

Committee Report

REGULAR CALENDAR

February 23, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Municipal and County Government to which was referred CACR 9,

AN ACT relative to municipal taxes. Providing that municipalities may not raise property taxes greater than 2 percent per year and no greater than 1 percent per year on disabled citizens or senior citizens. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Tony Piemonte

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

Committee:	Municipal and County Government
Bill Number:	CACR 9
Title:	relative to municipal taxes. Providing that municipalities may not raise property taxes greater than 2 percent per year and no greater than 1 percent per year on disabled citizens or senior citizens.
Date:	February 23, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This resolution offers to amend the New Hampshire Constitution by putting a two percent cap per year on property tax increases by municipalities. It would further limit tax increases to one percent for those property owners who are 67 years of age or older or who are permanently and totally disabled according to the Social Security Administration or the Veterans Administration. The offered amendment would allow the caps to be overridden by the voters in a particular community should they so choose. As this is a proposed amendment to the New Hampshire Constitution, passing this CACR would allow the citizens of New Hampshire to express their wishes with regard to these proposed caps.

Vote 10-9.

Rep. Tony Piemonte
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Municipal and County Government

CACR 9, relative to municipal taxes. Providing that municipalities may not raise property taxes greater than 2 percent per year and no greater than 1 percent per year on disabled citizens or senior citizens. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony Piemonte for the **Majority** of Municipal and County Government. This resolution offers to amend the New Hampshire Constitution by putting a two percent cap per year on property tax increases by municipalities. It would further limit tax increases to one percent for those property owners who are 67 years of age or older or who are permanently and totally disabled according to the Social Security Administration or the Veterans Administration. The offered amendment would allow the caps to be overridden by the voters in a particular community should they so choose. As this is a proposed amendment to the New Hampshire Constitution, passing this CACR would allow the citizens of New Hampshire to express their wishes with regard to these proposed caps. **Vote 10-9.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

February 23, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Municipal and County Government to which was referred CACR 9,

AN ACT relative to municipal taxes. Providing that municipalities may not raise property taxes greater than 2 percent per year and no greater than 1 percent per year on disabled citizens or senior citizens. Having considered the same, and being unable to agree with the Majority, report with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Jim Maggiore

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Municipal and County Government
Bill Number:	CACR 9
Title:	relative to municipal taxes. Providing that municipalities may not raise property taxes greater than 2 percent per year and no greater than 1 percent per year on disabled citizens or senior citizens.
Date:	February 23, 2021
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This resolution was introduced as a “conversation starter” for tax relief, especially for seniors. CACR 9 imposes a *mandate* on every municipality in New Hampshire and preserves that mandate within our state Constitution prohibiting raising property taxes more than 2% per year and not more than 1% for citizens 67 years of age and older and for veterans 100% disabled. The mandate against a municipality raising actual property taxes fails to consider that the Department of Revenue Administration sets actual municipal tax rates and that tax rates affect actual taxes. There is no means test included in the mandate for raising taxes on citizens over the age of 67. According to recent census statistics, more than 18% of residents in the state of New Hampshire are older than 65 years of age. How this demographic is further delineated by data, including but not limited to per capita income, household assets, or ability to pay a fair share of taxes, is not accounted for in this bill. This mandate puts potentially severe restrictions on every municipality in New Hampshire from responsibly managing their own operating budgets, school operating budgets, capital improvement schedules, collective bargaining agreements, warrant articles, bond payments, and more. While warrant articles can be combined with operating budgets and exceed the 2% increase in property taxes with an override vote, the bill fails to provide a process for local governing bodies or legislative bodies to decide which viable warrant articles must be included and excluded by the final override. The mandate fails to account for downshifting of fiscal responsibilities from the state to municipalities or changes in state/municipal revenue sharing, both of which affect municipal property taxes. A conversation about property taxes is a worthy exercise. That exercise should not be predicated by a constitutional mandate as proposed in this bill. For all of these reasons, the minority cannot support the motion of ought to pass.

