

Bill as  
Introduced

HB 1200 - AS INTRODUCED

2010 SESSION

10-2310  
03/09

HOUSE BILL            **1200**

AN ACT                relative to the definition of "abutter" for notice of land use board hearings.

SPONSORS:            Rep. McEachern, Rock 16

COMMITTEE:          Municipal and County Government

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ANALYSIS

This bill changes the definition of "abutter" for notice of land use board hearings to include condominium or collective unit owners rather than the officers of the collective or association.

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                   relative to the definition of "abutter" for notice of land use board hearings.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 Abutter. Amend RSA 672:3 to read as follows:

2           672:3 Abutter. "Abutter" means any person whose property is located in New Hampshire and  
3           adjoins or is directly across the street or stream from the land under consideration by the local land  
4           use board. For purposes of receiving testimony only, and not for purposes of notification, the term  
5           "abutter" shall include any person who is able to demonstrate that his *or her* land will be directly  
6           affected by the proposal under consideration. For purposes of receipt of notification by a  
7           municipality of a local land use board hearing, in the case of an abutting property being under a  
8           condominium or other collective form of ownership, the term abutter means the [~~officers~~] *unit*  
9           *owners* of the collective or association, as defined in RSA 356-B:3, [~~XXXI~~] XXX. For purposes of  
10          receipt of notification by a municipality of a local land use board hearing, in the case of an abutting  
11          property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II,  
12          the term "abutter" includes the manufactured housing park owner and the tenants who own  
13          manufactured housing which adjoins or is directly across the street or stream from the land under  
14          consideration by the local land use board.

15          2 Effective Date. This act shall take effect 60 days after its passage.

# Speakers



# Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 1200

**BILL TITLE:** relative to the definition of "abutter" for notice of land use board hearings.

**DATE:** January 12, 2010

**LOB ROOM:** 301      **Time Public Hearing Called to Order:** 1:37 pm

**Time Adjourned:** 2:50 pm

(please circle if present)

**Committee Members:** Reps. Cooney, Gagnon, Osborne, L. Brown, LaLiberte, Wheeler, Boisvert, Carlson, Lauterborn, Lewis, Schueff, Patten, Boyce, C. Soucy, J. Sullivan, Crisler, Ferrante, Perkins and Sterling.

**Bill Sponsors:** Rep. McEachern, Rock 16

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Paul McEachern**, sponsor, introduced the bill. Submitted at the request of a member of a land use board to deal with condominiums. The condominium statute has many inconsistencies. Current law says that officers of the association must be notified, but they usually are not a matter of public record. Cities have no record of who the managing board members are so they do not know who to notify for various reasons. This would change so that the city or town could just notify the actual owners of the individual units.

Rep. Osborne: My city has many large such units. Wouldn't it be easier to require the condo assoc to notify the city. Ans.-Why should I be treated differently than any other property owner. I am a taxpayer, why shouldn't I be able to be notified.

Rep. Crisler: Who has standing. Ans.-This doesn't change that at all.

Rep. Crisler: Does every individual owner have standing to challenge a decision. Ans.-I would say that each owner would have standing.

Rep. Sullivan: What about timeshare owners. Would they all be considered owners? Ans- This is just addressing condominiums, I don't know if a timeshare is a collective form of ownership. It should be pinned down.

Rep. Sterling: What about the applicant that has to pay for the certified letters to all the owners of a large condo. Isn't that an undue burden on the applicant? Ans.-that depends, it is a question. Maybe there should be a cut-off of so many units.

Rep. Brown: Re Rep. Osborne's question. If Officers cannot be found, why should the applicant have the burden of noticing. Ans.-The Tax Assessor should have a record of the owners.

Rep. Brown: What about right now. Ans.-Right now, I don't know how they do it.

Rep. Osborne: Why not amend the condo statutes to demand the Assoc. notify towns who to contact. Ans.- That short-changes me, as a unit owner. The law says IF they have a board, it's not required by law. The officers change. Most condo's are run by managers and that's who notices should go to. It shouldn't be left the way it is.

Rep. LaLiberte: Wouldn't these owners be in the same category as owners of a home in a mobile home park, where notices go to the owner of the park and the individual home owners also. Ans,-Yes

**Ken Clinton**, NH Land Surveyor's Assoc.: Opposes the bill. This bill is unnecessary. The entire parcel of land that a condo is on may abut a proposed project, but usually only a few of the individual units are actual abutters on a boundary. It's not always easy to find the owners. But currently, if I cannot identify who the officers of the Assoc. are to notify, I have no choice, but I have to notify all owners, even if it's a 200 unit complex and the owners on the far side have no concern with my proposed project, but I MUST notify them all. There is also a question of fractional ownership interests. And I don't know what effect this would have on timeshares. As it is right now, the system works as it is. Certified mail costs approx. \$10 each.

