

SB 185 - AS INTRODUCED

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

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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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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 1 Commissioner of Revenue Administration; Equalization; Reference Added. Amend RSA 21-  
2 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 2 New Paragraph; Community Revitalization Tax Relief Incentive; Purpose. Amend RSA 79-  
16 E:1 by inserting after paragraph II-b the following new paragraph:

17 II-c. It is further declared to be a public benefit to encourage the rehabilitation and  
18 renovation of historic and other structures in a municipality by increasing their resilience to storm  
19 surge, sea-level rise, and extreme precipitation.

20 3 New Section; Community Revitalization Tax Relief Incentive; Coastal Resilience Incentive  
21 Zone. Amend RSA 79-E by inserting after section 4 the following new section:

22 79-E:4-a Coastal Resilience Incentive Zone.

23 I. It is declared to be a public good to encourage the rehabilitation and renovation of  
24 qualifying historic and other properties in a municipality by increasing their resilience to storm  
25 surge, sea-level rise, and extreme precipitation, and to provide tax incentives and other mechanisms  
26 for removal or abandonment of properties subject to repeated inundation.

27 II. Following adoption of the provisions of this section as provided in RSA 79-E:3,  
28 municipalities may establish a coastal resilience incentive zone (CRIZ). Municipalities shall use  
29 storm surge, sea-level rise, and extreme precipitation projections in the 2016 report of the  
30 New Hampshire Coastal Risk and Hazards Commission, "Preparing New Hampshire for Projected

1 Storm Surge, Sea-Level Rise, and Extreme Precipitation," and its successor projections, to identify  
2 potentially impacted structures.

3 III. The municipality implementing a CRIZ shall determine the resilience measures it  
4 deems qualifying, such as, but not limited to, elevation and free-board renovations, elevation of  
5 mechanicals, construction of resilient natural features, enhancement or creation of tidal marshes,  
6 elevation of private driveways and sidewalks, construction or enlargement of private culverts and  
7 other structures to enable increased water flow and storm-surge, movement of property to higher  
8 elevation on the property or to a newly acquired property at a higher elevation within the  
9 municipality. Municipalities shall grant tax relief to the qualifying structure and property as  
10 described in RSA 79-E:4.

11 IV. Municipalities may provide other relief to properties in a coastal resilience incentive  
12 zone that are subject to repeated inundation, by acquiring preservation or water control easements,  
13 establishing tax increment financing districts, or by planning for eventual acquisition through  
14 eminent domain, at which time the property may be taken down or removed to create open space to  
15 enhance coastal resilience.

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

21 4 New Paragraph; Public Benefit Determination. Amend RSA 79-E:7 by inserting after  
22 paragraph IV the following new paragraph:

23 V. It enhances the planned development and public safety of a municipality by increasing  
24 resilience to storm surge, sea-level rise, and extreme precipitation in properties subject to repeated  
25 inundation.

26 5 Effective Date. This act shall take effect 60 days after its passage.