

SB 249 - AS INTRODUCED

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 country 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 regulate 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, or other
12 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. A municipality may adopt an ordinance requiring an owner of
16 residential property who wishes to utilize the property for a vacation rental or short-term rental as
17 defined in RSA 674:16, VI to file, within 30 days of advertising such rental, a statement with the
18 town or city clerk of the municipality in which the property is located providing the name, address
19 and telephone number of a person within the state who is authorized to accept service of process for
20 any legal proceeding brought against the owner relating to the rental property. Such person may be
21 the owner of the property. A municipality may establish a reasonable fee to cover the cost to the
22 town or city clerk of maintaining a record of the filings. A municipality may conduct inspection of
23 the property, however the registration of such a rental shall not be contingent upon on inspection of
24 the property, unless there is reasonable suspicion that the property is in violation of any provisions
25 of RSA 48-A:14 The municipality may obtain an administrative inspection warrant under RSA 595-
26 B if the property owner denies the municipal official entry. A municipality may not charge a fee or
27 registration for any other purpose.

28 3 Effective Date. This act shall take effect July 1, 2022.