

**TOWN OF GOFFSTOWN, NH**  
**2025 ZONING AMENDMENTS**

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**ARTICLE 2**

Are you in favor of the adoption of Amendment to the Goffstown Zoning Ordinance, as proposed by the Planning Board, to amend the definition of an “Abutter” in the Glossary, amend Section 15.3.3 Administrator Appeals and Section 15.3.7.7 Rehearing, and adding Section 15.3.7.10 Appeal of Administrative Officer’s Decision? This amendment will meet the 2024 change to state law relative to the statutory definition of “abutter” and to appeals of certain zoning decisions by abutters under NH House Bill 1359 (laws of 2024, Chapter 130).

**Recommended by the Planning Board 8-0-0.**

**This Amendment will amend the definition of an “Abutter” in the Glossary to read:**

**Abutter** - Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. "Directly across the street or stream" shall be determined by lines drawn perpendicular from all pairs of corner boundaries along the street or stream of the applicant to pairs of projected points on any property boundary across the street or stream that intersect these perpendicular lines. Any property that lies along the street or stream between each pair of projected points, or is within 50 feet of any projected point shall be considered an abutter. For purposes of receiving testimony only, and not for purposes of notification, the term " abutter " shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officer of the collective or association as defined in RSA 356-B, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term " abutter " includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

**This Amendment will amend Section 15.3.3 Administrative Appeals to read:**

15.3.3 Administrative Appeals - The ZBA may hear and consider appeals alleging that there is an error in any order, requirement, decision, or determination made by an administrative official in the administration of the ordinance. Appeals may be made by the Select Board, any party to the action or proceedings, or an abutter as defined by RSA 672:3. The ZBA may affirm, reverse, or modify such order, requirement, decision, or determination in whole or in part.

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**TOWN OF GOFFSTOWN, NH**  
**2025 ZONING AMENDMENTS**

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**This Amendment will amend Section 15.3.7.7 Rehearing to read:**

15.3.7.7 Rehearing – Within thirty (30) days after any order or decision of the zoning board of adjustment, the select board, any party to the action of proceedings, or an abutter as defined by RSA 672:3 may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order specifying in the motion for rehearing the ground therefor, and the board of adjustment may grant such rehearing if in its opinion good reason therefor is stated in the motion. This 30-day time period shall be counted in calendar days beginning with the date following the date upon which the board voted to approve or disapprove the application in accordance with RSA 21:35; provided however, that if the moving party shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 5 business days after the vote pursuant to RSA 676:3 II, the person applying for the rehearing shall have the right to amend the motion for rehearing including the grounds therefore, within 30 days after the date on which the written decision was actually filed. a decision of the ZBA, any party to the action or person directly affected thereby may apply for a rehearing in respect to any matter determined in the decision and must specify such grounds in the motion for rehearing. The ZBA may grant a rehearing if, in the opinion of the ZBA, there is good reason for such based on the grounds specified in the motion.

**This Amendment will add Section 15.3.7.10 Appeal of Administrative Officer’s Decision.**

15.3.7.10 Appeal of Administrative Officer’s Decision. – Appeals to the Board of Adjustment concerning any matter within the board’s powers as set forth in RSA 674:33 and RSA 676:5, may be taken by (any person aggrieved) the applicant, an abutter as defined in RSA 672:3, or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the rules of the board, by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which action appealed from was taken.

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**TOWN OF GOFFSTOWN, NH**  
**2025 ZONING AMENDMENTS**

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**ARTICLE 3**

Are you in favor of the adoption of an Amendment to the Goffstown Zoning Ordinance, as proposed by the Planning Board, to amend the Glossary by removing the definition of “Family Day Care Home” and replacing it with a new definition for “Family Child Care Home”; to amend the Glossary by removing “Family Group Day Care Home” and replacing it with a new definition “Family Group Child Care Home”; and add Section 5.6.4 Group Child Day Care? This amendment will meet the 2024 change to state law concerning family and group family child care uses under NH House Bill 1567 (laws of 2024, Chapter 271).

**Recommended by the Planning Board 8-0-0.**

**This Amendment will remove: “Family Day Care Home” in the Glossary and replace it with a new Definition of Terms in the Glossary: “Family Child Care Home”.**

Family Child Care Home - A childcare program operated in a home in which the provider resides. In a family childcare home, one provider may care for a maximum of 6 preschool children plus up to 3 children who are enrolled in a full-day school program. The number of children younger than 36 months of age and 24 months of age that may be cared for is limited, per NH RSA 672:1, V-a.

**This Amendment will remove “Family Group Day Care Home” from the Glossary and replace it with a new Definition of Terms in the Glossary: “Family Group Child Care Home”.**

Family Group Child Care Home. A childcare program operated in a home in which the provider resides. In a family group childcare home, one provider and one family childcare worker or assistant may care for 7 to 12 preschool children plus up to 5 children enrolled in a full-day school program. The number of children younger than 36 months of age that may be cared for is limited.

