

LEGISLATIVE BULLETIN

Legislative Bulletin 07

2024 Session

February 16, 2024



[Live Bill Tracker](#)

Housing Hearings Continue

Today, the Special Committee on Housing met on all the bills assigned to that committee. We thank those of you who are currently waiting to testify alongside our staff in the committee on the following bills:

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|----------|--------------------------------|---|
| 9:00 AM | <u>HB 1168</u> | establishing a committee to study the impact of the housing crisis on people with disabilities. |
| 9:30 AM | <u>HB 1065</u> | relative to fire sprinkler requirements in residential buildings. |
| 10:00 AM | <u>HB 1215</u> | relative to subdivision regulations on the completion of improvements and the regulation of building permits. |
| 10:45 AM | <u>HB 1361</u> | relative to municipal land use regulation for manufactured housing and subdivisions. |
| 1:00 PM | <u>HB 1399</u> | allowing municipalities to permit 2 residential units in certain single-family residential zones. |
| 1:45 PM | <u>HB 1400</u> | relative to the required maximum number of residential parking spaces. |
| 2:30 PM | <u>HB 1291</u> | relative to accessory dwelling unit uses allowed by right. |

This coming week, the following housing-related bills will be heard:

Election Law and Municipal Affairs Government

Tuesday, February 20:

9:15 AM [SB 538](#) relative to zoning procedures concerning residential housing.

Municipal and County Government

Wednesday, February 21:

1:00 PM [HB 1371](#) relative to allowing the land use master plan to include a section on waste reduction.

2:30 PM [HB 1053](#) relative to permissible residential units in a commercial zone.

After Wednesday, the bulk of the hearings on housing-related bills in the House will be finished. We have consistently heard from legislators this session that they are interested in making changes to increase housing development. For those of you not following housing issues closely, the New Hampshire Department of Business and Economic Affairs (BEA) just released its 2023 update to the [Current Estimates and Trends in New Hampshire's Housing Supply](#). We believe that publication will generate some additional discussion at the State House. We thank those of you who have had conversations with your legislators about what is being done in your municipality, and urge you to remind them that we will be continuing the five-part [Local Solutions to the State's Housing Crisis](#) Webinar Series with several partners on Thursday. Next Thursday's installment will cover the popular topic of *The Intersection of Development and Clean Water*. ([Register here.](#))

State of the State Address

On Thursday, the governor delivered the State of the State address before a joint convention of the House and Senate.

Of municipal interest, the governor acknowledged the importance of the New Hampshire Primary and gave special thanks to our town and city clerks, moderators, and countless election volunteers who worked the polls to make the first in the nation primary possible.

The governor also acknowledged the success of the InvestNH housing program, and the work done at every level of government to bring affordable and workforce housing online. With some building projects completed and many in the pipeline, addressing the housing crisis is underway in our communities.

Local Option Public Safety Assessment Fee Moves Forward

This week the House Ways and Means Committee voted 10-10 on [HB 1254](#), which would enable a local option fee to be assessed hotel occupancies for municipal public safety services. This bill will go to the House floor without recommendation, allowing both sides to present their arguments for the full house to consider. Now is the time to advocate for this targeted proposal which would enable municipalities to offset the cost burden of municipal services associated with increased tourism and transient traffic. **Your voice is critical to the advancement of this policy, so please contact your representative(s) and ask for their support on the Ought to Pass motion.**

Election Bill Hearings Scheduled

On **Tuesday, February 20**, beginning at **9:00 a.m.** in **Legislative Office Building Room 306 - 308**, the **Election Law Committee** will hear testimony on a number of bills:

- 9:25 AM [HB 1098](#) relative to ballots delivered to elder care facilities.
- 9:50 AM [HB 1200](#) relative to controlled and secured storage of printed paper ballots.
- 10:15 AM [HB 1264](#) relative to the definition of accessible voting systems.
- 10:35 AM [HB 1310](#) relative to meetings of supervisors of the checklist.
- 11:00 AM [HB 1384](#) relative to noncompliance by a town or ward moderator and clerk.
- 11:25 AM [HB 1523](#) revising the moderator's worksheet for counting votes in elections.
- 1:00 PM [HB 1557](#) requiring the secretary of state to enter into a membership agreement with the Electronic Registration Information Center.
- 1:25 PM [HB 1569](#) relative to eliminating voter identification exceptions.