Rep. Jim Maggiore

Original: House Clerk
Cc: Committee Bill File

FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Municipal and County Government

CACR 9, relative to municipal taxes. Providing that municipalities may not raise property taxes greater than 2 percent per year and no greater than 1 percent per year on disabled citizens or senior citizens. **INEXPEDIENT TO LEGISLATE.**

Rep. Jim Maggiore for the **Minority** of Municipal and County Government. This resolution was introduced as a “conversation starter” for tax relief, especially for seniors. CACR 9 imposes a *mandate* on every municipality in New Hampshire and preserves that mandate within our state Constitution prohibiting raising property taxes more than 2% per year and not more than 1% for citizens 67 years of age and older and for veterans 100% disabled. The mandate against a municipality raising actual property taxes fails to consider that the Department of Revenue Administration sets actual municipal tax rates and that tax rates affect actual taxes. There is no means test included in the mandate for raising taxes on citizens over the age of 67. According to recent census statistics, more than 18% of residents in the state of New Hampshire are older than 65 years of age. How this demographic is further delineated by data, including but not limited to per capita income, household assets, or ability to pay a fair share of taxes, is not accounted for in this bill. This mandate puts potentially severe restrictions on every municipality in New Hampshire from responsibly managing their own operating budgets, school operating budgets, capital improvement schedules, collective bargaining agreements, warrant articles, bond payments, and more. While warrant articles can be combined with operating budgets and exceed the 2% increase in property taxes with an override vote, the bill fails to provide a process for local governing bodies or legislative bodies to decide which viable warrant articles must be included and excluded by the final override. The mandate fails to account for downshifting of fiscal responsibilities from the state to municipalities or changes in state/municipal revenue sharing, both of which affect municipal property taxes. A conversation about property taxes is a worthy exercise. That exercise should not be predicated by a constitutional mandate as proposed in this bill. For all of these reasons, the minority cannot support the motion of ought to pass.

Original: House Clerk

Cc: Committee Bill File

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on CACR 9

BILL TITLE: relative to municipal taxes. Providing that municipalities may not raise property taxes greater than 2 percent per year and no greater than 1 percent per year on disabled citizens or senior citizens.

DATE: February 18, 2021

LOB ROOM: Hybrid

MOTIONS: OUGHT TO PASS

Moved by Rep. Piemonte Seconded by Rep. Tripp Vote: 9-9

MOTIONS: MOTION TO RECONSIDER

Moved by Rep. Piemonte Seconded by Rep. Tripp Vote: 10-9

MOTIONS: OUGHT TO PASS

Moved by Rep. Piemonte Seconded by Rep. Tripp Vote: 10-9

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John MacDonald, Clerk



2021 SESSION

Municipal and County Government

Bill #: CA029 Motion: OTP AM #: _____ Exec Session Date: 2/18/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Dolan, Tom Chairman	10		
Piemonte, Tony Vice Chairman	1		
MacDonald, John T. Clerk	2		
Tripp, Richard P.	3		
Guthrie, Joseph A.	4		
Lascelles, Richard W.	5		
McBride, Everett P.	6		
Melvin, Charles R.	7		
Ayer, Paul F.	8		
Pauer, Diane	9		
Porter, Marjorie A.		1	
Treleaven, Susan GS		2	
Gilman, Julie D.		3	
Maggiore, Jim V.		4	
Stavis, Laurel <i>Rep. Pimentel</i>		5	
Mangipudi, Latha D.		6	
Vann, Ivy C.		7	
Klee, Patricia S.		8	
Gallager, Eric B.		9	
TOTAL VOTE:	9-10	9	

CHAIRMAN disallowed Rep. McBride's vote as he was not present or unable to be contacted via zoom.