**This Amendment will add Section 5.6 Group Child Day Care to the Zoning Ordinance, allowing Family and Group Family Child Care programs as accessory use to any primary residential use.**

5.6.4 Group Child Day Care, as defined in NH RSA 674:16 VI Family and Group Family Child Care programs shall be allowed as accessory use to any primary residential use. Family or Group Family Childcare shall not be subject to site plan review in any zone where primary residential use is permitted.

*This amendment will meet the new Statutory requirements, per New Hampshire House Bill 1567*

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**TOWN OF GOFFSTOWN, NH**  
**2025 ZONING AMENDMENTS**

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**ARTICLE 4**

Are you in favor of the adoption of an Amendment to the Goffstown Zoning Ordinance, as proposed by the Planning Board, to Amend 7.2.5 Table of Off-Street Parking Requirements to add: "A two-family with a studio & 1-bedroom under 1,000 sf that meets Workforce Housing Requirements will require 1 ½ parking spaces per unit. A Multi-Family with 10 or more units will require 1 ½ parking spaces per unit. Guest parking shall be provided in the amount of .25 of the total number of units."? This amendment will meet the 2024 change to state law relative to residential parking spaces under NH House Bill 1400 (laws of 2024, Chapter 370)?

**Recommended by the Planning Board 8-0-0.**

**ARTICLE 5**

Are you in favor of the adoption of an Amendment No. 5 to the Goffstown Zoning Ordinance, as proposed by the Planning Board, as follows: Amend Section 7.3.3. Handicapped Accessible Spaces by changing the size of the handicapped accessible spaces from eighteen and one half (18.5) feet in length and eight (8) feet in width to twenty (20) feet in length and nine (9) feet in width?

**Recommended by the Planning Board 8-0-0.**

**ARTICLE 6**

Are you in favor of the adoption of an Amendment to the Goffstown Zoning Ordinance, as proposed by the Planning Board, by adding: "Section 7.5.3.2 - An applicant may present an alternative parking arrangement to the Planning Board for residential use, the Planning Board shall be required to consider the alternative parking solution."? This amendment will meet the 2024 change to state law relative to residential parking spaces under NH House Bill 1400 (laws of 2024, Chapter 370)?

**Recommended by the Planning Board 8-0-0.**

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**TOWN OF GOFFSTOWN, NH**  
**2025 ZONING AMENDMENTS**

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**ARTICLE 7**

Are you in favor of the adoption of an Amendment to the Goffstown Zoning Ordinance, as proposed by the Planning Board, to combine Section 8.3 Light Projection and 8.5 Illumination of Parking Areas, add a requirement that all lighting shall have full cutoff shields, and include “front” lot lines to limitation of illumination sentence? The combined Section 8.3 shall read: “8.3 Light Projection - Any new outside lighting, whether for area illumination, sign illumination, building illumination, or other purpose, shall project no more than 3% of its light rays above the horizon from the lamp, its lens structure or any associated reflector. In addition, any new lighting greater than 20 foot-candles on the ground requires the submission of a detailed engineering lighting plan. Lighting fixtures used to illuminate parking areas shall direct the light away from adjacent properties and away from traffic on adjacent streets. Lighting shall be designed to limit any increase in off-site illumination to a maximum of 0.2 foot-candles as measured at the front, side, and rear lot lines, except where parking lots are interconnected. All lighting fixtures shall have full cut-off shields.”

**Recommended by the Planning Board 8-0-0.**

**ARTICLE 8**

Are you in favor of the adoption of an Amendment to the Goffstown Zoning Ordinance, as proposed by the Planning Board, rewriting the current Section 9, Manufactured Homes & Manufactured Home Parks to allow for the expansion of manufactured housing parks that existed as of 7/1/24, as well as allowing manufactured housing on individual lots and subdivisions created for manufactured housing parks? This amendment will meet the 2024 change to state law requiring municipalities that adopt land use control measures to provide reasonable and realistic opportunities for the siting of manufactured housing on individual lots and in manufactured housing parks and subdivisions within residential districts under NH House Bill 1361 (laws of 2024, Chapter 23)?

**Recommended by the Planning Board 8-0-0.**

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CHAPTER 130  
HB 1359 - FINAL VERSION

2024 SESSION

24-2277  
12/08

HOUSE BILL

**1359**

AN ACT

relative to appeals of certain zoning decisions by abutters.

SPONSORS:

Rep. L. Turcotte, Straf. 4; Rep. Alexander Jr., Hills. 29; Sen. Perkins Kwoka, Dist 21;  
Sen. Innis, Dist 7

COMMITTEE:

Municipal and County Government

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ANALYSIS

This bill adds to the definition of "abutter" and includes abutters in appeals to the board of adjustment.

