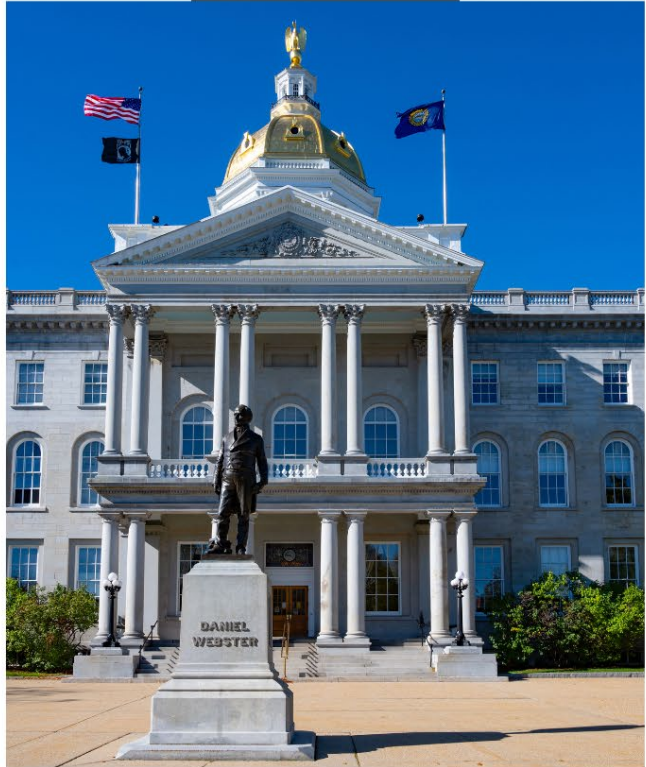




2024

NEW STATE LAWS

IMPACTING REAL ESTATE



For more information contact Bob Quinn at Bob@nhar.com or (603) 225-5549 or visit www.gencourt.state.nh.us

Relative to shoreland septic systems

[House Bill 1113 – Chapter Law 107](#)

The bill eliminates the state-mandated septic site assessments for all septic systems located on properties on the waterfront where the property line is within 200 feet of the reference line.

Prior to the transfer of any developed waterfront property using a septic system, where any portion of the septic system is within 250 feet of the reference line, the buyer of the property must engage a New Hampshire licensed septic system evaluator to conduct a septic system evaluation. However, the buyer may accept an evaluation prepared for the seller of the property if the evaluation was completed within 180 days of the date of property transfer.

If the existing septic system was never approved by the Department of Environmental Services (DES) or the DES approval was prior to September 1, 1989, the buyer must also hire a New Hampshire permitted septic system designer to determine the elevation of the bottom of the effluent disposal area relative to the elevation of the seasonal high-water table.

Based on this information, the New Hampshire permitted septic system designer determines if the system is in failure.

If the New Hampshire licensed septic system evaluator, utilizing board-approved standards of practice, determines that the septic system shows signs of failure, or if the New Hampshire permitted septic system designer determines that the system is in failure:

- 1) The buyer must sign a document, prepared by the New Hampshire licensed septic system evaluator, authorizing the evaluator to conduct notifications to the department and the local health officer;
- 2) The New Hampshire licensed septic system evaluator shall notify the department and the local health officer;

- 3) The buyer must repair or replace the system within 180 days of the transfer of the property; and
- 4) The buyer shall file a report with the department and the local health officer after the system is replaced with a copy of the state approval for operation for the replacement system.

The buyer is not required to comply with this requirement if they plan to replace or repair the septic system within 180 days of the transfer of the property. In this case, prior to the transfer of the property, the buyer shall notify the DES and the local health officer that a septic system evaluation was not performed because the system will be replaced. The buyer must file a report with the DES and the local health officer with a copy of the state approval for operation for the replacement system within 180 days of the close of the property sale.

If circumstances beyond the control of the buyer preclude the evaluation or, if needed, replacement of the septic system or cause an evaluation prepared for the seller to be older than 180 days, the department must, upon request, grant an extension of up to 180 days. The new law is in effect.

