

Bill as
Introduced

SB 97 - AS AMENDED BY THE SENATE

02/16/11 0154s

2011 SESSION

11-0958
10/09

SENATE BILL **97**

AN ACT relative to the application of the community revitalization tax relief incentive.

SPONSORS: Sen. Stiles, Dist 24; Sen. Gallus, Dist 1; Rep. Nevins, Rock 15; Rep. Waddell, Rock 15; Rep. K. Sullivan, Rock 15; Rep. Theberge, Coos 4

COMMITTEE: Ways and Means

ANALYSIS

This bill allows for buildings which have been destroyed by fire or other act of nature to be included as a qualifying structure eligible for the community revitalization tax relief incentive.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the application of the community revitalization tax relief incentive.

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

1 1 Community Revitalization Tax Relief; Qualifying Structure. Amend RSA 79-E:2, I to read as
2 follows:

3 I. "Qualifying structure" means a building located in a district officially designated in a
4 municipality's master plan, or by zoning ordinance, as a downtown, town center, central business
5 district, or village center, or, where no such designation has been made, in a geographic area which,
6 as a result of its compact development patterns and uses, is identified by the governing body as the
7 downtown, town center, or village center for purposes of this chapter. Cities or towns may further
8 limit "qualifying structure" according to the procedure in RSA 79-E:3 as meaning only a structure
9 located within such districts that meet certain age, occupancy, condition, size, or other similar
10 criteria consistent with local economic conditions, community character, and local planning and
11 development goals. *Cities or towns may further modify "qualifying structure" to include*
12 *buildings that have been destroyed by fire or acts of nature, including where such*
13 *destruction occurred prior to the adoption of the provisions of this chapter by the city or*
14 *town.*

15 2 New Subparagraph; Definition; Tax Relief. Amend RSA 79-E:2, III by inserting after
16 subparagraph (b) the following new subparagraph:

17 (c) For a qualifying structure which is a building destroyed by fire or act of nature, that
18 for a period of time determined by a local governing body in accordance with this chapter, the
19 property tax on such qualifying structure shall not exceed the tax on the assessed value of the
20 structure that would have existed had the structure not been destroyed.

21 3 Extent of Tax Relief. Amend RSA 79-E:13 to read as follows:

22 79-E:13 Extent of Tax Relief.

23 I.(a) Tax relief granted under this chapter shall pertain only to assessment increases
24 attributable to the substantial rehabilitation performed under the conditions approved by the
25 governing body and not to those increases attributable to other factors including but not limited to
26 market forces; or

27 ~~II.~~ (b) Tax relief granted under this chapter shall be calculated on the value in excess of
28 the original assessed value. Original assessed value shall mean the value of the qualifying structure
29 assessed at the time the governing body approves the application for tax relief and the owner grants
30 to the municipality the covenant to protect public benefit as required in this chapter, *provided that*

1 *for a qualifying structure which is a building destroyed by fire or act of nature, original*
2 *assessed value shall mean the value as of the date of approval of the application for tax*
3 *relief of the qualifying structure that would have existed had the structure not been*
4 *destroyed.*

5 ~~III~~ II. The tax relief granted under this chapter shall only apply to substantial
6 rehabilitation or replacement that commences after the governing body approves the application for
7 tax relief and the owner grants to the municipality the covenant to protect the public benefit as
8 required in this chapter, *provided that in the case of a qualifying structure which is a*
9 *building destroyed by fire or act of nature, and which occurred prior to the adoption of the*
10 *provisions of this chapter by the city or town, the tax relief may apply to such qualifying*
11 *structure for which replacement has begun, but which has not been completed, on the date*
12 *the application for relief under this chapter is approved.*

13 4 Application. The authority conferred by this act shall apply retroactively to cities and towns
14 that adopted the provisions of RSA 79-E in effect prior to the effective date of this act.

15 5 Effective Date. This act shall take effect upon its passage.