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Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~[in brackets and struck through.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 130  
HB 1359 - FINAL VERSION

24-2277  
12/08

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Four*

AN ACT                   relative to appeals of certain zoning decisions by abutters.

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

1           130:1 Abutters Rights to Appeal to the Board of Adjustment. Amend RSA 676:5, I to read as follows:

2           I. Appeals to the board of adjustment concerning any matter within the board's powers as set  
3 forth in RSA 674:33 may be taken by ~~[any person aggrieved]~~ **the applicant, an abutter as defined by RSA**  
4 **672:3**, or by any officer, department, board, or bureau of the municipality affected by any decision of the  
5 administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of  
6 the board, by filing with the officer from whom the appeal is taken and with the board a notice of appeal  
7 specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the  
8 board all the papers constituting the record upon which the action appealed from was taken.

9           130:2 Motion for Rehearing; Abutters; Board of Adjustment; Board of Appeals. Amend RSA 677:2 to  
10 read as follows:

11           677:2 Motion for Rehearing of Board of Adjustment, Board of Appeals, and Local Legislative Body  
12 Decisions.

13           Within 30 days after any order or decision of the zoning board of adjustment, or any decision of the  
14 local legislative body or a board of appeals in regard to its zoning, the selectmen, any party to the action  
15 or proceedings, or ~~[any person directly affected thereby]~~ **an abutter as defined by RSA 672:3** may apply  
16 for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in  
17 the order, specifying in the motion for rehearing the ground therefor; and the board of adjustment, a board  
18 of appeals, or the local legislative body, may grant such rehearing if in its opinion good reason therefor is  
19 stated in the motion. This 30-day time period shall be counted in calendar days beginning with the date  
20 following the date upon which the board voted to approve or disapprove the application in accordance  
21 with RSA 21:35; provided however, that if the moving party shows that the minutes of the meeting at  
22 which such vote was taken, including the written decision, were not filed within 5 business days after the  
23 vote pursuant to RSA 676:3, II, the person applying for the rehearing shall have the right to amend the  
24 motion for rehearing, including the grounds therefor, within 30 days after the date on which the written  
25 decision was actually filed. If the decision complained against is that made by a town meeting, the  
26 application for rehearing shall be made to the board of selectmen, and, upon receipt of such application,  
27 the board of selectmen shall hold a rehearing within 30 days after receipt of the petition. Following the  
28 rehearing, if in the judgment of the selectmen the protest warrants action, the selectmen shall call a  
29 special town meeting.

30           130:3 Abutter; Definition. Amend RSA 672:3 to read as follows:

31           672:3 Abutter.

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HB 1359 - FINAL VERSION

- Page 2 -

1 "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly  
2 across the street or stream from the land under consideration by the local land use board. *"Directly*  
3 *across the street or stream" shall be determined by lines drawn perpendicular from all pairs of corner*  
4 *boundaries along the street or stream of the applicant to pairs of projected points on any property*  
5 *boundary across the street or stream that intersect these perpendicular lines. Any property that lies along*  
6 *the street or stream between each pair of projected points, or is within 50 feet of any projected point shall*  
7 *be considered an abutter.* For purposes of receiving testimony only, and not for purposes of notification,  
8 the term " abutter " shall include any person who is able to demonstrate that his land will be directly  
9 affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a  
10 local land use board hearing, in the case of an abutting property being under a condominium or other  
11 collective form of ownership, the term abutter means the officers of the collective or association, as  
12 defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use  
13 board hearing, in the case of an abutting property being under a manufactured housing park form of  
14 ownership as defined in RSA 205-A:1, II, the term " abutter " includes the manufactured housing park  
15 owner and the tenants who own manufactured housing which adjoins or is directly across the street or  
16 stream from the land under consideration by the local land use board.

130:4 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 03, 2024

Effective Date: September 01, 2024

CHAPTER 271  
HB 1567-FN - FINAL VERSION

05/16/2024 1981s

2024 SESSION

24-2081  
10/02

HOUSE BILL ***1567-FN***

AN ACT relative to zoning provisions concerning family and group family child care uses.

SPONSORS: Rep. Grassie, Straf. 8; Rep. Wallner, Merr. 19; Rep. D. Paige, Carr. 1; Rep. Berry, Hills. 39; Rep. McWilliams, Merr. 30; Rep. N. Murphy, Hills. 12; Rep. Barody, Hills. 39; Rep. C. McGuire, Merr. 27; Rep. Grote, Rock. 24; Sen. Perkins Kwoka, Dist 21; Sen. Whitley, Dist 15

COMMITTEE: Special Committee on Childcare

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ANALYSIS

This bill generally requires family and group family child care programs to be allowed as an accessory use to any primary residential use under local zoning and planning regulations.