Relative to “post-licensing” continuing education for first renewal

[Senate Bill 480 – Chapter Law 357](#)

Existing statute has required that the initial 12 hours of continuing education for salespersons prior to their first license renewal is required in specified topics or courses (Purchase and Sales agreements; ethics; disclosure requirements; or agency). Rea 302:03 refers to these as “post-licensing” courses.

The Office of Professional Licensing had ceased enforcing the requirement objecting to the lack of a specific definition of the term “post-licensing.” The bill defines in statute the term “post licensing,” which refers to the period of time during which a person is licensed for the first time, on or after February 1, 2024, commencing from the date the license is issued and terminating upon first renewal of that license.

The bill goes into effect immediately.

Notifications to buyers regarding PFAS chemicals in water

House Bill 398 – Chapter Law 98

Prior to the execution of any contract for the purchase and sale of any interest in real property which includes a building, the seller, or seller's agent, must provide the following notification to the buyer.

“PFAS: Poly - and perfluoroalkyl substances (PFAS) are found in products that are used in domestic, commercial, institutional and industrial settings. These chemical compounds have been detected at levels that exceed federal and/or state advisories or standards in wells throughout New Hampshire, but are more frequently detected at elevated levels in southern New Hampshire. Testing of the water by an accredited laboratory can measure PFAS levels and inform a buyer's decision regarding the need to install water treatment systems.”

The buyer must acknowledge receipt of this notification with a signature. The language will be included in Section 12 of NHAR's Purchase and Sale form.

The language goes into effect January 1, 2025.

Flood risk notification to buyers

House Bill 1320 – Chapter Law 236

Prior to the execution of any contract for the purchase and sale of any interest in real property which includes a building, the seller, or seller's agent, must provide the following notification to the buyer.

“Flood: Properties in coastal areas and along waterways may be subject to increased risk of flooding over time. A standard homeowners insurance policy typically does not cover flood damage. The buyer is encouraged to determine whether separate flood insurance is required and consult the Federal Emergency Management Agency's flood maps (FEMA.GOV) in order to determine if the property is in a designated flood zone.”

The buyer must acknowledge receipt of this notification with a signature. The language will be included in Section 12 of NHAR's Purchase and Sale form.

The language goes into effect January 1, 2025.

Relative to the scanning of drivers' licenses by real estate brokers

Senate Bill 502 – Chapter Law 299

Existing NH law prevents anyone from knowingly scanning, recording, retaining, or storing, in any electronic form or format, personal information, as obtained from any NH driver's license, unless authorized. Receiving an email with a copy of someone's driver's license is prohibited.

Senate Bill 502 authorizes a licensed real estate broker for the purpose of identifying ownership as part of a sale of real property, to receive an electronic form of a driver's license. The real estate broker cannot retain the scanned license for a period of longer than the closing date or when requested by the license holder.

The bill goes into effect January 1, 2025.

Requirements for sewage disposal system information to be disclosed for sale of food establishments

House Bill 1144 – Chapter Law 223

Prior to the execution of any contract for the purchase and sale of any interest in real property which includes a building, the seller must disclose the following information to the buyer.

Information relative to approved seating capacity based on the sewage disposal system, if the property is a food service establishment.

The buyer shall acknowledge receipt of this disclosure by signing a copy of such disclosure.

Homeowner procedure to install a new or replacement septic system in their own domicile without a permit.

House Bill 1140 - Chapter Law 112

Any person who desires to install a replacement waste disposal system or to repair a waste disposal system for their own domicile will not be required to obtain an installer's permit, provided they comply with rules adopted by the department relative to such systems:

- 1) The person complies with rules adopted by the department relative to such systems;
- 2) The property owner or a permitted septic system installer perform all work to construct the waste disposal system;
- 3) The property owner hires a permitted septic system designer or permitted septic system installer to certify that the waste disposal system, including but not limited to the base of the effluent disposal area, was constructed in accordance with the approved design and rules adopted by the department relative to such systems; and

Finally, the property owner certifies through an affidavit that the property will be their domicile for at least 2 years, starting from the date on which the waste disposal system receives approval to operate from the department, violation of which will be subject to penalties pursuant to RSA 485-A:43.

