

CHAPTER 78
SB 80 – FINAL VERSION

03/21/13 0855s

2013 SESSION

13-0328
10/03

SENATE BILL **80**

AN ACT relative to expanding the community revitalization tax relief program to provide incentives for rehabilitating historic structures.

SPONSORS: Sen. Watters, Dist 4; Sen. Woodburn, Dist 1; Sen. Fuller Clark, Dist 21; Sen. Lasky, Dist 13; Sen. Odell, Dist 8; Rep. Wall, Straf 6; Rep. Hess, Merr 24

COMMITTEE: Ways and Means

ANALYSIS

This bill allows towns and cities to add historic structures in the municipality, whose preservation and reuse would conserve the embodied energy in existing building stock, to the community revitalization tax relief program in RSA 79-E.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 expanding the community revitalization tax relief program to provide incentives for rehabilitating historic structures.

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

1 78:1 New Paragraph; Community Revitalization Tax Relief Incentive; Declaration of Public
2 Benefit. Amend RSA 79-E:1 by inserting after paragraph II-a the following new paragraph:

3 II-b. It is further declared to be a public benefit to encourage the rehabilitation of historic
4 structures in a municipality by increasing energy efficiency in the preservation and reuse of existing
5 building stock.

6 78:2 Definitions. Amend RSA 79-E:2 to read as follows:

7 79-E:2 Definitions. In this chapter:

8 I. ***“Historic structure” means a building that is listed on or determined eligible for***
9 ***listing on the National Register of Historic Places or the state register of historic places.***

10 II. ***“Qualifying structure” means a building located in a district officially designated in a***
11 ***municipality’s master plan, or by zoning ordinance, as a downtown, town center, central business***
12 ***district, or village center, or, where no such designation has been made, in a geographic area which,***
13 ***as a result of its compact development patterns and uses, is identified by the governing body as the***
14 ***downtown, town center, or village center for purposes of this chapter. *Qualifying structure shall****
15 ***also mean historic structures in a municipality whose preservation and reuse would***
16 ***conserve the embodied energy in existing building stock.*** Cities or towns may further limit
17 “qualifying structure” according to the procedure in RSA 79-E:3 as meaning only a structure located
18 within such districts that meet certain age, occupancy, condition, size, or other similar criteria
19 consistent with local economic conditions, community character, and local planning and development
20 goals. Cities or towns may further modify “qualifying structure” to include buildings that have been
21 destroyed by fire or act of nature, including where such destruction occurred within 15 years prior to
22 the adoption of the provisions of this chapter by the city or town.

23 [~~I-a.~~] III. “Replacement” means the demolition or removal of a qualifying structure and the
24 construction of a new structure on the same lot.

25 [~~H.~~] IV. “Substantial rehabilitation” means rehabilitation of a qualifying structure which
26 costs at least 15 percent of the pre-rehabilitation assessed valuation or at least \$75,000, whichever is
27 less. ***In addition, in the case of historic structures, substantial rehabilitation means***
28 ***devoting a portion of the total cost, in the amount of at least 10 percent of the pre-***
29 ***rehabilitation assessed valuation or at least \$5,000, whichever is less, to energy efficiency***

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1 *in accordance with the U.S. Secretary of the Interior’s Standards for Rehabilitation.* Cities
2 or towns may further limit “substantial rehabilitation” according to the procedure in RSA 79-E:3 as
3 meaning rehabilitation which costs a percentage greater than 15 percent of pre-rehabilitation
4 assessed valuation or an amount greater than \$75,000 based on local economic conditions,
5 community character, and local planning and development goals.

6 ~~[H-a.]~~ **V.** “Tax increment finance district” means any district established in accordance with
7 the provisions of RSA 162-K.

8 ~~[H.]~~ **VI.** “Tax relief” means:

9 (a) For a qualifying structure, that for a period of time determined by a local governing
10 body in accordance with this chapter, the property tax on a qualifying structure shall not increase as
11 a result of the substantial rehabilitation thereof.

12 (b) For the replacement of a qualifying structure, that for a period of time determined by
13 a local governing body in accordance with this chapter, the property tax on a replacement structure
14 shall not exceed the property tax on the replaced qualifying structure as a result of the replacement
15 thereof.

16 (c) For a qualifying structure which is a building destroyed by fire or act of nature, that
17 for a period of time determined by a local governing body in accordance with this chapter, the
18 property tax on such qualifying structure shall not exceed the tax on the assessed value of the
19 structure that would have existed had the structure not been destroyed.

20 ~~[IV-]~~ **VII.** “Tax relief period” means the finite period of time during which the tax relief will
21 be effective, as determined by a local governing body pursuant to RSA 79-E:5.

22 78:3 New Paragraph; Public Benefit. Amend RSA 79-E:7 by inserting after paragraph II the
23 following new paragraph:

24 II-a. It promotes the preservation and reuse of existing building stock throughout a
25 municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in
26 accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior’s
27 Standards for Rehabilitation.

28 78:4 Application. The provisions of this act shall not be applied in any city or town until the
29 amendments to RSA 79-E made in sections 1-3 of this act have been adopted according to the
30 procedures in RSA 79-E:3.

31 78:5 Effective Date. This act shall take effect April 1, 2013.

32 Approved: June 7, 2013

33 Effective Date: April 1, 2013