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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.

CHAPTER 271  
HB 1567-FN - FINAL VERSION

05/16/2024 1981s

24-2081  
10/02

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Four*

AN ACT relative to zoning provisions concerning family and group family child care uses.

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

1 271:1 Planning and Zoning; General Provisions; Child Care Programs. RSA 672:1, V-a is repealed  
2 and reenacted to read as follows:

3 V-a. All families of the state benefit from a balanced and diverse supply of affordable child care in  
4 a setting conducive to each child's and family's needs. Establishment of child care which is safe and  
5 affordable is in the best interests of each community and the state of New Hampshire and serves a vital  
6 public need. Opportunity for development of all types of home-based care (family care and group family  
7 care) shall be allowed as long as all requirements for such programs adopted in rules of the department of  
8 health and human services (He-C 4002) are met. Family or group family child care shall be allowed as an  
9 accessory use to any primary residential use and shall not be subject to local site plan review regulations  
10 in any zone where a residential use is permitted; and

11 271:2 New Paragraph; Zoning; Powers. Amend RSA 674:16 by inserting after paragraph V the  
12 following new paragraph:

13 VI. In its exercise of the powers granted under this subdivision, the local legislative body of a city,  
14 town, or county in which there are located unincorporated towns or unorganized places shall, as  
15 described in RSA 672:1, V-a, allow home-based care (family care and group family care) by right or  
16 pursuant to a conditional use permit as long as all requirements for such programs adopted in rules of the  
17 department of health and human services (He-C 4002) are met. Family or group family child care shall be  
18 allowed as an accessory use to any primary residential use and shall not be subject to local site plan  
19 review in any zone where a primary residential use is permitted. If all requirements of the department of  
20 health and human services are met, but an application for a conditional use permit is pending with the  
21 municipality in which the home-based child care facility is located, an applicant may begin operation  
22 during such time until the permit is granted or denied.

23 271:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 26, 2024  
Effective Date: September 24, 2024

CHAPTER 370  
HB 1400 - FINAL VERSION

28Mar2024... 0853h  
05/22/2024 1962s  
05/22/2024 2144s  
13Jun2024... 2295CofC  
13Jun2024... 2364EBA

2024 SESSION

24-2672  
10/08

HOUSE BILL **1400**

AN ACT relative to residential parking spaces, landlord-tenant law, unauthorized occupant evictions, and zoning procedures concerning residential housing.

SPONSORS: Rep. McWilliams, Merr. 30; Rep. Yokela, Rock. 32

COMMITTEE: Special Committee on Housing

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AMENDED ANALYSIS

This bill:

- I. Limits restrictions that municipalities may place on required residential parking spaces.
- II. Defines the terms “tenant,” “subtenant,” “implied tenant,” and “non-rental owner,” and specifies the rights and obligations of each party in cases of evictions of unauthorized occupants.
- III. Provides remedies for violations of landlord-tenant law and unauthorized occupancy evictions.
- IV. Establishes a tax relief program for office conversion to residences; enables municipalities to allow its governing body to adopt certain zoning ordinance changes; and adds additional authority in zoning powers for parking requirements and lot size requirements related to sewer infrastructure.

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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.

CHAPTER 370  
HB 1400 - FINAL VERSION

28Mar2024... 0853h  
05/22/2024 1962s  
05/22/2024 2144s  
13Jun2024... 2295CofC  
13Jun2024... 2364EBA

24-2672  
10/08

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Four*

AN ACT relative to residential parking spaces, landlord-tenant law, unauthorized occupant evictions, and zoning procedures concerning residential housing.

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

1 370:1 New Paragraph; Zoning and Planning; Grant of Power; Parking. Amend RSA 674:16 by  
2 inserting after paragraph V the following new paragraph:

3 VI. In its exercise of the powers granted under this subdivision, the local legislative body of a city,  
4 town, or county in which there are located unincorporated towns or unorganized places may regulate  
5 accessory parking for vehicles, but shall not require more than 1.5 residential parking spaces per unit for  
6 studio and one bedroom units under 1000 square feet that meet the requirements for workforce housing  
7 under RSA 674:58, IV, and shall not require more than 1.5 residential parking spaces per unit for multi-  
8 family developments of 10 units or more.

9 370:2 Definition. Amend RSA 540-A:1, II to read as follows:

10 II. "Tenant" means a person to whom a landlord rents or leases residential premises, including  
11 manufactured housing or a space in a manufactured housing park.

