

HB 92 - AS AMENDED BY THE HOUSE

20Feb2025... 0317h

2025 SESSION

25-0125

06/05

HOUSE BILL

92

AN ACT requiring recusal of members of zoning boards of adjustment and planning boards in certain circumstances.

SPONSORS: Rep. Alexander Jr., Hills. 29; Rep. Maggiore, Rock. 23; Rep. Mazur, Hills. 44; Rep. Lascelles, Hills. 14; Rep. J. MacDonald, Carr. 6; Rep. Seidel, Hills. 29; Rep. Sellers, Graf. 18; Sen. Innis, Dist 7; Sen. Murphy, Dist 16

COMMITTEE: Municipal and County Government

AMENDED ANALYSIS

This bill requires individuals serving on both the planning board and zoning board of adjustment to recuse themselves from voting on matters previously decided by the other board on which they serve.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 requiring recusal of members of zoning boards of adjustment and planning boards in certain circumstances.

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

1 1 New Paragraph; Zoning Board of Adjustment Membership. Amend RSA 673:3 by inserting
2 after paragraph IV the following new paragraph:

3 V. When a member also serves on a planning board, the individual shall recuse herself or
4 himself from voting on matters previously decided by the planning board in a quasi-judicial capacity
5 in which the member participated as a voting member.

6 2 Planning Board Members Serving on Other Boards. Amend RSA 673:7, I to read as follows:

7 I. Any 2 appointed or elected members of the planning board in a city or town may also serve
8 together on any other municipal board or commission, except that no more than one appointed or
9 elected member of the planning board shall serve on the conservation commission, the local
10 governing body, or a local land use board as defined in RSA 672:7. ***When a member also serves on
11 a zoning board of adjustment, the individual shall recuse herself or himself from voting on
12 matters previously decided by the zoning board of adjustment in a quasi-judicial capacity
13 in which the member participated as a voting member.***

14 3 Effective Date. This act shall take effect 60 days after its passage.