Rep. Sullivan: Is certified mail necessary. Ans.-Our duty is to notify by certified mail.

Rep. Lewis: Fractional ownership means what. Ans. If my brother, sister and I purchase a unit together we each have a one third share and as owners, should be notified.

**\*Robin Rousseau** of Portsmouth: Supports the bill. Member of zoning board. To respond to previous testimony, owners of record should be on file in tax records, so that should not be difficult to obtain.

Rep. Schuett: Are the officers of your Assoc. appointed or elected? Ans.-Elected, annually. Although the elections are usually poorly attended.

**\*Nancy Johnson**, NH Planners Assoc. Opposes the bill. Per RSA 672:3, the term abutter includes manufactured park owner and tenants. Read a letter on behalf of Rick Sawyer, legislative liaison. I think it would be reasonable to give rights to individual unit owners the same rights as mobile home park tenants.

Rep. Lewis: Is distance a consideration in notice? Ans.-Absolutely not. It's not a simple issue.

Rep. Lauterborn: On the model of a manufactured housing park. What if an Assoc owns the land in common. Ans.- I am unaware of any that own the entire park. Perhaps someone else here knows.

**Gary Abbott**, Associated General Contractors of NH: Opposes the bill. First reason is cost as has been previously noted, to notify so many. The major problem, though is if you miss one abutter you are liable and every step is delayed. Perhaps you could consider making an exception if one is missed to not stop the entire process. Also, you could consider limiting the number of notices necessary. Other than that, we would ask that this be inexpedient.

Rep. Brown: Referring to the manufacturing housing model. What harm, how often, what cost. Ans.-The current law, we don't know of any existing problems. The question with condo's is how many are there really.

Rep. Sullivan: In the process of notification, if there are 100 units and you fail to mail, would you agree that if you mail to a unit and it is returned, does that meet the obligation to notify. Ans.-That is beyond my expertise.

**Ben Frost**, NHHFA: Opposes bill. The system is not broken. It sounds as though the internal process within some associations is the problem. This bill would considerably add to the costs of town or city staff time. The language of the manufactured housing statutes would not be a good fit to substitute in the instance of condo's.

Chairman. Cooney: By statute, do the notices have to be sent certified mail? Ans.-No.

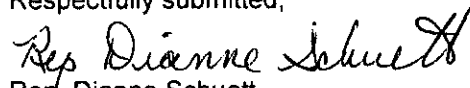
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Cooney: Is it in statute that the officers of the condo must notify owners? Ans.-No it is not. The problem described is an internal problem and the applicant or municipality should not have to solve it. Nor would statute solve it. Maybe the condo statutes should be amended.

Rep. Brown: How can we assure the Assoc officers comply? Ans.-That's the same question. I don't know, perhaps amend the condo statutes.

Rep. Lewis: Do you think it's possible to address this by redefining abutter? Ans.-That's what this bill does, it says the unit owners.

Respectfully submitted,



Rep. Dianne Schuett  
Clerk



HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

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**Bill Sponsors:** Rep. McEachern, Rock 16

TESTIMONY

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Hearing, minutes on  
HB 1200 Jan. 12, 2010

Hearing opened at 1:37 p.m.

Rep. Paul McEachern, sponsor, introduced the bill. Submitted at the request of a member of a land use board to deal with condominiums. The condominium statute has many inconsistencies. Current law says that officers of the association must be notified, but they usually are not a matter of public record. Cities have no record of who the managing board members are so they do not know who to notify for various reasons. This would change so that the city or town could just notify the actual owners of the individual units.

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Ans.-Why should I be treated differently than any other property owner. I am a taxpayer, why shouldn't I be able to be notified.

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Ans.-That's what this bill does, it says the unit owners.

Hearing closed at 2:50 p.m.

Respectfully submitted,

Rep. Dianne Schuett

# Sub-Committee Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

SUBCOMMITTEE WORK SESSION ON HB 1200

**BILL TITLE:** relative to the definition of "abutter" for notice of land use board hearings.

**DATE:**

**Subcommittee Members:** Reps.

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk

# Testimony



My name is Robin Rousseau. I live at 871 Middle Road in Portsmouth. I am not only a resident of Portsmouth but I am also on the Zoning Board of Adjustment for the City of Portsmouth. Thank you for considering an amendment to RSA 672:3 to revise the abutter notification requirement for land board hearings.