12 (a) *"Subtenant" means a person to whom a tenant rents or leases residential premises,*  
13 *including manufactured housing or a space in a manufactured housing park, if the tenant has*  
14 *authorization from the landlord to sublet.*

15 (b) *"Implied tenant" means a person who occupies a dwelling unit with:*

16 (1) *The knowledge and consent of the lawful tenant; and*

17 (2) *The knowledge and consent of the landlord, but without a signed lease or rental*  
18 *agreement.*

19 *II-a. Nothing in this section shall be construed to prevent the arrest and prosecution of a person*  
20 *or persons, pursuant to RSA 635:1 or RSA 635:2.*

21 370:3 New Paragraph; Definition. Amend RSA 540-A:1 by inserting after paragraph III the following  
22 new paragraph:

23 IV. "Non-rental owner" means an owner or owner's agent who does not rent or lease their  
24 property to others.

25 370:4 Certain Specific Acts Prohibited. Amend RSA 540-A:3, VII-VIII to read as follows:

26 VII. Other than residential real estate under *RSA 540-A:4, VII(c) or* RSA 540-B, a landlord shall  
27 maintain and exercise reasonable care in the storage of the personal property of a tenant who has  
28 vacated the premises, either voluntarily or by eviction, for a period of 7 days after the date upon which  
29 such tenant has vacated. During this period, the tenant shall be allowed to recover personal property

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HB 1400 - FINAL VERSION  
- Page 2 -

1 without payment of rent or storage fees. After the 7-day limit has expired, such personal property may be  
2 disposed of by the landlord without notice to the tenant.

3 VIII. Prior to collecting any fee as part of the rental application or renewal process, the landlord  
4 shall clearly disclose, in writing to prospective tenants, the amount of the fee and the requirement for a  
5 satisfactory criminal background and credit check, if any. If such fee is collected from an applicant, but  
6 the unit is not rented to that applicant, the landlord shall return any amount beyond the actual cost of the  
7 documented background check, credit check, and/or reasonable administrative costs to the applicant  
8 within 30 days of receipt. Nothing in this paragraph shall require the landlord to conduct a criminal  
9 background or credit check or prohibit the landlord from renting to an applicant who does not pass the  
10 criminal background or credit check.

11 *IX. No person or legal entity, that is not a tenant, subtenant, or implied tenant, as defined in RSA*  
12 *540-A:1, II, shall occupy residential real estate without permission of the owner, landlord, or their agent.*

13 370:5 Remedies. Amend RSA 540-A:4, II to read as follows:

14 II. Any tenant or landlord [~~may~~] *or non-rental owner shall have the right to* seek relief from a  
15 violation of RSA 540-A:2 or RSA 540-A:3 by filing a petition in the district or county where the rental  
16 premises are located.

17 *II-a. Nothing in this section shall be construed to extinguish any common law remedies, including*  
18 *self-help, available to a non-rental owner.*

19 370:6 Remedies. Amend RSA 540-A:4, VI - VII to read as follows:

20 VI. The court shall hold a hearing within 30 days of the filing of a petition under paragraph II or  
21 within 10 days of service of process upon the defendant, whichever occurs later. *In cases in which a*  
22 *landlord or non-rental owner alleges a violation of RSA 540:3, IX, a hearing shall be held within 48 hours,*  
23 *provided that service of the petition was made at the abode or in hand on the day the court entered the*  
24 *petition. If the return of service does not show same day service, the hearing shall be held within 48 hours*  
25 *from the date of service. The court may continue the hearing at the request of the plaintiff, or for*  
26 *compelling necessity established by the defendant. If the property is the personal residence of a non-*  
27 *rental owner, and the defendant requests a continuance, upon granting such a continuance, the court*  
28 *shall issue temporary orders requiring the defendant to vacate or be removed from the real estate pending*  
29 *the hearing on the merits. The court shall make its best efforts to render a decision on the matter the*  
30 *same day as of the hearing on the merits.*

31 VII. Upon a showing of a violation of RSA 540-A:2 or RSA 540-A:3, I, II, or III, the court shall  
32 grant such relief as is necessary to protect the rights of the parties. Such relief may include:

33 (a) An order prohibiting the defendant from continuing the activity or activities which violate  
34 RSA 540-A:2 or RSA 540-A:3; and

35 (b) An award of damages to the plaintiff for the violations of RSA 540-A, breach of warranty  
36 of habitability, breach of the covenant of quiet enjoyment or any other claim arising out of the facts alleged  
37 in the plaintiff's petition.

