HB 1254-LOCAL - AS AMENDED BY THE HOUSE

14Mar2024... 0681h

2024 SESSION

24-2242
10/05

HOUSE BILL ***1254-LOCAL***

AN ACT relative to an optional local public safety assessment on certain room occupancies.

SPONSORS: Rep. Buco, Carr. 1; Rep. Edgar, Rock. 29; Rep. Almy, Graf. 17; Rep. Cloutier, Sull. 6; Rep. Woodcock, Carr. 1; Rep. D. Paige, Carr. 1; Rep. Stavis, Graf. 13; Sen. Altschiller, Dist 24; Sen. Fenton, Dist 10; Sen. Prentiss, Dist 5

COMMITTEE: Ways and Means

ANALYSIS

This bill enables a municipality to collect a public safety assessment on hotel occupancies for the purpose of public safety associated with the increase in tourism and transient traffic.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to an optional local public safety assessment on certain room occupancies.

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

1 New Subdivision; Local Option; Public Safety Assessment. Amend RSA 353 by inserting after section 10 the following new subdivision:

Public Safety Assessment

353:11 Public Safety Assessment.

I. The legislative body of a municipality may vote to collect a public safety assessment on each occupancy, as defined in RSA 78-A:3, XI, of each hotel, as defined in RSA 78-A:3, VII, for the purpose of establishing funding for municipal services as described in paragraph II. No occupant shall be charged for more than 30 days during a single visit. Under this section:

(a) "Hotel" means inns, motels, lodging homes, rooming houses, boarding houses, and hostels; and

(b) "Occupant" means the same as defined under RSA 78-A:3, XII.

II. The revenues collected shall be deposited in a capital reserve fund, tourism support fund, revolving fund, or other special revenue fund as may be authorized by the legislative body of the municipality. Such funds shall be used to augment funding for the cost of municipal services associated with the increase in tourism and transient traffic. Any funds received shall not be deemed part of the general fund accumulated surplus, nor shall any surplus be expended for any purpose or transferred to any appropriation until such time as the town select board or legislative body of the city shall have voted to appropriate a specific amount from the fund for a specific purpose.

III. Any town or city may adopt the provisions of this section in the following manner:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting under the procedures set out in RSA 39:3, and shall be voted on by ballot. In a city, the legislative body shall vote on the question as provided in its charter.

(b) The selectmen or city council shall hold a public hearing on the question at least 15 days, but not more than 30 days before the question is to be voted on.

(c) Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The town or city shall specify in the wording of the question:

(1) The name of the fund and permitted uses of the fund; and

(2) The nature, amount, and manner of collection of the public safety assessment, including the number of consecutive days to which the public safety assessment shall apply.

(d) If a majority of those voting on the question vote "Yes," the public safety assessment shall apply within the town or city on the date set by the selectmen or the city council.

(e) A town or city may consider rescinding its action in the manner described in subparagraphs (a)-(c). The wording of the question shall be the same as that was adopted by the town or city, except the word "adopt" shall be changed to "rescind." If a majority of those voting on the question vote "Yes," following the action taken to rescind, the public safety assessment shall not apply within the town or city, and any moneys already in the fund shall be used for the purposes already voted.

IV. As authorized by the legislative body vote, the fee may be collected as a daily charge of up to $2 per occupancy per 24-hour period, or as a percentage of the price of the occupancy, provided that the rate shall not exceed $2 per occupancy per 24-hour period. If the average daily price of the occupancy does not exceed $40, the occupancy fee shall not be collected. The vote by the legislative body shall specify the number of consecutive days to which the occupancy fee applies, provided that the maximum number of consecutive days for which the fee may be collected for each occupancy shall not exceed 30 days. Enforcement powers for nonpayment shall be the same as those provided under RSA 31:39-c, RSA 31:39-d, and RSA 47:17-B, relative to enforcement of ordinances.

2 Effective Date. This act shall take effect upon its passage.