

**SB-131-FN, PART IX**  
**Relative to private roads.**

1 New Section; Qualified Private Communities. Amend RSA 231 by inserting after section 80-a the following new section:

231:80-b Qualified Private Communities.

I. In this section, "qualified private community" means a residential condominium, cooperative, fee simple community, or horizontal property regime, the residents of which do not receive any tax abatement or tax exemption related to its construction, comprised of a community trust or other trust device, condominium association, homeowners' association, or council of co-owners, wherein the cost of maintaining roads, streets, water and sewer infrastructure and providing essential services is paid for by a not-for-profit entity consisting exclusively of unit owners within the community. No apartment building or garden apartment complex owned by an individual or entity that receives monthly rental payments from tenants who occupy the premises shall be considered a qualified private community. No "proprietary campground facility" shall be considered to be a qualified private community.

II. The governing body of every municipality shall reimburse a qualified private community pursuant to RSA 72:87 for the following services or provide the following services within a qualified private community in the same fashion as the municipality provides these services on public roads and streets:

- (a) Removal of snow, ice, and other obstructions from the roads and streets.
- (b) Lighting of the roads and streets, to the extent of payment for the electricity required, but not including the installation or maintenance of lamps, standards, wiring, or other equipment; and
- (c) Collection of leaves and recyclable materials along the roads and streets and the collection or disposal of solid waste along the roads and streets.
- (d) Repairs and replacement of roads and streets.
- (e) For qualified private communities connected to municipal water or sewer services, repairs, maintenance and replacement of water and sewer infrastructure within the qualified private communities.

III. Nothing in this section shall require a municipality to operate any municipally owned or leased vehicles or other equipment, or to provide any of the services enumerated in subsection (a) of this section, upon, along or in relation to any road or street in a qualified private community which either is not accepted for dedication to public use or does not meet all municipal standards and specifications, except for width, grade, and sidewalks.

2 Repair of Highway by Town; Expenditure. Amend RSA 231:59 to read as follows:

231:59 Expenditure. The money so raised and collected shall be expended in repairing class IV and class V highways, and class VI highways and private ways pursuant to RSA 231:80-b by the agents elected or appointed for the purpose, under the direction of the selectmen.

3 New Section; Qualified Private Community; Tax Credit. Amend RSA 72 by inserting after section 86 the following new section:

72:87 Qualified Private Community. A municipality shall grant a tax credit to any person that owns property in a qualified private community, as defined in RSA 231:80-b, equal to the sum of the amounts paid by said owner for private contracting of services provided by such municipality to publicly maintained ways, including Class IV and Class V Highways.

4 Effective Date. Part IX of this act shall take effect April 1, 2022.