38 (c) *For purposes of RSA 540-A:3, IX:*

1           (1) *When the defendant claims to be a subtenant or an implied tenant, the defendant*  
2 *shall bear the burden of proof to establish such status. Evidence to prove tenancy may include, but is not*  
3 *limited to:*

4                   (A) *An unexpired written lease signed and dated by the tenant and landlord or the*  
5 *tenant and landlord's agent;*

6                   (B) *A copy of canceled checks or money orders dated within one month of date-of-*  
7 *offer of such proof, indicating it was paid to the landlord or landlord's agent and which was made by, or on*  
8 *behalf of, the tenant;*

9                   (C) *A copy of cash rent receipts dated within one month of date-of-offer of such*  
10 *proof, that was signed and dated by the landlord or landlord's agent;*

11                   (D) *Written proof of rent payment made within one month of date-of-offer of such*  
12 *proof from Venmo, ACH payment, EFT payment, or other electronic direct payment methods to the*  
13 *account of the landlord or landlord's agent; or*

14                   (E) *Copy of emails, texts, or other electronic messages which when taken together*  
15 *establish an agreement between the landlord or landlord's agent that the occupant may reside at the*  
16 *premises.*

17           (2) *This subparagraph shall not be construed to prevent an occupant claiming to be an*  
18 *implied tenant from presenting evidence in support of their claim that based on the totality of the*  
19 *circumstances the landlord, landlord's agent, or non-rental owner impliedly agreed to allow the occupant*  
20 *to reside at the premises.*

21           (3) *By itself, evidence of utilities, other services, IDs, or documents showing the address*  
22 *of the residence shall not be sufficient evidence without authorizing documentation from the lessor or the*  
23 *non-rental owner.*

24           (4) *In all cases if the court rules in favor of the plaintiff, the court shall order the*  
25 *immediate removal of the unauthorized occupants by law enforcement and the plaintiff shall be awarded*  
26 *actual damages or \$1000, whichever is greater.*

27           (5) *If the court finds that the occupant sublet from the tenant but the lease between the*  
28 *landlord and the tenant prohibits subletting, and the occupant failed to establish being an implied tenant,*  
29 *the plaintiff may dispose of any remaining personal property as they see fit after 48-hours notice to the*  
30 *occupants. Notwithstanding RSA 540-A:4, VII(c)(4), in such cases damages shall not be awarded to the*  
31 *plaintiff.*

32           (6) *In all other cases of non-rental property and rental property, plaintiff may dispose of*  
33 *any remaining personal property as they see fit and without notice to the occupants and occupants may*  
34 *be arrested for trespass.*

35           (7) *If the court rules in favor of the occupants, then the occupants shall not be removed*  
36 *from the premises. Such ruling shall be without prejudice to any subsequent possessory action filed*  
37 *pursuant to RSA 540.*

38           370:7 New Subparagraph; Remedies. Amend RSA 540-A:4, IX by inserting after subparagraph (f)  
39 the following new subparagraph:

CHAPTER 370  
HB 1400 - FINAL VERSION  
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1 (g) If the court finds that the plaintiff's allegation of a violation of RSA 540-A:3, IX was not  
2 made in good faith, the defendant shall be awarded actual damages or \$1000 whichever is greater.

3 370:8 Community Revitalization Tax Relief Incentive; Tax Relief. Amend RSA 79-E:2, VI(a) to read  
4 as follows:

5 (a) For a qualifying structure, that for a period of time determined by a local governing body  
6 in accordance with this chapter, the property tax on a qualifying structure shall not increase as a result of  
7 the substantial rehabilitation thereof *or conversion from office, industrial, or commercial use to residential*  
8 *use.*

9 370:9 New Section; Community Revitalization Tax Relief Incentive; Office Conversion Zones Added.  
10 Amend RSA 79-E by inserting after section 4-c the following new section:

11 79-E:4-d Office Conversion Zones.

12 I. A city or town may adopt the provisions of this section by vote of its legislative body, according  
13 to the procedures described in RSA 79-E:3, to establish tax relief for the owners of a building or structure  
14 currently being used for office use, in whole or in part, if such use is converted to residential use, in whole  
15 or in part.

16 II. The governing body of a municipality shall designate the area of office use in which the tax  
17 relief for qualifying structures shall apply. Municipalities may further establish criteria for the public  
18 benefits, goals, and measures that will determine the eligibility of qualifying structures for tax relief located  
19 within a designated office conversion zone. For the purposes of this section, "office use" means buildings  
20 or structures used or intended for use in whole or in part for the practice of a profession, the carrying on of  
21 a business or occupation or the conduct of a non-profit organization or government entity. "Office use"  
22 also includes co-working spaces.

23 III. Municipalities may grant tax relief to the qualifying structure and property as described in RSA  
24 79-E:4 for the period of tax relief under RSA 79-E:5, provided that no property may be granted tax relief  
25 under this chapter more than once in a 20 year period.

26 370:10 New Subparagraph; Definition of Qualifying Structure. Amend RSA 79-E:2, II by inserting  
27 after subparagraph (f) the following new subparagraph:

28 (g) In a city or town that has adopted the provisions of RSA 79-E:4-d, "qualifying structure"  
29 also means a building or structure being used for office use, in whole or in part, if such use is converted to  
30 residential use, in whole or in part, in an office conversion zone established under RSA 79-E:4-d. Nothing  
31 in this section shall affect the governing or legislative body's existing consultation process with the  
32 planning board.