We strongly encourage election officials to come to Concord to share their thoughts with the committee on Tuesday. We also wanted to thank the Town Clerks Association, in particular, as they have provided us valuable information on several election-related bills this session and we enjoy working with them and bill sponsors to improve proposed legislation.

RTK Omnibus Bill Advances to Senate

Yesterday, the House voted to send an amended version of [HB 1069](#) to the Senate on the consent calendar. As amended, the bill does two things: (1) changes the Right-to-Know Law to say, “any person” instead of “citizen,” and (2) allows someone to request records electronically and receive them electronically or by mail without requiring the physical appearance of the person, subject to a narrow series of exceptions centered on the government’s technological capability and security.

The changes proposed by this bill could cripple local government. If this bill passes, anyone anywhere may request records of New Hampshire municipalities – records created and kept for the benefit of New Hampshire’s residents – and receive those records after *only* paying for the cost of mailing (if applicable) and copying (if applicable). If the requester wants the records sent electronically, the bill would not allow any cost recovery for New Hampshire taxpayers, regardless of how much staff time is spent on responding. So many municipalities have seen giant corporations use Right-to-Know Law requests to gather data for commercial purposes at the cost of taxpayers, an issue that will be further exacerbated as Artificial Intelligence is increasingly used to seek out data and information.

We remain hopeful that [HB 1002](#), which was sent back to House Judiciary after initial amendment by the House and provides for a cost-recovery provision in the Right-to-Know Law, will (again) be recommended for adoption by that committee after further work. Unless or until that happens, however, it will be important for local officials to reach out to their Senators to explain the impacts the changes proposed by **HB 1069** would have on municipal operations and the costs associated with such requests.

Cannabis Bill Advances

On Tuesday, a subcommittee of the House Commerce and Consumer Affairs Committee approved several changes to [HB 1633](#), which would legalize adult-use cannabis in the state. The full House Commerce and Consumer Affairs Committee is set to vote on a recommendation on Wednesday.

In the past, the House has traditionally passed cannabis legalization measures, but they have not advanced past the Senate. A legislatively created commission failed to arrive at a consensus by a deadline last December; therefore, it is unclear whether **HB 1633** will meet the threshold of what the Senate and governor consider acceptable.

In the [amendment](#) proposed by the subcommittee for **HB 1633**, a new statute, RSA 318-F:13, would be created to govern the enactment of municipal ordinances. NHMA will continue to work with stakeholders to try to remove Sections III and IV of that new chapter as they are unnecessary for proper regulation at the local level.

Additionally, the amendment's formulation of local aid shifts the bulk of expected revenues to school funding rather than municipal funding. However, the amendment retains about 10% of revenue for municipal use.

Update on Retirement Related Bills

Since 2010, over 100 changes to RSA 100-A involving the New Hampshire Retirement System (NHRS) have been enacted. This session, 20 bills were introduced, many of which would affect member benefits or have a fiscal impact on municipal and school budgets.

Two bills this session would work **decrease** NHRS municipal budget costs and provide local property tax relief:

- [HB 1279](#) is awaiting a recommendation from the House Finance Committee. This bill would require the state pay 7.5 percent of local employer retirement contributions for Group I teachers and Group II police and fire members on an ongoing basis.
- [HB 436](#) was passed in the House and will move to the Senate. A 2023 bill that has been amended, **HB 436** would appropriate \$50 million in fiscal year 2024 for the purpose of reducing the retirement system's unfunded actuarial accrued liability (UAAL) determined under RSA 100-A:16, II.