2021 SESSION

Municipal and County Government

Bill #: CAAC Motion: OTP AM #: _____ Exec Session Date: 2/18/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Dolan, Tom Chairman	10		
Piemonte, Tony Vice Chairman	1		
MacDonald, John T. Clerk	2		
Tripp, Richard P.	3		
Guthrie, Joseph A.	4		
Lascelles, Richard W.	5		
McBride, Everett P.	6		
Melvin, Charles R.	7		
Ayer, Paul F.	8		
Pauer, Diane	9		
Porter, Marjorie A.		1	
Treleaven, Susan GS		2	
Gilman, Julie D.		3	
Maggiore, Jim V.		4	
Stavis, Laurel <i>Pimental</i>		5	
Mangipudi, Latha D.		6	
Vann, Ivy C.		7	
Klee, Patricia S.		8	
Gallager, Eric B.		9	
TOTAL VOTE:	10 -	9	



2021 SESSION

Municipal and County Government

Bill #: CACR9 Motion: to reconsider AM #: _____ Exec Session Date: 2/18/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Dolan, Tom Chairman	10		
Piemonte, Tony Vice Chairman	1		
MacDonald, John T. Clerk	2		
Tripp, Richard P.	3		
Guthrie, Joseph A.	4		
Lascelles, Richard W.	5		
McBride, Everett P.	6		
Melvin, Charles R.	7		
Ayer, Paul F.	8		
Pauer, Diane	9		
Porter, Marjorie A.		1	
Treleaven, Susan GS		2	
Gilman, Julie D.		3	
Maggiore, Jim V.		4	
Stavis, Laurel <i>Recommittal Piemonte</i>		5	
Mangipudi, Latha D.		6	
Vann, Ivy C.		7	
Klee, Patricia S.		8	
Gallager, Eric B.		9	
TOTAL VOTE:	10 -	9	

Public Hearing

House Remote Testify

Municipal and County Government Committee Testify List for Bill CACR9 on 2021-02-09

Support: 4 Oppose: 36 Neutral: 0 Total to Testify: 0

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Potucek, John	potucek1@comcast.net	603.432.9049	An Elected Official	Myself	Support	No	2/2/2021 4:31 PM
Rouillard, Claire	cdrouillard@comcast.net	603.494.6144	An Elected Official	Myself	Support	No	2/6/2021 5:47 PM
Davis, Johnna	jdavis@metrocast.net	603.455.9032	A Member of the Public	Myself	Oppose	No	2/7/2021 6:51 AM
Fordey, Nicole	nikkif610@gmail.com	516.318.2296	An Elected Official	Myself	Oppose	No	2/7/2021 11:04 AM
Blanchard, Sandra	sandyblanchard3@gmail.com	603.724.3768	A Member of the Public	Myself	Oppose	No	2/7/2021 7:28 PM
hatch, sally	sallyhatch@comcast.net	603.724.7448	A Member of the Public	Myself	Oppose	No	2/7/2021 7:59 PM
Spencer, Louise	kentstusa@aol.com	603.491.1795	A Member of the Public	Myself	Oppose	No	2/7/2021 9:55 PM
Spencer, Rob	kentstusa@aol.com	603.555.5555	A Member of the Public	Myself	Oppose	No	2/7/2021 9:55 PM
Damon, Claudia	cordsdamon@gmail.com	603.226.4561	A Member of the Public	Myself	Oppose	No	2/7/2021 11:07 PM
Larson, Ruth	ruthlarson@msn.com	603.364.4003	A Member of the Public	Myself	Oppose	No	2/8/2021 12:21 AM
Torpey, Jeanne	jtorp51@comcast.net	603.493.8262	A Member of the Public	Myself	Oppose	No	2/8/2021 5:35 AM
Hope, Lucinda	lmhope46@gmail.com	603.524.7355	A Member of the Public	Myself	Oppose	No	2/8/2021 7:54 AM
Smith, Bruce	surrysmith1953@gmail.com	603.352.4572	An Elected Official	Myself	Support	No	2/8/2021 8:52 AM
Hunter, Mark	mark@tighthouse.net	603.969.2257	A Member of the Public	Myself	Oppose	No	2/8/2021 9:22 AM
Straiton, Marie	m.straiton@comcast.net	603.496.2717	A Member of the Public	Myself	Oppose	No	2/8/2021 9:51 AM
Reed, Barbara	moragmcp83@outlook.com	603.352.5015	A Member of the Public	Myself	Oppose	No	2/8/2021 11:44 AM
Anderson, Keryn	kerynlanderson@gmail.com	603.731.6425	A Member of the Public	Myself	Oppose	No	2/8/2021 12:53 PM
DeMark, Richard	demarknh114@gmail.com	603.520.5582	A Member of the Public	Myself	Oppose	No	2/8/2021 1:49 PM
Lord, Kit	kitlord@yahoo.com	603.942.5374	A Member of the Public	Myself	Oppose	No	2/8/2021 2:54 PM
Koch, Helmut	helmut.koch.2001@gmail.com	603.491.3306	A Member of the Public	Myself	Oppose	No	2/8/2021 3:03 PM
Perencevich, Ruth	rperence@comcast.net	603.225.7641	A Member of the Public	Myself	Oppose	No	2/8/2021 4:48 PM
Corell, Elizabeth	Elizabeth.j.corell@gmail.com	603.545.9091	A Member of the Public	Myself	Oppose	No	2/8/2021 4:50 PM
Schmidt, Alderman Jan	tesha4@gmail.com	603.880.6060	An Elected Official	Myself	Oppose	No	2/8/2021 3:30 PM
Brennan, Nancy	burningnan14@gmail.com	5291969	A Member of the Public	Myself	Oppose	No	2/8/2021 3:55 PM
Carter, Lilian	lcarter0914@gmail.com	603.560.7047	A Member of the Public	Myself	Oppose	No	2/8/2021 4:15 PM
Hackmann, Kent	hackmann@uidaho.edu	603.934.3225	A Member of the Public	Myself	Oppose	No	2/8/2021 4:56 PM
Dutzy, Sherry	sherry.dutzy@leg.state.nh.us	603.882.1274	An Elected Official	Myself	Oppose	No	2/8/2021 6:21 PM

