

LEGISLATIVE BULLETIN

Legislative Bulletin 03

2024 Session

January 19, 2024

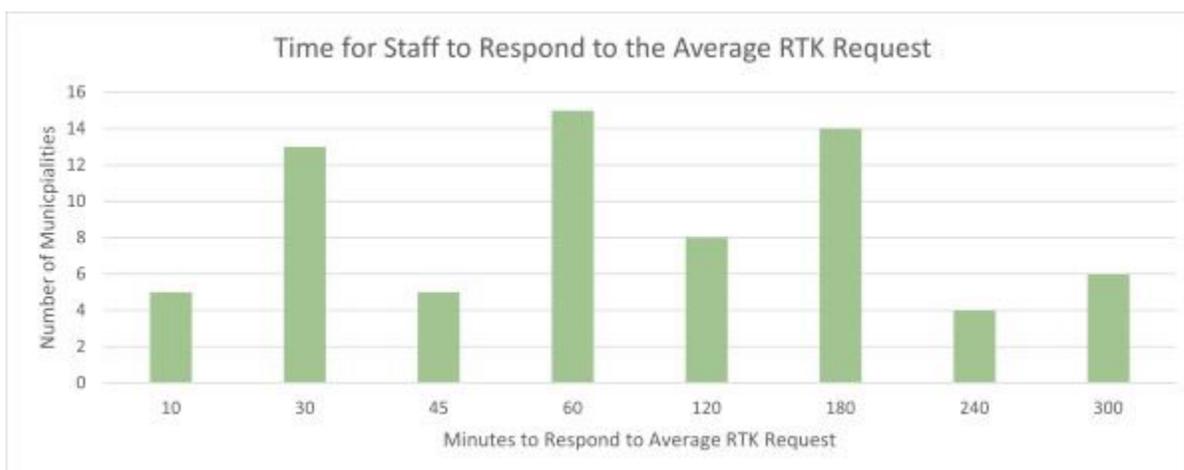
Live Bill Tracker

Important RTK Bill to Be Acted on by Committee Monday

On **Monday, January 22**, at **9:00 a.m.** in **Legislative Office Building 206 - 208**, the **House Judiciary Committee** will vote on its recommendation on [HB 1002](#), the bill that would address “large” Right-to-Know Law requests. **Please continue to contact members of the [House Judiciary Committee](#) as well as your own representatives to emphasize the importance of this bill.**

The committee heard [hours of testimony](#) on Wednesday. We thank the Town of Sunapee and City of Keene for joining us in testifying in support of the bill. We were also pleased to learn that the Attorney General’s Office supports the bill.

We were able to provide the committee with the summary [results of the member survey](#) that we conducted in the fall. Importantly, we were able to share the following chart showing that the maximum amount of time that any municipality reported for completing the “average” Right-to-Know Law request was 5 hours (300 minutes):



This finding is critical because the legislation allows a fee to be charged only when more than 10 hours are spent responding to a request. Further, whether to charge a fee — and how much the fee will be (up to a statutory cap) — is a local option that must be adopted by the legislative body.

Overall, the legislation eliminates the possibility of a surprise bill for requestors and encourages municipalities and requestors to communicate to ensure that the requestor obtains the records that are being sought. An

amendment will be presented at the executive session on Monday which provides additional protections for requestors by clarifying that they may appeal to the Right-to-Know Ombudsman if they believe the time or charge is unreasonable.

Again, **please contact members of the House Judiciary Committee before Monday**. We do not yet know when **HB 1002** will be scheduled for a vote by the entire House, but it is important that you reach out to your representatives to explain to them the costs associated with these large requests.

Support State Investments in Rental Housing

On Tuesday, January 23 at 9:00 am, the Senate Election Law and Municipal Affairs Committee will hold a hearing on SB 384 in **State House 103.** This bill would expand the InvestNH program and allocate \$10 million to provide municipal loans and grants for the purpose of land acquisition and the development of rental housing. The InvestNH program has been well received by municipalities and developers alike, reinforcing the need for state-local partnerships in addressing the statewide housing issue.

There are 70 housing and land use-related bills before the legislature this session. You can view those and NHMA's positions on those bills on [our bill tracker](#). While it's too early to tell how those bills will be received as many have not yet had a public hearing, we do know that legislators are determined to pass legislation this session on housing-related issues. **We encourage officials to ask their representatives and senators to support partnerships, not mandates.**

And stay tuned for an upcoming webinar series by NHMA and our state and regional partners focusing on housing issues and local solutions to those problems.

Private Road Bill to Be Heard Tuesday

On Tuesday, January 23, at 9:15 a.m. in Legislative Office Building 103, the Senate Election Law and Municipal Affairs Committee will hear SB 381, prohibiting a municipality from designating a road as a private road under certain conditions.

New Hampshire is a Dillon's Law state. Municipalities can only do what the legislature allows them to do. Municipalities do not have statutory authority to create private roads. (If you are interested in learning more about what municipalities *can* do with roads, please consider joining our Legal Services Department on May 9 for our [Hard Road to Travel](#) workshop.)

