

CHAPTER 224
SB 86-FN - FINAL VERSION

03/04/2021 0420s
4Jun2021... 0964h

2021 SESSION

21-0856
11/10

SENATE BILL ***86-FN***

AN ACT adopting omnibus legislation relative to planning and zoning.

SPONSORS: Sen. Kahn, Dist 10

COMMITTEE: Election Law and Municipal Affairs

AMENDED ANALYSIS

This bill adopts legislation relative to:

I. Third party inspections conducted pursuant to a planning board approval.

II. Prohibiting the installation of certain commercially available heating systems and engaging the services of certain energy providers.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT adopting omnibus legislation relative to planning and zoning.

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

1 224:1 Sponsorship. This act consists of the following proposed legislation:

2 Part I. LSR 21-0856, relative to third party inspections conducted pursuant to a planning board
3 approval, sponsored by Sen. Kahn, Prime/Dist. 10; Sen. Watters, Dist. 4; Rep. McConkey, Carr. 3.

4 Part II. LSR 21-0829, relative to prohibiting the installation of certain commercially available
5 heating systems and engaging the services of certain energy providers, sponsored by Sen. Morse,
6 Prime/Dist. 22.

7 224:2 Legislation Enacted. The general court hereby enacts the following legislation:

8 PART I

9 Relative to Third Party Inspections Conducted Pursuant to a Planning Board Approval.

10 1 Administrative and Enforcement Procedures; Planning Board; Third Party Review and
11 Inspection. Amend RSA 676:4-b, II to read as follows:

12 II. A planning board approval of a subdivision plat, site plan, or other land use application
13 may require the applicant to reimburse the board for expenses reasonably incurred by obtaining
14 third-party inspection during the construction process. ***A planning board that requires third-***
15 ***party inspection during the construction process shall, as part of the inspection process,***
16 ***develop a scope for the project inspection in consultation with the applicant. Alternatively,***
17 ***a planning board approval of a subdivision plat, site plan, or other land use application***
18 ***may ask the applicant to provide a signed certification from the site plan designer in lieu***
19 ***of the third-party inspection, stating the project was built in accordance with the plans***
20 ***approved by the planning board. Should the planning board select this option, the site***
21 ***plan designer shall be a New Hampshire licensed professional engineer and the planning***
22 ***board may require that the certification be based on inspections at specified stages during***
23 ***the construction process.***

24 2 Effective Date. Part I of this act shall take effect 60 days after its passage.

25 PART II

26 Prohibiting the Installation of Certain Commercially Available Heating Systems and
27 Engaging the Services of Certain Energy Providers.

28 1 New Paragraph; State Building Code. Amend RSA 155-A:2 by inserting after paragraph V-a
29 the following new paragraph:

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1 V-b. Notwithstanding paragraph V, no county, city, town, village district, local land use
2 board, or other subdivision of this state shall adopt any ordinance, regulation, code, or
3 administrative practice that prohibits or restricts a person or entity from installing a safe and
4 commercially available heating or other energy system of their choice or to engage the services of an
5 energy provider of their choice to install, connect, or resupply such energy system. In this
6 paragraph, “energy provider” means a qualified and licensed distributor of oil, propane, natural gas,
7 or other company or entity that supplies energy or related services to the public.

8 2 New Paragraph; Local Land Use Planning; Power to Amend State Building Code. Amend RSA
9 674:51 by inserting after paragraph V the following new paragraph:

10 VI. Notwithstanding paragraph I, no county, city, town, village district, local land use board,
11 or other subdivision of this state shall adopt any ordinance, regulation, code, or administrative
12 practice that prohibits or restricts a person or entity from installing a safe and commercially
13 available heating or other energy system of their choice or to engage the services of an energy
14 provider of their choice to install, connect, or resupply such energy system. In this paragraph,
15 “energy provider” means a qualified and licensed distributor of oil, propane, natural gas, or other
16 company or entity that supplies energy or related services to the public.

17 3 Effective Date. Part II of this act shall take effect 60 days after its passage.

Approved: August 24, 2021

Effective Date:

Part I effective October 23, 2021

Part II effective October 23, 2021

