

CACR 16 - AS INTRODUCED

2024 SESSION

24-2218

10/02

CONSTITUTIONAL AMENDMENT

CONCURRENT RESOLUTION **16**

RELATING TO: local governance.

PROVIDING THAT: local construction projects seeking amendments, waivers, or variances be subject to certain local approval, disclosure, and vote requirements.

SPONSORS: Rep. Qualey, Ches. 18; Rep. True, Rock. 9; Rep. Potucek, Rock. 13; Rep. Bogert, Belk. 5; Rep. L. Gould, Hills. 2; Rep. Reid, Hills. 27

COMMITTEE: Municipal and County Government

ANALYSIS

This constitutional amendment concurrent resolution would require that projects governed by zoning and land use regulations seeking changes, variances, or waivers shall require prior approval of all civic, veterans, fraternal, and not-for-profit association property owners affected, a financial impact statement, and approval by three-fifths vote.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type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

CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT

RELATING TO: local governance.

PROVIDING THAT: local construction projects seeking amendments, waivers, or variances be subject to certain local approval, disclosure, and vote requirements.

Be it Resolved by the House of Representatives, the Senate concurring, that the Constitution of New Hampshire be amended as follows:

1 I. That the first part of the constitution be amended by inserting after article 39 the
2 following new article:

3 [Art.] 40. [Existing Land Use.] Zoning ordinances and land use regulation by the towns and
4 cities, the village districts with zoning authority, and by counties with zoning authority over
5 unincorporated places, shall govern proposed construction and changes to existing land use, whether
6 non-infrastructure government or private. Projects seeking changes, variances, or waivers to zoning
7 ordinances or land use regulations may not be considered or approved without the prior approval of
8 all civic, veterans, fraternal, and not-for-profit association property owners affected by such change,
9 variance, or waiver. Projects including changes, variances or waivers to zoning ordinances or land
10 use regulations shall require a financial impact statement made public no later than 45 days prior to
11 a vote to adopt, including projected municipal, village, county and educational costs, detailing any
12 tax credits or contractor subsidies and listing any projected tax increases. Projects including
13 changes, variances or waivers must be individually approved by three fifths of the qualified voters
14 present and voting on the subject at the annual municipal, village, or county election or meeting on
15 the matter.

16 II. That the above amendment proposed to the constitution be submitted to the qualified
17 voters of the state at the state general election to be held in November, 2024.

18 III. That the selectmen of all towns, cities, wards and places in the state are directed to
19 insert in their warrants for the said 2024 election an article to the following effect: To decide
20 whether the amendments of the constitution proposed by the 2024 session of the general court shall
21 be approved.

22 IV. That the wording of the question put to the qualified voters shall be:
23 "Should the first part of the constitution be amended by inserting after article 39 the following new
24 article:

25 [Art.] 40. [Existing Land Use.] Zoning ordinances and land use regulation by the towns and
26 cities, the village districts with zoning authority, and by counties with zoning authority over
27 unincorporated places, shall govern proposed construction and changes to existing land use, whether

CACR 16 - AS INTRODUCED

- Page 2 -

1 non-infrastructure government or private. Projects seeking changes, variances, or waivers to zoning
2 ordinances or land use regulations may not be considered or approved without the prior approval of
3 all civic, veterans, fraternal, and not-for-profit association property owners affected by such change,
4 variance, or waiver. Projects including changes, variances or waivers to zoning ordinances or land
5 use regulations shall require a financial impact statement made public no later than 45 days prior to
6 a vote to adopt, including projected municipal, village, county and educational costs, detailing any
7 tax credits or contractor subsidies and listing any projected tax increases. Projects including
8 changes, variances or waivers must be individually approved by three fifths of the qualified voters
9 present and voting on the subject at the annual municipal, village, or county election or meeting on
10 the matter?"

11 V. That the secretary of state shall print the question to be submitted on a separate ballot
12 with other constitutional questions or on the official ballot. The ballot containing the question shall
13 include 2 ovals next to the question allowing the voter to vote "Yes" or "No.". If no oval is marked,
14 the ballot shall not be counted on the question. The outside of the ballot shall be the same as the
15 regular official ballot except that the words "Questions Relating to Constitutional Amendments
16 proposed by the 2024 General Court" shall be printed in bold type at the top of the ballot.

17 VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it
18 becomes effective when the governor proclaims its adoption.

19 VII. Voters' Guide.

20 AT THE PRESENT TIME, procedures for town, city, district adoption of zoning and
21 land use changes regulating projects including changes, variances, or waivers, are not addressed by
22 the Constitution.

23 IF THE AMENDMENT IS ADOPTED, projects seeking changes, variances, or
24 waivers to zoning ordinances or land use regulations would require prior approval of all civic,
25 veterans, fraternal, and not-for-profit association property owners affected, a financial impact
26 statement, and approval by three-fifths vote.