33 370:11 Zoning; Words Defined; Local Legislative Body. Amend RSA 672:8 to read as follows:

34 672:8 Local Legislative Body.

35 I. "Local legislative body" means one of the following basic forms of government utilized by a  
36 municipality:

37 [I.] (a) Council, whether city or town;

38 [II.] (b) Mayor-council;

39 [III.] (c) Mayor-board of aldermen;

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1           ~~[IV.]~~ (d) Village district or precinct;

2           ~~[V.]~~ (e) Town meeting; or

3           ~~[VI.]~~ (f) County convention.

4           ***II. In non-charter towns, village districts, and counties in which there are located unincorporated***  
5 ***places that have adopted the authority provided in RSA 674:18-a for the approval of amendments to***  
6 ***zoning ordinances or bylaws and the local zoning map, the term "local legislative body" shall mean local***  
7 ***governing body as defined in RSA 672:6 solely for the purpose of adopting amendments to a zoning***  
8 ***ordinance or local zoning map.***

9           370:12 New Section; Adoption of Zoning Ordinances; Alternative Procedure. Amend RSA 674 by  
10 inserting after section 18 the following new section:

11           674:18-a Alternative Procedure for Adoption of Zoning Ordinances.

12           I. Any non-charter town, village district, or county in which are located unincorporated places,  
13 may adopt the provisions of this section by placing the question on the warrant of a special or annual  
14 meeting, by the governing body or by petition pursuant to RSA 39:3, or otherwise by acting upon the  
15 question of adoption of this section in accordance with its normal procedures for passage of ordinances.

16           II. Upon adoption, the local governing body shall be authorized to adopt amendments to the local  
17 zoning ordinances and the local zoning map by majority vote of the governing body after at least one full  
18 public hearing that complies with RSA 675:7, without a vote by the usual local legislative body or by a vote  
19 of voters in the jurisdiction.

20           III. The procedure for adoption of amendments to zoning ordinances or bylaws and the zoning  
21 map under this section shall be construed to be an adoption by the local legislative body as defined in  
22 RSA 672:8.

23           370:13 New Section; Local Land Use and Regulatory Powers; On-site Parking Requirements.  
24 Amend RSA 674 by inserting after section 16 the following new section:

25           674:16-a On-site Parking Requirements.

26           I. In this section:

27           (a) "Residential use" means lands, buildings, or structures, or portions thereof, used,  
28 designed, or intended for non-transient occupancy.

29           (b) "On-site parking requirements" means the required number of on-site parking spaces, the  
30 maximum distance of the parking spaces from the proposed use, the dimensions of the parking spaces,  
31 the angle of the parking spaces, and the hours of the day the parking spaces must be available as  
32 required by a zoning ordinance, site plan review regulation, subdivision regulation, or innovative land use  
33 control.

34           (c) "Alternative parking solution" means a proposal by an applicant to meet the parking  
35 demand created by a proposed residential use which is a substitute for meeting the on-site parking  
36 requirements prescribed by a zoning ordinance, site plan review regulation, subdivision regulation, or  
37 innovative land use control. Alternative parking solutions shall include, but not be limited to: (1) an  
38 agreement for the provision of off-site parking spaces with another owner of real property during hours  
39 which the off-site parking spaces are not in use within a quarter of a mile of the proposed residential use,

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1 (2) agreement with a rideshare company to provide transportation to the occupants of the proposed  
2 residential use, (3) availability of public transportation including fixed-route bus service within a quarter of  
3 a mile of the proposed residential use, or (4) location in a district officially designated in a municipality's  
4 master plan, or by zoning ordinance, as a downtown, town center, central business district, or village  
5 center in which there is adequate walkability infrastructure. The planning board shall not be required to  
6 approve the alternative parking solution if the results of the third-party review under RSA 676:4-b, I,  
7 conclude that the proposed alternative parking solution will not meet the parking demand created by the  
8 proposed residential use. Planning boards shall have the authority under RSA 674:16-a to approve  
9 residential uses with alternative parking solutions which may be inconsistent with the requirements of their  
10 zoning ordinance.

11 (d) "Adequate walkability infrastructure" means sidewalks, density of development, bus  
12 stops, bike lanes, mixed use neighborhoods, and other infrastructure that supports walkability.

13 II. If a proposed residential use proposes to meet the on-site parking requirements prescribed by  
14 a zoning ordinance adopted pursuant to RSA 674:16, prescribed by a site plan review regulation adopted  
15 pursuant to RSA 674:44, prescribed by a subdivision regulation adopted pursuant to RSA 674:36, or other  
16 innovative land use control adopted pursuant to RSA 674:21, with an alternative parking solution, in any of  
17 the above cases due to economic considerations, the planning board shall be required to consider such  
18 alternative parking solution.

