

HB 236 - AS INTRODUCED

2023 SESSION

23-0410

10/04

HOUSE BILL                    **236**

AN ACT                    relative to condominium conversions under water and waste disposal laws and municipal ordinances.

SPONSORS:            Rep. Faulkner, Ches. 10

COMMITTEE:          Municipal and County Government

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ANALYSIS

This bill provides that a condominium conversion shall not be considered a subdivision for purposes of regulation of waste disposal systems by the department of environmental services or under municipal ordinances.

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                      relative to condominium conversions under water and waste disposal laws and municipal ordinances.

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

1            1    Department of Environmental Services; Water and Waste Disposal; Condominium  
2    Conveyances. Amend RSA 485-A:2, XIII to read as follows:

3            XIII. "Subdivision" means the division of a tract or parcel of land into 2 or more lots, tracts,  
4    or parcels for the purpose, whether immediate or future, of sale, rent, lease, building development, or  
5    any other reason; provided, however, that sale or other conveyance which involves merely an  
6    exchange of land among 2 or more owners and which does not increase the number of owners, and on  
7    which no sewage disposal system is to be constructed shall not be deemed a subdivision for the  
8    purposes of this chapter.

9            (a)    Without limiting the generality of the foregoing, subdivision shall include re-  
10   subdivision, and, in the case of a lot, tract or parcel previously rented or leased, the sale,  
11   condominium conveyance, or other conveyance thereof; provided however that a re-subdivision of lots  
12   in previously approved subdivisions, where lot lines are relocated to conform to necessary changes in  
13   the plans because of errors in a survey or new street, access or siting requirements, or errors in  
14   building locations, and where the lot sizes are not substantially altered shall not be deemed a  
15   subdivision for the purposes of this chapter; and provided further that a re-subdivision in which  
16   previously approved lots are grouped together to form larger lots shall not be deemed a subdivision  
17   for the purposes of this chapter.

18            (b)    The division of a parcel of land held in common and subsequently divided into parts  
19   among the several owners shall be deemed a subdivision under this chapter.

20            (c)    ***For purposes of this chapter, a condominium conversion shall not be***  
21   ***considered a subdivision. A condominium conversion means a condominium created by***  
22   ***changing the ownership form of an existing building or set of buildings, provided that such***  
23   ***conversion does not result in the creation of new, separate building lots. Changes in the***  
24   ***hours, days, or seasons of operation shall not be considered a change in land use.***

25            2    Condominium Act; Municipal Ordinances. Amend RSA 356-B:5 to read as follows:

26            356-B:5    Municipal Ordinances. No zoning or other land use ordinance shall prohibit  
27   condominiums as such by reason of the form of ownership inherent therein. Neither shall any  
28   condominium be treated differently by any zoning or other land use ordinance which would permit a  
29   physically identical project or development under a different form of ownership. No subdivision  
30   ordinance in any city or town shall apply to any condominium or to any subdivision of any

1 convertible land, convertible space, or unit unless such ordinance is by its express terms made  
2 applicable thereto. ***No subdivision ordinance in any city or town shall apply to a***  
3 ***condominium created by changing the ownership form of an existing building or set of***  
4 ***buildings, provided that such conversion does not result in additional dwelling units, and***  
5 ***does not result in the creation of new, separate building lots.*** Nevertheless, cities and towns  
6 may provide by ordinance that proposed conversion condominiums and the use thereof which do not  
7 conform to the zoning~~[-land use and site plan]~~ regulations of the respective city or town in which the  
8 property is located shall secure a special use permit, a special exception, or variance, as the case may  
9 be, prior to becoming a conversion condominium. In the event of an approved conversion to  
10 condominiums, cities, towns, village districts, or other political subdivisions may impose such  
11 charges and fees as are lawfully imposed by such political subdivisions as a result of construction of  
12 new structures to the extent that such charges and fees, or portions of such charges and fees,  
13 imposed upon property subject to such conversions may be reasonably related to greater or  
14 additional services provided by the political subdivision as a result of the conversion.

15 3 Effective Date. This act shall take effect upon its passage.