

Amendment to SB 538-LOCAL

1 Amend the bill by replacing section 2 with the following:

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3 2 Community Revitalization Tax Relief Incentive; Tax Relief. Amend RSA 79-E:2, VI(a) to read
4 as follows:

5 (a) For a qualifying structure, that for a period of time determined by a local governing
6 body in accordance with this chapter, the property tax on a qualifying structure shall not increase as
7 a result of the substantial rehabilitation thereof ***or conversion from office, industrial, or***
8 ***commercial use to residential use.***

9
10 Amend the bill by replacing all after section 6 with the following:

11
12 7 New Section; Local Land Use and Regulatory Powers; On-site Parking Requirements. Amend
13 RSA 674 by inserting after section 16 the following new section:

14 674:16-a On-site Parking Requirements.

15 I. In this section:

16 (a) “Residential use” means lands, buildings or structures or portions thereof used,
17 designed, or intended for non-transient occupancy.

18 (b) “On-site parking requirements” means the required number of on-site parking
19 spaces, the maximum distance of the parking spaces from the proposed use, the dimensions of the
20 parking spaces, the angle of the parking spaces, and the hours of the day the parking spaces must be
21 available as required by a zoning ordinance, site plan review regulation, subdivision regulation, or
22 innovative land use control.

23 (c) “Alternative parking solution” means a proposal by an applicant to meet the parking
24 demand created by a proposed residential use which is a substitute for meeting the on site parking
25 requirements prescribed by a zoning ordinance, site plan review regulation, subdivision regulation,
26 or innovative land use control. Alternative parking solutions shall include, but not be limited to: (1)
27 an agreement for the provision of off site parking spaces with another owner of real property during
28 hours which the off site parking spaces are not in use within a quarter of a mile of the proposed
29 residential use, (2) agreement with a rideshare company to provide transportation to the occupants
30 of the proposed residential use, (3) availability of public transportation including fixed-route bus
31 service within a quarter of a mile of the proposed residential use, or (4) location in a district officially

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1 designated in a municipality's master plan, or by zoning ordinance, as a downtown, town center,
2 central business district, or village center in which there is adequate walkability infrastructure.

3 (d) "Adequate walkability infrastructure" means sidewalks, density of development, bus
4 stops, bike lanes, mixed use neighborhoods, and other infrastructure that supports walkability.

5 II. If a proposed residential proposes to meet the on-site parking requirements prescribed by
6 a zoning ordinance adopted pursuant to RSA 674:16, prescribed by a site plan review regulation
7 adopted pursuant to RSA 674:44, prescribed by a subdivision regulation adopted pursuant to RSA
8 674:36, or other innovative land use control adopted pursuant to RSA 674:21, with an alternative
9 parking solution, in any of the above cases due to economic considerations, the planning board shall
10 be required to consider such alternative parking solution.

11 III. If the applicant can demonstrate that the alternative parking solution will meet the
12 parking demand created by the proposed residential use, a planning board shall be required to
13 approve the alternative parking solution proposed by the applicant as a substitute for the proposed
14 residential use meeting the on-site parking requirements.

15 IV. If a planning board during the review process of a subdivision plat, site plan, or other
16 land use application for the proposed residential use doesn't agree with the applicant's
17 determination that the alternative parking solution will meet the parking demand created by the
18 proposed residential use, the planning board can request third-party review under RSA 676:4-b, I.

19 8 Innovative Land Use Controls; Inclusionary Zoning. Amend RSA 674:21, IV(a) to read as
20 follows:

21 (a) "Inclusionary zoning" means land use control regulations which provide a [voluntary]
22 incentive or benefit to a property owner in order to induce the property owner to produce housing
23 units which are affordable to persons or families of low and moderate income. Inclusionary zoning
24 includes, but is not limited to, density bonuses, growth control exemptions, and a streamlined
25 application process. ***Inclusionary zoning ordinances may be utilized in conjunction with***
26 ***housing opportunities zones pursuant to RSA 79-E:4-c.***

27 (1) ***An inclusionary zoning ordinance may require, unless the property***
28 ***owner voluntarily agrees to a higher percentage, that no more than 15 percent of the total***
29 ***number of housing units be deed-restricted workforce housing, provided that the property***
30 ***owner shall receive a minimum density allowance at least 25 percent higher than the base***
31 ***density permitted in the zoning district or an allowance to build an extra story of housing***
32 ***above the height permitted in such zoning district.***

33 (2) ***Such ordinances shall also enable the planning board to waive or modify***
34 ***in individual cases standards that are demonstrated by an applicant to affect the***
35 ***economic viability of a development, including, but not limited to, project cost factors."***

36 9 Effective Date. This act shall take effect July 1, 2024.