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New Hampshire CIBOR president's report - by Joe Friedman

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Happy fall! A lot to report here so I'll get right to it. New Hampshire recently passed new laws that affect commercial real estate. The following are some of those key changes.

Allowing for Remote Notarization SB 134 – Chapter Law 206

The legislation allows for remote notarizations to continue.

Minimizing environmental impacts on the habitats of endangered or threatened species SB 129 – Chapter Law 203

This legislation is intended to deal with a NH Supreme Court case that reinterpreted the role of Fish and Game Department in the Department of Environmental Services (DES) land use permitting process. The decision by the court changed the way DES evaluated permits for the last 100 years, and required fish and game be part of evaluating all permit requests, even those without any known impact to endangered non-game species and habitats. As of April of 2022, permits would only need to go through a fish and game review if the development “appreciably” jeopardizes the continued existence of a species or results in the destruction or modification of habitat.

Relative to community revitalization tax relief incentives HB 154 – Chapter Law 81

Currently, municipalities can create community revitalization tax incentives for housing as long as those developments are located within the downtown or town center. HB 154 allows a town to expand that incentive to anywhere in the municipality.

Relative to landlord-tenant issues as well as discrimination in housing SB 126 – Chapter Law 152

The first section of SB 126 deals with evictions of tenants. Any possessory action based solely on nonpayment of rent will be dismissed if ... the tenant, at any time prior to the hearing, pays to the landlord all rent due plus other lawful charges contained in the lease...

SB 126 also included changes to RSA 354-A:8- 15, the state statute dealing with discrimination in real estate transactions.

Establishing the coastal program administered by the Department of Environmental Services SB

146 – Chapter Law 208

SB 146 established within the NH DES the NH coastal program to implement the U.S. Coastal Zone Management Act while creating a coastal fund. The fund is to encourage and support the sustainable use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and esthetic values as well as the needs for compatible economic development. No appropriation was made into the fund, but it may rely on donations, federal or private grants.

HB2 Appropriates \$25 million for the state's Affordable Housing Fund. The BPT is cut from 7.7% to 7.6% and BET from 0.6% to 0.55% next year. The Rooms & Meals tax goes from 9% to 8.5%. The 5% interest & dividends tax will be eliminated by 2027 reducing 1%/year.

SB15 Ratifies amendments to the state building code and state fire code — something builders have been pushing for. SB106 Forms a committee to update state's building and fire codes from 2015 to 2018.

SB 155 Allows restaurants to expand into streets, sidewalks and parking with local permission.

Thank you to Chris Norwood and the Public Policy committees of both NH CIBOR and NHAR for their help tracking and advising on legislation critical to commercial real estate.

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