

SB 224 - AS INTRODUCED

2023 SESSION

23-1048

10/04

SENATE BILL **224**

AN ACT relative to housing opportunity zones and inclusionary zoning.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4; Sen. Whitley, Dist 15; Sen. Fenton, Dist 10; Sen. Rosenwald, Dist 13; Sen. Soucy, Dist 18; Sen. Chandley, Dist 11; Rep. Hamblet, Rock. 26

COMMITTEE: Election Law and Municipal Affairs

ANALYSIS

This bill modifies criteria for the adoption of housing opportunity zones by a municipality, and expands the definition of inclusionary zoning to include standards for housing affordability.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 housing opportunity zones and inclusionary zoning.

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

1 1 Local Land Use Planning and Regulatory Powers; Innovative Land Use Controls; Inclusionary
2 Zoning. Amend RSA 674:21, IV(a) to read as follows:

3 (a) "Inclusionary zoning" means land use control regulations which provide a voluntary
4 incentive or benefit to a property owner in order to induce the property owner to produce housing
5 units which are affordable to persons or families of low and moderate income ***or require a property***
6 ***owner to produce, as part of a development which meets certain characteristics, housing***
7 ***units which are affordable to persons or families of low and moderate income.*** Inclusionary
8 zoning includes, but is not limited to, density bonuses, growth control exemptions, and a streamlined
9 application process. ***Inclusionary zoning ordinances that require housing affordability shall***
10 ***include standards that do not reduce the economic viability of developments in comparison***
11 ***to developments that do not require housing affordability, and may be utilized in***
12 ***conjunction with housing opportunities zones pursuant to RSA 79-E:4-c. Such ordinances***
13 ***shall also enable the planning board to waive or modify in individual cases standards that***
14 ***are demonstrated by an applicant to affect the economic viability of a development,***
15 ***including, but not limited to, project cost factors related to improvements for roads,***
16 ***utilities, drainage, and building materials.***

17 2 Community Revitalization Tax Relief Incentive; Housing Opportunity Zones. Amend RSA 79-
18 E:4-c to read as follows:

19 79-E:4-c Housing Opportunity Zone. A city or town may adopt the provisions of this section by
20 vote of its legislative body, in accordance with the procedures described in RSA 79-E:3, to establish a
21 housing opportunity zone. To be eligible for tax relief under this section, the qualifying structure
22 and property shall be located within the housing opportunity zone established by the municipality.
23 No less than ~~[one-third]~~ **20 percent** of the housing units constructed shall be designated for
24 households with an income of ~~[80]~~ **100** percent or less of the area median income as measured by the
25 United States Department of Housing and Urban Development, or the housing units in a qualifying
26 structure shall be designated for households with incomes as provided in RSA 204-C:57, IV. A
27 qualifying structure under this section shall be eligible for tax assessment relief for a period of up to
28 ~~[10]~~ **25** years, beginning upon issuance of the certification of occupancy.

29 3 Effective Date. This act shall take effect 60 days after its passage.