

CHAPTER 291
SB 387 – FINAL VERSION

03/27/14 0992s
05/08/14 1756EBA

2014 SESSION

14-2679
05/04

SENATE BILL **387**

AN ACT relative to exemptions from the land sales full disclosure act and relative to local land use citations.

SPONSORS: Sen. Watters, Dist 4; Rep. Butler, Carr 7

COMMITTEE: Public and Municipal Affairs

AMENDED ANALYSIS

This bill exempts certain subdivided land from the registration and reporting requirements of the land sales full disclosure act. The bill also corrects an obsolete reference in the statute governing local land use citations.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 exemptions from the land sales full disclosure act and relative to local land use citations.

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

1 291:1 New Paragraph; Exemption from the Land Sales Full Disclosure Act. Amend RSA 356-A:3
2 by inserting after paragraph I the following new paragraph:

3 I-a(a) A subdivider of subdivided lands of no more than 50 lots, parcels, units, or interests
4 may apply to the attorney general for an exemption from the registration and annual reporting
5 requirements of RSA 356-A:4, I and RSA 356-A:5 through RSA 356-A:9. Within 60 days of receipt of
6 an application for exemption, the attorney general shall issue a written notice to the subdivider
7 stating that the exemption has either been granted or denied, or the attorney general may identify
8 deficiencies in the application. The subdivider shall have 15 days to correct the deficiencies, or a
9 longer period mutually agreed to by the subdivider and the attorney general. If the attorney general
10 fails to respond to the application within 60 days, the subdivider shall be deemed to have been
11 granted an exemption. The governing body of the municipality in which the subdivision is located
12 shall be provided notice and an opportunity to submit comments to the attorney general on any
13 application for exemption under this paragraph.

14 (b) A subdivider shall be entitled to an exemption from the registration and annual
15 reporting requirements of RSA 356-A:4, I and RSA 356-A:5 through RSA 356-A:9 if the following
16 conditions are met:

17 (1) The subdivision shall have no more than 50 lots, parcels, units, or interests,
18 including any that might be added at any future time.

19 (2) Each lot offered or disposed of under the exemption shall be limited exclusively by:

20 (A) Enforceable covenants or restrictions; or

21 (B) Enforceable zoning ordinances applicable to single-family residences or
22 duplexes. For purposes of this subparagraph, mobile homes, townhouses, and other residences
23 intended for use by one family shall be considered single family residences.

24 (3) The city or town in which the subdivision lots are located has a population of at
25 least 5,000 at the time the application is filed, based on the most recent decennial U.S. census. If the
26 subdivision is located in more than one town or city, only those lots located in a town or city that has
27 a population of at least 5,000 may be exempted.

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1 (4) Each of the cities or towns in which lots are located shall have, prior to the time
2 the application is filed:

3 (A) Established a planning board pursuant to RSA 673:1, I.

4 (B) Enacted a process for the enforcement of the state building code pursuant to
5 RSA 674:51.

6 (C) Appointed a building inspector pursuant to RSA 673:1, III.

7 (D) Adopted a zoning ordinance pursuant to RSA 674:16.

8 (E) Adopted subdivision regulations pursuant to RSA 674:36.

9 (5) The contract of sale shall require delivery of a warranty deed, free from monetary
10 liens and encumbrances, to the purchaser within 360 days after the signing of the sales contract.

11 (6) The contract of sale shall be voidable at the election of the purchaser, in the event
12 the warranty deed has not been delivered within the required time period, and the contract shall
13 state that it is so voidable.

14 (7) The purchaser or purchaser's agent shall make a personal, on-site inspection of
15 the lot purchased prior to signing a contract or agreement to purchase.

16 (8) If the subdivider or the subdivider's agent represents in any manner that
17 improvements, roads, sewers, water, gas or electric service, or recreational amenities will be
18 provided or completed by the subdivider, the purchase and sale agreement shall contain provisions
19 so obligating the subdivider.

20 (9) The purchase and sale agreement shall contain notice of the cancellation rights
21 under RSA 356-A:4, II and shall identify the person or institution holding deposits in escrow by
22 name and address.

23 (10) The subdivider shall not:

24 (A) Have been convicted of any crime within the past 10 years which, if
25 committed in this state, would constitute a felony.

26 (B) Have been the subject of a cease and desist order, revocation, injunction, or
27 similar enforcement order relating to illegal condominium or land sales activity in this state or elsewhere.

28 (C) Have as a principal, any person or entity who has been subject to such
29 enforcement order or criminal conviction, or who has been a principal in an entity that has been
30 subject to such enforcement order or criminal conviction.

31 (11) The subdivider shall provide, by certified mail, a copy of the request for
32 exemption under this paragraph to the governing body of each city or town in which lots are located.
33 Postal receipts verifying that the governing body has been so notified shall be submitted to the
34 attorney general with the application for exemption.

35 291:2 Application for Registration. Amend RSA 356-A:5, II to read as follows:

36 II. ***For subdivisions not entitled to exemption under RSA 356-A:3, I-a***, a subdivider of
37 subdivided lands of no more than 50 lots, parcels, units or interests may make an abbreviated

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1 registration in lieu of these requirements, which shall contain only the documents and information
2 required by RSA 356-A:5, I(a), (c)-(h), (j), (n)-(p) and (v); provided, however, that this section shall not
3 apply to subdivided lands involving time share interests.

4 291:3 Local Land Use Citations; Pleas by Mail. Amend RSA 676:17-b, II(h) to read as follows:

5 (h) The amount of the civil penalty as set forth in RSA 676:17, I~~(b)~~, which is payable by
6 the offender for each day the violation continued subsequent to such written notice, up to a
7 maximum of 5 days' violation charged in one citation.

8 291:4 Effective Date. This act shall take effect 60 days after its passage.

9 Approved: July 28, 2014

10 Effective Date: September 26, 2014