Permitting stone and pipe septic systems

[House Bill 1139 - Chapter Law 111](#)

The NH Department of Environmental Services must permit stone and pipe and concrete chamber systems for residential use to be designed and constructed 24 inches above the seasonal high water table, providing that there is a minimum of 6 inches of sand meeting the ASTM C-33 specification under the stone and pipe system and that the distance above the seasonal high water table is maximized to the extent practicable.

Relative to fire sprinkler requirements in residential buildings

[House Bill 1065 – Chapter Law 324](#)

No municipality is allowed to adopt any ordinance, regulation or code requiring automatic fire suppression sprinkler systems in existing buildings that contain, or will contain, no more than 4 dwelling units, unless fire sprinklers are existing or are required by a nonresidential occupancy.

Additionally, counties, towns, cities, and village districts shall not adopt rules, regulations, or ordinances that are more stringent than the state fire code relative to residential sprinkler systems.

Bill is effective October 1, 2024.

Relative to appeals of certain zoning decisions by abutters

[House Bill 1359 – Chapter Law 130](#)

No longer may “any person aggrieved” appeal decisions of the Zoning Board of Adjustment. Only the applicant and “abutters” are still able to appeal, as well as certain municipal officers.

“Abutters” are now defined as any person whose property 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” is 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.

The bill is effective September 1, 2024.

Relative to rights of tenants in cases of domestic violence

[House Bill 261 – Chapter Law 9](#)

A tenant may terminate his or her lease or rental agreement when:

- 1) The tenant or household member within the most recent 150 days residing at the current premises, has been a victim of domestic violence, sexual assault, or stalking; or
- 2) Within the most recent 150 days, an event occurs relative to the victim of past domestic violence, sexual assault, or stalking that, in conjunction with the past abuse, causes a victim lessee or victim household member to fear for

their safety, or provide a signed self-certification form provided by the circuit court.

For the purposes of determining rent owed, a tenant who terminates a lease or rental agreement pursuant to this section is only liable for rent owed through the date of termination or the date the tenant actually vacates the premises, whichever is later. The security deposit, if any, shall remain applied to the rental of the premises until all tenants have vacated, at which time the security deposit shall be returned pursuant to RSA 540-A:7.

The victim would need to produce a valid protective order, has initiated legal action to obtain a protective order, has reported the domestic violence, sexual assault, or stalking to a law enforcement agency and provides written verification.

No lessor or owner of restricted property shall terminate a tenancy solely based on a tenant or a household member of a tenant having been a victim of domestic violence, sexual assault or stalking.

Bill is effective January 1, 2025.

Relative to municipal land use regulation for manufactured housing and subdivisions

[House Bill 1361 – Chapter Law 23](#)

The new law modestly alters existing requirements on municipalities to allow for manufactured housing. Municipalities must provide reasonable and realistic opportunities for the siting of manufactured housing and cannot exclude manufactured housing completely from the municipality by regulation, zoning ordinance or by any other police power.

The law went into effect in July 2024.

Relative to residential parking spaces as well new incentives for the conversion of commercial properties to residential

[House Bill 1400 – Chapter Law 370](#)

The bill is a so-called “Housing Omnibus” legislation designed to encourage additional residential housing. It

includes various changes to statutes. The new requirements include:

A municipality may regulate accessory parking but cannot require more than 1.5 residential parking spaces per unit for studio and one-bedroom units under 1,000 square feet that meet the requirements for workforce housing and they cannot not require more than 1.5 residential parking spaces per unit for multi-family developments of 10 units or more. Effective Jan. 1, 2025.

The bill also expands the Community Revitalization Tax Relief Incentive (RSA 79-E:2, VI(a)) to allow for a community to grant tax incentives for the conversion of an existing property from office, industrial, or commercial use to residential use. Effective immediately.