2/9/2021

House Remote Testify

Hinebauch, Mel	melhinebauch@gmail.com	603.224.4866	A Member of the Public	Myself	Oppose	No	2/8/2021 6:33 PM
Rettew, Annie	abrettew@gmail.com	603.651.7000	A Member of the Public	Myself	Oppose	No	2/8/2021 8:01 PM
Richman, Susan	susan7richman@gmail.com	603.343.6314	A Member of the Public	Myself	Oppose	No	2/8/2021 8:05 PM
Aronson, Laura	laura@mlans.net	603.432.1603	A Member of the Public	Myself	Oppose	No	2/8/2021 10:29 PM
Rathbun, Eric	ericrathbun@gmail.com	860.912.3751	A Member of the Public	Myself	Oppose	No	2/9/2021 12:11 AM
Istel, Claudia	claudia@sover.net	603.835.2992	A Member of the Public	Myself	Oppose	No	2/9/2021 12:40 AM
Neville, Betsey	betsey2003@tds.net	603.867.8175	A Member of the Public	Myself	Oppose	No	2/9/2021 6:41 AM
blakeney, gordon	rbplease@aol.com	603.340.0186	A Member of the Public	Myself	Oppose	No	2/9/2021 6:48 AM
Comtois, Barbara	barbara.comtois@leg.state.nh.us	603.776.8989	An Elected Official	Myself	Support	No	2/9/2021 4:30 AM
Hawkins, Brian	bhawkins@nhnea.org	603.545.7305	A Lobbyist	NEA-NH	Oppose	No	2/9/2021 7:14 AM
Mennella, Alexandra	amennella1@protonmail.com	646.610.9858	A Member of the Public	Myself	Oppose	No	2/9/2021 7:35 AM
Platt, Elizabeth-Anne	lizanneplatt09@gmail.com	603.715.8191	A Member of the Public	Myself	Oppose	No	2/9/2021 7:44 AM
Ellermann, Maureen	ellermannf@aol.com	603.545.5878	A Member of the Public	Myself	Oppose	No	2/9/2021 8:00 AM

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON CACR 9

BILL TITLE: relative to municipal taxes. Providing that municipalities may not raise property taxes greater than 2 percent per year and no greater than 1 percent per year on disabled citizens or senior citizens.

