

RYE PLANNING BOARD
PROPOSED LAND DEVELOPMENT REGULATIONS AMENDMENT 2024-01
RE: Homeowners Associations

Amendment to Article V: Public Hearings to Add the following section (**Note: New text emboldened and italicized. Deleted text struck through**).

§ 202-5.5 Hearings on Proposed Dissolution of Homeowners' Association

- A. Any homeowners' association created pursuant to any Major Subdivision or Site Plan Review shall not be dissolved without the prior review and authorization of the Planning Board.***
- B. Any such homeowners' association seeking to dissolve shall file an application with the Planning Board identifying all properties that are in the homeowners' association, the name and current mailing address of all such owners, and the reason for the dissolution.***
- C. Any petition seeking the dissolution of a homeowners' association shall provide the cost for any notice to the homeowners' association, to owners of properties within the homeowners' association, abutting parcels, and all other individuals and entities entitled to notice under the law.***
- D. Any petitioner seeking such dissolution shall include a succession plan for the inspection, maintenance, repair and replacement of any infrastructure associated with the homeowners' association, including but not limited to, drainage and stormwater infrastructure, roads, utilities, common and open space, and any other common infrastructure of the homeowners' association.***
- E. The Planning Board will schedule a hearing on any such petition. If the Major Subdivision or Site Plan Review that established the homeowners' association was also subject to any approval with the Town's Zoning Board of Adjustment, the Planning Board will schedule a joint meeting pursuant to RSA 676:2 in accordance with RSA 292:8-m.***
- F. In considering whether to vote in favor of the dissolution of a homeowners' association, the Planning Board shall consider whether the dissolution of the homeowner's association may adversely impact the inspection, maintenance, repair or replacement of any common facilities which are the responsibility of the homeowners' association under the Planning Board's condition(s) of approval. If the Planning Board determines that the submitted succession plan will sufficiently provide for the inspection, maintenance, repair and/or replacement of such infrastructure, then the Planning Board may vote in favor of the request to dissolve the homeowners' association.***
- F. Any such decision will be issued in accordance with RSA 676:3.***

Explanation

Per House Bill 42, the legislative bill requires the Planning board to hold a hearing prior to homeowners' association seeking to dissolve or terminate the association. Provision RSA 292:8-m.