A local governing body is authorized to adopt amendments to the local zoning ordinances and the local zoning map by majority vote of the governing body after at least one full public hearing without a vote by the usual local legislative body or by a vote of voters in the jurisdiction. Effective immediately.

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

“Alternative Parking” means a proposal by an applicant to meet the parking demand created by a proposed residential use which is a substitute for meeting the on-site parking requirements. Alternative parking solutions include, but not be limited to: (1) an agreement for the provision of off-site parking spaces with another owner of real property during hours which the off-site parking spaces are not in use within a quarter of a mile of the proposed residential use; (2) agreement with a rideshare company to provide transportation to the occupants of the proposed residential use; (3) availability of public transportation including fixed-route bus service within a quarter of a mile of the proposed residential use; or (4) location in a district in which there is adequate walkability infrastructure. The planning board shall not be required to approve the alternative parking solution if the results of the third-party review

conclude that the proposed alternative parking solution will not meet the parking demand created by the proposed residential use. Planning boards have the authority to approve residential uses with alternative parking solutions which may be inconsistent with the requirements of their zoning ordinance. Effective immediately.

Updates to state building and fire codes

[House Bill 1059 – Chapter Law 323](#)

The legislation updates the statewide building code from the existing 2019 version to the 2021 version. However, the Energy Conservation Code remains at the 2018 version. Effective immediately.

Revising the penalties of the shoreland protection act

[House Bill 1103 -Chapter Law 218](#)

The law states that property owners who violate the [shoreland protection act](#) must restore the site to meet the applicable standards of this chapter within one year of receiving notification of a violation by the department.

The previous statute indicated that owners had to make a good faith effort to restore the site.

The bill is effective January 1, 2025.

Relative to meetings of condominium boards and committees

[House Bill 1172 – Chapter Law 118](#)

Existing law states that a gathering of board members at which the board members do not conduct association business is not a meeting of the board of directors.

The new law states also it is not a meeting of the board of directors if it an informational sessions held by board members to obtain and compare vendor proposals, including but not limited to, landscaping, lawn care, snow removal, septic services, well services, insurance, window cleaning, and common area maintenance; provided that the review and vote on any motions

resulting from the informational session shall be conducted at the next scheduled board meeting.

The bill also allows for notice of a board meeting to be 5 days before the meeting if at least 70 percent of the unit owners are full-time residents – as opposed to the normal 10-day notice.

Relative to the authority to vote by proxy in a condominium association.

[House Bill 1129 – Chapter Law 222](#)

The law alters how directed and undirected proxy votes can be cast in condominium associations of different sizes.

The law is effective January 25, 2025.

Residential driveway permits

[House Bill 1202 – Chapter Law 367](#)

For any existing or proposed residential use of land, including multifamily development that is not classified as a major driveway under the Department of Transportation (NHDOT) policy relating to driveways and access to the state highway system, the NHDOT must issue the permit within 60 days of receiving a completed application.

The planning board or its delegate must act on driveway permits within 65 days after notification of issuance.

The law is effective October 22, 2024

Tenant Application Fees

[House Bill 283 – Chapter Law 46](#)

Prior to collecting any fee as part of the rental application or renewal process, a landlord must clearly disclose, in writing to prospective tenants, the amount of the fee and the requirement for a satisfactory criminal background and credit check, if any.

If a fee is collected from an applicant, but the unit is not rented to that applicant, the landlord must return any amount beyond the actual cost of the documented background check, credit check, and/or reasonable

administrative costs to the applicant within 30 days of receipt.

The law is effective January 1, 2025.

New Lead Paint Requirements on Conversions to Rental Property

[House Bill 247 – Chapter Law 4 \(2018\)](#)

This bill passed in 2018 but one provision did not go into effect until July 2024.

Newly-constructed rental units within buildings erected prior to January 1, 1978 now require certification of lead safety prior to being used as either a residential rental unit.

“Newly-constructed rental units” means rental units being converted from a use other than residential rental housing.

For more information visit DHHS.NH.Gov/LeadInfo or email leadInfo@dhhs.nh.gov.