2 than 10 dwelling units shall be approved or denied within 60 days.

3 IX. The time for the building inspector to act upon building permits for collocation  
4 applications and modification applications for personal wireless service facilities shall be governed  
5 by RSA 12-K:10. In the event that the form or set of standards for a building permit application  
6 conflicts with any of the limitations under RSA 12-K:11 for a collocation application or a modification  
7 application for a personal wireless service facility, the limitations in RSA 12-K:11 shall control.

8 X. The building inspector shall have the authority to order occupants to vacate a building,  
9 structure, or other premises if the inspector determines, based on reasonable information and belief,  
10 that there is imminent danger of failure or collapse, or the condition of such premises otherwise  
11 constitutes a clear and imminent danger to the life or safety of occupants or other persons and that  
12 protection of life or safety requires vacating the premises. Such an order shall be subject to the  
13 procedures of RSA 147:16-a, which shall supersede inconsistent provisions contained in any local  
14 code or code adopted by reference.

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

18 155-A:3-g Building Code Board of Appeals.

19 I. The building code board of appeals shall hear and decide appeals of orders, decisions, or  
20 determinations made by the building official or fire official relative to the application and  
21 interpretation of the state building code or state fire code as defined in RSA 155-A:1. An application  
22 for appeal shall be based on a claim that the true intent of the code or the rules adopted thereunder  
23 have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or  
24 better form of construction is proposed. The board shall have no authority to waive requirements of  
25 the state building code or the state fire code.

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

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

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

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

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

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

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

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

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

17 XI. Designation of Alternate Members. Whenever a regular member of a building code  
18 board of appeals is absent or whenever a regular member disqualifies himself or herself, and an  
19 alternate member is present, the chairperson shall designate an alternate to act in the absent  
20 member's place.

21 XII. Filling Vacancies in Membership. Vacancies in the membership of a building code  
22 board of appeals occurring other than through the expiration of a term of office shall be filled by the  
23 original appointing authority for the unexpired term. The chairperson of the building code board of  
24 appeals may designate an alternate member of the board to fill the vacancy temporarily until the  
25 vacancy is filled.

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

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

32 XV. No member of a building code board of appeals shall participate in deciding or shall sit  
33 upon the hearing of any question which the board is to decide in a judicial capacity if that member  
34 has a direct personal or pecuniary interest in the outcome which differs from the interest of other  
35 citizens.

36 XVI. Each building code board of appeals may appoint such employees as it deems necessary  
37 for its work who shall be subject to the same employment rules as other corresponding civil

1 employees of the municipality. Each board may also contract with planners, engineers, architects,  
2 and other consultants for such services as it may require. The expenditures of the board, exclusive  
3 of gifts, reimbursements, or amounts held pursuant to subparagraph (2), shall be within the  
4 amounts appropriated for the purpose by the local legislative body, which may provide such funds,  
5 equipment, and accommodations as it deems necessary or advisable for the board's work. Each  
6 board may accept and use gifts, grants, or contributions for the exercise of its functions, in  
7 accordance with procedures established for the expenditure of funds within the municipality.

8 XVII. Any fee which a building code board of appeals, acting pursuant to this title, collects  
9 from an applicant to cover an expense lawfully imposed upon that applicant, including but not  
10 limited to the expense of notice, the expense of consultant services or investigative studies under  
11 RSA 676:4, I(g) or RSA 676:5, IV, or the implementation of conditions lawfully imposed as part of a  
12 conditional approval, may be paid out toward that expense without approval of the local legislative  
13 body. This paragraph shall not apply to application, permit, or inspection fees which have been set  
14 by the local legislative body as part of an ordinance, or by the selectmen under RSA 41:9-a.  
15 Notwithstanding RSA 672:7, a building inspector shall not be considered a "building code board of  
16 appeals" for purposes of this section. Such fees shall:

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

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

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

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

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

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

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

36 XXI. Every building code board of appeals, and every zoning board of adjustment acting as a  
37 building code board of appeals, shall adopt rules of procedure concerning the method of conducting

1 its business. Rules of procedure shall be adopted at a regular meeting of the board and shall be  
2 placed on file with city, town, village district clerk, or clerk for the county commissioners for public  
3 inspection. The rules of procedure shall include when and how an alternate may participate in  
4 meetings of the building code board of appeals.

5 XXII. Anyone affected by a decision made by the building inspector can appeal to the board  
6 of adjustment. To do this, the person affected must file an appeal within a reasonable time, in  
7 compliance with the board's rules, by submitting a notice of appeal to both the inspector who made  
8 the decision and the board, explaining the reasons for the appeal. The inspector shall send all  
9 related documents to the board within a reasonable time.

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

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

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

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

33 155-A:3-h Method of Enactment in Cities Operating Under the Board of Mayor and Aldermen,  
34 or the Corresponding Governmental Body Form of Government.

35 I. The board of mayor and aldermen, or the corresponding governmental body of any city, is  
36 hereby empowered and authorized to pass and adopt ordinances establishing and amending building  
37 codes. Upon adoption of such an ordinance, wherein codes, rules, and regulations or portions thereof

1 are incorporated by reference, 3 copies of these codes, rules, and regulations shall be filed in the  
2 main office of the municipal department or agency administering them, and 3 copies shall be filed in  
3 the office of the city clerk. All copies filed as provided herein shall be available for public use and  
4 examination.

