

Planning Lunches at Noon (PLAN) Monthly Webinar Services

Welcome to the PLAN Monthly Webinar Series!
The webinar will begin shortly.

Check out our Planning and Zoning Training website page for:

- Slides and recording of all completed webinars in the PLAN series
- Schedule for upcoming webinars
- A short, anonymous online survey to gather feedback and topics for future webinars

www.nh.gov/osi/planning/planning-training.htm

2023 PLANNING & ZONING LEGISLATION PRIMER

Webinar Logistics

Presentation then Question and Answer session

- ▶ Type questions into Chat box
- ▶ Raise hand
- ▶ We will be **recording** the presentation portion of this webinar.



Agenda

- Overview of Legislative Process
- The 2023 Session
- Review of Top 15 Planning, Zoning, Land Use, and Housing Bills
- How Planners Can Engage in the Legislative Process
- Question & Answer Session

Presenters

- Noah Hodgetts, Principal Planner, NH Office of Planning and Development
- Tim Corwin, Esq., AICP, Deputy Director of Planning and Development City of Lebanon
- Natch Greyes, Esq., Government Affairs Counsel, New Hampshire Municipal Association

How A Bill Becomes a Law in New Hampshire

Step 1: Sponsorship & Bill Creation

- Legislators who want to create a law submit a bill request to the Office of Legislative Services (OLS).
- OLS drafts a Legislative Service Request (LSR).
- In late November or early December, the list of LSRs is published. This list consists of a number, bill sponsor names, and title of the bill. (e.g. LSR 2023-0001)
- Once an LSR is signed off on by sponsors and cosponsors, it will be assigned a bill number and the text will become publicly available.
- The bill number will designate the originating body with a two-letter code for the House (HB) or Senate (SB). (e.g. HB 123)
- Prior to being assigned a bill number, an LSR may be “withdrawn” (i.e. killed) by the sponsors.

Step 2: Hearing Process

- After a bill receives a number, it will be assigned by the presiding officer of the body to a specific policy committee.
- e.g. House Speaker may assign HB 123 to House Judiciary Committee.
- The policy committee chair will then pick a date and time for a public hearing.
- The public hearing is when the committee – as a whole – will receive public input on the bill.
- However, it is always possible to contact individual members of the legislature outside of a public hearing to give your opinion on a specific bill.
- During the hearing, the committee members may ask questions of those testifying to clarify points or obtain additional information.

Differences Between House & Senate Hearings

- House committees generally consist of 19 – 21 members compared to the Senate’s usual 5 member committees.
- House committees utilize “pink cards” for those testifying. Those are literal pink cards that individuals fill out with their name, contact information, bill information, and position.
- House committees also have a “blue sheet” for those not testifying. That is a literal blue piece of paper coded for each bill that those with an opinion but nothing to tell the committee may sign their name and register their opinion.
- Senate committees, in contrast, have a single sign-up sheet where individuals may register their opinion and check the box as to whether they would like to speak.

Step 3: Committee Recommendation Process

- After concluding the public hearing, the committee will – at some point – enter “executive session” to discuss the bill amongst its own membership.
- Executive session may be held immediately after the hearing, later the same day, or on another day altogether.
- During the executive session, the committee will debate what it wants to do and vote to make a recommendation to the full body.
- Often, each party will caucus prior to executive session to determine whether a party position is appropriate.

Types of Committee Recommendations

- **OTP:** A recommendation by the committee indicating that the committee supports the bill.
- **OTPA:** A recommendation by the committee indicating that the committee supports the bill with an amendment(s).
- **ITL:** A recommendation by the committee indicating that the committee is against the bill.
- **Re-Refer to Committee:** A committee report only in the first-year session.
- **Refer to Interim Study:** A committee report only in the second-year session.

Step 4: Consideration by the Full Body

- Each bill will come to the full body (i.e. the full House or Senate) with a recommendation from a policy committee.
- The full body will then vote on the bill.
- If the body passes the bill, it moves forward. Otherwise, the bill either dies (“inexpedient to legislate” (ITL) or, often, “table”) or is sent back to the policy committee for further work.
- If the bill passes AND caused the state to spend money, it must go to a second committee. The second committee is a financial committee.
- The trick to know whether a bill is going to second committee is whether it has a “fiscal note” attached – a summary of the financial cost at the end of the bill. (e.g. HB 123-FN)

Step 4: Consideration by the Full Body Continued

- If the bill goes to second committee, that second committee has the opportunity to meet and make recommendations as to whether the proposed expenditure is a good use of state funds.
- The second committee's recommendation is again voted on by the full body.
- If there is no second committee or the bill goes to second committee and again passes the full body, then it heads to the other body (i.e. the Senate if a House Bill, the House if a Senate Bill).
- The other body goes through the same steps.