I personally asked Representative McEachern to consider a language change to 672:3 when it became evident during a ZBA case to which I was personally an abutter that the notification process outlined currently in the law was not working as perhaps intended.

On April 21, 2009, a case appeared on my ZBA agenda for 55 Congress Street in the middle of Market Square in Portsmouth to which I am abutter. I own a condominium diagonally across the street. The agenda showed up in my mailbox on a Friday—two business days before the hearing. When I saw the case on the agenda, I was surprised because I had not received an abutter notice. I emailed the President of the condo association, Donald Coker (also a member of the Planning Board in Portsmouth). He told me that he never received the abutter notice. Upon further investigation, the Manager of the condo association confessed to Donald that she did receive the notice but didn't do anything with it.

As a result, I recused myself from the case before the ZBA and took the podium. I told the ZBA that it has come to my attention that 46 unit owners at 80 and 90 Fleet Street (MacIntosh Condominiums) did not receive legal notice of the case before them now and asked the Board to consider postponing the hearing for another month until all owners of record could be properly notified.

Lucy Tillman from the City Planners office said that the City fulfilled their responsibility to notify the condo association as outlined in 672:3 which states that "the term abutter means the officers of the collective or association." She said she mailed the notice to the last known address of an officer of the condo association and that it was the condo association's responsibility to notify owners of record for condominiums—not the City. She also said that it was the Condo Association's responsibility to update the City as to where they would like the legal notices sent. I had no doubt that the Condo Association or Management Company had any idea they were supposed to do this.

I pointed out to the Board that we now have new knowledge—that the notices did not get delivered as intended by the City, and I requested that we postpone the hearing and allow time for proper notice as a matter of respect to 46 property owners in our community who have an interest in this case. The Board unanimously voted **not** to postpone the case and they moved through with the hearing knowing full well that there was an error in the notification process. I was told by the Chair of the ZBA that if an abutter didn't like their decision, they could appeal. I questioned how an abutter could appeal a case they had no knowledge was taking place.

On a side note, I was told by the City of Portsmouth that their legal abutter notices do not typically go out certified mail return receipt. They are mailed with no evidence that delivery has been accomplished. I asked what they did when a legal notice for a

condominium came back undeliverable. I was told that they did what they were supposed to—that the condominiums are supposed to inform them of management changes or officer address changes. They made no additional effort to inform condominium unit owners of a hearing regardless of the size of the condominium association.

This became a problem with Springbrook Condominiums in Portsmouth—a 144 unit property on Route 1 Lafayette Road across the street from a shopping plaza being renovated. As I walked out of the April 21, 2009 ZBA meeting, a condominium owner who lives at Springbrook approached me. He said that he was at the hearing for another matter but that he was an abutter to 2422 Lafayette Road/Southgate Plaza another case on the agenda that night. He told me that Springbrook Condominiums was never notified of the hearing that night—similar to what I experienced at MacIntosh Condos. He was extremely mad that the City did not inform him of the hearing and asked me to look into why, as an abutter, he was not notified.

When I asked the City of Portsmouth for documentation of the abutter notification to Springbrook Condominiums, I was given a copy of two abutter notices that went out and came back to the City marked, “Return to Sender—Not Deliverable as Addressed.” One notice went to Dean Savramis, President of Springbrook Condominiums. Another went to Springbrook Condominium Association C/O Commons Property Management. Both came back to the City of Portsmouth as Undeliverable BEFORE the ZBA hearing but none of the ZBA members were informed that over 144 abutters were not properly notified. I asked if someone from the City attempted to contact the condo association before the hearing once they were aware of the two Undeliverable notices to try to get the notice delivered and I was told NO. The City allowed the case to move forward stating to me that they did everything the law required them to do and no further effort was required on their part.

So, this was another case where 144 property owners had no knowledge of a land board hearing that would directly affect their property. And, another example of city employees who had no interest in the rights of the citizens in the community even when they were aware, in advance, that there was an abutter notification issue.