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

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

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

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

19 155-A:3-i Method of Enactment in Cities and Towns Operating Under Town Council Form of  
20 Government.

21 I. In cities or towns operating under the town council form of government, and in counties  
22 with unincorporated towns or unorganized places, the local legislative body shall determine the  
23 manner in which a building code is established and amended. However, any question concerning the  
24 establishment and amendment of a building code may be placed on a ballot separate from the ballot  
25 used to elect city or town officers. All proposed amendments to a building code shall be forwarded to  
26 the town clerk no later than the fifth Tuesday prior to the date for electing city or town officers.

27 II. No building code shall be established or amended until after a public hearing is held in  
28 accordance with the procedures required under RSA 675:7 on the proposed building code or  
29 amendment.

30 155-A:3-j Method of Enactment in Certain Towns and Village Districts.

31 I. Any town not operating under the town council form of government, or any village district  
32 which is specifically authorized by law to enact a building code, shall establish and amend a building  
33 code upon the affirmative vote by ballot of a majority of the legal voters present and voting on the  
34 day of the meeting, as provided in subparagraph (7).

35 II. No building code shall be established or amended at a town or village district meeting  
36 until after the local governing body holds at least one public hearing on the proposed code or

1 amendment. Notice for the time and place of each public hearing shall be the same as that provided  
2 in RSA 675:7.

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

7 IV. An additional public hearing shall be held if the proposal is substantively altered after  
8 public hearing. Subsequent public hearings shall be held at least 14 days after the prior public  
9 hearing and with the notice provided in RSA 675:7.

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

14 VI. Each village district must be specifically authorized to code by the legislature.

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

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

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

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

7 155-A:3-k Method of Enactment by Petition.

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

15 II. The local governing body at its first regular meeting following the petition period shall  
16 set the date of the public hearing for each petitioned amendment which is received and shall hold a  
17 public hearing on each petitioned amendment. Notice for the time and place of the public hearing  
18 shall be the same as that provided in RSA 675:7.

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

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

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

32 155-A:3-l Notice Requirements for Public Hearing.

33 I. Notice shall be given for the time and place of each public hearing held under RSA 155-  
34 A:3-i through 3-k at least 10 calendar days before the hearing. The notice required under this  
35 section shall not include the day notice is posted or the day of the public hearing. Notice of each  
36 public hearing shall be published in a paper of general circulation in the municipality and shall be  
37 posted in at least 2 public places. Any person owning property in the municipality may request

1 notice of all public hearings on proposed amendments to the building code ordinance, and the  
2 municipality shall provide notice, at no cost to the person, electronically or by first class mail.

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

6 (a) Appear prominently on the website's home page, or a link directly to the notice shall  
7 appear prominently on the home page;

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

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

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

18 155-A:3-m Filing of Building Codes and Amendments. All building codes and their amendments  
19 shall be placed on file with the city, town, or village district clerk, or, in the case of unincorporated  
20 towns or unorganized places, with the clerk for the county commissioners for public inspection.

21 155-A:3-n Place for Filing Documents; Reporting of Adoptions or Amendments. A copy of each  
22 building code or amendment which is adopted by a municipality shall be placed in a central file with  
23 the office of planning and development; provided, however, that failure to file these documents or  
24 amendments with the office of planning and development shall not affect the validity of the  
25 document. Every municipality which adopts a building code, or amendment thereto, shall inform the  
26 office of planning and development of such adoption or amendment. The office of planning and  
27 development is hereby authorized to gather this information by way of an annual survey of the  
28 municipalities or other such means as may be deemed appropriate. The office of planning and  
29 development shall periodically create lists and reports of the information gathered for use by the  
30 municipalities and the general public.

31 9 Permit Required. Amend RSA 155-A:4, II to read as follows:

32 II. In municipalities that have adopted an enforcement mechanism pursuant to RSA 674:51  
33 and RSA [47:22] **155-A:3-h through 3-j**, the permit under this section shall conform to the locally  
34 adopted process. No permit shall be issued that would not result in compliance with the state  
35 building code and state fire code.

36 10 Enforcement Authority. Amend RSA 155-A:7, I to read as follows:

1 I. The local enforcement agency appointed pursuant to RSA 674:51 or RSA [47:22] *155-A:3-d*  
2 shall have the authority to enforce the provisions of the state building code and the local fire chief  
3 shall have the authority to enforce the provisions of the state fire code, provided that where there is  
4 no local enforcement agency or contract with a qualified third party pursuant to RSA 155-A:2, VI,  
5 the state fire marshal or the state fire marshal's designee may enforce the provisions of the state  
6 building code and the state fire code, subject to the review provisions in RSA 155-A:10, upon written  
7 request of the municipality.

8 11 Penalty. RSA 155-A:8 is repealed and reenacted to read as follows:

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

18 12 New Sections; Remedies. Amend RSA 155-A by inserting after section 8 the following new  
19 sections:

20 155-A:8-a Fines and Penalties.

