



2017 New State Laws and Regulations

Mary Truell, Chair, NHAR Public Policy Committee



For more information about any bill, contact NHAR Government Affairs Director Bob Quinn (bob@nhar.com or 225-5549), or visit www.gencourt.state.nh.us

Septic replacement when adding an accessory dwelling unit

[House Bill 258 – Chapter law](#)

The bill was one of NHAR’s priorities in the session. The bill was amended and weakened by the House of Representatives but still provides an important protection for homeowners seeking a permit to add an accessory dwelling (ADU) unit to their single-family home.

The septic issue has become more pressing since the implementation of [RSA 674:72](#) went into effect this year, mandating that towns must allow ADUs in residentially zoned districts.

The bill states that a property owner, prior to constructing an accessory dwelling unit, must provide an application for approval for a sewage disposal system to the Department of Environmental Services (NH DES). The approved sewage disposal system only needs to be installed if the existing system does not have an existing construction approval or when the system fails or otherwise needs to be repaired or replaced.

Importantly, municipalities may not mandate that the larger septic system be installed prior to permitting an accessory dwelling unit.

NH DES had an unwritten policy in place, known as a “back-pocket approval,” which required the septic tank upgrade only when the system fails. HB 258 places that policy into statute and requires municipalities to follow the same procedure.

The bill is effective September 16, 2017.

Removing certain authority of towns to regulate short-term rentals

[House Bill 654 – Chapter Law 249](#)

The bill removes municipal authority to regulate short-term rentals through [RSA 48-A](#) – the housing standards statute.

The power conferred by RSA 48-A to municipalities cannot be used to impose any additional ordinances, codes, bylaws, licenses, certificates or other restrictions on dwellings used as a vacation rental or short-term rental.

Towns will have to go through their local zoning processes in order to restrict in any manner the use of a residential dwelling to be rented on a short-term basis.

The amended language of the bill was proposed by NHAR.

The bill is effective immediately.

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New option for property tax exemption for commercial construction

[House Bill 316 – Chapter Law 179](#)

A municipality may, by vote of the local legislative body, adopt a new construction property tax exemption for commercial or industrial use. The intent of the exemption is to provide incentives to businesses to build, rebuild, modernize or enlarge within the municipality.

The exemption may run for a maximum period of 10 years following the new construction. Once adopted by the local legislative body, the percentage rate and duration of the exemption must be granted uniformly within that municipality to all projects for which a proper application is filed.

The law is effective August 28, 2017.

Relative to the availability of condominium financial information to unit owners

[House Bill 502 – Chapter Law 141](#)

Each condo unit owner must have access to all financial information within 15 days of the unit owner's request regarding any contracts, mortgages, loans and the terms of such loans, and any outstanding debts and balances of all accounts held by the association.

A fee may be charged to unit owners for provision of information requested beyond the last three fiscal years.

The new law also requires a condominium association to present financial information on a profit and loss statement and make that available to the unit owners 30 days prior to the annual meeting.

Additionally, the board of directors must make copies of the minutes of all meetings available to the unit owners within 60 days of the meeting or 15 days of the date such minutes are approved by the board, whichever occurs first.

The law is effective August 15, 2017

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Relative to access to minutes of meetings of condominium unit owner's associations

[House Bill 502 – Chapter Law 140](#)

The bill requires that a condo association supply an electronic or paper copy of all meeting minutes to the unit owners for at least three years after the date of the meeting. The board must respond to a unit owner's written request for the minutes within 15 days of receipt of the request.

The bill is effective August 15, 2017.

Alteration of minimum standards in Shoreland Protection Act; new grid dimension

[Senate Bill 30 – Chapter Law 225](#)

The bill changes the grid dimensions for the tree and sapling score from the existing 50-by-50 feet to a new 50-by-25-foot segment. The total points required in the grid is lowered from 50 to 25.

The intent is to prevent shorefront property owners from placing all trees on the outer part of two adjacent 50-by-50-foot grids, thereby creating a large swath of open space. The NH Dept. of Environmental Services argued that such a large area of open space was not sufficient to capture nutrients from flowing into the body of water.

