



January 29, 2015

The Honorable Andrew Christie, Chair  
House Executive Departments and Administration Committee  
Legislative Office Building, Room 306  
Concord, NH 03301

***Subject: HB 286, relative to permits issued by building inspectors***

Dear Representative Christie:

The New Hampshire Planners Association, representing over 200 land use planning professionals in our state working at all levels of government and in the private sector, takes this opportunity to express opposition to HB 286 which would prohibit local building inspectors from issuing any permit that conflicts with a private deed restriction.

RSA 676:13,I currently prohibits a building inspector from issuing a building or occupancy permit for any activity that does not comply with any building code, zoning ordinance, or Planning Board regulation in effect. Under HB 286, however, a building inspector will now be required to not only review a permit application for its consistency with local regulations, but he or she shall also be required to review a permit against the chain of title to ensure that the activity under review does not conflict with any privately enforceable restriction, covenant or other provision. This added responsibility will necessarily require a building inspector to obtain a title search for each and every application that is submitted, no matter the scale of the project. Moreover, review and interpretation of the title report and the application of its provisions to the project will necessarily need to be performed by an attorney. The significant costs of the title report and legal review will have to be borne by either the municipality or by the applicant.

Because of the need to obtain a title report and legal review, the time it will take to process applications will dramatically increase (in the process making it difficult if not impossible for a building inspector to meet the timelines set forth in RSA 676:13,III).

This ill-advised bill dramatically shifts liability, responsibility, and the cost of enforcing private deed restrictions from private property owners to the public. In effect, it amounts to a public subsidy of private deed restrictions. It is our view that while the objections raised in this letter are alone sufficient to call into question the wisdom of this legislation, they in fact only scratch at the surface of the reasons why you should recommend HB 286 be found “inexpedient to legislate”.

Thank you for this opportunity to provide comment.

Sincerely,

Timothy J. Corwin, Esq.  
NHPA Legislative Liaison