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

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

1 III. If any violation of a local ordinance, code, or regulation, or any violation of a building  
2 code board of appeals decision, results in the expenditure of public funds by a municipality which are  
3 not reimbursed under paragraph II, the court in its discretion may order, as an additional civil  
4 penalty, that a 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  
8 of any injunctive relief which may be ordered or both. At the hearing, the burden shall be on the  
9 municipality to show that there is a strong likelihood that it will prevail on the merits, that the  
10 penalties or remedies sought are reasonably likely to be awarded by the court in an amount  
11 consistent with the bond sought, and that the bond represents the amount of the projected expense  
12 of compliance with the injunctive relief sought.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 reasonable attorneys fees to be paid by the municipality. The clerk of the court shall mail a copy of  
2 the judgment to the persons upon whom the original order was served.

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

8 IX. The municipality shall keep an accurate account of the expenses incurred in carrying out  
9 the order and of all other expenses in connection with its enforcement, including but not limited to  
10 filing fees, service fees, publication fees, the expense of searching the registry of deeds to identify  
11 mortgages, witness and expert fees, attorneys fees and traveling expenses. The court shall examine,  
12 correct if necessary, and allow the expense account. The municipal governing body, by majority vote,  
13 may commit the expense account to the collector of taxes, in which case the mayor, as defined by  
14 RSA 155-A:1, shall direct the expense account, together with a warrant under the mayor's hand and  
15 seal, to the municipal tax collector, requiring the tax collector to collect the same from the person to  
16 whom real estate taxes are assessed for the premises upon which such corrective action was taken,  
17 and to pay the amount so collected to the municipal treasurer. Within 30 days after the receipt of  
18 such warrant, the collector shall send a bill as provided in RSA 76:11. Interest as provided in RSA  
19 76:13 shall be charged on any amount not paid within 30 days after the bill is mailed. The collector  
20 shall have the same rights and remedies as in the collection of taxes, as provided in RSA 80.

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

23 XI. The remedy provided in this section is supplementary to other enforcement remedies  
24 provided by this chapter or local ordinance.

25 155-A:8-c Local Building Code Citations; Pleas by Mail.

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

34 II. No local building code citation as set forth in this section shall be served unless the  
35 defendant has first been given written notice of the violation by the municipality. If the notice  
36 involves or includes a decision which may be appealed to the building code board of appeals pursuant  
37 to RSA 155-A:3-g, such notice shall set forth a reasonable period, as provided by the rules of the

1 respective board, in no case less than 7 days, within which such appeal shall be filed after receipt of  
2 the written notice, and the citation shall not be served until after the end of such period. If such an  
3 appeal is filed, further proceedings shall be governed by RSA 155-A:3-g.

4 III. The local building code citation shall contain:

5 (a) The caption: "Local Building Code Citation, Town (City) of \_\_\_".

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

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

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

10 (e) The place of the violation.

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

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

15 (h) The amount of the civil penalty as set forth in paragraph II, which is payable by the  
16 offender for each day the violation continued subsequent to such written notice, up to a maximum of  
17 5 days' violation charged in one citation.

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

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

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

25 (l) The signature of the prosecuting official.

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

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

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

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

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

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

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

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

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

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

21 13 State Building Code Review Board. Amend RSA 155-A:10, IV(f) to read as follows:

22 (f) Amendments adopted by municipalities, submitted to the board under the provisions  
23 of RSA ~~[674:51, II]~~ **155-A:3, V(f)**, and confirmed by the board, shall be published by the board after  
24 notification of adoption is received from the municipality.

25 14 Fees. Amend RSA 205-D:12, III to read as follows:

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

28 15 Exemptions. Amend RSA 205-D:18, II to read as follows:

29 II. Nothing in this chapter shall be construed to amend or repeal the provisions of RSA  
30 31:116, relative to manufactured housing foundations in parks~~], and RSA 47:22-b, relative to~~  
31 ~~manufactured housing foundations in parks]~~.

32 16 Rehearing; Appeals. Amend RSA 310:14, III to read as follows:

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

36 17 Inspectors. Amend RSA 319-C:5, V to read as follows:

1 V. A state, city, or town building official or code enforcement officer appointed by the  
2 administrative authority of the state, city, or town, who performs electrical inspections authorized in  
3 accordance with RSA 155-A:2, IV, RSA 155-A:2, VI, RSA ~~[47:22]~~ **155-A:3-h through 3-j**, or RSA  
4 674:51 shall have the authority to check the license or identification card issued under this chapter.

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

7 319-C:5-a ~~[Third Party]~~ **Third-Party** Electrical Inspections.

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

20 19 Exemptions. Amend RSA 356-A:3, I(b)(4)(C) to read as follows:

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

22 20 Local Land Use Board. Amend RSA 672:7 to read as follows:

23 672:7 Local Land Use Board. "Local land use board" means a planning board, historic district  
24 commission, ~~[inspector of buildings, building code board of appeals,]~~ zoning board of adjustment, or  
25 other board or commission authorized under RSA 673 established by a local legislative body.

26 21 Zoning Board of Adjustments and Building Code Board of Appeals. Amend RSA 673:3  
27 section heading to read as follows:

28 673:3 Zoning Board of Adjustment ~~[and Building Code Board of Appeals]~~.