The law does not require areas already cleared prior to the effective date to be replanted.

The law is effective September 9, 2017

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Amends certain notice requirements under the zoning and planning laws to require verified mail instead of certified mail

[House Bill 299 – Chapter Law 141](#)

Notification to abutters prior to public hearings on certain zoning and planning meetings may be made through “verified mail” as opposed to certified mail.

Verified mail as defined means any method of mailing that is offered by the United States Postal Service or any other carrier, and which provides evidence of mailing.

The bill is effective as of August 1, 2017

Defining “pervious surfaces” in the Shoreland Water Quality Protection Act

[Senate Bill 118 – Chapter Law 38](#)

The bill adds a definition of “pervious surface” to the Shoreland Water Quality Protection Act.

Pervious surface is now defined as any surface, whether natural, man-made or modified, that can effectively absorb or infiltrate water including, but not limited to, vegetated surface, such as woodlands, planted beds, and lawns, and those pavements specifically designed and maintained to effectively absorb and infiltrate water.

The bill is effective immediately.

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Accessory Dwelling Units in manufactured housing and ability to condominiumized

[House Bill 265 – Chapter Law 89](#)

A municipality may prohibit accessory dwelling units associated with multiple single-family dwellings attached to each other such as townhouses, and with manufactured housing.

Additionally, the bill states that any subsequent condominium conveyance of any accessory dwelling unit separate from that of the principal dwelling unit shall be prohibited, notwithstanding the provisions of RSA 356-B:5, unless allowed by the municipality.

The bill is effective immediately.

Relative to the continuation of Zoning Board of Adjustment meetings

[House Bill 123 – Chapter Law 4](#)

If the Zoning Board of Adjustment finds that it cannot conclude a public hearing within the time available, it may vote to continue the hearing to a specified time and place with no additional public notice required.

The bill is effective immediately.

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Relative to the costs of notice for a petitioned change in a zoning district

[House Bill 131 - Chapter Law 231](#)

In the case of a petitioned zoning amendment as authorized in [RSA 675:4](#), the petitioners are now responsible for the cost of notice by mail.

If the full cost of notice is not paid at the time of submission, the municipality will inform the voter whose name appears first on the petition of the cost of notice within five business days, and the balance shall be paid within another five business days. If full payment is not made and received within five business days, town officials, at their discretion, can decide to accept or decline the petition for submission. Failure by the municipality to inform the responsible person of the cost of notice will be deemed a waiver of the payment requirement.

Effective September 16, 2017

Relative to installation requirements for arc-fault circuit interrupters

[House Bill 85 – Chapter Law 157](#)

Notwithstanding any provision of the state building code or state fire code requiring the installation of arc-fault circuit interrupters, after repeated tripping of an AFCI device and determination the branch circuit is not causing the AFCI to trip, an AFCI device may be replaced with one without AFCI protection as long as certain requirements are met.

If an electrician installs a device without AFCI protection, within five working days they must submit a copy of the report to the property owner and the electricians' board.

This bill is effective immediately.

Real Estate Commission updates to regulations ([REA 300 – 700](#))

The Real Estate Commission readopted rules as required by state statute while altering certain provisions related to pre-licensing and accreditation of continuing education.

Rea 403.02 is being adopted as a new rule to reflect the board's intention to institute audits on continuing education documentation; Not less than 10 percent of the licensees shall be randomly selected each year by the board for compliance with the continuing education requirements outlined.

All active and inactive renewal applicants shall retain verification records for a period of at least four years. Continuing education documentation shall be made available to the board for random audit and verification purposes.

Real estate course providers shall pay an evaluation fee of \$100, previously \$50, each time a course is submitted to the commission for accreditation or reaccreditation. A course will be accredited for two years, as opposed to the current term of one year.

Licensees may use an additional three-hour core course – in addition to the current mandated three-hour core course – as elective course hours to fulfill the elective continuing education requirement.

When advertising, a licensee must now prominently include in the advertisement the name of the real estate brokerage firm with which he or she is associated, or the name of that licensee's principal broker, pursuant.

All changes can be found here at the NH Real Estate Commission website: nh.gov/real-estate-commission