

SB 458 - AS INTRODUCED

2020 SESSION

20-2847  
06/10

SENATE BILL        **458**

AN ACT            relative to municipal regulation of vacation or short-term rentals.

SPONSORS:        Sen. Bradley, Dist 3; Sen. French, Dist 7; Sen. D'Allesandro, Dist 20

COMMITTEE:      Election Law and Municipal Affairs

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ANALYSIS

This bill:

- I. Prohibits certain legislative bodies from prohibiting short-term rentals.
- II. Permits municipalities to make bylaws regulating disorderly houses.
- III. Establishes requirements for bylaws regulating disorderly houses.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty*

AN ACT relative to municipal regulation of vacation or 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 other provision of this statute, the local legislative body of a city,  
4 town or county in which there are located unincorporated towns or unorganized places, shall not  
5 prohibit the use of a building or structure as a vacation rental or short-term rental and shall not  
6 regulate the use of such structure or building as a vacation or short-term rental based on the  
7 structure or building's classification, use or occupancy. "Vacation rental" or "short-term rental"  
8 means any single-family building or structure or one-to-four-family building or structure, regardless  
9 of how it is owned or occupied and regardless of whether the building or structure is conforming or  
10 non-conforming, offered in whole or in part for rental or transient use. "Vacation rental" or "short-  
11 term rental" shall not mean and shall not include any nonresidential use, including, but not limited  
12 to, retail, restaurant, banquet, event hosting or other similar nonresidential uses.

13 2 New Section; Powers of Towns; Ordinances; Short-term Rentals. Amend RSA 31 by inserting  
14 after section 103-a the following new section:

15 31:103-b Short-term Rentals.

16 I. A municipality may establish an ordinance requiring an owner of residential property who  
17 wishes to utilize the property for a vacation rental or short-term rental, as those terms are defined in  
18 RSA 674:16, VI, to file, within 30 days of advertising such rental, a statement with the town or city  
19 clerk of the municipality in which the property is located providing the name, address, and telephone  
20 number of a person within the state who is authorized to accept service of process for any legal  
21 proceeding brought against the owner relating to the rental property. Such person may be the owner  
22 of the property. A municipality may establish a fee of no more than \$50 to cover the cost to the town  
23 or city clerk of maintaining a record of the filings. No municipality shall make the registration of  
24 such a rental contingent upon an inspection of the property, unless there is reasonable suspicion  
25 that the property is in violation of any provisions of RSA 48-A:14. The municipality may obtain an  
26 administrative inspection warrant under RSA 595-B if the property owner denies the municipal  
27 official entry. A municipality may not charge a fee or registration for any other purpose. A  
28 municipality may only rescind a registration if the property has more than 3 disorderly events under  
29 RSA 31:39. Such property may be barred from being used as a short-term rental for no more than 3  
30 months.

1 II. A municipality may establish an ordinance to require the owner of residential property  
2 who wishes to utilize the property for a vacation rental or short-term rental, as those terms are  
3 defined in RSA 674:16, VI, to post in a clearly visible location or provide directly to each individual  
4 renting the property, written information related to proper exit information in case of a fire.

5 3 Fire Safety Measures. Amend RSA 153:14, II(a) to read as follows:

6 II.(a) The state fire marshal, the state fire marshal's authorized officers, or fire chief upon  
7 complaint or whenever the state fire marshal, such authorized officers, or fire chief shall deem it  
8 necessary, may inspect all buildings, excluding single family dwellings and multi-unit dwellings  
9 containing 2 units, and premises within their jurisdiction and, if consent for such inspection is  
10 denied or unobtainable, may obtain an administrative inspection warrant under RSA 595-B. ***Such***  
11 ***exclusion shall not apply to that part of any single family or multi-unit dwelling that is***  
12 ***used as a vacation rental or short-term rental as those terms are defined in RSA 674:16, VI.***  
13 ***Inspections of rentals may only be made to items defined in RSA 153:10-a, I, smoke and***  
14 ***carbon monoxide detectors, and inspections shall not be made for any other reasons. No***  
15 ***official conducting such an inspection may utilize information gathered in an inspection***  
16 ***of a single-family residence or multi-unit dwelling not related to adequate smoke and***  
17 ***carbon monoxide detectors to impose a fine, violation, or other penalty, including a cease***  
18 ***and desist order.*** Whenever any of the said officers shall find any condition that such officer deems  
19 to be hazardous to life or property, the officer shall order the hazardous condition to be removed or  
20 remedied by written order. If such order requires a structural change or alteration, it shall be  
21 approved by the state fire marshal or fire chief before it is effective. Such order shall be complied  
22 with by the owner of such premises or buildings within the time limit specified in such order,  
23 provided, however, that any such owner, who is aggrieved by any such order, may, within 14 days  
24 after the service of such order as hereinafter provided, file a petition with the superior court, praying  
25 for a review of such order. It shall be the duty of such court to hear the same at the first convenient  
26 day, and to make such order in the premises as right and justice may require.

27 4 New Subparagraph. Amend RSA 31:39, I by inserting after subparagraph (p) the following  
28 new subparagraph:

29 (q) Regulating disorderly houses, provided that, in any such bylaw:

30 (1) Multiple calls to a single building that occur within a 12-hour period shall be  
31 deemed a single disorderly event. Whenever the police department responds to a disorderly event,  
32 the owner shall be notified as follows:

33 (A) No later than 5 calendar days after the first disorderly event, the police  
34 department may deliver by hand or first class mail a copy of the bylaw and a notice advising the  
35 owner that the police department has responded to a disorderly event.

36 (B) No later than 5 calendar days after the second disorderly event, the police  
37 department may deliver by hand or first class mail a copy of the bylaw and a notice advising the

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1 owner that the police department has responded to a second disorderly event. The owner of the  
2 disorderly house may be subject to a fine of up to \$500. The owner or his or her representative,  
3 designated in writing, shall meet with the chief of police, or designee, within 10 days of the date of  
4 the written notification, or at such other time as agreed by the chief of police, to identify ways to  
5 prevent future disorderly events. If this meeting occurs within the agreed time period, the fine shall  
6 be waived.

7 (C) No later than 5 calendar days after the third disorderly event, the police  
8 department may deliver by hand or first class mail a notice advising the owner that the police  
9 department has responded to a third disorderly event. The owner of the disorderly house may be  
10 subject to a fine of up to \$1,000.

11 (2) This section shall not apply if the occupant creating the disorderly event is a  
12 tenant as defined in RSA 540:1-a.

13 (3) In this subparagraph, "disorderly houses" mean houses in which the activity of a  
14 building's owner, occupants, or tenants, or the invitees of an owner, tenant or occupant violates an  
15 existing municipal ordinance.

16 5 Effective Date. This act shall take effect January 1, 2021.