29 22 Scheduling of Meetings. Amend RSA 673:10, I to read as follows:

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

34 23 Disqualification of Member. Amend RSA 673:14, I to read as follows:

35 I. No member of a zoning board of adjustment, ~~[building code board of appeals,]~~ planning  
36 board, heritage commission, historic district commission, agricultural commission, or housing  
37 commission shall participate in deciding or shall sit upon the hearing of any question which the

1 board is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in  
2 the outcome which differs from the interest of other citizens, or if that member would be disqualified  
3 for any cause to act as a juror upon the trial of the same matter in any action at law. Reasons for  
4 disqualification do not include exemption from service as a juror or knowledge of the facts involved  
5 gained in the performance of the member's official duties.

6 24 Power to Compel Witness Attendance and Administer Oaths. Amend RSA 673:15 to read as  
7 follows:

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

15 25 Abolishing Planning Board, Heritage Commission, Historic District Commission,  
16 Agricultural Commission, or Housing Commission. Amend subdivision heading preceding RSA  
17 673:18 to read as follows:

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

19 26 Transfer of Documents Upon Abolition of Zoning Ordinance or Building Code. Amend RSA  
20 673:22 section heading to read as follows:

21 673:22 Transfer of Documents Upon Abolition of Zoning Ordinance [~~or Building Code~~].

22 27 Refusal of Permit. Amend RSA 674:12 to read as follows:

23 674:12 Refusal of Permit. A municipality which has established and recorded an official map, as  
24 provided in RSA 674:10, may for the purpose of preserving the integrity of such official map provide  
25 by ordinance that, from and after the time of such recording, no **land use or building** permit shall  
26 be issued for any building or structure, or part thereof, in the bed of or on any land located between  
27 the mapped lines of any street as shown or laid out on such official map, except as provided in RSA  
28 674:13.

29 28 Appeals Where There is a Zoning Ordinance. Amend RSA 674:13, I introductory paragraph  
30 to read as follows:

31 I. Any zoning ordinance adopted pursuant to RSA 674:16 shall provide that the board of  
32 adjustment created under a local zoning ordinance and having the power to make variances or  
33 exceptions in zoning regulations shall have the further power, in specific cases and by vote of a  
34 majority of its members, upon an appeal filed with it by the owner of any such land, to grant a **land**  
35 **use** permit **or remove the prohibition on a building permit** based on considerations of justice  
36 and equity for a building or structure, or part thereof, in a mapped-street location shown on the

1 official map, in any case in which the board of adjustment finds, upon the evidence and arguments  
2 presented to it upon appeal:

3 29 Appeals Where There is a Zoning Ordinance. Amend RSA 674:13, II to read as follows:

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

12 30 Appeals; Public Hearing. Amend RSA 674:15 to read as follows:

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

18 31 Innovative Land Use Controls. Amend RSA 674:21, VI(a) to read as follows:

19 VI.(a) In this section, "village plan alternative" means an optional land use control and  
20 subdivision regulation to provide a means of promoting a more efficient and [~~cost-effective~~] **cost-**  
21 **effective** method of land development. The village plan alternative's purpose is to encourage the  
22 preservation of open space wherever possible. The village plan alternative subdivision is meant to  
23 encourage beneficial consolidation of land development to permit the efficient layout of less costly to  
24 maintain roads, utilities, and other public and private infrastructures; to improve the ability of  
25 political subdivisions to provide more rapid and efficient delivery of public safety and school  
26 transportation services as community growth occurs; and finally, to provide owners of private  
27 property with a method for realizing the inherent development value of their real property in a  
28 manner conducive to the creation of substantial benefit to the environment and to the political  
29 subdivision's property tax base.

30 32 Board of Adjustment and Administrative Provisions Under Interim Zoning Ordinance.  
31 Amend RSA 674:29 to read as follows:

32 674:29 Board of Adjustment and Administrative Provisions Under Interim Zoning Ordinance.  
33 In any town in which an interim zoning ordinance has been adopted, and while it remains in effect,  
34 the board of selectmen shall be the appointing authority for the zoning board of adjustment and shall  
35 appoint the first such board forthwith, upon the adoption of interim zoning. Such board shall have  
36 all the powers and jurisdiction and be subject to all the duties, requirements and other provisions  
37 applicable to zoning boards of adjustment under RSA 673. The board of selectmen[ ~~if no building~~

1 ~~inspector exists,]~~ shall act ~~[jointly]~~ as the ~~[building inspector and]~~ administrative officer charged  
2 with enforcement and may issue ~~[building or]~~ use permits in the first instance if clearly permitted by  
3 law. The applicable provisions of RSA 677 shall govern motions for rehearing, appeals, enforcement,  
4 and interpretation. In addition to other remedies, any person convicted of violation of the provisions  
5 of RSA ~~[674:25-29]~~ **674:25 through 29** by a court of competent jurisdiction shall be subject to a fine  
6 of not more than \$50 for each offense. Each day the violation continues shall constitute a separate  
7 offense.

