

CHAPTER 77
SB 347 – FINAL VERSION

03/06/14 0693s

2014 SESSION

14-2769
06/03

SENATE BILL **347**

AN ACT relative to municipal enforcement of land use ordinances.

SPONSORS: Sen. Watters, Dist 4; Sen. Soucy, Dist 18; Rep. Malloy, Straf 4; Rep. Stroud, Hills 21; Rep. Charron, Rock 4

COMMITTEE: Public and Municipal Affairs

ANALYSIS

This bill allows pleas by mail for violations of municipal land use ordinances and establishes a fine for landlords failing to designate an agent.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to municipal enforcement of land use ordinances.

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

1 77:1 New Paragraph; Local Ordinance Citations. Amend RSA 31:39-d by inserting after
2 paragraph IX the following new paragraph:

3 IX-a. For any offense that is subject to enforcement under RSA 676:17, a person who fails to
4 respond to a citation under this section within the time stated in the citation shall be subject to the
5 subsequent offense penalties of RSA 676:17.

6 77:2 Local Ordinance Citations. Amend RSA 31:39-d, X to read as follows:

7 X. This section shall not apply to ~~[offenses that are subject to enforcement under RSA 676]~~
8 ***violations of the New Hampshire building code as defined in RSA 155-A:1, IV***, or to motor
9 vehicle offenses under title XXI or any local law enacted thereunder.

10 77:3 New Section; Failure to File; Penalty. Amend RSA 540 by inserting after section 1-b the
11 following new section:

12 540:1-c Penalty. The governing body of a municipality may establish a fine not to exceed \$100
13 for the failure to file a statement designating an agent for service of process as required under
14 RSA 540:1-b. Any such fine may be collected in the same manner as a fine for violation of a
15 municipal ordinance, and shall be for the use of the municipality.

16 77:4 Landlord's Agent Required. Amend RSA 540:1-b, I to read as follows:

17 I. An owner of restricted property, as defined in RSA 540:1-a, II, who resides within the
18 state of New Hampshire shall, within 30 days of becoming the owner or within 30 days of the
19 effective date of this section, whichever occurs later, file a statement with the town or city clerk of
20 the municipality in which the property is located that provides the name, address, and telephone
21 number of a person within the state who is authorized to accept service of process for any legal
22 proceeding brought against the owner relating to the restricted property. Such person authorized to
23 accept service may be the owner of the premises. ***This section shall not apply to manufactured***
24 ***housing parks as defined in RSA 205-A:1, II.***

25 77:5 Effective Date. This act shall take effect January 1, 2015.

26 Approved: May 27, 2014

27 Effective Date: January 1, 2015