

SB 249 - AS AMENDED BY THE SENATE

02/16/2022 0646s

2022 SESSION

22-2971

08/11

SENATE BILL **249**

AN ACT prohibiting planning and zoning ordinances that prohibit short-term rentals.

SPONSORS: Sen. French, Dist 7; Sen. Hennessey, Dist 1; Sen. Gannon, Dist 23; Sen. Cavanaugh, Dist 16; Sen. Giuda, Dist 2; Sen. Soucy, Dist 18; Sen. Reagan, Dist 17; Sen. D'Allesandro, Dist 20; Sen. Bradley, Dist 3; Sen. Prentiss, Dist 5; Rep. Hunt, Ches. 11; Rep. Potucek, Rock. 6; Rep. DiSilvestro, Hills. 9

COMMITTEE: Commerce

ANALYSIS

This bill prohibits municipalities from adopting ordinances that ban short-term rentals. This bill also allows municipalities to adopt ordinances requiring the owner of a short-term rental to register the name of a person in state who can receive service of process.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT prohibiting planning and zoning ordinances that prohibit short-term rentals.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Zoning Ordinance; Grant of Power. Amend RSA 674:16 by inserting after
2 paragraph V the following new paragraph:

3 VI. Notwithstanding any provision of law to the contrary, no legislative body of a city, town,
4 or county in which there are located unincorporated towns or unorganized places, shall prohibit the
5 use of a building or structure as a vacation rental or short-term rental nor prohibit the use of such
6 structure or building as a vacation or short-term rental based on the structure or building's
7 classification, use, or occupancy. "Short-term rental" or "vacation rental" means any single-family or
8 2-family building or structure, regardless of how it is owned or occupied and regardless of whether
9 the building or structure is conforming or non-conforming, or offered in whole or in part for rental or
10 transient use. "Vacation rental" or "short-term rental" shall not mean recovery residences nor any
11 nonresidential use, including but not limited to, retail, restaurant, banquet, event hosting, hotels,
12 motels or other similar nonresidential uses. Nothing in this paragraph shall limit a municipality's
13 existing authority to generally regulate parking, noise, safety, health, sanitation, or other related
14 municipal ordinances under duly adopted ordinances and regulations authorized under state statute.

15 2 New Section; Powers of Towns; Ordinances; Short-term Rentals. Amend RSA 31 by inserting
16 after section 103-a the following new section:

17 31:103-b Short-Term Rentals.

18 I. A municipality may adopt an ordinance requiring an owner of residential property who
19 wishes to utilize the property for a vacation rental or short-term rental as defined in RSA 674:16, VI
20 to file, within 30 days of advertising such rental, a registration form with the town or city clerk of
21 the municipality in which the property is located providing the name, address and telephone number
22 of a person within the state who is authorized to accept service of process for any legal proceeding
23 brought against the owner relating to the rental property. Such person may be the owner of the
24 property. A municipality may establish a reasonable fee to cover the cost to the town or city clerk of
25 maintaining a record of the filings.

26 II. A municipality may adopt an ordinance which requires an inspection of the property to
27 determine if the property meets the minimum housing standards in RSA 48-A:14 or fire warning
28 device and carbon monoxide detection device as required in RSA 153:10-a, II. A property which has
29 filed a registration form with the municipality may be rented until an inspection and finding have
30 been issued. A municipality may establish a reasonable fee to cover all costs to the municipality of
31 conducting an inspection.

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1 III. A municipality which has adopted an ordinance requiring registration shall not revoke
2 that registration unless the property has 2 or more proven violations of ordinances impacting the
3 health, safety, sanitation, noise, parking or other related municipal ordinances.

4 3 Effective Date. This act shall take effect July 1, 2022.