8 33 Utility Structures. Amend RSA 674:30 introductory paragraph and I to read as follows:

9 674:30 Utility Structures. Local *land use* ordinances~~[, codes,]~~ and *land use* regulations  
10 enacted pursuant to this title shall apply to public utility structures, provided, however, that:

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

20 34 Utility Structures. Amend RSA 674:30, III to read as follows:

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

30 35 Other General Provisions. Amend RSA 674:32-c, II to read as follows:

31 II. Nothing in this subdivision, or in RSA 674:32-b, shall exempt new, re-established, or  
32 expanded agricultural operations or activities from generally applicable building and site  
33 requirements such as dimensional standards, setbacks, driveway and traffic regulations, parking  
34 requirements, noise, odor, or vibration restrictions or sign regulations; provided, however, that in  
35 circumstances where their literal application would effectively prohibit an agricultural use or  
36 activity allowed by this subdivision, or would otherwise be unreasonable in the context of an  
37 agricultural use or activity, in accordance with the provisions of RSA 672:1, III-b, the board of

1 adjustment~~[, building code board of appeals,]~~ or other applicable ~~[local]~~ **land use** board, after due  
 2 notice and hearing, shall grant a waiver from such requirement to the extent necessary to  
 3 reasonably permit the agricultural use or activity, unless such waiver would have a demonstrated  
 4 adverse effect on public health or safety, or on the value of adjacent property. Such waiver shall  
 5 continue only as long as utilized for the permitted agricultural use or activity.

6 36 Erection of Buildings on Streets; Appeals. Amend RSA 674:41, II to read as follows:

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

26 37 Erection of Buildings on Streets; Appeals. Amend RSA 674:41, III to read as follows:

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

34 38 Power to Amend State Building Code and Establish Enforcement Procedures. Amend RSA  
 35 674:51 to read as follows:

36 674:51 ~~[Power to Amend State Building Code and Establish Enforcement Procedures]~~  
 37 **Automatic Fire Suppression Sprinklers; Installation of Commercially Available Heating or**

1 ***Other Energy Systems.*** [~~The state building code established in RSA 155-A shall be effective in all~~  
2 ~~towns and cities in the state and shall be enforced as provided in RSA 155-A:7. In addition, towns~~  
3 ~~and cities shall have the following authority:]~~

4 [~~The local legislative body may enact as an ordinance or adopt, pursuant to the procedures~~  
5 ~~of RSA 675:2-4, additional provisions of the state building code for the construction, remodeling, and~~  
6 ~~maintenance of all buildings and structures in the municipality, provided that such additional~~  
7 ~~regulations are not less stringent than the requirements of the state building code. The local~~  
8 ~~legislative body may also enact a process for the enforcement of the state building code and any~~  
9 ~~additional regulations thereto, and the provisions of a nationally recognized code that are not~~  
10 ~~included in and are not inconsistent with the state building code. Any local enforcement process~~  
11 ~~adopted prior to the effective date of this paragraph shall remain in effect unless it conflicts with the~~  
12 ~~state building code or is amended or repealed by the municipality.]~~

13 ~~II. Any such ordinance enacted or adopted under paragraph I by a local legislative body~~  
14 ~~shall not be enforced unless confirmed by the building code review board pursuant to RSA 155-A:10,~~  
15 ~~IV(c). The procedural history of local adoption relating to published notice, public hearing, and vote~~  
16 ~~of approval shall be submitted to the board within 30 days of enactment or adoption and prior to~~  
17 ~~enforcement.~~

18 ~~III. The local ordinance or amendment adopted according to the provisions of paragraph I~~  
19 ~~shall include, at a minimum, the following provisions:~~

20 ~~(a) The date of first enactment of any building code regulations in the municipality and~~  
21 ~~of each subsequent amendment thereto.~~

22 ~~(b) Provision for the establishment of a building code board of appeals as provided in~~  
23 ~~RSA 673:1, V; 673:3, IV; and 673:5.~~

24 ~~(c) Provision for the establishment of the position of building inspector as provided in~~  
25 ~~RSA 673:1, V. The building inspector shall have the authority to issue building permits as provided~~  
26 ~~in RSA 676:11-13 and any certificates of occupancy as enacted pursuant to paragraph III, and to~~  
27 ~~perform inspections as may be necessary to assure compliance with the local building code.~~

28 ~~(d) A schedule of fees, or a provision authorizing the governing body to establish fees, to~~  
29 ~~be charged for building permits, inspections, and for any certificate of occupancy enacted pursuant to~~  
30 ~~paragraph III.~~

31 ~~IV. The regulations adopted pursuant to paragraph I may include a requirement for a~~  
32 ~~certificate of occupancy to be issued prior to the use or occupancy of any building or structure that is~~  
33 ~~erected or remodeled, or undergoes a change or expansion of use, subsequent to the effective date of~~  
34 ~~such requirement.]~~

35 ~~[V]I. No municipality or local land use board as defined in RSA 672:7 shall adopt any~~  
36 ~~ordinance, regulation, code, or administrative practice requiring the installation of automatic fire~~  
37 ~~suppression sprinklers in any new or existing detached one- or 2-family dwelling unit in a structure~~

1 used only for residential purposes, or in existing buildings that contain, or will contain, no more than  
2 4 dwelling units, unless fire sprinklers are existing or are required by a nonresidential company.  
3 Notwithstanding any provision of law to the contrary, no municipality or local land use board shall  
4 enforce any existing ordinance, regulation, code, or administrative practice requiring the installation  
5 or use of automatic fire suppression sprinklers in any manufactured housing unit as defined in RSA  
6 674:31 situated in a manufactured housing park as defined in RSA 205-A:1, II. Nothing in this  
7 paragraph shall affect the ability of an applicant for a local land use permit to include the  
8 installation of fire suppression sprinklers pursuant to RSA 674:36, IV, or affect the validity or  
9 enforceability of such inclusion.

