

HB 399 - AS AMENDED BY THE HOUSE

6Feb2025... 0023h

2025 SESSION

25-0622

06/08

HOUSE BILL

399

AN ACT establishing a commission to study the New Hampshire zoning enabling act.

SPONSORS: Rep. Alexander Jr., Hills. 29; Rep. Osborne, Rock. 2; Rep. Simpson, Rock. 33; Rep. Sweeney, Rock. 25; Sen. McConkey, Dist 3; Sen. Murphy, Dist 16; Sen. Reardon, Dist 15

COMMITTEE: Housing

ANALYSIS

This bill establishes a commission to study the New Hampshire zoning enabling act.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 establishing a commission to study the New Hampshire zoning enabling act.

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

1 1 New Subdivision; New Hampshire Zoning Enabling Act; Commission to Study the Historical
2 Evolution of the New Hampshire Zoning Enabling Act. Amend RSA 674 by inserting after section
3 16-a the following new subdivision:

4 Commission to Study the Historical Evolution of the
5 New Hampshire Zoning Enabling Act

6 674:16-b Commission Established. There is established a commission to study the historical
7 evolution of New Hampshire’s zoning enabling act, currently codified at RSA 674:16. The legislative
8 intent is to study the evolution of the New Hampshire Zoning Enabling Act as it turns 100 this year.
9 The goal is to see how the New Hampshire Zoning Enabling Act has changed over time and to
10 consider and make recommendations for future legislation on the balance of zoning powers between
11 the state and municipalities.

12 I. The members of the commission shall be as follows:

13 (a) Two members of the house of representatives appointed by the majority leader of the
14 house.

15 (b) Two members of the house of representatives appointed by the minority leader of the
16 house.

17 (c) Two members of the senate, appointed jointly by the president of the senate and the
18 minority leader of the senate.

19 (d) One designee from the judicial branch, appointed by the chief justice of the supreme
20 court.

21 (e) Two national housing policy experts, appointed jointly by the speaker of the house
22 and the minority leader of the house.

23 (f) One member representing municipal governments, appointed jointly by the president
24 of the senate and the minority leader of the senate.

25 (g) One member of the public, appointed jointly by the president of the senate and the
26 minority leader of the senate.

27 II. Legislative members of the commission shall receive mileage at the legislative rate when
28 attending to the duties of the commission.

29 III. The commission shall:

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1 (a) Study the policy problem that the drafters of the Standard State Zoning Enabling Act
2 intended to solve with the “Grant of Power” section, as enacted by the New Hampshire legislature in
3 RSA 674:16.

4 (b) Determine if that problem or those problems are still relevant today, whether in
5 whole or in part.

6 (c) Evaluate if RSA 674:16 has been effective in resolving that problem or problems.

7 (d) Examine whether the regulatory powers granted by RSA 674:16 were intended to be
8 plenary or limited to those stated.

9 (e) Assess how those powers have been construed by courts and by local legislators over
10 the years.

11 (f) Determine if the listed powers are still appropriate and/or applicable today, and if
12 any could be removed or if any not present should be added.

13 (g) Similarly, assess if the listed purposes in RSA 674:17 are still appropriate or
14 applicable today, and if any could be removed or if any not present should be added.

15 (h) Identify legislative alternatives to the approach taken by the Standard State Zoning
16 Enabling Act, including any adopted by other states, and consider RSA 674:25, an enabling act for
17 adopting interim zoning ordinances.

18 (i) Identify elements of the other sections of the Standard State Zoning Enabling Act, as
19 codified at RSA 674:16-23, that would benefit from examination and potential revision.

20 (j) Investigate the relationship between the zoning provisions of RSA 674:16 et seq. and
21 the subdivision provisions of RSA 674:35 et seq., and explore opportunities for aligning or combining
22 these provisions.

23 IV. The members of the study commission shall elect a chairperson from among the
24 members. The first meeting of the commission shall be called by the first-named house member.
25 The first meeting of the commission shall be held within 45 days of the effective date of this section.
26 Four members of the commission shall constitute a quorum.

27 V. The commission shall make an interim report its findings and any recommendations for
28 proposed legislation on or before November 1, 2025 and a final report of its findings and any
29 recommendations for proposed legislation on or before November 1, 2026. The commission shall
30 send the interim report and the final report to the speaker of the house of representatives, the
31 president of the senate, the house clerk, the senate clerk, the governor, and the state library.

32 2 Repeal. RSA 674:16-b, relative to study the historical evolution of New Hampshire’s zoning
33 enabling act, is repealed.

34 3 Effective Date.

35 I. Section 2 of this act shall take effect November 1, 2026.

36 II. The remainder of this act shall take effect July 1, 2025.