

HB 191 – AS INTRODUCED

2013 SESSION

13-0587
03/10

HOUSE BILL **191**

AN ACT relative to conformity of governmental land uses to land use regulations.

SPONSORS: Rep. K. Rogers, Merr 28; Rep. Carey, Merr 26

COMMITTEE: Municipal and County Government

ANALYSIS

This bill authorizes a municipality to deny a proposed governmental land use based on nonconformity with applicable land use regulations.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to conformity of governmental land uses to land use regulations.

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

1 1 Governmental Land Uses. Amend RSA 674:54, II to read as follows:

2 II. The state, university system, community college system of New Hampshire, county, town,
3 city, school district, or village district shall give written notification to the governing body, **zoning**
4 **board of adjustment**, and planning board, if such exists, of a municipality of any proposed
5 governmental use of property within its jurisdiction, which constitutes a substantial change in use or
6 a substantial new use. Written notification shall contain plans, specifications, explanations of
7 proposed changes available at the time, a statement of the governmental nature of the use as set
8 forth in paragraph I, and a proposed construction schedule. Such notification shall be provided at
9 least ~~60~~ **90** days prior to the beginning of construction. ~~Either~~ The governing body, **zoning board**
10 **of adjustment**, or planning board of the municipality ~~may~~ **shall** conduct a public hearing relative
11 to the proposed governmental use. Any such hearing shall be held within ~~30~~ **60** days after receipt
12 of notice by the governing body, **zoning board of adjustment**, or planning board. A representative
13 of the governmental entity which provided notice shall be available to present the plans,
14 specifications, and construction schedule, and to provide explanations. The governing body, **zoning**
15 **board of adjustment**, or planning board ~~may issue nonbinding written comments relative to~~
16 ~~conformity or~~ **shall issue a binding written decision, which may deny the use based on**
17 nonconformity of the proposal with ~~normally~~ applicable land use regulations ~~to the sponsor of the~~
18 ~~governmental use~~ within 30 days after the hearing. **To the extent that a binding decision**
19 **denies a governmental entity's proposed use and such denial substantially interferes with**
20 **the governmental entity's ability to perform its statutory purpose, such written decision**
21 **shall become nonbinding.**

22 2 Effective Date. This act shall take effect 60 days after its passage.