

SB 244 - AS INTRODUCED

2022 SESSION

22-2935

08/11

SENATE BILL **244**

AN ACT relative to non-conforming structures and variances.

SPONSORS: Sen. Cavanaugh, Dist 16

COMMITTEE: Election Law and Municipal Affairs

ANALYSIS

This bill makes allowances for certain non-conforming structures and makes changes to the definition of subdivision.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to non-conforming structures and variances.

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

1 1 New Paragraph; Non-conforming Structures; Conversion. Amend RSA 674:72 by inserting
2 after paragraph X the following new paragraph:

3 XI. Subject to the provisions of this chapter, an existing non-conforming structure shall be
4 allowed to be converted to an accessory dwelling unit provided the nonconformities are not
5 increased.

6 2 Powers of Zoning Board of Adjustment; Special Conditions Removed. Amend RSA 674:33,
7 I(b)(2) to read as follows:

8 (2) If the criteria in subparagraph (1) are not established, an unnecessary hardship
9 will be deemed to exist if, and only if, ~~owing to special conditions of the property that distinguish it~~
10 ~~from other properties in the area,~~ the property cannot be reasonably used in strict conformance with
11 the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

12 3 Subdivision; Definitions. Amend RSA 485-A:2, XIII to read as follows:

13 XIII. "Subdivision" means the division of a tract or parcel of land into 2 or more lots, tracts,
14 or parcels for the purpose, whether immediate or future, of sale, rent, lease, building development, or
15 any other reason; provided, however, that sale or other conveyance which involves merely an
16 exchange of land among 2 or more owners and which does not increase the number of owners, and on
17 which no sewage disposal system is to be constructed shall not be deemed a subdivision for the
18 purposes of this chapter. Without limiting the generality of the foregoing, subdivision shall include
19 re-subdivision, and, in the case of a lot, tract or parcel previously rented or leased, the sale,
20 condominium conveyance, or other conveyance thereof; provided however that a re-subdivision of lots
21 in previously approved subdivisions, where lot lines are relocated to conform to necessary changes in
22 the plans because of errors in a survey or new street, access or siting requirements, or errors in
23 building locations, and where the lot sizes are not substantially altered shall not be deemed a
24 subdivision for the purposes of this chapter; and provided further that a re-subdivision in which
25 previously approved lots are grouped together to form larger lots shall not be deemed a subdivision
26 for the purposes of this chapter. The division of a parcel of land held in common and subsequently
27 divided into parts among the several owners shall be deemed a subdivision under this chapter. ***The***
28 ***conversion of existing improvements, whether conforming or otherwise, to the***
29 ***condominium form of ownership shall not be deemed a subdivision under this chapter***
30 ***provided the conversion does not increase the number of existing bedrooms or expand the***
31 ***footprints of existing structures.***

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1 4 Effective Date. This act shall take effect 60 days after its passage.