Step 5: Committees of Conference, Governor Signs or Vetos

- Bills that pass the second body with an amendment are sent back to the originating body to either approve (“concur”), not approve (“non-concur”) or not approve and ask for a committee of conference.
- Committees of conference (CoC) may consider any version of the bill previously passed by either body as well as changes relative to the same statute/subject matter.
- Committees of conference also make recommendations to their respective bodies.
- Bills that pass both bodies – whether or not they require a CoC – are sent to the governor for the governor to either sign into law or veto.

Amendments

- Amendments to bills may be offered at nearly any time.
- Typically, amendments will be offered by the bill sponsor at the policy committee hearing for consideration by the committee, but they may also be offered by a member of the committee (although this normally occurs at executive session).
- Amendments may also be suggested by lobbyists, individuals, and other legislators. However, those are only necessarily considered if a member of the committee or the sponsor support the amendment.
- Amendments may also be offered by any legislator on the “floor” of the House or Senate, i.e. during consideration by the full body.

The General Court Website

13 JANUARY 2023 HOUSE RECORD		5
MUNICIPAL AND COUNTY GOVERNMENT, Room 301-303, LOB		
10:00 a.m.	<i>HB 95</i> , enabling municipalities to adopt rental practice regulations.	
10:45 a.m.	<i>HB 422-FN</i> , to create a public county registry of the monthly rent charged by landlords for each owned unit.	
11:00 a.m.	<i>HB 98-FN</i> , relative to applications for the low and moderate income homeowners property tax relief program.	
11:15 a.m.	<i>HB 99-FN-L</i> , requiring tax bills to provide information about a state tax rebate program for lower income homeowners.	
12:00 p.m.	<i>HB 154</i> , relative to the adoption of public health ordinances by municipalities.	
1:30 p.m.	<i>HB 433-FN</i> , providing that property tax exemptions granted prior to a home sale shall not be applied to the new homeowner.	
2:00 p.m.	<i>HB 295-FN</i> , relative to requiring all selectboard and school board meetings to be recorded and broadcast live online.	
2:30 p.m.	<i>HB 416-FN</i> , relative to membership on certain local land use boards.	
3:00 p.m.	<i>HB 77-L</i> , relative to compensation for county delegation meetings.	
3:15 p.m.	<i>HB 123</i> , relative to governing body members of the budget committee.	
RESOURCES, RECREATION AND DEVELOPMENT, Room 305-307, LOB		
9:00 a.m.	Committee Orientation and Organization.	
9:45 a.m.	<i>HB 174</i> , relative to the filing of notice of intent to cut timber.	
10:15 a.m.	<i>HB 194-FN</i> , requiring the director of the division of archives and records management to compile and maintain a list of public monuments.	
10:45 a.m.	<i>HB 141</i> , relative to dogs on hiking trails in state parks.	
11:15 a.m.	<i>HB 434-FN</i> , relative to flying drones in state parks.	
1:30 p.m.	Visit to Department of Environmental Services. 29 Hazen Drive, Room 208C, Concord, NH.	
THURSDAY, JANUARY 19		
CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 202-204, LOB		
10:00 a.m.	<i>HB 143</i> , relative to wiretapping to record conversations related to domestic violence.	
10:45 a.m.	<i>HB 160</i> , relative to public display of chest.	
11:30 a.m.	<i>HB 201-FN</i> , relative to changing the penalties for driving without a license.	
12:00 p.m.	<i>HB 291-FN</i> , relative to false reports to certain departments.	
EDUCATION, Room 205-207, LOB		
9:30 a.m.	<i>HB 464-FN</i> , relative to eligible students in the education freedom account program.	
11:00 a.m.	<i>HB 367-FN-L</i> , relative to eligibility of students in the education freedom account program.	
11:30 a.m.	<i>HB 365</i> , relative to a statewide facility condition assessment for school buildings.	
1:00 p.m.	<i>HB 380-FN</i> , relative to non-academic surveys administered by a public school or a chartered public school to its students.	
1:45 p.m.	<i>HB 399-FN</i> , allowing for a testing exception for graduation from high school.	
2:30 p.m.	<i>HB 45</i> , establishing a committee to study student loan forgiveness in New Hampshire.	
EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306-308, LOB		
10:00 a.m.	<i>HB 266</i> , relative to notice and public access requirements for hybrid and virtual agency public comment hearings for rulemaking.	
10:45 a.m.	<i>HB 337-FN</i> , relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.	
1:00 p.m.	<i>HB 109</i> , relative to the occupational therapy practice act.	
1:30 p.m.	<i>HB 258</i> , establishing a certification for animal chiropractors.	
2:15 p.m.	<i>HB 409-FN</i> , relative to nonresident licensure by the board of barbering, cosmetology, and esthetics.	
JUDICIARY, Room 206-208, LOB		
9:00 a.m.	<i>HB 320-FN</i> , relative to free speech in interactive computer services.	
9:30 a.m.	<i>HB 171-FN</i> , relative to bodily injury actions against governmental units.	
10:00 a.m.	<i>HB 314-FN</i> , relative to the expectation of privacy in the collection and use of personal information.	
10:30 a.m.	<i>HB 149-FN</i> , relative to the handling of requests made under the right-to-know law.	
11:00 a.m.	<i>HB 254</i> , relative to remote participation in public meetings under the right to know law.	
11:30 a.m.	<i>HB 289-FN</i> , relative to consultation with legal counsel under the right to know law.	
1:00 p.m.	<i>HB 307-FN</i> , relative to attorney's fees in actions under the right to know law.	
1:30 p.m.	<i>HB 308</i> , relative to a quorum for meetings open to the public to include remote presence.	
2:00 p.m.	<i>HB 321-FN-L</i> , relative to minutes from nonpublic sessions under the right to know law.	
2:30 p.m.	<i>HB 347-FN</i> , establishing a superior court land use review docket.	

