

SB 281 - AS INTRODUCED

2025 SESSION

25-1089

07/09

SENATE BILL        **281**

AN ACT            prohibiting municipalities from denying building or occupancy permits for property adjacent to class VI roads under certain circumstances.

SPONSORS:        Sen. Murphy, Dist 16; Sen. Innis, Dist 7; Sen. Pearl, Dist 17; Sen. Perkins Kwoka, Dist 21; Rep. Osborne, Rock. 2; Rep. Alexander Jr., Hills. 29

COMMITTEE:      Commerce

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ANALYSIS

This bill changes the requirements that allow a building to be constructed on a lot adjacent to a class VI roadway.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT prohibiting municipalities from denying building or occupancy permits for property adjacent to class VI roads under certain circumstances.

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

1 1 Planning and Zoning; Local Land Use Planning and Regulatory Powers; Erection of Buildings  
2 on Streets; Appeals. Amend RSA 674:41, I (c) to read as follows:

3 (c) Is a class VI highway, provided that[:

4 ~~(1) The local governing body after review and comment by the planning board has~~  
5 ~~voted to authorize the issuance of building permits for the erection of buildings on said class VI~~  
6 ~~highway or a portion thereof; and~~

7 ~~(2) The municipality neither assumes responsibility for maintenance of said class VI~~  
8 ~~highway nor liability for any damages resulting from the use thereof; and~~

9 ~~(3) Prior to the issuance of a building permit, the applicant shall produce evidence~~  
10 ~~that notice of the limits of municipal responsibility and liability has been recorded in the county~~  
11 ~~registry of deeds] ***the landowner signs a liability waiver acknowledging that the***  
12 ***municipality shall not maintain the highway nor provide any services to any lot accessible***  
13 ***by the highway. The waiver shall state that the municipality shall not accept any***  
14 ***responsibility for losses or damages caused by a lack of services, and that the responsibility***  
15 ***for such services falls solely on the landowner. Prior to the issuance of a building permit,***  
16 ***the applicant shall produce evidence that this waiver has been recorded in the county***  
17 ***register of deeds; or***~~

18 2 Effective Date. This act shall take effect 60 days after its passage.