Below is a status update on some the bills that propose policy changes to RSA 100-A, **many** of which will **increase** municipal employer costs:

- [HB 1451](#) was recommended Ought to Pass as amended 20-0 by the House Executive Departments and Administration Committee. This bill would require that mandatory overtime be reported as part of the full base rate of compensation. There would be an indeterminable, but certain, cost to this proposal.
- [HB 1647](#) was recommended Ought to Pass as amended 20-0 by the House Executive Departments and Administration Committee. This bill would increase the multiplier for Group II Tier B and C members (and future hires) to 2.5 percent for all years worked in excess of 10 years. The bill includes a \$55.9 million state appropriation to offset the cost, but Group II employers would still have an ongoing annual cost of \$4.09 million.
- [SB 309](#) is awaiting a committee recommendation from the Senate Executive Departments and Administration Committee. This bill would reduce the vesting period for retirement system benefits from 10 years to 5 years. The fiscal note indicated that this bill will reduce the unfunded liability by 12.1 million, but would increase the future benefits resulting in a \$2.12 million ongoing annual costs across all groups.
- [SB 368](#) is awaiting a committee recommendation from the Senate Executive Departments and Administration Committee. This bill retroactively amends

current law regarding the reduction of a retiree's annuity at their full retirement age under the Social Security system and would apply to members of Group I who already retired prior to July 1, 2023, and had not attained age 65 prior to July 1, 2024. The annual cost of this proposal is \$520,000 over the next 20 years to fund the resulting \$11.1 million increase to the UAAL.

- [**HB 1307**](#) was recommended Ought to Pass as amended 20-0 by House Executive Departments and Administration Committee. This bill would make a one-time state funded supplemental allowance of \$500 to accidental disability benefit recipients whose annual benefit is less than \$40,000. There is no municipal cost.
- [**SB 520**](#) was recommended Inexpedient to Legislate 5-0 by the Senate Executive Departments and Administration Committee. This bill would create a redundant financial standard of care requirement for state and local public retirement systems in discharging fiduciary duties.
- [**HB 1211**](#) was recommended Inexpedient to Legislate 20-0 by the House Executive Departments and Administration Committee. This bill would temporarily increase the number of hours a retired employee can work in a calendar year from 1,352 to 1,872. After 10 years, the number of hours would revert to the 2023 level of 1,352 hours.

Finally, the following bills are no longer in play this session:

- [**HB 1421**](#): Inexpedient to Legislate. This bill would have required the NHRS Board of Trustees to contract two investment consulting firms and review their performance and increasing costs to the administration of the system.
- [**HB 1653**](#): Sent to Interim Study. This bill would have modified the definition of earnable compensation for Group II members hired prior to July 1, 2011, and who did not attain vested status prior to January 1, 2012, adding \$ 26.9 million to the UAAL with an annual ongoing cost of \$2.88 million for Group II employers.
- [**HB 1673**](#): Sent to Interim Study. This would redefine the average final compensation for Group II members hired prior to July 1, 2011, and who did not attain vested status prior to January 1, 2012, adding \$18.5 million to the UAAL with an annual ongoing cost of \$2.04 million for Group II employers.

Reminder: Local Solutions to the State's Housing Crisis Webinar Series

NHMA is proud to partner with New Hampshire Department of Business and Economic Affairs, New Hampshire Planners Association, New Hampshire Association of Regional Planning Commissions, University of New Hampshire Extension, PLAN NH, New Hampshire Housing, Community Development Finance Authority, and the Center for Ethics in Society at Saint Anselm College on a 5-part webinar series focusing on local solutions to New Hampshire's housing shortage. The other programs in the series are:

[“The Intersection of Development and Clean Water”](#) (Thursday, February 22)
[“YIMBYism: A Different Approach to Development”](#) (Thursday, February 29)
[“Transfer of Development Rights 101: A Primer”](#) (Thursday, March 7)
[“Attracting Developers”](#) (Thursday, March 14)

The series will highlight a variety of actions municipalities are taking to improve the housing shortage. We’ve all seen numerous news reports about, for instance, the [2,717 housing units that will shortly be under construction in Concord](#) (a [14% increase](#) in housing units), but this series will delve into the factors that lead to success and how growth can balance against existing demands for municipal services. We hope that you will register via the links above and join us during this series.

Reminder: 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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