

New Hampshire Municipal Association

THE SERVICE AND ACTION ARM OF NEW HAMPSHIRE MUNICIPALITIES

# LEGISLATIVE BULLETIN

Legislative Bulletin 17

2024 Session

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[Live Bill Tracker](#)

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## ARPA Annual Project and Expenditure Reports are due to the U.S. Treasury Department on April 30!

On March 29, 2024, the U.S. Department of Treasury (Treasury) released [new Frequently Asked Questions](#) (FAQs) related to their [Obligation Interim Final Rule](#) (IFR) for the ARPA State and Local Fiscal Recovery Fund (ARPA SLFRF).

Annual Project and Expenditure (P&E) Reports must be submitted by April 30, 2024. These periodic reports are used to provide Treasury with financial and current performance information on projects using Recovery Funds. Remember, all ARPA funds must be obligated by December 31, 2024, and expended by December 31, 2026. To help navigate the reporting process, Treasury has provided several tips and responses below that answer some of the most common questions:

- **Where can I find the SLFRF award reporting requirements?**

The best resource for any reporting questions is the [SLFRF Compliance and Reporting Guide](#).

- **Do I have to submit a report if I haven't spent any of my SLFRF award funds?**

Yes. Recipients must continue to submit the required reports via Treasury's Portal regardless of whether SLFRF award funds have been obligated or expended. Until closeout procedures for the SLFRF program are finalized and published, recipients must also continue to submit the required reports even if SLFRF funds have been fully spent and reported.

- **Where can I find more information about the program, including eligible uses of SLFRF funds?**

Treasury's [website](#) provides information about the SLFRF program, including the eligible use categories for use of SLFRF funds as summarized in the [Overview of the 2022 Final Rule, Overview of the 2023 Interim Final Rule](#), and [Frequently Asked Questions \(FAQs\)](#), as well as information about [reporting](#) requirements.

- **Can I enter multiple projects into my P&E report?**

The Treasury Portal has the functionality to accept bulk project uploads. You can learn more about this by viewing the [SLFRF: Using Bulk Uploads for Reporting](#) webinar.

- **What do I do if I'm having issues submitting the required reports?**

If you are experiencing any exceptional circumstances preventing you from submitting the required reports, please email a detailed explanation of the situation with any supporting screenshots or relevant documentation, as appropriate, to [SLFRF@Treasury.gov](mailto:SLFRF@Treasury.gov).

- **I'm new to my role, can I create an account and assign user roles in Treasury's Portal?**

Treasury has provided recorded webinars for step-by-step instructions on how to [create an account and login](#) and for [assigning and updating user roles](#) in Treasury's Portal. For more information, see also [Treasury Guidance on registering with ID.me](#) or [Treasury Guidance on registering with Login.gov](#) (creating an account) and [Updating User Roles in Portal](#) (assigning user roles).

Please find Treasury's [Self-Service resources](#) and guidance documents below:

[Recipient Compliance and Reporting Responsibilities](#)

[Webpage](#)

[Compliance and Reporting Guidance](#)

[Project and Expenditure Report User Guide](#)

[Audit Requirements](#)

[SLFRF Frequently Asked Questions](#)

[Eligible Uses](#)

## Land Use Legislation Update

On Tuesday, the House Municipal and County Government Committee heard [SB 538](#), the Senate omnibus housing bill, and voted 9-8 to recommend it as Inexpedient to Legislate after extensive discussion. Undoubtedly, there will be an effort made to overturn the committee recommendation on the floor of the House.

Meanwhile, as you are reading this, the Special Committee on Housing should be wrapping up their final hearings of the session and making recommendations on [SB 408](#), establishing a committee to study the effects of the housing crisis on the disability community, and [SB 527](#), relative to student housing, including [a non-germane amendment](#) that would prohibit local zoning or regulations from restricting the number of occupants in a residential rental property to less than two occupants per bedroom. We anticipate that the committee will recommend both bills and the nongermane amendment as Ought to Pass.

As a reminder, the following land use mandates are still awaiting recommendation by Senate committees:

[HB 1399](#), which is inaccurately titled “*allowing* municipalities to permit two residential units in certain single family residential zones,” would actually *require* municipalities to allow duplexes. The bill creates a formula that requires that municipalities allow duplexes for all lots that are two acres or less in size, and for at least 50 percent of all lots in a municipality zoned for single-family residences where a “proposed development” meets certain criteria. In short, this requirement would override the decisions of local voters and mandate that duplexes be allowed in many locations where only

single-family homes are allowed and on all lots – residentially zoned or not – that are two acres or less. The result? Developers building new developments will be allowed—and incentivized—to circumvent the mandate through restrictive covenants that prohibit duplexes and additional units, much as occurs in Houston, while property owners in already developed neighborhoods will have no options.

