



**LEGISLATIVE
UPDATE**



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Affordable Housing Fund

2018 HB 1817 (Ch. 162)

- \$2.5M appropriation to AHF
 - Transitional housing for people leaving mental health or substance use disorder treatment facilities
 - Focus on underserved rural areas
- Working group of subject matter experts
 - Scoring priorities
 - Rural counties (Coös, Carroll, Grafton, Sullivan, Cheshire)
 - Projects serving 8 or fewer residents
- RFP in mid-October; proposals due in January

Accessory Dwelling Units

2017 HB 265 (Ch. 89)

- Expands municipal discretion regarding ADUs
 - Allows municipalities to prohibit ADUs associated with townhouse-style structures and with manufactured housing
 - This is enabling – requires action
 - Prohibits future condominium conveyance of ADUs separate from the principal dwelling unit, unless the municipality wants to allow “condominiumization”
 - This is automatic – but municipal action may override it
 - This is an *exception* to the Condominium Act, RSA 356-B:5

ADUs and Septic Systems

2017 HB 258 (Ch. 238)

- In 2016, DES required larger septic tank sizes for units with ADUs to account for the increased peak flow
- RSA 674:72, V
 - For proposed ADUs, a new septic system design (if needed) must be approved by DES
 - Construction of the new system necessary only if the existing system is unapproved or has failed

Lead Paint Poisoning

2018 SB 247 (Ch. 4)

- Reduces the blood lead levels that compel State notice to landlords and enforcement actions
- Establishes a loan loss guarantee for lenders that make loans for lead remediation work – 80% default guarantee
 - See also SB 588, which modified the terms of the loan loss reserve
- Prohibits the introduction to the market of new residential units in pre-1978 structures as of 7/1/24 without lead safe certification
 - **How will this be done?** Unclear, but responsibility will probably fall on local officials – building inspectors and planning boards.

Gender Identity

2018 HB 1319 (Ch. 176)

- Added as a protected class to all NH anti-discrimination laws
 - 354-A:8 Equal Housing Opportunity Without Discrimination a Civil Right. The opportunity to obtain housing without discrimination because of age, sex, *gender identity*, race, creed, color, marital status, familial status, physical or mental disability or national origin is hereby recognized and declared a civil right. In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person's sexual orientation.

Housing Appeals Board

2018 SB 557 – Sent to “interim study”

- Creates an alternative to superior court for local decisions on housing and housing development
 - Concurrent, appellate jurisdiction
 - Response to developers who continue to face unreasonable local regulatory barriers (both facial and as-applied)
- Modeled on the BTLA
 - 3-member board appointed by the Supreme Court
 - At least 1 attorney and 1 engineer/surveyor
 - All 3 must have experience in land use law a/o housing development

Housing Appeals Board (cont'd)

- Board powers
 - Same as superior court – does not have the power to override local zoning
 - Builder's remedy available
- Appeals can only be brought by the applicant, but others may intervene
- Appeals of Board's decisions to Supreme Court
 - Hearing within 90 days of appeal
 - Decision within 60 days of hearing
 - Maximum total to final resolution = 150 days from appeal
- Recommended for future legislation (House Finance vote on 10/25)

What to expect in 2019

- Housing appeals board
- Land use regulation impact on development
- Tax incentives/relief for first-time homebuyers
- Foreclosure law
- Building codes
- Short-term rentals
- Recommendations from State Economic Development Plan



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