

HB 113 – AS AMENDED BY THE HOUSE

30Jan2013... 0008h

2013 SESSION

13-0066  
03/01

HOUSE BILL            **113**

AN ACT                relative to lot access for erection of buildings.

SPONSORS:            Rep. J. Belanger, Hills 27

COMMITTEE:          Municipal and County Government

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ANALYSIS

This bill permits erection of a building on a lot that has access to a class VI or better highway via a private right-of-way.

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Explanation:          Matter added to current law appears in ***bold italics***.  
                                Matter removed from current law appears [~~in brackets and struck through~~].  
                                Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT                   relative to lot access for erection of buildings.

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

1           1 Erection of Buildings; Street Access. Amend RSA 674:41, III to read as follows:

2           III. This section shall supersede any less stringent local ordinance, code, or regulation, and  
3 no existing lot or tract of land shall be exempted from the provisions of this section except in  
4 accordance with the procedures expressly set forth in this section. For purposes of paragraph I, “the  
5 street giving access to the lot” means a street or way abutting the lot and upon which the lot has  
6 frontage. It does not include a street from which the sole access to the lot is via a private easement  
7 or right-of-way, unless:

8                   **(a)** Such easement or right-of-way also meets the criteria set forth in subparagraphs  
9 I(a), (b), (c), (d), or (e); **or**

10                   **(b) *Such right-of-way provides access to a class VI or better highway, provided***  
11 ***that:***

12                           ***(1) The municipality neither assumes responsibility for maintenance of said***  
13 ***private right-of-way nor liability for any damages resulting from the use thereof; and***

14                           ***(2) Prior to the issuance of a building permit, the applicant shall produce***  
15 ***evidence that notice of the limits of municipal responsibility and liability has been***  
16 ***recorded in the county registry of deeds for the lot for which the building permit is sought.***

17           2 Effective Date. This act shall take effect 60 days after its passage.