[HB 1400](#), a parking minimum bill, would force municipalities to require no more than one parking space per “unit.” This will be particularly problematic for future renters in large complexes filled with apartments with multiple bedrooms. These types of developments typically attract couples, roommates, and families who, often, own more than one car. As developers choose to meet the minimum one-per-unit requirement, it is easily foreseeable that some renters will be left without parking spots, requiring municipalities – and, thus, local taxpayers – to solve the parking crises inevitably created by this legislation.

We continue to ask members to contact their senators to explain the problems with these two bills, as well as the not-yet-heard [HB 1291](#), the two-ADUs-in-every-backyard bill. All three would impose state mandates over the common-sense, well-considered, local solutions that are supported by local voters.

## **Local Health Ordinance Bill Heads to House Floor**

After a long and complex procedural process, [SB 63](#), which is now the vehicle for a ban on local mask ordinances, is headed to the House floor after a party-line, 10-8 vote recommending passage in House Municipal and County Government on Tuesday.

Those who have been following legislation in the years since the Covid shutdown are aware that bills have been filed every session to bar local enactment of mask mandates. Those who worked in local government at the time recall [Emergency Order #74](#), enacting a statewide mask mandate; the [subsequent expiration of that order](#); the [deferral to municipalities and businesses to determine when masking was appropriate](#); and [guidance on masks promulgated by NHMA after consultation with state entities](#).

Despite Covid-19 being over for the [vast majority of Americans](#), a small minority cannot move past the uncertainty and fear of that time and continue to solicit and promote legislation aimed at the response. Unfortunately, legislation such as **SB 63** doesn't clearly state what it really aims to accomplish – i.e., a straight ban on municipalities enacting mask mandates – and, instead, uses more obscure wording that will have unanticipated and unintended impacts on a municipality's ability to act in the interest of public health.

Unfortunately, the Covid-19 response became political, and we anticipate a political fight on the House floor when the bill is debated sometime in the next few weeks.

## **Federal Website Accessibility for State and Local Governments Requirements**

### **Begin June 23, 2024**

On April 24, 2024, the Federal Register published the [Department of Justice's final rule](#) and a [fact sheet](#) updating its regulations for Title II of the Americans with Disabilities Act (ADA). The final rule has specific requirements about website and app accessibility for state and local governments and sets compliance period deadlines for local governments based on the table below.

New Hampshire municipalities will have two to three years from the effective date of the regulation (June 23, 2024) to bring their websites into compliance, or until June 23, 2027. The majority of our political subdivisions, including school districts, village districts, and counties having a population between 0 to 49,999 persons, will have until June 23, 2027, to comply. Even though municipalities will have at least two years to make their websites accessible, the DOJ continues to stress that since 1990, local governments have had an obligation to provide equal access to programs and services under Title II of the ADA which must continue during the implementation period.

This table shows how much time a state or local government would have to comply with this rule beginning June 23, 2024. Source: <https://www.ada.gov/resources/2023-07-20-web-nprm/>

State or local government entity size	Compliance Date
0 to 49,999 persons	Three years after publication of the final rule
Special district governments	Three years after publication of the final rule
50,000 or more persons	Two years after publication of the final rule

After this time, state and local governments would have to continue to make their web content and mobile apps comply with the technical standard.

## Calendar Changes

If you are a long-time reader of the *Bulletin*, you will have noticed that the weekly schedule of hearings that we have long published has, increasingly, been out of date by the beginning of the week for which it is produced. That's because the shift in both the House and Senate to digital calendars has made it easier for committees to reschedule when there is bad weather, when there are absences, or when issues with bills just haven't quite been worked out. As such, we are now going to link to the [House Digital Calendar](#) and [Senate Digital Calendar](#) instead of producing our own hearing schedule. For those of you with a particular interest in a particular bill or set of bills, please use the "subscribe" feature on [FastDemocracy](#) to get email updates when those bills are scheduled.

### [NHMA Events Calendar](#)

#### **2023 Final Legislative Bulletin**

**Website: [www.nhmunicipal.org](http://www.nhmunicipal.org)**

**Email: [governmentaffairs@nhmunicipal.org](mailto:governmentaffairs@nhmunicipal.org)**

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