

CHAPTER 249
HB 654-FN - FINAL VERSION

15Feb2017... 0374h
22Jun2017... 2334CofC
22Jun2017... 2385EBA

2017 SESSION

17-0309
10/03

HOUSE BILL ***654-FN***

AN ACT establishing a committee to study the regulation and taxation of vacation rentals and short-term rentals and relative to restrictions on the authority to regulate vacation and short-term rentals under the housing standards law.

SPONSORS: Rep. Ohm, Hills. 36; Rep. Butler, Carr. 7; Rep. Twombly, Hills. 34; Rep. Seidel, Hills. 28; Rep. Azarian, Rock. 8; Sen. Fuller Clark, Dist 21; Sen. Birdsell, Dist 19

COMMITTEE: Commerce and Consumer Affairs

AMENDED ANALYSIS

 This bill establishes a committee to study the regulation and taxation of vacation rentals and short-term rentals. This bill also limits the authority to regulate vacation and short-term rentals under the housing standards law.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT establishing a committee to study the regulation and taxation of vacation rentals and short-term rentals and relative to restrictions on the authority to regulate vacation and short-term rentals under the housing standards law.

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

1 249:1 Committee Established. There is established a committee to study the regulation and
2 taxation of vacation rentals and short-term rentals.

3 249:2 Membership and Compensation.

4 I. The members of the committee shall be as follows:

5 (a) Three members of the house of representatives, appointed by the speaker of the
6 house of representatives.

7 (b) Two members of the senate, appointed by the president of the senate.

8 II. Members of the committee shall receive mileage at the legislative rate when attending to
9 the duties of the committee.

10 249:3 Duties. The committee shall study the regulation and taxation of vacation rentals and
11 short-term rentals, including:

12 I. Municipal regulation of vacation rentals or short-term rentals by ordinance, enforcement
13 of housing standards, or adoption of land use regulations.

14 II. The enforcement of ordinances and regulations by entry and examination.

15 III. The taxation of vacation rentals or short-term rentals under the meals and rooms tax,
16 including collection by room remarketers.

17 249:4 Chairperson; Quorum. The members of the study committee shall elect a chairperson
18 from among the members. The first meeting of the committee shall be called by the first-named
19 house member. The first meeting of the committee shall be held within 45 days of the effective date
20 of this section. Three members of the committee shall constitute a quorum.

21 249:5 Report. The committee shall report its findings and any recommendations for proposed
22 legislation to the speaker of the house of representatives, the president of the senate, the house
23 clerk, the senate clerk, the governor, and the state library on or before November 1, 2017.

24 249:6 New Paragraph; Housing Standards; Definition Added. Amend RSA 48-A:1 by inserting
25 after paragraph IV the following new paragraph:

26 V. "Vacation rental" or "short-term rental" means any individually or collectively owned
27 single-family house or dwelling unit or any unit or group of units in a condominium, cooperative, or
28 timeshare, or owner occupied residential home, that is offered for a fee and for less than 30

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consecutive days. For purposes of this chapter, vacation rental and short-term rental are residential uses of the property and do not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center, or another similar use.

249:7 Housing Standards; Grant of Power. Amend RSA 48-A:2 to read as follows:

48-A:2 Grant of Power. Whenever the governing body of any municipality finds that there exists in such municipality dwellings which are unfit for human habitation due to dilapidation, dangerous defects which are likely to result in fire, accidents, or other calamities, unhealthful lack of ventilation or sanitary facilities, or due to other unhealthy or hazardous or dilapidated conditions, including those set forth in RSA 48-A:7, power is hereby conferred upon such municipality to adopt ordinances, codes, or bylaws to cause the repair, closing, or demolition or removal of such dwellings in the manner provided in this chapter. Any municipality which adopts such a code or ordinance which has provisions for appeal, pursuant to this chapter, shall be exempt from any provisions of RSA 48-A which are in conflict with the adopted ordinance. ***The power conferred by this section shall not be used to impose any additional ordinances, codes, bylaws, licenses, certificates, or other restrictions on dwellings used as a vacation rental or short-term rental.***

249:8 Standards; Ordinances, Codes, or Bylaws; Limits for Vacation or Short-term Rentals. Amend the introductory paragraph of RSA 48-A:8 to read as follows:

48-A:8 Additional Provisions of Ordinances, Codes, or Bylaws. An ordinance, code or bylaw adopted by the governing body of the municipality may authorize the public agency and its delegated officers to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter [~~including~~], ***provided that such powers shall not be used to impose any additional restrictions on dwellings used as a vacation rental or short-term rental. Such powers shall include*** the following powers in addition to others herein granted:

249:9 Effective Date.

I. Sections 6-8 of this act shall take effect July 1, 2017.

II. The remainder of this act shall take effect upon its passage.

Approved: July 18, 2017

Effective Date:

I. Sec. 6-8 effective July 1, 2017

II. Remainder effective July 18, 2017

