

HB 416-FN - AS INTRODUCED

2023 SESSION

23-0657

10/05

HOUSE BILL                    ***416-FN***

AN ACT                    relative to membership on certain local land use boards.

SPONSORS:            Rep. Corcoran, Hills. 44

COMMITTEE:          Municipal and County Government

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ANALYSIS

This bill prohibits certain persons from being elected or appointed or sitting on any zoning board of adjustment, planning board, or board of selectmen of the town in which they reside.

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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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 membership on certain local land use boards.

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

1            1 New Section; Local Land Use Boards; Administrative Provisions; Persons Prohibited. Amend  
2 RSA 676 by inserting after section 3 the following new section:

3            676:3-a Persons Prohibited.

4            I. No person who has, in their role as a member of a zoning board of adjustment or planning  
5 board, ever invented or purported to invent an information classification system, or who has refused  
6 to turn over records that were later found to be public records, or who has sat on a board considering  
7 a matter on which he or she has a vested interest, or who has proposed or voted on new zoning  
8 ordinances or regulations on which he or she has a vested interest, shall be elected, appointed or sit  
9 on any zoning board of adjustment, planning board, or board of selectmen of the town in which they  
10 reside.

11           II. Any person found to have violated paragraph I shall be disqualified from participation  
12 and shall not have his or her presence count for a quorum on the board. There shall be a private  
13 right of action whereby any citizen of New Hampshire can challenge a town board for allowing such  
14 a prohibited person to sit or vote on a board, and the town shall be liable for reasonable attorney's  
15 fees and costs incurred in a lawsuit under this section.

16           2 Effective Date. This act shall take effect January 1, 2024.

HB 416-FN- FISCAL NOTE  
AS INTRODUCED

AN ACT                    relative to membership on certain local land use boards.

FISCAL IMPACT:    ☐ State                    ☐ County                    ☒ Local                    ☐ None

LOCAL:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill prohibits certain persons from being elected or appointed or sitting on any zoning board of adjustment, planning board, or board of selectmen of the town in which they reside. If certain persons are allowed to sit on the board New Hampshire Citizens can bring a private right action and challenge the town board and the town shall be liable for reasonable attorney's fees and cost incurred in a lawsuit. This bill could result in an indeterminable increase in local expenditures starting in FY 2024 to the extent any citizen challenges a town board and attorney's fees and costs are incurred.

**AGENCIES CONTACTED:**

None