DATE: February 9, 2021

LOB ROOM: Hybrid **Time Public Hearing Called to Order:** 9:10 a.m.

Time Adjourned: 10:14 a.m.

Committee Members: Reps. Dolan, Piemonte, J. MacDonald, Guthrie, Lascelles, Melvin, Ayer, Pauer, Porter, Treleaven, Gilman, Maggiore, Stavis, Mangipudi, Vann, Klee and Gallagher

Bill Sponsors:

Rep. Roy

Rep. Potucek

Rep. Comtois

Rep. Aron

TESTIMONY

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

Rep. Terry Roy - Prime sponsor of the bill. This CACR would restrict municipalities from raising taxes. Several citizens are being taxed out of their homes. They cannot pay their property taxes. If we don't stop it, it will just keep going. If we pass it, it will go on the ballot. If the citizens choose to pass it, then they can override it. Protect senior citizens. If we pass it, doesn't mean it will go into effect. It is enabling.

Rep. Porter - I become concerned, if there was a natural disaster, and a school needs to be replaced. What if the taxpayers don't approve replacing it? ANS: The community has spoken, they don't want to replace it. The citizens have spoke. You can't force them to do something they don't want to do.

Rep. Gallagher - I represent the city of Concord. How would this amendment effect a city government? ANS: It doesn't specify a difference.

Rep. Mangipudi -Fundamental question. Voters elect us to do "due diligence." Why do we go to the process of electing me? ANS: The local reps. set the tax rate. Voters always get a chance to vote on the budget. We don't get involved in the tax increase. We have to work together. The state down shifts. ANS: We don't fundamentally agree on the down shifting. Let's save the citizens.

Rep. Pauer - What is the over ride? ANS: I believe it will have a ballot election. Clearly explained. Second question, what is the rationale for the difference of 1% or 2%. If you have a job, you can match the money. If you are retired, your can't match the increase to afford the taxes.

Rep. Gilman- Actual amount of taxes paid, not on the tax rate. ANS: That is correct. There are people out there that are heating their house with their oven.

Rep. Klee - I am a alderman in Nashua. I travel understanding what elderly go through. My concern, is that the citizens are knowledgeable. It would take two years to get it on the ballot. How would you override it with low voter participation. ANS: I hope it would drive citizen engagement. Greater participation at the polls. The average person would way we don't want our taxes to go up? ANS: I would hope this bill will educate our constituents.

Rep. Lascelles - Based on the limit of the taxes, based on our reevaluation that went down they could be hit by a bigger tax. ANS: Regardless of what it is, it will only be the increase in the amendment.

Rep. Treleven - Deals with a small number of people in our state. ANS: The amendment covers every body.

Rep. Stavis - Massachusetts also has an income tax? ANS: Yes, they have many revenue streams. The state has much more revenue. Tax exemption institutions, how will it affect those institutions, hospitals? ANS: The amendment would not effect those institutions.

Rep. MacDonald - Doesn't the power exist that local communities could pass a warrant article? ANS: Puts the power in the citizens hands.

Rep. Maggiore - Bargaining in good faith. If we could not negotiate to meet that number. ANS: Prop. 2 1/2 police unions fought. No bargaining in good faith. The constitution would override it.

Rep. Treleven - Any alternative methods to deal with increased property taxes? ANS: Debate is one to have. The constitutional amendments will force us to determine funding issues within the state. We need to put the brakes on this. Mandating something for our state is that the way to go? ANS: The people that are living at the real level are suffering.

Rep. Gallagher - Potential avenue for compromise. Would you be open to an amendment? Has to pass as written. ANS: It is your bill now. I would prefer it stays as written. It is all or nothing


Rep. Porter - I live in a property poor town. Wouldn't it set up a system of have and have not towns? ANS: Give citizens the ability to vote things down. This is neutral a flat rate for everyone.

Rep. Klee - Criteria for services and disabilities? ANS: As we keep increasing taxes, those benefits don't increase. Their income is not increasing.