Thursday

January 19, 2023

9:00am - 4:30pm	● ==REVISED==House Judiciary : LOB, Room 206-208
9:30am - 4:30pm	● House Education : LOB, Room 205-207
10:00am - 4:30pm	● House Executive Departments and Administration : LOB, Room 306-308
10:00am - 4:30pm	● House Labor, Industrial and Rehabilitative Services : LOB, Room 305-307
10:00am - 2:30pm	● House Criminal Justice and Public Safety : LOB, Room 202-204
10:30am - 12:00pm	● House Municipal and County Government : LOB, Room 301-303
10:30am - 11:00am	● ==CANCELLED==Science, Technology and Energy : LOB, Room 302-304
1:30pm - 4:30pm	● House Municipal and County Government : LOB, Room 301-303

Bill Docket

S	Introduced 01/05/2023 and Referred to Election Law and Municipal Affairs; SJ 4
S	Hearing: 01/17/2023, Room 103, LOB, 10:00 am; SC 6
S	Committee Report: Ought to Pass with Amendment # 2023-0056s, 01/19/2023; Vote 5-0; CC; SC 6A

House and Senate Key Dates

2023 HOUSE DEADLINES

Friday, January 20, 2023	Last day to introduce House Bills Last day to amend House Rules by majority vote
Thursday, February 16, 2023	Last day to report HBs going to a second committee
Thursday, February 23, 2023	Last day to act on HBs going to a second committee
Thursday, March 16, 2023	Last day to report all HBs not in a second committee, except budget bills
Thursday, March 23, 2023	Last day to act on HBs not in a second committee, except budget bills
Thursday, March 30, 2023	Last day to report all remaining HBs Last day to report list of retained HBs
Thursday, April 6, 2023	CROSSOVER Last day to act on all bills
Thursday, May 11, 2023	Last day to report Senate Bills going to a second committee
Thursday, May 18, 2023	Last day to act on SBs going to a second committee
Thursday, June 1, 2023	Last day to report all remaining SBs Last day to report list of retained SBs
Thursday, June 8, 2023	Last day to act on SBs
Thursday, June 15, 2023	Last day to form Committees of Conference
Thursday, June 22, 2023	Last day to sign Committee of Conference reports (4 p.m.)
Thursday, June 29, 2023	Last day to act on Committee of Conference reports