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

17 39 Land Affected by Municipal Boundaries. Amend RSA 674:53, II to read as follows:

18 II. Upon receipt of an application for a *land use* permit or approval under this title for the  
19 subdivision, development, change of use of, or erection or alteration of any structure upon any lot,  
20 tract, site or other division of land whose boundary or portion thereof is a municipal boundary line,  
21 or whose sole street access or sole maintained street access is via a private road or class IV, V, or VI  
22 highway located in an adjoining municipality, the municipality receiving the application shall  
23 inquire in writing to the appropriate administrative officials in the adjoining municipality or  
24 municipalities as to the existence of facts or regulations which, under paragraphs I, III, or IV of this  
25 section or otherwise, would preclude or affect such subdivision, development, construction, or change  
26 of use. Response shall be made to such inquiries within the period provided by this title for approval  
27 or disapproval of the underlying application. A response which invokes ~~an~~ *a land use* ordinance  
28 or *land use* regulation of such adjoining municipality may be appealed in that adjoining  
29 municipality in the same manner as any other administrative decision. An adjoining municipality in  
30 which is located an existing private road or class VI highway that serves as an applicant's sole  
31 means of fulfilling the street access requirements under RSA 674:41 shall have the same regulatory  
32 powers under that statute with respect to that road or highway as if the proposed building or  
33 development were located within that same municipality.

34 40 Land Affected by Municipal Boundaries. Amend RSA 674:53, III(a) to read as follows:

35 (a) All uses of land, buildings, or structures shall comply with the *land use* regulations  
36 or *land use* ordinances of the municipality in which they are located.

37 41 Procedure. Amend RSA 674:60, IV to read as follows:

1 IV. A municipality may require that an applicant record restrictive covenants acceptable to  
2 the land use board that the workforce housing may not be rented to or sold to any household whose  
3 income is greater than that specified in RSA 674:58, IV. The covenant shall be for the term specified  
4 in the regulations of the land use board. The municipality may adopt regulations to ~~insure~~ **ensure**  
5 compliance with the covenants, which regulations may include requirements for the monitoring of  
6 the project by the municipality or by a suitable ~~third party~~ **third-party** agency qualified to carry  
7 out such requirements, including but not limited to requiring the production of annual income  
8 verification for renters and non-owner occupiers. The land use board may consider the existence of  
9 recorded covenants or income qualification and occupancy criteria as satisfying the purpose of this  
10 paragraph if such covenants or criteria are administered by a state or federal entity.

11 42 Municipal Regulations of Small Wind Energy Systems. Amend RSA 674:63, V to read as  
12 follows:

13 V. Setting electrical or structural design criteria that exceed applicable state~~]~~ **or** federal~~]~~  
14 ~~or international]~~ building or electrical codes or laws.

15 43 Abutter and Regional Notification. Amend RSA 674:66, I(a) to read as follows:

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

21 44 General Requirements. Amend RSA 675:1, II to read as follows:

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

25 45 Method of Enactment in Cities and Towns Operating Under Town Council Form of  
26 Government. Amend the subdivision heading preceding RSA 675:2 and RSA 675:2 to read as  
27 follows:

28 Zoning Ordinance[,] **and** Historic District Ordinance ~~and Building Code~~ Enactment Procedures

29 675:2 Method of Enactment in Cities and Towns Operating Under Town Council Form of  
30 Government.

31 I. In cities or in towns operating under the town council form of government, and in counties  
32 in which there are located unincorporated towns or unorganized places, the local legislative body  
33 shall determine the manner in which a zoning ordinance~~]~~ **or** historic district ordinance~~]~~ ~~or a~~  
34 ~~building code~~ is established and amended; provided, however, that any question concerning the  
35 establishment and amendment of a zoning ordinance~~]~~ **or** historic district ordinance~~]~~ ~~or a building~~  
36 ~~code~~ may be placed on a ballot separate from the ballot used to elect city or town officers. The  
37 planning board shall forward to the town clerk all proposed amendments to a zoning ordinance~~]~~ **or**

1 historic district ordinance~~[, or building code]~~ not later than the fifth Tuesday prior to the date for  
2 electing city or town officers.

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

7 46 Method of Enactment in Certain Towns and Village Districts. Amend RSA 675:3, I and II to  
8 read as follows:

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

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

21 47 Method of Enactment in Certain Towns and Village Districts. Amend RSA 675:3, V to read  
22 as follows:

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

28 48 Method of Enactment in Certain Towns and Village Districts. Amend RSA 675:3, VII to read  
29 as follows:

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

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

18 49 Method of Enactment in Certain Towns and Village Districts. Amend RSA 675:3, IX to read  
19 as follows:

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

23 50 Method of Enactment by Petition. Amend RSA 675:4, I to read as follows:

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

33 51 Method of Enactment by Petition. Amend RSA 675:4, III to read as follows:

34 III. Each petitioned amendment shall be placed on a ballot which may be separate from the  
35 ballot used to elect town or village district officers. A notation on the ballot stating the planning  
36 board's approval or disapproval shall immediately follow the question's description. Any petitioned  
37 question receiving an affirmative vote of a majority of the legal voters present and voting shall be

1 adopted, except as provided in RSA 675:5. The planning board shall forward to the town or village  
2 district clerk all proposed amendments to a zoning ordinance[~~;~~] **or** historic district ordinance[~~;~~  
3 ~~building code~~] under this section not later than the fifth Tuesday prior to the date for electing town  
4 or village district officers.

