

Amendment to SB 246

1 Amend the bill by replacing section 1 with the following:

2

3 1 New Chapter; Qualified Private Communities. Amend RSA by inserting after chapter 356-C  
4 the following new chapter:

5

CHAPTER 356-D

6

QUALIFIED PRIVATE COMMUNITIES

7

356-D:1 Definitions. In this chapter the following definitions shall apply:

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I. "Capital reserve fund" means a monetary fund setup for the purpose of accumulating cash  
9 reserves for future expenses related to capital assets in the qualified private community. "Capital  
10 reserve fund" shall not have the same meaning as in RSA 35.

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II. "Declarant" means any person who executes or proposes to execute the declaration  
12 associated with a qualified private community, or on whose behalf the declaration is executed or  
13 proposed to be executed.

14

III. "Qualified private community" means a residential condominium, cooperative, open  
15 space subdivision, or other community consisting of at least 4 units, the residents of which do not  
16 receive any tax abatement or tax exemption related to its construction, comprised of a community  
17 trust or other trust device, condominium association, homeowners' association, road association, or  
18 council of co-owners, wherein the cost of maintaining roads, streets, water, and sewer infrastructure  
19 and providing essential services is paid for by a not-for-profit entity consisting exclusively of unit  
20 owners within the community. "Qualified private community" shall not include:

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(a) Any apartment building or garden apartment complex owned by an individual or  
22 entity that receives monthly rental payments from tenants who occupy the premises.

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(b) Any proprietary campground facility.

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(c) Any community where title to land does not convey with improvements, except a  
25 residential condominium or cooperative.

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356-D:2 Qualified Private Community; Requirements.

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I. No city or town shall approve plans for a qualified private community unless the declarant  
28 agrees to at least one of the following requirements for such qualified private community:

29

(a) The declarant will establish a capital reserve fund of no less than 50 percent of the  
30 cost to replace all roadways within the qualified private community, based on the cost estimate as  
31 described in paragraph II.

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1           (b) The declarant will build all roadways to the design standards for public ways for the  
2 municipality that is approving the project.

3           II. The declarant shall submit a written estimate of the cost to replace the roadways in the  
4 qualified private community for approval by the city or town. The estimate shall be based on the  
5 projected cost to replace the roads on the projected completion date of the project. This estimate may  
6 be updated from time to time until completion of the project.

7           III. The capital reserve fund shall be held in escrow until the qualified private community is  
8 complete, the unit owners have control of the community trust or other trust device, condominium  
9 association, homeowners' association, or council of co-owners and the declarant has relinquished  
10 interest in the qualified private community.