

CHAPTER 203
SB 185 - FINAL VERSION

03/30/2017 1050s
06/08/2017 2154EBA

2017 SESSION

17-0903
10/05

SENATE BILL **185**

AN ACT extending the community revitalization tax relief program to coastal properties subject to storm surge, sea level rise, and extreme precipitation.

SPONSORS: Sen. Watters, Dist 4; Sen. Fuller Clark, Dist 21; Sen. Innis, Dist 24; Rep. Cushing, Rock. 21; Rep. Chase, Rock. 20; Rep. Ward, Rock. 28

COMMITTEE: Ways and Means

ANALYSIS

This bill allows municipalities to adopt a program for tax and other relief for coastal properties subject to storm surge, sea level rise, and extreme precipitation, under the community revitalization tax relief program.

.....

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT extending the community revitalization tax relief program to coastal properties subject to storm surge, sea level rise, and extreme precipitation.

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

1 203:1 Commissioner of Revenue Administration; Equalization; Reference Added. Amend RSA
2 21-J:3, XIII to read as follows:

3 XIII. Equalize annually by May 1 the valuation of the property as assessed in the several
4 towns, cities, and unincorporated places in the state including the value of property exempt
5 pursuant to RSA 72:37, 72:37-b, 72:39-a, 72:62, 72:66, and 72:70, [~~and~~] property which is subject to
6 tax relief under RSA 79-E:4, **and property which is subject to tax relief under RSA 79-E:4-a**,
7 by adding to or deducting from the aggregate valuation of the property in towns, cities, and
8 unincorporated places such sums as will bring such valuations to the true and market value of the
9 property, and by making such adjustments in the value of other property from which the towns,
10 cities, and unincorporated places receive taxes or payments in lieu of taxes, including renewable
11 generation facility property subject to a payment in lieu of taxes agreement under RSA 72:74, as
12 may be equitable and just, so that any public taxes that may be apportioned among them shall be
13 equal and just. In carrying out the duty to equalize the valuation of property, the commissioner
14 shall follow the procedures set forth in RSA 21-J:9-a.

15 203:2 Definition; Qualifying Structure. Amend RSA 79-E:2, II to read as follows:

16 II. "Qualifying structure" means a building located in a district officially designated in a
17 municipality's master plan, or by zoning ordinance, as a downtown, town center, central business
18 district, or village center, or, where no such designation has been made, in a geographic area which,
19 as a result of its compact development patterns and uses, is identified by the governing body as the
20 downtown, town center, or village center for purposes of this chapter. Qualifying structure shall
21 also mean historic structures in a municipality whose preservation and reuse would conserve the
22 embodied energy in existing building stock. Cities or towns may further limit "qualifying structure"
23 according to the procedure in RSA 79-E:3 as meaning only a structure located within such districts
24 that meet certain age, occupancy, condition, size, or other similar criteria consistent with local
25 economic conditions, community character, and local planning and development goals. Cities or
26 towns may further modify "qualifying structure" to include buildings that have been destroyed by
27 fire or act of nature, including where such destruction occurred within 15 years prior to the
28 adoption of the provisions of this chapter by the city or town. ***In a city or town that has adopted***
29 ***the provisions of RSA 79-E:4-a, "qualifying structure" also means potentially impacted***

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1 *structures identified by the municipality within the coastal resilience incentive zone*
2 *established under RSA 79-E:4-a.*

3 203:3 New Section; Community Revitalization Tax Relief Incentive; Coastal Resilience
4 Incentive Zone. Amend RSA 79-E by inserting after section 4 the following new section:

5 79-E:4-a Coastal Resilience Incentive Zone.

6 I. A city or town may adopt the provisions of this section by vote of its legislative body,
7 according to the procedures described in RSA 79-E:3, to establish a coastal resilience incentive zone
8 (CRIZ). Municipalities may use storm surge, sea-level rise, and extreme precipitation projections in
9 the 2016 report of the New Hampshire Coastal Risk and Hazards Commission, "Preparing New
10 Hampshire for Projected Storm Surge, Sea-Level Rise, and Extreme Precipitation," and its successor
11 projections, to identify potentially impacted structures.

12 II. The municipality implementing a CRIZ shall determine the resilience measures it deems
13 qualifying, such as, but not limited to, elevation and free-board renovations, elevation of
14 mechanicals, construction of resilient natural features, enhancement or creation of tidal marshes,
15 elevation of private driveways and sidewalks, construction or enlargement of private culverts and
16 other structures to enable increased water flow and storm-surge, and movement of property to
17 higher elevation on the property or to a newly acquired property at a higher elevation within the
18 municipality. Municipalities may grant tax relief to the qualifying structure and property as
19 described in RSA 79-E:4.

20 III. Municipalities may provide other relief to properties in a coastal resilience incentive
21 zone that are subject to repeated inundation, by acquiring preservation or water control easements
22 or establishing tax increment financing districts.

23 IV. Municipalities may create a nonlapsing CRIZ fund as a capital reserve fund under
24 RSA 34 or RSA 35, or a town-created trust fund under RSA 31:19-a, to provide funding for projected
25 municipal costs associated with projected storm surge, sea-level rise, and extreme precipitation, and
26 such funds may be used to support the coastal resilience incentive zone purpose established in this
27 section.

203:4 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 05, 2017

Effective Date: September 03, 2017