5 52 Method of Enactment by Petition. Amend RSA 675:4, V to read as follows:

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

9 53 Notice Requirements for Public Hearing. Amend RSA 675:7, II to read as follows:

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

18 54 Filing of Zoning Ordinances, Historic District Ordinances, Building Codes, Subdivision  
19 Regulations, Site Plan Review Regulations, and Amendments. Amend RSA 675:8 to read as follows:

20 675:8 Filing of Zoning Ordinances, Historic District Ordinances[~~;~~ ~~Building Codes~~], Subdivision  
21 Regulations, Site Plan Review Regulations, and Amendments. All zoning ordinances, historic  
22 district ordinances[~~;~~ ~~building codes~~], subdivision regulations, site plan review regulations, historic  
23 district regulations and their amendments shall be placed on file with the city, town, or village  
24 district clerk, or, in the case of unincorporated towns or unorganized places, with the clerk for the  
25 county commissioners for public inspection.

26 55 Place for Filing Documents; Reporting of Adoptions or Amendments. Amend RSA 675:9 to  
27 read as follows:

28 675:9 Place for Filing Documents; Reporting of Adoptions or Amendments. A copy of each  
29 master plan, zoning ordinance, historic district ordinance, capital improvement plan[~~;~~ ~~building code~~],  
30 subdivision regulation, historic district regulation, site plan review regulation or amendment which  
31 is adopted by a municipality shall be placed in a central file with the office of planning and  
32 development; provided, however, that failure to file these documents or amendments with the office  
33 of planning and development shall not affect the validity of the document. Every municipality which  
34 adopts a master plan, zoning ordinance, historic district ordinance, capital improvement plan[~~;~~  
35 ~~building code~~], subdivision regulation or site plan review regulation or amendment thereto, shall  
36 inform the office of planning and development of such adoption or amendment. The office of  
37 planning and development is hereby authorized to gather this information by way of an annual

1 survey of the municipalities or other such means as may be deemed appropriate. The office of  
2 planning and development shall periodically create lists and reports of the information gathered for  
3 use by the municipalities and the general public.

4 56 Joint Meetings and Hearings. Amend RSA 676:2, I to read as follows:

5 I. An applicant seeking a local **land use** permit may petition 2 or more land use boards to  
6 hold a joint meeting or hearing when the subject matter of the requested permit is within the  
7 responsibilities of those land use boards. Each board shall adopt rules of procedure relative to joint  
8 meetings and hearings, and each board shall have the authority on its own initiative to request a  
9 joint meeting. Each land use board shall have the discretion as to whether or not to hold a joint  
10 meeting with any other land use board. The planning board chair shall chair joint meetings unless  
11 the planning board is not involved with the subject matter of the requested permit. In that  
12 situation, the appropriate agencies which are involved shall determine which board shall be in  
13 charge.

14 57 Third-Party Review and Inspection. Amend RSA 676:4-b, I to read as follows:

15 676:4-b [~~Third Party~~] **Third-Party** Review and Inspection.

16 I. A planning board reviewing a subdivision plat, site plan, or other land use application  
17 may require the applicant to reimburse the board for expenses reasonably incurred by obtaining  
18 [~~third party~~] **third-party** review and consultation during the review process, provided that the  
19 review and consultation does not substantially replicate a review and consultation obtained by the  
20 zoning board of adjustment. The applicant may request the planning board choose a different [~~third~~  
21 ~~party~~] **third-party** consultant and the request may include the name of a preferred consultant. The  
22 planning board shall exercise reasonable discretion to determine whether the request is warranted.  
23 When such a request is granted by the planning board, the 65-day period for the board's action on an  
24 application stated in RSA 676:4, I(c)(1) shall be extended 45 days to provide the board adequate time  
25 to identify a different consultant.

26 58 Third-Party Review and Inspection. Amend RSA 676:4-b, IV and V to read as follows:

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

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

35 59 Appeals to Board of Adjustment. Amend RSA 676:5, II to read as follows:

36 II. For the purposes of this section:

1 (a) The "administrative officer" means any official or board who, in that municipality,  
2 has responsibility for issuing **land use** permits or certificates under the **land use** ordinance, or for  
3 enforcing the ordinance, and may include ~~[a building inspector,]~~ **the** board of selectmen~~[,]~~ or other  
4 official or board with such responsibility.

5 (b) A "decision of the administrative officer" includes any decision involving  
6 construction, interpretation or application of the terms of the **land use** ordinance. It does not  
7 include a discretionary decision to commence formal or informal enforcement proceedings, but does  
8 include any construction, interpretation or application of the terms of the **land use** ordinance which  
9 is implicated in such enforcement proceedings.

10 60 Determination of Which Local Ordinance Takes Precedence. Amend RSA 676:14 section  
11 heading to read as follows:

12 676:14 Determination of Which Local **Land Use** Ordinance Takes Precedence.