Amendments

Amendment to SB 97

1 Amend RSA 79-E:2, I as inserted by section 1 of the bill by replacing it with the following:

2
3 I. "Qualifying structure" means a building located in a district officially designated in a
4 municipality's master plan, or by zoning ordinance, as a downtown, town center, central business
5 district, or village center, or, where no such designation has been made, in a geographic area which,
6 as a result of its compact development patterns and uses, is identified by the governing body as the
7 downtown, town center, or village center for purposes of this chapter. Cities or towns may further
8 limit "qualifying structure" according to the procedure in RSA 79-E:3 as meaning only a structure
9 located within such districts that meet certain age, occupancy, condition, size, or other similar
10 criteria consistent with local economic conditions, community character, and local planning and
11 development goals. *Cities or towns may further modify "qualifying structure" to include*
12 *buildings that have been destroyed by fire or acts of nature, including where such*
13 *destruction occurred within 15 years prior to the adoption of the provisions of this chapter*
14 *by the city or town.*

15
16 Amend RSA 79-E:13, II as inserted by section 3 of the bill by replacing it with the following:

17
18 ~~III.~~ II. The tax relief granted under this chapter shall only apply to substantial
19 rehabilitation or replacement that commences after the governing body approves the application for
20 tax relief and the owner grants to the municipality the covenant to protect the public benefit as
21 required in this chapter, *provided that in the case of a qualifying structure which is a*
22 *building destroyed by fire or act of nature, and which occurred within 15 years prior to the*
23 *adoption of the provisions of this chapter by the city or town, the tax relief may apply to*
24 *such qualifying structure for which replacement has begun, but which has not been*
25 *completed, on the date the application for relief under this chapter is approved.*

Speakers

Hearing Minutes

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON SB 97

BILL TITLE: relative to the application of the community revitalization tax relief incentive.

DATE: March 22, 2011

LOB ROOM: 202 **Time Public Hearing Called to Order:** 11:30 AM

Time Adjourned: 12:03 PM

(please circle if present)

Committee Members: Reps. Stepanek, Major, Griffin, Hess, Sapareto, Ulery, Osgood, Ober, Abrami, Azarian, Daugherty, McDonnell, Murphy, Ohm, Sanborn, Shuler, Almy, Hamm, Eutynski, Hatch and Dooney.

Bill Sponsors: Sens. Stiles, Dist. 24; Gallus, Dist 1; Reps. Nevins, Rock 15; Waddell, Rock 15; K. Sullivan, Rock 15; Theberge, Coos 4

TESTIMONY

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

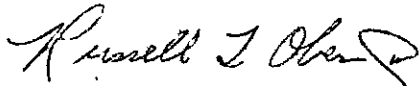
Representative Chris Nevins – cosponsor – supports. He introduces the bill. This bill allows for buildings destroyed by fire, etc. to qualify for tax relief.

***Mark Gearreald, Town Attorney Town of Hampton – supports.** He presented a handout of voter record on local articles concerning who would get tax abatements. Questions were asked about change in valuation and how the town would apply this law.

Senator Nancy Stiles, prime sponsor – supports. The bill should be in Municipal and County. She has concerns other towns as well as Hampton.

Stephen Hamilton, DRA appraiser – Commented that Municipal and County should handle this.

Respectfully submitted,



Representative Russell Ober, Clerk

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON SB 97

BILL TITLE: relative to the application of the community revitalization tax relief incentive.

DATE: 3/22/01

LOB ROOM: 202 Time Public Hearing Called to Order: 11:30

Time Adjourned: 12:03

(please circle if present)

Committee Members: Reps. Stepanek, Major, Griffin, Hess, Sapareto, Ulery, Osgood, Ober, Abrami, Azarian, Daugherty, McDonnell, Murphy, Ohm, Sanborn, Shuler, Almy, Kamm, Butynski, Hatch, and Cooney. 4

Bill Sponsors: Sens. Stiles, Dist. 24; Gallus, Dist 1; Reps. Nevins, Rock 15; Waddell, Rock 15; K. Sullivan, Rock 15; Theberge, Coos 4

TESTIMONY

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

Rep Nevins - cosponsor - introduces bill allows for buildings destroyed by fire, etc, qualify for tax relief also with Mark Carreale - town attorney (Hampton) presented handout of voters record on local articles concerning who would get tax abatement Questions asked about change in valuation and how the town would apply this law.