Respectfully submitted,

Rep. John MacDonald
Clerk

Testimony

Archived: Monday, April 19, 2021 9:47:17 AM
From: Schmidt, Jan
Sent: Monday, February 8, 2021 3:40:34 PM
To: ~House Municipal and County Govt
Subject: Please ITL CACR9
Importance: Normal
Attachments: [NashuaCitysealcolorjpeg_000.jpg](#);

Honorable members,

Cities and towns are not supported enough by the state for the state to demand taxes be limited by a percentage. You cannot charge us more and make us take in less.

The State is increasing Nashua's contributions to the NH Retirement System for next year by \$4.4 million, unrelated to any increase in wages. We will be paying over \$29 million in Fiscal Year 2022.

ITL this mess.

Respectfully,
Jan

Jan Schmidt
schmidtj@nashuanh.gov<<mailto:schmidtj@nashuanh.gov>>

Nashua's Ward 1 Alderman

[cid:B355A4DA-B6DD-4016-8963-28F38ED8634B@hsd1.nh.comcast.net.]

Archived: Monday, April 19, 2021 9:47:17 AM
From: [Michael Hogg](#)
Sent: Monday, February 8, 2021 12:23:55 PM
To: ~House Municipal and County Govt
Cc: [Josh Yokela](#)
Subject: NH House Remote Testify: 9:00 am - CACR9 in House Municipal and County Government
Importance: Normal
Attachments:
Four Benefits of Limiting Minimum Lot Sizes.pdf ;

Good afternoon,

Please see the attached testimony for tomorrow's hearing on House Bill 132 from Salim Furth, Senior Research Fellow at the Mercatus Center.

As he does not take a position on the bill, he is registered as a neutral witness.

Thank you,

Michael Hogg

State Outreach Associate

Mercatus Center at George Mason University

Cell: 717-880-7729



[Bridging the Gap Between Academic Ideas and Real-World Problems.](#)

Archived: Monday, April 19, 2021 9:47:17 AM
From: [Sheridan A. Lloyd](#)
Sent: Wednesday, February 24, 2021 7:40:04 PM
To: [~House Municipal and County Govt](#)
Subject: CACR9
Importance: Normal

Please KILL this Constitution amendment

This sounds great, to limit tax increases to 2%, given my real-estate taxes went up 30% last year, but at some point in time, inflation will be back up, and things even now cost more with COVID. Municipalities have bills to pay as well, and they will be strangled and die if they are limited to 2% increases per year. Economies have to ebb and flow. Costs ebb and flow. Expenses for everyone, even municipalities are going up every year, some years more than others. A constitutional amendment is not going to change that.

Please KILL this.

This is not economically feasible, and should not even have been brought up. A waste of time and energy, it's so absurd. It would be nice if life and economics were that easy and predictable.

Regards,
Sheridan Lloyd

Archived: Monday, April 19, 2021 9:47:17 AM

From: [Lucinda Hope](#)

Sent: Monday, February 8, 2021 8:02:51 AM

To: [~House Municipal and County Govt](#)

Subject: NH House Remote Testify: 9:00 am - CACR9 in House Municipal and County Government

Importance: Normal

Committee Members,

None of us can foresee all the future situations that our towns & cities will face.

Therefore, the necessary change in property taxes should be determined by each municipality.

Lucinda Hope (Tilton)

Archived: Thursday, April 15, 2021 9:22:49 AM
From: [Sheridan A. Lloyd](#)
Sent: Wednesday, February 24, 2021 7:40:04 PM
To: [~House Municipal and County Govt](#)
Subject: CACR9
Importance: Normal


Please KILL this Constitution amendment

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Sheridan Lloyd

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To: ~House Municipal and County Govt
Subject: Please ITL CACR9
Importance: Normal
Attachments: NashuaCitysealcolorjpeg_000.jpg;

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Respectfully,
Jan

Jan Schmidt
schmidtj@nashuanh.gov<mailto:schmidtj@nashuanh.gov>

Nashua's Ward 1 Alderman

[cid:B355A4DA-B6DD-4016-8963-28F38ED8634B@hsd1.nh.comcast.net.]