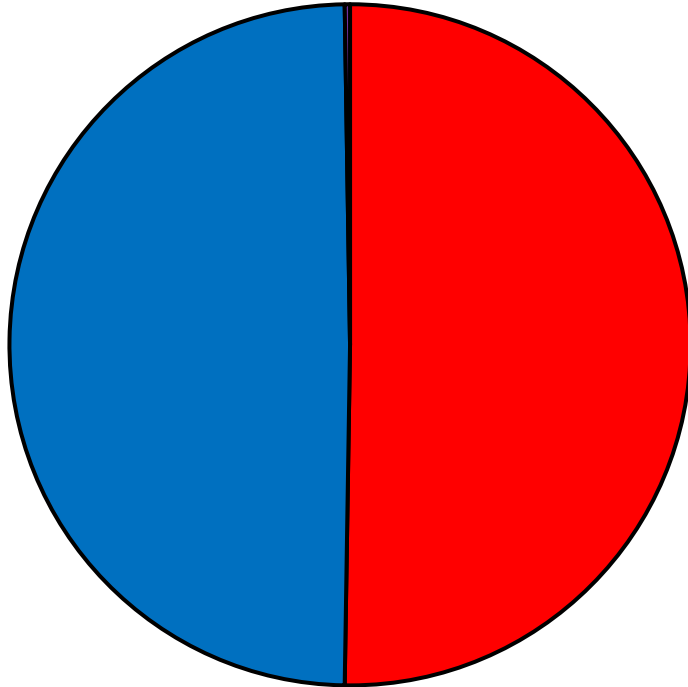
SENATE SCHEDULE

Monday, January 16, 2023	Martin Luther King Jr./Civil Rights Day (State Holiday)
Tuesday, January 17, 2023 at 5:00 p.m.	Deadline for prime sponsors to sign off on legislation.
Thursday, January 18, 2023 at 5:00 p.m.	Deadline for co-sponsors to sign off on legislation.
Monday, February 20, 2023	President's Day (State Holiday)
Monday, February 27, 2023 – Friday, March 03, 2023	SENATE BREAK.
Thursday, March 09, 2023	Deadline for Policy Committees to ACT on all Senate bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-5.
Thursday, March 30, 2023	CROSSOVER – Deadline to ACT on all Senate bills.
Thursday, May 18, 2023	Deadline for Policy Committees to ACT on all House bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-5.
Monday, May 29, 2023	Memorial Day (State Holiday)
Thursday, June 08, 2023	Deadline to ACT on all House bills.
Thursday, June 15, 2023	Deadline to FORM Committees of Conference.
Thursday, June 22, 2023	Deadline to SIGN Committee of Conference Reports.
Thursday, June 29, 2023	Deadline to ACT on Committee of Conference Reports.

The 2023 Session

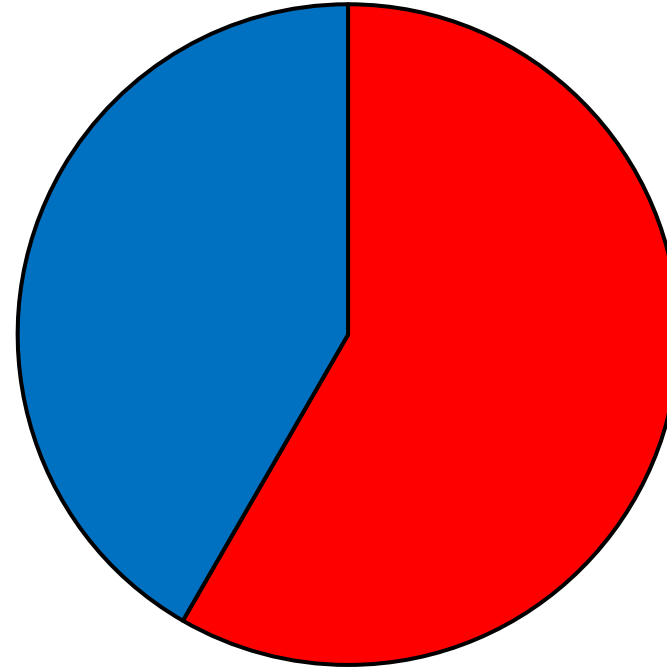
2023-2024 Balance of Power

House



■ Republicans ■ Democrats ■ Tie

Senate



■ Republicans ■ Democrats

House Committee Recommendations & Special Committee on Housing

- Due to even split between Democrats and Republicans in House committees it is likely that many bills will receive a tie vote and go to the floor of the House with no recommendation of OTP or ITL
- Committee recommendations will only tell us whether everyone agrees on the bill, or whether we will have to see who shows up on voting day.
- Unclear of role of House Special Committee on Housing, with 10 members, evenly split between Democrats and Republicans.

Planning, Zoning, Land Use, and Housing Bills in 2023 Session

HB 44: Relative to permissible residential units in a residential zone

- Amends 674:16 (powers to enact zoning) by allowing as a matter of right any single-family lot in a residential zoning district served by municipal water and sewer to be used for 4 residential dwelling units
- The 4 dwelling units may be configured as single 4-unit building, 2 duplex units, 4 single units, or 4 townhouses.
- The lot and yard standards, setbacks, parking requirements, and lot coverage shall comply with but be no more restrictive than those required for a single-family dwelling (i.e. if you allow 2 parking spaces for a SFH, you can't allow more than 8 parking spaces for a 4-unit building)
- All relevant building code and fire code requirements still apply