While we applaud the effort to define "private road" – a term that is used throughout the statutes but has never been defined – the proposed definition, unfortunately, would cause problems for those dealing with municipal roads (and, possibly, trails). The definition provides two options for what "private roads" are: (1) a road where a motor vehicle can no longer reasonably gain access to or drive to another road, or (2) where a municipality or town has not maintained or repaired the road for reasonable travel for 5 successive years or more. Existing [RSA 229:5, VII](#) provides that Class VI roads are "all other existing public ways...[including] all highways which have not been maintained and repaired by the town in suitable condition for travel thereon for 5 successive years or more except as restricted by RSA 231:3, II." Therefore, this legislation would introduce a second, applicable definition for roads that are in the basically same condition: "roads that have not been maintained or repaired by the municipality for travel for 5 years or more."

Please [contact the committee](#) to express your opposition to SB 381.

Municipal & County Government Committee Executive Session

On Wednesday, January 24, beginning at 10:00 a.m. in Legislative Office Building 303 - 305, the Municipal and County Government Committee will vote on their recommendations on the following bills:

10:00 AM	<u>HB 1034</u>	relative to enabling municipalities to adopt a homestead property tax exemption.
10:00 AM	<u>HB 1154</u>	relative to property tax exemptions for certain disabled veterans.
10:00 AM	<u>HB 1258</u>	relative to a waiver from property taxes for disabled veterans.
10:00 AM	<u>HB 1086</u>	relative to public notice of zoning board of adjustment hearings.
10:00 AM	<u>HB 1342</u>	relative to the licensing of electronic literary materials by libraries.
10:00 AM	<u>HB 1105</u>	relative to application of a local tax cap.
10:00 AM	<u>HB 1461</u>	relative to live-streaming all properly noticed meetings and hearings of elected and appointed municipal bodies.
10:00 AM	<u>HB 1708</u>	relative to local records retention.
10:00 AM	<u>HB 1544</u>	relative to indemnification for municipalities adopting policies to address homelessness.
10:00 AM	<u>HB 1641</u>	relating to requiring large parking lots to have a solar power canopy.
10:00 AM	<u>HB 1396</u>	relative to prohibiting municipal inspections of owner-occupied units of multi-unit housing.

If you have not yet weighed in on any of these bills, please contact the [Municipal and County Government Committee](#) before Wednesday. Click on any bill to see NHMA’s position and read more.

An Unwanted Trade

On **Wednesday, January 24**, at **2:10 p.m.** in **Legislative Office Building 303 - 305**, the [House Municipal and County Government Committee](#) will hear [HB 1297](#), which proposes a trade of sorts. The bill does three things:

First, the bill prohibits municipalities from “enacting any ordinance that prohibits, regulates, or restricts the use of residential land or structures therein unless the ordinance directly conserves and promotes the health or safety, or general welfare of the community and residents.” RSA 674:16 already limits municipal zoning authority to “promoting the health, safety, or the general welfare of the community.” As such, this section appears to have no legal effect, other than to require “specific written findings” on which the ordinance is based.

Second, the bill prohibits ordinances that prohibit, regulate, or restrict the use or types of housing; home sizes; building, energy, water, or septic technologies; lot sizes; or residential structures if these uses, sizes, sites, technologies, lots, and or locations meet federal and state standards for health and safety for both inhabitants and other residents of that community and environmental impacts. Presumably, this means residential structures would be allowed everywhere if they meet federal and state standards.

Third, the bill allows municipalities to “adopt rights-based ordinances as that term is defined in other jurisdictions to restrict specific commercial practices in their jurisdiction, provided such ordinances are for the interest of the health and safety of the residents, including protection of the natural resources and ecosystem of the region, based on best scientific understanding of the direct effects of such practices on such.”

To our knowledge, only a handful of towns have adopted such ordinances, which are not enforceable under current law.

While we support increasing municipal authority to enforce rights-based ordinances, our [member-adopted legislative policies and principles](#) clearly require NHMA to oppose statewide zoning mandates. We ask local officials to join us on Wednesday in opposing [HB 1297](#) to explain to the House Municipal and County Government Committee why this is an unfair trade.

Get Involved in NHMA's Legislative Policy Process

NHMA's biennial legislative policy process is getting underway. As a first step, we are recruiting volunteers to serve on our three legislative policy committees. These committees will review legislative policy proposals submitted by local officials and make recommendations on those policies, which will go to the NHMA Legislative Policy Conference in September.

If you are a municipal official in a city or town and are interested in serving on one of the policy committees, please contact the Government Affairs staff at 603-224-7447 or governmentaffairs@nhmunicipal.org.

Each of the committees deals with a different set of municipal issues. The committees and their subject areas are as follows:

- Finance and Revenue – budgeting, revenue, tax exemptions, current use, assessing, tax collection, retirement issues, education funding.
- General Administration and Governance – elections, Right-to-Know Law, labor, town meeting, charters, welfare, public safety.
- Infrastructure, Development, and Land Use – solid/hazardous waste, transportation, land use, technology, environmental regulation, housing, utilities, code enforcement, economic development.

When you contact us, please indicate your first and second choices for a committee assignment. We will do our best to accommodate everyone's first choice, but we strive for equal membership among the committees. We hope to have 15-20 members on each committee.

There will be an organizational meeting for all committees on **Friday, April 5**. After that, each committee will meet separately as many times as necessary to review the policy proposals assigned to it—typically three to five meetings, all held on either a Monday or Friday, between early April and the end of May.

[Bill Hearings Schedule](#)

[NHMA Events Calendar](#)

2023 Final Legislative Bulletin

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