

HB 428-LOCAL - AS INTRODUCED

2025 SESSION

25-0330

06/05

HOUSE BILL

428-LOCAL

AN ACT

prohibiting municipal amendments to the state building code.

SPONSORS:

Rep. Alexander Jr., Hills. 29; Rep. C. McGuire, Merr. 27; Rep. D. McGuire, Merr. 14; Rep. Osborne, Rock. 2; Rep. Sweeney, Rock. 25; Rep. Berry, Hills. 44; Rep. Warden, Hills. 39; Sen. Innis, Dist 7; Sen. Murphy, Dist 16; Sen. McConkey, Dist 3

COMMITTEE:

Executive Departments and Administration

ANALYSIS

This bill prohibits local legislative bodies from making any new changes to the state building codes.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 prohibiting municipal amendments to the state building code.

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

1 1 Powers of Cities and Towns; Building Codes. RSA 47:22 is repealed and reenacted to read as
2 follows:

3 47:22 Grant of Power. The board of mayor and aldermen, or the corresponding governmental
4 body of any city, is hereby empowered and authorized to establish a local enforcement agency, as
5 defined in RSA 155-A:1, III, to enforce the state building code adopted under RSA 155-A and the
6 state fire code adopted under RSA 153.

7 2 New Hampshire Building Code; Definitions. Amend RSA 155-A:1, III to read as follows:

8 III. "Local enforcement agency" means for a municipality that has adopted enforcement
9 provisions ~~[or additional regulations]~~ under ~~[RSA 674:51 or]~~ RSA 47:22, the building inspector, code
10 official, or other local government official qualified and authorized to make inspections and to
11 enforce the laws, ordinances, and rules enacted by the state ~~[and by local government]~~ that establish
12 standards and requirements applicable to the construction, alteration, or repair of buildings. For the
13 purpose of enforcement of the state fire code for buildings and structures not owned by the state,
14 ~~[the local]~~ **the local** enforcement ~~[agency means]~~ **agency means** the municipal fire chief or his or her
15 representative, pursuant to RSA 154:2, II.

16 3 State Building Code. Amend RSA 155-A:2, VIII to read as follows:

17 VIII. Nothing in this chapter shall be construed as amending, repealing, or superseding any
18 local law, ordinance, code, or regulation, except local code requirements that are less stringent than
19 the ~~[state building code or]~~ state fire code, or where expressly required by ~~[RSA 674:51, or]~~ RSA
20 47:22, and all buildings, building components, and structures shall comply with all applicable state
21 ~~[or local building]~~ and fire code requirements, land use restrictions including, but not limited to
22 subdivision regulations, use and location restrictions, density and dimensional limitations, or
23 historic district laws or ordinances.

24 4 Local Amendments; Application. Amend RSA 155-A:3 to read as follows:

25 155-A:3 ~~[Local Amendments;]~~ Application. For a municipality which has adopted an
26 enforcement mechanism ~~[or additional regulations to the state building code pursuant to RSA~~
27 ~~674:51]~~:

28 ~~[I. The municipality may adopt local amendments to the state building code pursuant to RSA~~
29 ~~674:51. The issuance of permits and the collection of fees pursuant RSA 155-A:2, III and issuance of~~
30 ~~permits and certificates of occupancy pursuant to RSA 155-A:2, IV shall not be considered~~
31 ~~amendments to the building code and shall not be subject to RSA 674:51, II.~~

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1 ~~II. The procedure for amendment shall be in accordance with applicable statutes and local~~
2 ~~regulations.~~

3 ~~III]~~ **I.** At a minimum, the municipality shall ensure that implementation and enforcement
4 includes:

- 5 (a) Review and acceptance of appropriate plans.
- 6 (b) Issuance of building permits.
- 7 (c) Inspection of the work authorized by the building permits.
- 8 (d) Issuance of appropriate use and occupancy certificates.

9 ~~[IV]~~ **II.**(a) The provisions of this chapter ~~[and any local amendments]~~ under this section shall
10 not be construed to restrict or encumber the local governing body's authority relative to the
11 appointment, removal, or duties of municipal employees and the organization of municipal
12 departments.

13 (b) Any provision of the state building code that conflicts with existing ~~[or amended]~~
14 local ordinances, regulations, policies, practices, or procedures regarding the appointment, removal,
15 or duties of municipal employees and the organization of municipal departments, shall not apply
16 provided that the ordinances, regulations, policies, practices, or procedures do not prevent effective
17 enforcement of the state building code or state fire code.

18 ~~[V. Any ordinance adopted under RSA 674:51 by a local legislative body shall be submitted~~
19 ~~to the state building code review board for review and confirmation.]~~

20 **5 Power to Amend State Building Code Removed.** RSA 674:51 is repealed and reenacted to read
21 as follows:

22 **674:51 Enforcement of State Building Code.** The state building code established in RSA 155-A
23 shall be effective in all towns and cities in the state and shall be enforced as provided in RSA 155-
24 A:7.

25 **I.** Notwithstanding any other provision of law, no local legislative body shall enact any
26 ordinance, adopt any rule, or implement any regulation that amends, overrides, or deviates from the
27 state building code on or after the effective date of this section. All municipalities shall comply fully
28 with the state building code without further local modification.

29 **II.** No municipality or local land use board as defined in RSA 672:7 shall enforce any
30 ordinance, regulation, code, or administrative practice requiring the installation of automatic fire
31 suppression sprinklers in any new or existing detached one or 2-family dwelling unit in a structure
32 used only for residential purposes, or in existing buildings that contain, or will contain, no more than
33 4 dwelling units, unless fire sprinklers are existing or are required by a nonresidential occupancy.
34 Notwithstanding any provision of law to the contrary, no municipality or local land use board shall
35 enforce any existing ordinance, regulation, code, or administrative practice requiring the installation
36 or use of automatic fire suppression sprinklers in any manufactured housing unit as defined in RSA
37 674:31 situated in a manufactured housing park as defined in RSA 205-A:1, II. Nothing in this

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1 paragraph shall affect the ability of an applicant for a local land use permit to include the
2 installation of fire suppression sprinklers pursuant to RSA 674:36, IV, or affect the validity or
3 enforceability of such inclusion.

4 III. No county, city, town, village district, local land use board, or other subdivision of this
5 state shall adopt any ordinance, regulation, code, or administrative practice that prohibits or
6 restricts a person or entity from installing a safe and commercially available heating or other energy
7 system of their choice or to engage the services of an energy provider of their choice to install,
8 connect, or resupply such energy system. In this paragraph, "energy provider" means a qualified
9 and licensed distributor of oil, propane, natural gas, or other company or entity that supplies energy
10 or related services to the public.

11 6 General Requirements. Amend RSA 675:1, II to read as follows:

12 II. Zoning ordinances proposed under RSA 674:16[.] **and** historic district ordinances
13 proposed under RSA 674:46 [~~and building codes proposed under RSA 674:51~~] shall be adopted in
14 accordance with the procedures required under RSA [~~675:2-5~~] **675:2 through 675:5**.

15 7 Repeal. The following are repealed:

16 I. RSA 155-A:10, IV(c) through (f), relative to the state building code review board.

17 II. RSA 674:34, II, relative to the powers of building code boards of appeals.

18 8 Effective Date. This act shall take effect 60 days after its passage.