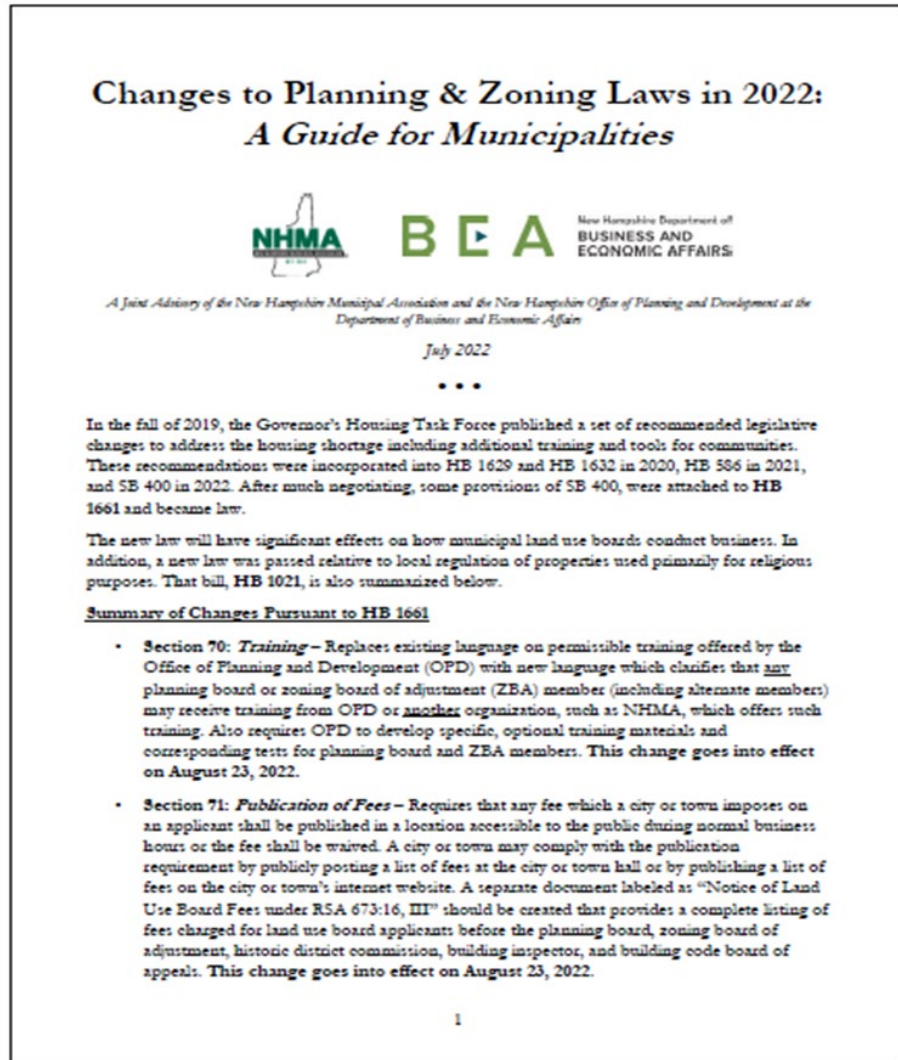
Revisiting HB 1021: Primarily Religious Use of Land

- HB 1021 (2022), codified as RSA 674:76 was modeled after [Massachusetts's Dover Amendment](#) which was enacted in 1950 in response to local zoning bylaws that prohibited religious schools within a town's residential neighborhoods. However, the exact wording of the two statutes differs.
- RSA 674:76 reads in relevant part:
 - *“No zoning ordinance or site plan review regulation shall prohibit, regulate, or restrict the use of land or structures primarily used for religious purposes...”*

What Does HB 1021 (2022) – RSA 674:76 Do?

- The new statute overrides any municipal limitations – but is silent on state and federal regulations, meaning those would still apply – for land or structures used primarily for religious purposes.
- The new law likely permits site plan review that is limited to controlling the heights of structures, yard sizes, lot area, setbacks and building coverage requirements provided such requirements apply equally to non-religious and religious uses and do not substantially burden religious exercise.
 - *Planning boards should be aware that other site plan review requirements, such as lighting, signs, noise, on-site and off-site drainage, erosion and sediment control, layout of streets and sidewalks, utility design and installation, open space, pervious/impervious area, landscaping, and parking/access management requirements, *etc.*, would not be applicable to qualifying religious properties.
 - However, legally authorized enforcement of state and federal laws, such as compliance with the state building and fire codes, local driveway regulations, septic and sewer regulations, shoreland protection requirements, wetlands, *etc.*, would continue to apply to qualifying properties.

