

**SB 94 - AS INTRODUCED**

2025 SESSION

25-1053

06/11

SENATE BILL           **94**

AN ACT               prohibiting municipal amendments to the state building code.

SPONSORS:       Sen. McConkey, Dist 3; Sen. Murphy, Dist 16; Sen. Innis, Dist 7

COMMITTEE:      Executive Departments and Administration

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ANALYSIS

This bill prohibits all local legislative bodies from adopting any new regulations that differ from the state building code.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 prohibiting municipal amendments to the state building code.

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

1 1 Power to Amend State Building Code and Establish Enforcement Procedures.

2 Amend RSA 674:51, I to read as follows:

3 I. ~~The local legislative body [may enact as an ordinance or adopt, pursuant to the procedures~~  
4 ~~of RSA 675:2-4, additional amendments to the state building code for structures in the municipality,~~  
5 ~~providing that such additional amendments are not inconsistent with or less stringent than, nor~~  
6 ~~intended to replace, the requirements of the most recent edition of the state building code adopted~~  
7 ~~under RSA 155-A, and provided that each amendment submitted to the building code review board~~  
8 ~~relates to one article or section of that code. The local legislative body may adopt a nationally~~  
9 ~~recognized code not included in, and not inconsistent with, the state building code, except for a~~  
10 ~~nationally recognized code which has the same or similar scope or purpose, as determined by the~~  
11 ~~building code review board, that is included in the most recent edition of the state building code~~  
12 ~~adopted under RSA 155-A, and the intent of this restriction shall not be avoided by the adoption of~~  
13 ~~local amendments as determined by the building code review board. The local legislative body may~~  
14 ~~also enact a process for the enforcement of the state building code, additional amendments and any~~  
15 ~~additional codes adopted under this paragraph. Local amendments and codes regulated by this~~  
16 ~~paragraph adopted prior to July 1, 2024, and the procedural history of adoption per RSA 155-A:10~~  
17 ~~shall be submitted for review to the building code review board for review and confirmation that~~  
18 ~~such additional amendments are not inconsistent with or less stringent than, nor intended to~~  
19 ~~replace, the requirements of the most recent edition of the building code adopted under RSA 155-A.~~  
20 ~~No local amendment shall be enforced if it has not been submitted to the building code review board~~  
21 ~~within 60 days of the effective date of this paragraph. Upon the withholding of confirmation of a~~  
22 ~~submitted local amendment by the state building code review board, the amendment shall not be~~  
23 ~~enforced.] **shall not enact, adopt, or implement any new ordinance, rule, or regulation that**~~  
24 ~~**amends, overrides, deviates from, or differs from the adopted state building code, state**~~  
25 ~~**energy code, or state fire code established under RSA 155-A and RSA 153. All**~~  
26 ~~**municipalities shall fully comply with the state codes without further local modification.**~~  
27 ~~**Existing local amendments to the state building code, energy code, or fire code that were in**~~  
28 ~~**effect as of July 1, 2025, shall remain valid and enforceable.**~~

29 2 New Section; Limitation on Local Amendments. Amend RSA 155-A by inserting after section  
30 2 the following new section:

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1       155-A:2-a Limitation on New Local Amendments. Municipalities are prohibited from enacting,  
2 adopting, or implementing any new local amendments to the state building code, state energy code,  
3 or state fire code after July 1, 2025. Local amendments in effect as of July 1, 2025, shall remain  
4 valid and enforceable, provided they were adopted according to the procedures established by RSA  
5 155-A and RSA 153.

6       3 Grant of Power. Amend RSA 47:22 to read as follows:

7       47:22 Grant of Power. The board of mayor and aldermen, or the corresponding governmental  
8 body of any city, ~~[is hereby empowered and authorized in the passing and adopting of ordinances,~~  
9 ~~establishing codes, rules and regulations for the construction of buildings, relating to the installation~~  
10 ~~of plumbing, the use of concrete, masonry, metal, iron and wood, and other building material, the~~  
11 ~~installation of electric wiring, and fire protection incident thereto or for the prevention of fires to~~  
12 ~~adopt any additional regulations or amendments provided that such additional amendments are not~~  
13 ~~inconsistent with or less stringent than, nor intended to replace, the requirements of the most recent~~  
14 ~~edition of the state building code adopted under RSA 155-A, or the state fire code adopted under RSA~~  
15 ~~153, and provided that each amendment submitted to the building code review board or the state fire~~  
16 ~~marshal relates to one article or section of the code. The board of mayor and aldermen may adopt a~~  
17 ~~nationally recognized code not included in, and not inconsistent with, the state building code or state~~  
18 ~~fire code, except for a nationally recognized code which has the same or similar scope or purpose, as~~  
19 ~~determined by the building code review board for amendments to the state building code or the state~~  
20 ~~fire marshal for amendments to the state fire code, that is included in the most recent edition of the~~  
21 ~~state building code adopted under RSA 155-A, or the state fire code adopted under RSA 153, and the~~  
22 ~~intent of this restriction shall not be avoided by the adoption of local amendments as determined by~~  
23 ~~the building code review board for amendments to the state building code and the state fire marshal~~  
24 ~~for amendments to the state fire code. Upon adoption of such ordinance wherein such code, rules~~  
25 ~~and regulations or portions thereof have been incorporated by reference, there shall be filed 3 copies~~  
26 ~~of such codes, rules and regulations in the main office of the municipal department or agency~~  
27 ~~administering the same and 3 copies in the office of the city clerk. All copies of any code, rules and~~  
28 ~~regulations filed as provided herein, shall be for use and examination by the public. Local~~  
29 ~~amendments to the state building code and codes regulated by this paragraph adopted prior to July~~  
30 ~~1, 2024, and the procedural history of adoption per RSA 155-A:10 shall be submitted for review to~~  
31 ~~the building code review board for review and confirmation that such additional amendments are not~~  
32 ~~inconsistent with or less stringent than, nor intended to replace, the requirements of the most recent~~  
33 ~~edition of the state building code adopted under RSA 155-A. No local amendment shall be enforced if~~  
34 ~~it has not been submitted to the state building code review board within 60 days of the effective date~~  
35 ~~of this paragraph. Upon the withholding of confirmation of a submitted local amendment by the~~  
36 ~~building code review board, the local amendment shall not be enforced. Local amendments to the~~  
37 ~~state fire code adopted prior to July 1, 2024, and the procedural history of adoption per RSA 153:4 a,~~

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1 ~~shall be submitted to the state fire marshal for review and confirmation that such amendments are~~  
2 ~~not in conflict or less restrictive than the state fire code and are based on sound engineering~~  
3 ~~practices. The state fire marshal shall confirm that the local amendments are enacted and adopted~~  
4 ~~by the local legislative body. No local amendment shall be enforced if it has not been submitted to~~  
5 ~~the state fire marshal within 60 days of the effective date of this paragraph. Upon the withholding~~  
6 ~~of confirmation of a submitted local amendment by the state fire marshal local amendment shall not~~  
7 ~~be enforced.]~~ ***shall not pass or adopt new ordinances, codes, or regulations that amend or***  
8 ***contradict the state building code, state energy code, or state fire code. Local amendments***  
9 ***in effect as of July 1, 2025, shall remain valid and enforceable.***

10 4 Effective Date. This act shall take effect July 1, 2025.