19 III. If the applicant can demonstrate that the alternative parking solution will meet the parking  
20 demand created by the proposed residential use, a planning board shall be required to approve the  
21 alternative parking solution proposed by the applicant as a substitute for the proposed residential use  
22 meeting the on-site parking requirements.

23 IV. If a planning board during the review process of a subdivision plat, site plan, or other land use  
24 application for the proposed residential use doesn't agree with the applicant's determination that the  
25 alternative parking solution will meet the parking demand created by the proposed residential use, the  
26 planning board can request third-party review under RSA 676:4-b, I.

27 370:14 Repeal. RSA 79-E:4-d, relative to office conversion zones, is repealed.

28 370:15 Effective Date.

29 I. Sections 1 through 7 shall take effect January 1, 2025.

30 II. Section 14 of this act shall take effect January 1, 2035.

III. The remainder of this act shall take effect July 1, 2024.

Approved: August 23, 2024

Effective Date:

I. Sections 1-7 effective January 1, 2025

II. Section 14 effective January 1, 2035

III. Remainder effective July 1, 2024

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28Mar2024... 1040h

2024 SESSION

24-2226  
05/10

HOUSE BILL

***1361***

AN ACT relative to municipal land use regulation for manufactured housing and subdivisions.

SPONSORS: Rep. Alexander Jr., Hills. 29; Rep. Seidel, Hills. 29; Rep. Baroody, Hills. 39; Rep. Read, Rock. 10; Rep. McConkey, Carr. 8; Rep. Yokela, Rock. 32; Rep. DiLorenzo, Rock. 10; Rep. Wallace, Rock. 8; Rep. Damon, Sull. 8; Rep. Gibbs, Merr. 23; Sen. Perkins Kwoka, Dist 21

COMMITTEE: Special Committee on Housing

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AMENDED ANALYSIS

This bill requires municipalities that adopt land use control measures to provide reasonable and realistic opportunities for the siting of manufactured housing on individual lots and in manufactured housing parks and subdivisions within residential districts. The bill also directs municipalities to provide reasonable and realistic opportunities for expansion of existing manufactured housing parks.

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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.

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28Mar2024... 1040h

24-2226  
05/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Four*

AN ACT relative to municipal land use regulation for manufactured housing and subdivisions.

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

1 23:1 Local Land Use Planning and Regulatory Powers; Manufactured Housing. RSA 674:32, I is  
2 repealed and reenacted to read as follows:

3 I.(a) Municipalities shall afford reasonable and realistic opportunities for the siting of  
4 manufactured housing as required in subparagraph (b) and a municipality shall not exclude manufactured  
5 housing completely from the municipality by regulation, zoning ordinance or by any other police power.

6 (b) A municipality that adopts land use control measures shall allow, in its sole discretion,  
7 manufactured housing to be located:

8 (1) On individual lots in most, but not necessarily all, land areas and lots in districts  
9 zoned to permit residential uses within the municipality; or

10 (2)(A) In manufactured housing parks, as defined in RSA 205-A:1, II, in most, but not  
11 necessarily all, land areas and lots in districts zoned to permit residential uses within the municipality; and

12 (B) In subdivisions created for the placement of manufactured housing on  
13 individually owned lots in most, but not necessarily all, land areas and lots in districts zoned to permit  
14 residential uses within the municipality; or

15 (3) In all 3 types of locations.

16 (c) Manufactured housing located on individual lots pursuant to subparagraph (b)(1) shall  
17 comply with lot size, frontage requirements, space limitations and other reasonable controls that  
18 conventional single-family housing in the same district must meet. No special exception or special permit  
19 shall be required for manufactured housing located on individual lots pursuant to subparagraph (b)(1) or  
20 manufactured housing subdivisions pursuant to subparagraph (b)(2)(B) unless such special exception or  
21 permit is required by the municipality for single family housing located on individual lots or in subdivisions.

22 (d) Municipalities permitting manufactured housing parks pursuant to subparagraph (b)(2)(A)  
23 shall afford reasonable and realistic opportunities for their development. In order to provide such  
24 opportunities, lot size and overall density requirements for manufactured housing parks shall be  
25 reasonable and realistic.

26 (e) Municipalities shall allow reasonable and realistic opportunities for the expansion of  
27 manufactured housing parks existing as of July 1, 2024. For expansion of existing manufactured housing  
28 parks, municipalities shall not require standards stricter than NFPA 501A, "Standard for Fire Safety  
29 Criteria for Manufactured Home Installations, Sites, and Communities".

23:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 20, 2024  
Effective Date: July 19, 2024