Where to Find Additional Information about 2022 HB 1021



[Download Joint NHMA BEA Changes to Planning & Zoning Laws in 2022: A Guide for Municipalities](#)

HB 63: Relative to Religious Use of Land and Structures

HB 63 Bill Text	Explanation
I. No zoning ordinance or local land use regulation shall prohibit, regulate, or restrict the use of land or structures based solely on the religious nature of the use.	Incorporates the decision in <i>Church of Lukumi Babalu Aye, Inc. v. Hialeah</i> , 508 U.S. 520, 533 (1993) (“[A] law targeting religious beliefs as such is never permissible”).
II. No zoning ordinance or local land use regulation shall impose a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the regulation is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.	Incorporates the <i>Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)</i> , 42 U.S.C. §§ 2000cc, et seq., which protects individuals, houses of worship, and other religious institutions from discrimination in zoning laws.
II. The building of housing to house the unhoused (“homeless”) by a religious organization shall qualify as religious exercise under this section	New language requested by the sponsor

HB 90: Relative to the Municipal Master Plan

- Amends municipal master plan statute, RSA 674:2, III(o) to include:
 - A transition to renewable energy section, which includes an analysis of citizens' needs for alternative sources of energy, such as EV charging stations, enhanced bike lanes, community power generation and incorporation of solar and wind power into the area under the jurisdiction of the planning board.
 - Provides authority for a planning board to adopt any other section addressing any other topic relevant to the appropriate future development of the area under the jurisdiction of the planning board that are not specifically enumerated in this section.

HB184: relative to public notice requirements for ZBA hearings

- Amends RSA 676:7, by no longer requiring ZBA hearing public notices to be posted in a publication in a paper of general circulation if:
 - (a) Notice is posted on the municipality's website
 - (b) Notice appears prominently on the website's home page, or a direct link to the notice shall appear prominently on the home page;
 - (c) Notice is posted not less than 5 days before the date fixed for the hearing of the appeal and remains on the website until the conclusion of the hearing; and
 - (d) Notice is posted in 2 other public places.

HB 236: relative to condominium conversions under water and waste disposal laws and municipal ordinance

- A condominium conversion shall not be considered a subdivision for purposes of regulation of individual sewage disposal systems by DES
- No subdivision regulation in any city or town shall apply to a condominium created by changing the ownership form of an existing building or set of buildings, provided that such conversion does not result in additional dwelling units, and does not result in the creation of new, separate building lots.
- Changes in the hours, days, or seasons of operation shall not be considered a change in use.

HB 296: Relative to Local Authority for Granting Driveway Permits

- The provisions of the state fire code and associated rules shall not supersede the authority of local land use boards under planning and zoning provisions of Title LXIV of the RSA to regulate and permit driveway access when not governed by RSA 236:13.

HB298: relative to placement of personal wireless service facilities

- Amends RSA 12-K:10, stating that review of collocation applications for personal wireless service facilities (PWSF) should include conformity with structural integrity standards
- Requires each collocation application to be compliant with all applicable national, state, and local building, electrical, and fire codes and ANSI/APCO Public Safety Grade Site Hardening Requirements
- Adds prohibition against PWSF significantly affecting historical or environmentally-sensitive areas to collocation applicant review criteria
- Amends RSA 676:4, I by inserting language that states:
 - (j) A planning board may require the applicant for any personal wireless service facility and/or any personal wireless service provider that will place personal wireless service equipment on the facility to
 - (1) indemnify the authority for any costs or losses
 - (2) carry adequate liability coverage, including pollution insurance

HB 340: relative to transfer of residential property

- Adds a new section at the end of RSA 674 (Planning and Zoning)
- Restricts the acquisition of single-family and multi-family housing to natural persons or revocable trusts with the following exceptions:
 - (a) Real estate on which single-family housing, including single-family housing with one or more accessory dwelling units on the same parcel of land, or multi-family housing is located which is acquired for the purpose of nonhousing development shall be converted to another use within 5 years after the acquisition of the interest in the real property.
 - (b) Real estate acquired by a nonnatural person for the purpose of developing single-family or multi-family housing may be held by a nonnatural person for a period not to exceed 2 years after issuance of an occupancy permit, unless the nonnatural person can show by a preponderance of the evidence that it has been attempting to convey the property to a natural person.
 - (c) Real estate acquired by a nonnatural person prior to January 1, 2024 shall be grandfathered from this law subject to the provision that the successor in interest may not also be another nonnatural person, unless provided for by another exception in this law.

HB 340: relative to transfer of residential property (continued)

- As of January 1, 2024, all nonnatural person acquiring single or multi family housing within one of the specified exceptions will be required register and file reports with the Secretary of State before March 31st of each year of registration.
- The Secretary of State shall report violations or untimely reports or registrations to the Attorney General.
- If a court finds that a nonnatural person has violated this law, it shall transfer ownership of the land to the municipality in which the land is located.
- A nonnatural person shall be assessed a penalty of \$5,000 for failing to file the registration or annual report with the Secretary of State.

