

HB 1297-FN - AS INTRODUCED

2024 SESSION

24-2212

12/08

HOUSE BILL

***1297-FN***

AN ACT                   relative to the authority of municipalities to enforce ordinances related to health and safety.

SPONSORS:           Rep. Read, Rock. 10; Rep. Wheeler, Hills. 33; Rep. T. Mannion, Hills. 1; Rep. Phillips, Rock. 7; Rep. Gallagher, Merr. 20; Rep. Phinney, Straf. 9

COMMITTEE:       Municipal and County Government

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ANALYSIS

      This bill requires zoning ordinances to be directly related to the promotion of the residents health and safety.

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Explanation:       Matter added to current law appears in ***bold italics***.  
                      Matter removed from current law appears ~~[in brackets and struckthrough]~~  
                      Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Twenty Four*

AN ACT                      relative to the authority of municipalities to enforce ordinances related to health and safety.

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

1            1 New Subdivision; Direct Benefit to Community. Amend RSA 674 by inserting after section 76  
2 the following new subdivision:

3    Direct Benefit to Community

4            674:76 Direct Benefit to Community Required.

5            I. No local legislative body shall adopt any ordinance that prohibits, regulates, or restricts  
6 the use of residential land or structures therein unless the ordinance directly conserves and  
7 promotes the health or safety, or general welfare of the community and residents. The ordinance  
8 must provide specific written findings of fact citing the best current scientific evidence relied upon by  
9 the legislative body.

10           II. No ordinance shall prohibit, regulate, or restrict the use or types of housing; home sizes;  
11 building, energy, water, or septic technologies; lot sizes; or residential structures if these uses, sizes,  
12 sites, technologies, lots, and or locations meet federal and state standards for health and safety for  
13 both inhabitants and other residents of that community and environmental impacts. This  
14 prohibition on zoning ordinances does not apply to commercial structures in commercial zones,  
15 multifamily structures of 5 or more units, or subdivisions.

16           III. Municipalities may adopt rights-based ordinances as that term is defined in other  
17 jurisdictions to restrict specific commercial practices in their jurisdiction, provided such ordinances  
18 are for the interest of the health and safety of the residents, including protection of the natural  
19 resources and ecosystem of the region, based on best scientific understanding of the direct effects of  
20 such practices on such. Nothing here shall be construed to allow a municipality to infringe on an  
21 individual's federal or state constitutional rights.

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

**HB 1297-FN- FISCAL NOTE**  
**AS INTRODUCED**

AN ACT                      relative to the authority of municipalities to enforce ordinances related to health and safety.

**FISCAL IMPACT:**    ☐ State                      ☐ County                      ☒ Local                      ☐ None

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	\$0	\$0	\$0
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill requires zoning ordinances to be directly related to the promotion of the residents health and safety.

The New Hampshire Municipal Association states the changes in local zoning laws will demand extensive revisions to existing ordinances, incurring unknown municipal costs for drafting amendments and educating voters. The interconnection between residential regulations and statutes like septic/sewer restrictions might significantly affect public sewer systems, impacting municipal finances by increasing local expenditures by an indeterminable amount.

It is assumed this fiscal impact will not occur until FY 2025.

**AGENCIES CONTACTED:**

New Hampshire Municipal Association