A few days before October 20, 2009, I received my ZBA Agenda. I noticed that again, a case involving 55 Congress Street was coming before the ZBA. Again, I did not receive an abutter notice of the hearing. Again, I emailed the condo association President, Donald Coker and asked him if he received the abutter notice for this hearing. He informed me that he did receive the notice but didn't think it was a case worthy of being forwarded to the unit owners. Needless to say, I was in shock after everything we went through for the April 21 hearing. He told me that unit owners “trust him,” to make a judgment on their behalf whether a land board case should warrant their attention. Once again, 46 unit owners at Macintosh Condominiums were not notified of a land board hearing to which they had a personal interest in.

Many issues became evident from this sequence of events.

1. From this experience, we know that officers or managers of a condo association should not have the right to accept legal notices on behalf of condominium owners of record without express consent.
2. From this experience, we know that abutters can not appeal land board decisions if they have no knowledge of the case.
3. From this experience, we learn that we can not trust that all Land Boards will “do the right thing,” for the community even when new evidence comes to their attention that abutters were not properly notified of the hearing before them and that is unfortunate.
4. From this experience, we learn that we can not trust City Employees to do the right thing and make an extra effort to ensure owners of record are informed of land board hearings even when it comes to abutter notices that are undeliverable.
5. From this experience, we learn that we can not trust that City Employees will notify the land boards **before** a hearing when they are aware that proper legal notice to abutters did not occur.
6. From this experience, we know that condominium associations and their officers and managers are made up of lay people who have little knowledge of the law and have no knowledge that they need to keep the City informed of a change of address for legal notifications to be delivered to owners of record in their building.
7. From this experience, we understand there is a risk that condominium officers or managers may have a hidden agenda and may choose **not** to deliver land board hearing notices to owners of record in their association, thus denying those owners their legal right to speak out on an issue that may be of serious interest to them. It also denies owners of record their legal right of appeal of a land board hearing decision due to lack of knowledge that the hearing is even taking place. We should not give our neighbors such power to make these decisions on our behalf.
8. From this experience, we now look at and acknowledge that there is no difference between a property owner who owns a condominium or a single family home when it comes to property rights and both should have the right to get a proper legal notice of a hearing before a land board where they are considered an abutter.

Because of the issues I outlined today and because as NH residents we highly value our rights as property owners, I ask, on behalf of condominium owners in this state, that you amend the language in RSA 672:3 to require that all legal owners of record are notified of local land board hearings where they are considered an abutter. Please strike any language from the law that allows notification to be delivered to anyone other than the legal owner of record—information a town or city has readily available. If Portsmouth is having issues with condominium owners not getting proper notification of land board hearings, I have no doubt that other communities in the State of NH are having similar issues.

Thank you for your time and consideration of this very important matter.



**NH PLANNERS  
ASSOCIATION**

**Executive Committee**

Jennifer Czysz  
*President*

Mikaela Engert  
*Vice President*

Shanna Saunders  
*Secretary*

Benjamin Frost, Esq., AICP  
*Treasurer*

Sarah Marchant  
*Professional  
Development Officer*

Pierce Rigrod  
*Newsletter Editor*

Rick Sawyer, AICP  
*Legislative Liaison*

Jillian Harris  
*Public Information Officer*

Christa Koehler, AICP  
*Sustainability Coordinator*

Julie LaBranche  
*Ex-Officio  
NNECAPA*

P.O. Box 617  
Concord, NH 03302-0617  
603-224-7447  
[www.nhplanners.org](http://www.nhplanners.org)

January 11, 2010

The Honorable Mary R. Cooney, Chair  
House Municipal & County Government Committee  
Legislative Office Building, Room 301  
Concord, NH 03301

***Subject: HB 1200: relative to the definition of "abutter" for notice of land use board hearings.***

Dear Representative Cooney:

The New Hampshire Planners Association opposes HB 1200. Our organization represents over 200 land use planning professionals in our state and we are very concerned with the impacts that HB 1200 will have on local planners, clerks, administrators and applicants.

As you know HB 1200 would change the way municipalities are required to notify owners of condominiums from being that of the officers to all unit owners. On the face this sounds like a wonderful idea which would help to ensure all potentially impacted parties are notified of a public hearing, but the work load and cost to achieve such notification in some cases would be extreme and possibly unachievable within required time limits.

Many municipalities only have one administrative assistant to complete the public notice process for all of their land use boards and filling out the certified registered mail forms, stuffing the envelopes, and addressing them can take 30 seconds to several minutes each depending on whether or not an applicant has the ability to supply labels. Many condominium associations in New Hampshire have several hundred members and some have 2,000 or more.