HB 347: establishing a superior court land use review docket

- Establishes a land use review docket in superior court for appeals from decisions of local land use boards, including but not limited to decisions of municipal planning boards, zoning boards, historic district commissions, and conservation commissions.
- The governor with consent of executive council would appoint an Associate Justice to fill this role who shall be qualified by reason of such person's knowledge and experience in land use and real property law.
- The chief of superior court could appoint additional justices depending on case load
- All appeals to superior court filed pursuant to RSA 677 and all proceedings for such appeals, shall be assigned to the land use review docket, including motion practice, discovery, injunctive relief, alternative dispute resolution, and hearing on the merits.
- The Land Use Associate Justice would have 120 days from receiving the certified record to issue a final decision
 - Court to hold structuring conference with 30 days of receipt of notice of appeal
 - At the structuring conference the court shall set a deadline for the filing with the court of the certified record
 - Hearing on the merits to be held within 60 days of receipt of the certified record
 - Th Court shall issue a decision on the merits within 60 days of the hearing
- The court can agree to extend the deadline upon agreement of the parties if good cause is shown



HB 416: relative to membership on certain local land use boards

- Amends RSA 676 by inserting section 676:3-a
- No ZBA or planning board member who ever invented or purported to invent an information classification system, or who has refused to turn over records that were later found to be public records, or who has sat on a board considering a matter on which he or she has a vested interest, or who has proposed or voted on new zoning ordinances or regulations on which he or she has a vested interest, shall be elected, appointed or sit on any ZBA, planning board, or board of selectmen of the town in which they reside.
- Any person found to have violated RSA 676:3-a shall be disqualified from participation and shall not have his or her presence count for a quorum on the board.
- There shall be a private right of action whereby any citizen of New Hampshire can challenge a town board for allowing such a prohibited person to sit or vote on a board, and the town shall be liable for reasonable attorney's fees and costs incurred in a lawsuit under this section.

HB 423: relative to accessory dwelling units allowed by right

- Increases the number of Accessory Dwelling Units (ADU) a municipality must allow by right, special exception, or conditional use permit from 1 to 2
- Requires a municipality to permit at least 1 detached ADU
- Amends the definition of attached ADU to include “units that are completely contained within preexisting detached structures
- Increases the minimum square footage from 750 to 1,000 square feet for the first ADU and 850 square feet for the second ADU
- Allow municipalities to require a minimum of half an acre for 2 or more ADUs.
- If a property has 2 or more ADUs, a municipality can require that at least one of them meet the criteria for a workforce housing rental unit in RSA 674:58, IV.
- Interior doors are no longer required between the principal dwelling unit and ADU.
- Law would take effect January 1, 2024 (prior to 2024 Town Meeting)

HB 636: relative to required education for zoning board of adjustment members

- Amends RSA 673:3-a (Land Use Board Training Statute)
- Would require all ZBA members to receive 8 hours of annual mandatory training including 4 hours of instruction on the 5 prongs of the variance process, including references to current New Hampshire supreme court precedents, at least 1 hour of instruction on complying with RSA 91-A on open meetings, and at least 1/2 hour of instruction on the proper discussion and voting procedures for ZBA meetings.
- BEA (OPD) would be required to administer a mandatory written test, which would require a minimum of 80% to pass.
- BEA would be required to post a list of members that have passed or failed on a publicly accessible website, within 60 days of each testing date
- No ZBA member who hadn't passed the test within the previous 12 months could sit on any ZBA meeting or count towards quorum or vote total.
- BEA Commissioner would assess a fine of \$100 for first violation, with increase up to \$200 after 30 days, and after 60 days shall have a 10% interest until fine is paid.

SB47: establishing a commission to study barriers to increased density of residential development in New Hampshire

- Would reconstitute the Density Commission which met from September 2019 to November 2020, but had its work curtailed due to COVID
- 15-member legislative study commission with 8 legislators and 7 non-legislators made up of a variety of stakeholder interests in compliance with RSA 14:49, II (c), would meet until November 1, 2024, with interim report due November 1, 2023
- Would be tasked with:
 - Determining minimum standards of residential development density for different housing types by considering the availability of public water and sewer infrastructure or other appropriate alternatives and account for variability of environmental conditions.
 - Considering possible property tax incentives to promote residential density development, particularly workforce housing.
 - Exploring possible methods of enforcement of the shared community responsibility of workforce housing under RSA 674:58-61.
 - Studying the impacts of development, specifically impacts on school enrollment and property values.
 - Examining potential model ordinances to support municipalities in their planning work.
 - Examining build out potential of existing residential properties based on the existence of water/sewer infrastructure or lack thereof.
 - Examining DES individual septic system capacity and siting requirements for areas not served by water or sewer

LSR 2023 – 1045: relative to New Hampshire housing champion designation for municipalities and making appropriations therefor.

