



NEW LAND USE LAWS 2017

PLANNING AND ZONING

Continuation of ZBA Hearing. [Chapter 4](#) (HB 123) allows a zoning board of adjustment to continue a public hearing to a specified time and place, with no additional notice required, if it cannot conclude the hearing within the time available. **Statute amended: RSA 676:7. E.D. May 30, 2017.**

Notice by Verified Mail for Planning and Zoning Hearings. [Chapter 59](#) (HB 299) requires a planning board or zoning board of adjustment to give notice of certain hearings by “verified mail,” rather than by certified mail. Verified mail is defined as “any method of mailing that is offered by the United States Postal Service or any other carrier, and which provides evidence of mailing.” It includes but is not limited to certified mail. **Statutes amended: RSA 674:27, 674:66, 676:4, 676:4-a, 676:7. E.D. August 1, 2017.**

Limitation on Requirement to Allow ADUs. [Chapter 89](#) (HB 265) clarifies that a municipality is not required to allow accessory dwelling units (ADUs) associated with multiple single-family dwellings attached to each other, such as townhouses, or with manufactured housing. It also prohibits subsequent condominium conveyance of an ADU separate from the principal dwelling unit, unless specifically allowed by the municipality. **Statute amended: RSA 674:72. E.D. June 5, 2017.**

Notice of Energy Facility Siting. [Chapter 115](#) (SB 116) requires any applicant for a certificate to operate an energy facility to send notice of the application and of any public information sessions to the governing body of every municipality in which any part of the facility is proposed to be located or from which any part of the proposed facility would be visible or audible. It also requires the Site Evaluation Committee to notify those municipalities of the public hearings on the application, and to provide an opportunity at one or more hearings for comments from the governing body and residents of each municipality. **Statute amended: RSA 162-H, multiple sections. E.D. August 14, 2017.**
NHMA POLICY.

Alternate Ex Officio Planning Board Members. [Chapter 143](#) (HB 514) clarifies that the alternate for a city or town council member, selectman, or village district commissioner who serves as an *ex officio* member of a planning board shall be appointed in the same manner and subject to the same qualifications as the *ex officio* member. **Statute amended: RSA 673:6. E.D. August 15, 2017.**

Petitioners to Pay Costs for Certain Zoning Notices. [HB 231](#) (HB 131) changes the requirements regarding notice of a proposed zoning amendment that affects 100 or fewer properties. When a proposed zoning amendment would change a zoning district boundary and affect 100 or fewer properties, or would change minimum lot sizes or permitted uses in a district that includes 100 or

fewer properties, notice of the planning board hearing on the proposed amendment must be sent by first-class mail to owners of affected properties. Previous law stated that petitioned zoning amendments were not subject to the notification by mail requirements. Under the new law, petitioned zoning amendments are subject to the requirements, but the cost of notice must be paid by the petitioners. If the petitioners fail to pay the cost of notice, the selectmen may, in their discretion, decide to accept or decline the petition for submission. **Statute amended: RSA 675:7. E.D. September 16, 2017.**

Septic Approval Required for ADUs. [Chapter 238](#) (HB 258) provides that before an accessory dwelling unit may be constructed, an application for approval for a sewage disposal system must be submitted in accordance with RSA 485-A “as applicable.” Installation of the approved sewage disposal system is not required in all cases, but will be required if the existing system was not approved under current or prior state rules, or if the existing system fails or otherwise needs to be repaired or replaced. **Statute amended: RSA 674:72. E.D. September 16, 2017. See also section V.**

Regulation of Vacation and Short-Term Rentals. [Chapter 249](#) (HB 654) prohibits a municipality from using its authority under the housing standards statute, RSA 48-A, to impose additional regulations or restrictions on vacation or short-term rentals, which are defined as “any individually or collectively owned single-family house or dwelling unit or any group of units in a condominium, cooperative, or timeshare, or owner occupied residential home, that is offered for a fee and for less than 30 consecutive days.” It also establishes a committee to study the regulation and taxation of vacation and short-term rentals. The committee is to report its findings and any recommendations for legislation by November 1, 2017. **Statute amended: RSA 48-A:1, :2, :8. E.D. July 1, 2017.**

RIGHT TO KNOW LAW:

Recording Objection to Discussion by Public Body. [Chapter 165](#) (HB 460) states that if a member of a public body believes that any discussion in a meeting of the body violates the Right-to-Know Law, the member may object to the discussion; if the discussion continues, the objecting member may request that his or her objection be recorded in the minutes and may then continue to participate without being subject to penalties under the Right-to-Know Law. The public body must record the member’s objection in the meeting minutes. **Statute amended: RSA 91-A:2. E.D. January 1, 2018.**

Posting Notices and Minutes on Website. [Chapter 234](#) (HB 170) requires that if a public body maintains an internet website, it must either post its meeting notices on the website “in a consistent and reasonably accessible location,” or post and maintain a notice on the website stating where meeting notices are posted. Further, it must either post its approved minutes on the website in a consistent and reasonably accessible location, or post and maintain a notice on the website stating where minutes may be reviewed and copies requested. **Statute amended: RSA 91-A:2. E.D. January 1, 2018.**