Additionally, the cost of the added abutter notifications may cause some applicants not to move forward with their projects as the US Postal Service currently charges \$5.54 for each certified return receipt mailing. Some communities have an additional \$1 to \$2 handling fee per abutter. It is easy to imagine that notification for an application may cost more than the improvement that it is being requested for. HB 1200 could add \$1,000 to \$10,000 to every land use application that happens to abut a condominium association depending on its size.

For these reasons, we urge you to recommend that HB 1200 be found "inexpedient to legislate". Thank you for this opportunity to provide comment on the bill.

Sincerely,

Rick Sawyer, AICP  
Legislative Liaison

# Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1200

**BILL TITLE:** relative to the definition of "abutter" for notice of land use board hearings.

**DATE:** January 20, 2010

**LOB ROOM:** 301

**Amendments:**

Sponsor: Rep. OLS Document #:

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Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL Interim Study (Please circle one.)

Moved by Rep. Sterling

Seconded by Rep. Ferrante

Vote: 16-2 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,  
*Rep. Dianne E. Schuett*  
Rep. Dianne E. Schuett, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1200

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Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Sterling*  
Seconded by Rep. *Ferrante*

Vote: *16-2* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

MINORITY  
*Rep Sullivan*

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Dianne E. Schuett, Clerk

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 1200 Title: re definition of "abutter" for notice of land use board hearings.

PH Date: 1/12/2010

Exec Session Date: 1/20/2010

Motion: ITL

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Cooney, Mary R, Chairman	16	
Gagnon, Raymond G, V Chairman	1	
Osborne, Jessie L	2	
Brown, Larry	3	
Laliberte, Suzanne S	4	
Wheeler, Deborah	5	
Boisvert, Ronald R	6	
Carlson, Nancy L	absent	
Lauterborn, Elaine M	7	
Lewis, Robert D	absent	
Schuett, Dianne E, Clerk	8	
Patten, Betsey L	9	
Boyce, Laurie J	10	
Soucy, Connie M	11	
Sullivan, James M		1
Crisler, Margaret M		2
Ferrante, Beverly A	12	
Perkins, Amy Stasia	13	
Sterling, Franklin W	14	
CUNNINGHAM	15	
TOTAL VOTE:	16	2



# Committee Report

**REGULAR CALENDAR**

**January 21, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on MUNICIPAL AND  
COUNTY GOVERNMENT to which was referred  
HB1200,**

**AN ACT relative to the definition of "abutter" for notice  
of land use board hearings. Having considered the  
same, report the same with the following Resolution:  
RESOLVED, That it is INEXPEDIENT TO LEGISLATE.**

**Rep. Franklin W Sterling**

**FOR THE MAJORITY OF THE COMMITTEE**

**MAJORITY  
COMMITTEE REPORT**

Committee: **MUNICIPAL AND COUNTY GOVERNMENT**  
Bill Number: **HB1200**  
Title: **relative to the definition of "abutter" for notice  
of land use board hearings.**  
Date: **January 21, 2010**  
Consent Calendar: **NO**  
Recommendation: **INEXPEDIENT TO LEGISLATE**

**STATEMENT OF INTENT**

It was the consensus of the committee that the remedy proposed by this bill was too severe for the perceived harm it addressed. Changing the definition of "abutter" for a condominium or other collective form of ownership to include "unit owners" would place too large a burden on the applicant to a local land use board. Applicants would have been required to notify all unit owners individually rather than a single notification to the condominium board.

The committee felt that the definition of "notification" could include other non traditional means. Also discussed was strengthening the requirements of condominium association officers to ensure that all unit owners of the association are properly notified of proposed changes to neighboring properties. These issues should be addressed in the condominium statutes.

Vote 16-2

Rep. Franklin W Sterling  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

REGULAR CALENDAR

MUNICIPAL AND COUNTY GOVERNMENT

**HB1200**, relative to the definition of "abutter" for notice of land use board hearings.

**INEXPEDIENT TO LEGISLATE.**

Rep. Franklin W Sterling for the **Majority** of MUNICIPAL AND COUNTY GOVERNMENT.

It was the consensus of the committee that the remedy proposed by this bill was too severe for the perceived harm it addressed. Changing the definition of "abutter" for a condominium or other collective form of ownership to include "unit owners" would place too large a burden on the applicant to a local land use board. Applicants would have been required to notify all unit owners individually rather than a single notification to the condominium board.