- Awaiting bill language to be published on NH General Court website and bill number to be assigned
- Would seek to establish the NH Housing Champions program at BEA, which was left out of final version of 2022 HB 1661, but was in previous versions of the Community Housing Toolbox bill which came out of Governor Sununu’s 2019 Housing Taskforce.
- It is a voluntary program that would grant municipalities access to matching grants for local infrastructure to support new housing development in exchange for changes to local land use regulations and zoning ordinances that promote the building of more workforce housing and training of their planning board and zoning board members
- Housing Champions Designation would occur on a 3-year rolling basis
- Rulemaking would occur in advance of the launch of the program to allow the BEA to fill in the details about what sorts of zoning code changes would be necessary to adopt for designation as a “Housing Champion” and how the additional money would be allocated

LSR 2023 – 1048: relative to housing opportunity zones and inclusionary zoning

- Awaiting bill language to be published on NH General Court website and bill number to be assigned
- Would seek to expand definition of inclusionary zoning contained in RSA 674:21 (Innovative Land Use Control statute) to allow communities to adopt mandatory inclusionary zoning, which was left out of final version of 2022 HB 1661, but was in previous versions of the Community Housing Toolbox bill which came out of Governor Sununu's 2019 Housing Taskforce.
- Mandatory inclusionary zoning would allow municipalities to require a developer to build a certain # or percentage of affordable units as opposed to current statute which only allows inclusionary zoning as a voluntary incentive
- As in previous versions, mandatory inclusionary zoning ordinances must include standards that ensure the economic viability of developments is not reduced in comparison to developments that do not require housing affordability
- Would encourage the use of mandatory inclusionary zoning in conjunction with RSA 79-E:4-c (housing opportunity zones)

Legislative Advocacy for Planners

- OPD doesn't take policy positions on bills
- If you have an interest in a bill there are several ways to engage in the process
 - Write a letter to the editor of your local newspaper expressing your support or opposition to a bill
 - Submit written letter of support or opposition to house or senate committee
 - Attend a bill's committee hearing and register your support or opposition to a bill (sign-up sheet in Senate, blue sheet in House)
 - Testify at a bill's policy committee hearing – best practice to prepare up to 2-minute oral statement and longer written testimony
 - Lobby sponsor of bill, member of committee, or your own legislator

Contact Information

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InvestNH Municipal Grants

Municipal Per Unit Grant

Total Budget: \$30 Million

- Incentive program offering **\$10,000 to municipalities for each unit of new affordable housing, they permit.**
- One-time payments, first-come first served
- All permits must be issued, with final permit(s) applied for after **February 17, 2022 and issued with 6 months of application**
- Required a **minimum of 3 new affordable units to families at or below 80% Area Median Income (AMI)**
- Affordability commitment lasts at **least 5 years**
- Complete and ready for occupancy on or before **May 3, 2024**
- Award Caps: \$10,000 per unit, \$1 million per project, \$1 million per municipality

Visit invest603.com for additional program details and applications

Municipal Demolition Grant

Total Budget: \$5 Million

- For municipalities to use or distribute for the demolition of vacant and dilapidated buildings
- Property must be **vacant for 90 days** prior to application.
- **No reasonable, cost-effective** measures that could restore it to use.
- Demolition must be part of larger **revitalization or greening plan.**
- Demolition **must positively impact housing availability.**
- Grant may be used to cover **demolition related expenses**, including **permitting costs** and **environmental abatement** made necessary by the demolition.

If you have questions, e-mail

investnh@livfree.nh.gov



New Hampshire Department of
BUSINESS AND
ECONOMIC AFFAIRS



DEADLINE APPROACHING

The deadline for phase one of the Housing Opportunity Planning (HOP) grants is coming up! Applications are due January 27th, 2023.

Visit NHHOPGrants.org for details.

- Part of Governor Sununu's \$100 million InvestNH initiative, HOP grants are for municipalities to hire consultants to work on one or more of the three phases of regulatory change.
- Phase one grants are to be used for needs analysis and planning work with the purpose of increasing housing supply. These grants may be used to:
 - Understand and map housing, income, and demographic data, including housing market costs, housing units needed to meet future expected growth, and the affordability of a municipality's housing for all income ranges.
 - Review the existing master plan to identify sections related to housing development and draft revisions to those master plan sections for the purpose of supporting increase housing supply.
- There is a \$25,000 maximum for this phase.
- If you have questions, e-mail info@NHHOPgrants.org

Questions and Answer Section

- If you would like to ask a question, please either raise your hand and unmute yourself or type your question in the Chat box. If on the phone, lines have been unmuted



- **Planning Lunches at Noon (PLAN) Monthly Webinar Series**

www.nh.gov/osi/planning/planning-training.htm

Slides and recordings of all completed webinars

Schedule for 2023 upcoming webinars

A short, anonymous online survey to gather feedback and topics
for future webinars

THANK YOU