

Committee of Conference Report on SB 411, relative to the merger of lots that are mortgaged.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Voluntary Merger. Amend RSA 674:39-a to read as follows:

674:39-a Voluntary Merger.

I. Any owner of 2 or more contiguous preexisting approved or subdivided lots or parcels who wishes to merge them for municipal regulation and taxation purposes may do so by applying to the planning board or its designee. Except ~~[where such merger would create a violation of then-current ordinances or regulations]~~ **as set forth in paragraphs II and III**, all such requests shall be approved, and no public hearing or notice shall be required. No new survey plat need be recorded, but a notice of the merger, sufficient to identify the relevant parcels and endorsed in writing by the planning board or its designee, shall be filed for recording in the registry of deeds, and a copy mailed to the municipality's assessing officials. No such merged parcel shall thereafter be separately transferred without subdivision approval. No city, town, county, or village district may merge preexisting subdivided lots or parcels except upon the consent of the owner.

II. *If there is any mortgage on any of the lots, the applicant shall give written notice to each mortgage holder at the time of the submission of the application. The written consent of each mortgage holder shall be required as a condition of approval of the merger, and shall be recorded with the notice of the merger pursuant to paragraph I. Upon recordation of the notice and each consent, the mortgage or mortgages shall be deemed by operation of law to apply to all lots involved in the merger. The municipality shall not be liable for any deficiency in the notice to mortgage holders.*

III. *No merger shall be approved that would create a violation of then-current ordinances or regulations.*

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

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- 36 2 Restoration of Involuntarily Merged Lots. Amend RSA 674:39-aa, II(a) to read as follows:
- 37 (a) The request is submitted to the governing body prior to December 31, ~~[2016]~~ **2021**.

The signatures below attest to the authenticity of this Report on SB 411, relative to the merger of lots that are mortgaged.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Prescott, Dist. 23

Rep. Hunt, Ches.11

Sen. Cataldo, Dist. 6

Rep. Bates, Rock.7

Sen. Watters, Dist. 4

Rep. Williams, Hills.4

Rep. H. French, Merr.2

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AMENDED ANALYSIS

This bill requires that mortgage holders consent to the voluntary merger of lots. This bill also extends the deadline for requests for restoration of lots that were involuntarily merged.