13 61 Injunctive Relief. Amend RSA 676:15 to read as follows:

14 676:15 Injunctive Relief. In case any building or structure or part thereof is or is proposed to be  
15 erected, constructed, altered, or reconstructed, or any land is or is proposed to be used in violation of  
16 this title or of any local **land use** ordinance~~[, code,]~~ or regulation adopted under this title, or of any  
17 provision or specification of an application, plat, or plan approved by, or any requirement or  
18 condition of a permit or decision issued by, any local administrator or land use board acting under  
19 the authority of this title~~[, the building inspector]~~ or other official with authority to enforce the  
20 provisions of this title or any local **land use** ordinance~~[, code,]~~ or regulation adopted under this title,  
21 or the owner of any adjacent or neighboring property who would be specially damaged by such  
22 violation may, in addition to other remedies provided by law, institute injunction, mandamus,  
23 abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such  
24 unlawful erection, construction, alteration, or reconstruction.

25 62 Fines and Penalties; Second Offense. Amend RSA 676:17, I through III to read as follows:

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

35 II. In any legal action brought by a municipality to enforce, by way of injunctive relief as  
36 provided by RSA 676:15 or otherwise, any local **land use** ordinance~~[, code]~~ or regulation adopted  
37 under this title, or to enforce any planning board, zoning board of adjustment or building code board

1 of appeals decision made pursuant to this title, or to seek the payment of any fine levied under  
2 paragraph I, the municipality shall recover its costs and reasonable attorney's fees actually  
3 expended in pursuing the legal action if it is found to be a prevailing party in the action. For the  
4 purposes of this paragraph, recoverable costs shall include all out-of-pocket expenses actually  
5 incurred, including but not limited to, inspection fees, expert fees and investigatory expenses.

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

11 63 Fines and Penalties; Second Offense. Amend RSA 676:17, V to read as follows:

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

20 64 Cease and Desist Orders. Amend RSA 676:17-a introductory paragraph to read as follows:

21 676:17-a Cease and Desist Orders. The [~~building inspector, code enforcement officer, zoning~~  
22 ~~administrator or other~~] official designated as an enforcement authority by ordinance or resolution of  
23 the local legislative body may issue a cease and desist order against any violation of this title, any  
24 local **land use** ordinance[~~-code~~] or regulation adopted under this title, or any provision or  
25 specification of an application, plat, or plan approved by, or any requirement or condition of a permit  
26 or decision issued by, any local administrator or land use board acting under the authority of this  
27 title, subject to the following:

28 65 Cease and Desist Orders. Amend RSA 676:17-a, XI to read as follows:

29 XI. The remedy provided in this section is supplementary to other enforcement remedies  
30 provided by this chapter or local **land use** ordinance. At the discretion of the local enforcement  
31 official, an action to enforce a cease and desist order under this section may be joined with an action  
32 under RSA 676:17, I, and the cease and desist order shall constitute the written notice under RSA  
33 676:17, I(b).

34 66 Local Land Use Citations; Pleas by Mail. Amend RSA 676:17-b introductory paragraph and I  
35 to read as follows:

36 676:17-b Local Land Use Citations; Pleas by Mail. A [~~building inspector or other~~] local official  
37 with authority to prosecute an offense within the scope of RSA 676:17, and who, prior to or at the

**HB 244 - AS INTRODUCED**  
**- Page 34 -**

1 time of serving the summons, elects, pursuant to RSA 676:17, V, to charge the offense as a violation,  
2 may issue and serve upon the defendant, in addition to the summons, a local land use citation as set  
3 forth in this section. The defendant receiving such a citation may plead guilty or nolo contendere by  
4 mail by entering that plea as provided herein. If such a plea is accepted by the court, the defendant  
5 shall not be required to appear personally or by counsel; otherwise the defendant shall appear as  
6 directed by the court. The following procedure shall be used:

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

15 67 Local Land Use Citations; Pleas by Mail. Amend RSA 676:17-b, II(c) to read as follows:

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

18 68 Repeal. The following are repealed:

- 19 I. RSA 47:22, relative to the grant of power.  
20 II. RSA 47:22-a, relative to manufactured housing.  
21 III. RSA 47:22-b, relative to manufactured housing foundations.  
22 IV. RSA 47:23, relative to amendments.  
23 V. RSA 47:24, relative to exceptions.  
24 VI. RSA 47:25, relative to examination by public.  
25 VII. RSA 47:26, relative to public hearings and notice.  
26 VIII. RSA 155-A:3, relative to building code local amendments and applications.  
27 IX. RSA 673:1, III and V, relative to the establishment of local land use boards.  
28 X. RSA 673:3, IV, relative to zoning board of adjustment and building code board of appeals.  
29 XI. RSA 673:22, II, relative to transfer of documents upon abolition of zoning ordinance or  
30 building code.  
31 XII. RSA 674:34, relative to powers of building code board of appeals.  
32 XIII. RSA 674:52-a, relative to ordering building vacated.  
33 XIV. RSA 676:11, relative to building permits required.  
34 XV. RSA 676:12, relative to building permits to be withheld in certain cases.  
35 XVI. RSA 676:13, relative to building permit restrictions.  
36 69 Effective Date. This act shall take effect 60 days after its passage.