Senator Nancy Stiles - sponsor bill should be in municipal and county concerns other towns as well as Hampton

Steve Hamilton - D&A appraiser commented that ~~municipal~~ municipal and county should handle

Testimony

SB 97 File Copy
Mark Casarolo
Greenville

ARTICLE 31
 Shall the Town of Hampton vote with regard to New Hampshire Revised Statutes Annotated, Chapter 79-E

a. to adopt the provisions of New Hampshire Revised Statutes Annotated, Chapter 79-E to permit the Board of Selectmen as the local governing body to accept for consideration requests for community revitalization tax relief incentives that are:

- filed in accordance with the provisions of RSA 79-E; and
- for commercial structures and new residential structures, especially affordable housing, located along Lafayette Road; the High Street Business Zone; the Professional Office Zone; Ocean Boulevard; Ashworth Avenue; the Business Seasonal Zone; and the Industrial Zone that represent compact development areas; and
- for the replacement or substantial rehabilitation of qualifying structures to include replacement of qualifying structures that have been destroyed by fire or acts of nature and whose rebuilding has not been started before January 1, 2010 or completed by January 1, 2011 regardless of how long the destruction occurred before the Town has voted to adopt RSA 79-E; and

b. to modify the provisions of RSA Chapter 79-E so that for structures that have been so destroyed, their value for taxation purposes during the tax relief periods afforded by RSA 79-E-5 shall reflect the pre-destruction assessed value as updated to the value that would have been in place for the building(s) had they not been so destroyed? (Majority vote required)

Acceptance of the law allows the Selectmen to grant up to 5 years of tax relief on new or rehabilitated structures, from taxes on the values added that are in excess of the original taxable values

2080 YES ✓
 786 NO ○

ARTICLE 32
 By Petition of Sandra M. Lally and more than 25 other legal voters of the Town...

To release and remove deed restriction number 4 as to the premises located at 725 Ocean Boulevard (Tax Map 223, Lot 101), owned by William and Sandra Lally, in order to allow replacement of a separate cottage that used to exist behind the main home, and to allow subdivision of the lot as others have done. Deed restriction #4 reads as follows: "The grantee shall not erect any buildings upon the premises within seven feet of any boundary line, nor shall the premises be subdivided. All outbuildings and sheds, other than stables and garages, shall be connected to the dwelling house, stable or garage on the lot," and further, to authorize and direct the Town Clerk to execute and deliver to the lot owners for recording a notice of this vote at the Rockingham County Registry of Deeds, at no cost to the Town? (Majority vote required)

1594 YES ✓
 1270 NO ○

ARTICLE 33
 By Petition of John Graves and more than 25 other legal voters of the Town...

We, the undersigned residents of Hampton, petition the Town of Hampton to lower the rental percentage rate on the annual land rent for lands at Hampton Beach leased by the Town under new and renewal leases entered into after passage of Article 37 at the 1996 Annual Town Meeting from 2% to 1% annually, since the lessees are also required to pay real estate taxes on the said land. A "yes" vote would reduce the aforesaid rental rate for those leases to 1% of the previous year's assessed value of the land, which will cost the Town approximately \$85,055.00 in lost revenues in 2011? (Majority vote required)

511 YES ○
 3349 NO ✓

ARTICLE 34
 Shall the Town of Hampton vote to permit the Board of Selectmen to demolish the Old Town Office Building at 138 Winnacunnet Road and to provide for reclamation of the site? (Majority vote required)

2526 YES ✓
 453 NO ○

ARTICLE 35
 Shall the Town of Hampton vote to authorize the Board of Selectmen to establish sewer billing rates for the connection of State property to the Town of Hampton Municipal Sewer System so that the Town may recover its costs and expenses for receiving and treating sanitary sewer wastes discharged from State owned facilities? (Majority vote required)

2632 YES ✓
 706 NO ○

ARTICLE 36
 Shall the Town of Hampton vote to amend its Solid Waste Ordinance adopted under Article 33 of the 2009 Annual Town Meeting by rewriting Section 4 A, 4 so that it reads:

State of New Hampshire. The State of New Hampshire, operating State owned equipment and contractors engaged in work for the State at the Hampton Beach State Park and State owned Hampton Beaches may deposit refuse collected at the State Park and Beaches and from refuse collection receptacles on Ocean Boulevard at the Facility at a cost or a services exchange agreement worked out between the Town of Hampton and the State of NH. Excluded from this provision are materials removed by the raking of the sand on State Beaches, such materials will be accepted and be deposited at a special location and charged for at the Town's cost of disposal? (Majority vote required)

2562 YES ✓
 342 NO ○

ARTICLE 37
 Shall the Town of Hampton vote to authorize the Board of Selectmen to establish septage tipping fees at the Town's Wastewater Treatment Plant on an annual basis following a public hearing so that such fees recover the Town's actual cost of tipping and processing of septage and so that such receipt and processing does not impact the tax rate or impose costs upon the taxpayers of the Town of Hampton? (Majority vote required)

2557 YES ✓
 364 NO ○

CONTINUE VOTING ON NEXT CARD

Voting Sheets

HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on SB 97

BILL TITLE: relative to the application of the community revitalization tax relief incentive.

