

Amendment to HB 342

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to the approval process for new construction and to the adoption of energy  
4 efficient and clean energy districts by municipalities.

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6 Amend RSA 674:21-b, II as inserted by section 1 of the bill by replacing it with the following:

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8 II. Notwithstanding any other provisions of law to the contrary, property owners shall be  
9 allowed to build on their property without seeking a variance for minimum lot size or percentage of  
10 lot coverage if the proposed building conforms to how the property is zoned and the density of the  
11 neighborhood, which shall be assessed based on the density of 51 percent of the properties within a  
12 1,000-foot radius built before the effective date of this section.

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14 Amend the bill by replacing all after section 1 with the following:

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16 2 Towns, Cities, Village Districts, and Unincorporated Places; Energy-Efficient and Clean  
17 Energy Districts; Adoption by Municipality. RSA 53-F:2 is repealed and reenacted to read as  
18 follows:

19 53-F:2 Adoption by Municipality or County. A city, town, village district, or county on behalf of  
20 an unincorporated place may adopt the provisions of this chapter in the following manner:

21 I. In a city, town, village district, or county on behalf of an unincorporated place that has  
22 adopted a charter pursuant to RSA 49-D, the legislative body or governing body may consider and  
23 act upon the question in accordance with its normal procedures for passage of resolutions,  
24 ordinances, and other legislation.

25 II. In a town other than a town that has adopted a charter pursuant to RSA 49-D, or in a  
26 village district, the governing body has the authority to adopt the provisions of this chapter and  
27 create a district after they hold at least one public hearing.

28 (a) The governing body's vote may occur at the conclusion of the public hearing, or at a  
29 subsequent public meeting noticed pursuant to RSA 91-A. Public notice of the time and place of the  
30 public hearing shall be posted at least 10 calendar days before the public hearing and shall be posted  
31 in at least 2 public places, one of which may be the entity's website, provided that the notice itself, or

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1 a direct link to the notice, appears predominantly on the home page, and remains until the  
2 conclusion of the last public hearing.

3 (b) The public notice shall contain a description of the boundaries of the proposed  
4 district, and either the full text of the proposed C-PACER ordinance, or an adequate statement  
5 describing the proposal and designating the place where the proposed ordinance is on file for public  
6 inspection.

7 (c) An additional public hearing shall be held if the proposed ordinance is substantively  
8 altered by the governing body during or after the public hearing. Subsequent public hearings shall  
9 be held at least 14 days after the prior public hearing and with the notice provided herein.

10 (d) Notwithstanding paragraph II, upon the written petition of 50 registered voters  
11 presented to the governing body prior to the governing body's vote, the question of the adoption of  
12 this chapter and the creation of a district shall be inserted as an article in the warrant for the next  
13 available annual meeting.

14 III. The C-PACER district may cover all or a portion of the area within the municipality or  
15 unincorporated place.

16 IV. A city, town, village district, or county on behalf of an unincorporated place may vote to  
17 rescind its action and dissolve the district in the same manner as it may vote to adopt, provided that  
18 all agreements entered into with property owners and related legal obligations created prior to its  
19 vote to rescind shall remain in effect.

20 3 Agreements with Property Owners. Amend RSA 53-F:4, III to read as follows:

21 III. The municipality shall execute a notice of the assessment and lien, and an assignment of  
22 notice of assessment and lien under this chapter for recording in the county registry of deeds. The  
23 notice shall consist of the following statement or its substantial equivalent: "This property is subject  
24 to a special assessment related to the installation of qualifying *improvements* under RSA 53-F."

25 4 Effective Date. This act shall take effect upon its passage.

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2025-2155s

AMENDED ANALYSIS

This bill:

I. Allows property owners to build on their property without seeking a variance for minimum lot size or lot coverage if the proposed building density conforms to that of the surrounding neighborhood and with how the property is zoned, as verified by the local planning board.

II. Modifies the requirements for the adoption of energy efficient and clean energy districts by municipalities.