

# **Bond Case Briefs**

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## **MUNICIPAL ORDINANCE - NEW HAMPSHIRE**

### **Town of Conway v. Kudrick**

**Supreme Court of New Hampshire - May 2, 2023 - A.3d - 2023 WL 3185072**

Town brought action against property owner seeking judgment declaring that zoning ordinance prohibited short-term rentals in residential districts that were not owner-occupied.

Parties filed cross-motions for judgment on the pleadings. The Superior Court granted owner's motion and denied town's motion. Town appealed.

The Supreme Court held that non-occupying owner's use of property as a short-term rental was permitted under town's zoning ordinance.

Non-occupying owner's sole use of a property as a short-term rental satisfied definition of a "residential/dwelling unit" as required to be permitted in a residential zone under town zoning ordinance, notwithstanding town's contentions that ordinance was not intended to permit transient stays; ordinance applied to occupants living as a household, which required that the property be used for residential purposes regardless of duration, and the occupants of the short-term rental property exclusively engaged in residential activities.