DATE: May 24, 2011

LOB ROOM: 202

Amendments:

Sponsor: Rep. Major/Stepanek OLS Document #: 2011 2005h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. S. Stepanek

Seconded by Rep. L. Sanborn

Vote: 20-0 HAND VOTE (Please attach record of roll call vote.)

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

Moved by Rep. F. Sapareto

Seconded by Rep. S. Almy

Vote: 20-0 (Please attach record of roll call vote.)

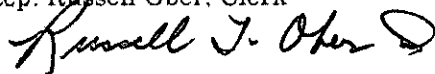
CONSENT CALENDAR VOTE: 20-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Russell Ober, Clerk



HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on SB 97

BILL TITLE: relative to the application of the community revitalization tax relief incentive.

DATE: 5/24/2011

LOB ROOM: 202

Amendments:

Sponsor: Rep. Stepanek / Suban

OLS Document #: 2011-2001-h

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: ^{Amend} OTP, ~~OTP/A~~, ITL, Interim Study (Please circle one.)

Moved by Rep. Stepanek

Seconded by Rep. Suban

Vote: (Please attach record of roll call vote.) ^{hand vote} 20-0

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

Moved by Rep. Sapavets

Seconded by Rep. Army

Vote: 26-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.) ²⁰⁻⁰

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Russell Ober, Clerk

Committee Report

CONSENT CALENDAR

June 1, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on WAYS AND MEANS to which was referred SB97,

AN ACT relative to the application of the community revitalization tax relief incentive. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Frank V Sapareto

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	WAYS AND MEANS
Bill Number:	SB97
Title:	relative to the application of the community revitalization tax relief incentive.
Date:	May 24, 2011
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill enables local communities around the state to offer community revitalization tax relief to buildings that have been destroyed by fire or acts of nature where such destruction occurred within 15 years prior to local adoption of the chapter. This incentive was previously available only to existing buildings that were sought to be revitalized or replaced. County and state revenues will not be impacted by this bill.

Vote 20-0.

Rep. Frank V Sapareto
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

WAYS AND MEANS

SB97, relative to the application of the community revitalization tax relief incentive. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank V Sapareto for WAYS AND MEANS. This bill enables local communities around the state to offer community revitalization tax relief to buildings that have been destroyed by fire or acts of nature where such destruction occurred within 15 years prior to local adoption of the chapter. This incentive was previously available only to existing buildings that were sought to be revitalized or replaced. County and state revenues will not be impacted by this bill. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

This bill enables local communities around the state to offer community revitalization tax relief to buildings that have been destroyed by fire or acts of nature where such destruction occurred within 15 years prior to local adoption of the chapter. This incentive was previously available only to existing buildings that were sought to be revitalized or replaced. County and state revenues will not be impacted by this bill.

OK
SBS

Sponsors

COMMITTEE REPORT

COMMITTEE: Ways & Means

BILL NUMBER: SB 97

TITLE: relative to the application of the community revitalization tax relief incentive.

DATE: 3/20/11 CONSENT CALENDAR: YES NO

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

Amendment No.
2011 - 2005h

STATEMENT OF INTENT:
See Attached.

COMMITTEE VOTE: 20 - 0

• Copy to Committee Bill File
• Use Another Report for Minority Report

RESPECTFULLY SUBMITTED,
Rep. [Signature]
For the Committee

Prepared at the request of Representative Sapareto:

SB97 enables local communities around the State to offer community revitalization tax relief to buildings that have been destroyed by fire or acts of nature where such destruction occurred within 15 years prior to local adoption of the chapter. This incentive was previously available only to existing buildings that were sought to be revitalized or replaced. County and State revenues will not be impacted by this bill.

OK
SBS