The committee felt that the definition of "notification" could include other non traditional means. Also discussed was strengthening the requirements of condominium association officers to ensure that all unit owners of the association are properly notified of proposed changes to neighboring properties. These issues should be addressed in the condominium statutes. **Vote 16-2.**

Original: House Clerk  
Cc: Committee Bill File

# COMMITTEE REPORT

COMMITTEE: MUNICIPAL & COUNTY GOVT

BILL NUMBER: HB 1200

TITLE: re definition of "abutter" for notice of land use board hearings

DATE: 1/20/2010 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No. _____
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## STATEMENT OF INTENT:

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COMMITTEE VOTE: 16-2

RESPECTFULLY SUBMITTED,

- |  |
|--|
| <ul style="list-style-type: none"><li>• Copy to Committee Bill File</li><li>• Use Another Report for Minority Report</li></ul> |
|--|

Rep. *Sterling*  
For the Committee

Majority Report  
HB 1200  
ITL  
16-2

It was the consensus of the committee that the remedy proposed by this bill was too severe for the perceived harm it addressed. Changing the definition of "abutter" for a condominium or other collective form of ownership to include "unit owners" would place too large a burden on the applicant to a local land use board. Applicants would have been required to notify all unit owners individually rather than a single notification to the condominium board.

The committee felt that the definition of "notification" could include other non traditional means. Also discussed was strengthening the requirements of condominium association officers to ensure that all unit owners of the association are properly notified of proposed changes to neighboring properties. These issues should be addressed in the condominium statutes.

Rep. Sterling

**REGULAR CALENDAR**

**January 21, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on MUNICIPAL AND COUNTY GOVERNMENT to which was referred  
HB1200,**

**AN ACT relative to the definition of "abutter" for notice of land use board hearings. Having considered the same, and being unable to agree with the Majority, report with the following recommendation that the bill be REFERRED FOR INTERIM STUDY.**

**Rep. James M Sullivan**

**FOR THE MINORITY OF THE COMMITTEE**

**MINORITY  
COMMITTEE REPORT**

Committee: **MUNICIPAL AND COUNTY GOVERNMENT**  
Bill Number: **HB1200**  
Title: **relative to the definition of "abutter" for notice  
of land use board hearings.**  
Date: **January 21, 2010**  
Consent Calendar: **NO**  
Recommendation: **REFER TO COMMITTEE FOR INTERIM STUDY**

**STATEMENT OF INTENT**

The minority feels that there is a problem of proper notification of all property owners of a zoning change that effects a condominium complex. The choice of definition of "abutter" as the means of addressing this may not have been the best choice. Suggestions in the committee included focus on the responsibility of condominium officers to provide this notification. The minority felt this bill should be put into Interim Study.

Rep. James M Sullivan  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File



REGULAR CALENDAR

MUNICIPAL AND COUNTY GOVERNMENT

**HB1200**, relative to the definition of "abutter" for notice of land use board hearings. **REFER TO COMMITTEE FOR INTERIM STUDY.**

Rep. James M Sullivan for the **Minority** of MUNICIPAL AND COUNTY GOVERNMENT. The minority feels that there is a problem of proper notification of all property owners of a zoning change that effects a condominium complex. The choice of definition of "abutter" as the means of addressing this may not have been the best choice. Suggestions in the committee included focus on the responsibility of condominium officers to provide this notification. The minority felt this bill should be put into Interim Study.

Original: House Clerk  
Cc: Committee Bill File

MINORITY REPORT

COMMITTEE: MUNICIPAL & COUNTY GOVT

BILL NUMBER: HB 1200

TITLE: re definition of "abutter" for notice of land use board hearings

DATE: 1/20/2010 CONSENT CALENDAR: YES [ ] NO [X]

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No. \_\_\_\_\_

STATEMENT OF INTENT:

The minority feels that there is a problem of proper notification of all ~~affected~~ property owners of a zoning change that ~~also~~ affects a condominium complex. The choice of definition of "abutter" as the ~~method~~ of means of addressing this may not have been the best choice. Suggestions in the committee included focus on the ~~SA~~ responsibility of officers to provide this notification.

condominium

COMMITTEE VOTE: 11-2

RESPECTFULLY SUBMITTED,

• Copy to Committee Bill File

Rep. Sullivan For the Minority

Minority Report  
HB 1200  
RIS

The minority feels that there is a problem of proper notification of all property owners of a zoning change that effects a condominium complex. The choice of definition of "abutter" as the means of addressing this may not have been the best choice. Suggestions in the committee included focus on the responsibility of condominium officers to provide this notification. The minority felt this bill should be put into Interim Study.

Rep. Sullivan