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State Outreach Associate

Mercatus Center at George Mason University

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[Bridging the Gap Between Academic Ideas and Real-World Problems.](#)

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To: [~House Municipal and County Govt](#)

Subject: NH House Remote Testify: 9:00 am - CACR9 in House Municipal and County Government

Importance: Normal

Committee Members,

None of us can foresee all the future situations that our towns & cities will face.

Therefore, the necessary change in property taxes should be determined by each municipality.

Lucinda Hope (Tilton)

FOUR BENEFITS OF LIMITING MINIMUM LOT SIZES

Salim Furth

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New Hampshire House of Representatives, Municipal and County Government Committee

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Chair Dolan, Vice Chair Piemonte, and members of the committee, thank you for inviting me to comment on minimum lot sizes. I study land use regulation and housing markets as codirector of the Urbanity Project at the Mercatus Center at George Mason University. During the past two years, my research has focused especially on minimum lot sizes, which I believe to be the most prevalent form of land use regulation in the United States.

The bill before you would slightly limit municipal regulatory authority: landowners statewide would gain the right to create parcels for single-family housing as small as a half-acre, provided those parcels use neither a well nor a septic field. There are several benefits to having small lot sizes but few costs, a fact that a just and limited government ought to take into account.

POTENTIAL BENEFITS OF REDUCING MINIMUM LOT SIZES

To get a sense of the reach of the bill, I audited zoning, water, and sewer maps of six New Hampshire municipalities: Dover, Exeter, Keene, Manchester, Meredith, and Nashua. In all six municipalities I found areas that are served by municipal water and sewer but that are zoned for an acre or more. However, all of those areas were modest in size, often consisting of one or two subdivisions. Curiously, most house lots in those districts were already a half-acre or less.

I believe HB 132 would have modest and scattered effects. Nevertheless, the effects would largely be positive for New Hampshire residents, municipal governments, and those seeking to conserve forest and agricultural land:

1. Smaller lots promote affordability. Aside from requiring less land, smaller lots are likely to be developed as smaller homes. Of course, large lots are still legal; there's no maximum lot size.
2. Smaller lots use fewer municipal resources. A street where lots are 200 feet wide uses four times as much pavement, plowing, water mains, sewer mains, and so on than a street where lots are 50 feet wide. But few jurisdictions require utility users to pay for infrastructure maintenance in proportion to their use of it; water users, for example, typically pay by the gallon. As research by the Strong Towns organization has shown, large lot subdivisions rarely

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pay their own way in taxes over the long term.¹ Instead, everyone's taxes and utility rates rise to cover the extra costs.

3. Smaller lots have less impact on the environment. They conserve forest and agricultural land by using less of it.
4. Most important, lower minimum lot sizes expand private property rights. There are, of course, legitimate limits on property rights, but those limits ought to be clearly justified by a legitimate public interest that cannot be achieved with a lighter touch. For example, I certainly support restrictions on pollution. But in this case, the public interest mainly runs in the opposite direction.

OTHER CONCERNS

There is also an issue of fairness. As I have noted, most of the lots that would be affected by this bill are already a half-acre or smaller. This bill would extend a right some property owners already enjoy—the right to have a house on a half-acre—to neighbors with similarly situated land.

When I speak about deregulation, people often object that changing their neighbor's zoning without their permission violates their property rights. To this, I have a simple response: if you want to control your neighbor's property, you ought to buy it.²

New Hampshire property owners—current and future—would benefit from less regulation of minimum lot sizes. More young families would be able to afford a starter home, future taxes and utility rates would be lower, there would be more woods and farms, and property rights would be stronger and fairer.

Thank you for your time. I am happy to answer any questions, either in person or by email.

1. Charles Marohn, "The More We Grow, the Poorer We Become," *Strong Towns*, August 22, 2018.

2. One could also buy a conservation easement.

Bill as
Introduced

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2021 SESSION

21-0620
06/08

CONSTITUTIONAL AMENDMENT

CONCURRENT RESOLUTION **9**

RELATING TO: relating to municipal taxes.

PROVIDING THAT: providing that a municipality may not raise property taxes more than two percent per year and no more than one percent per year on disabled citizens or senior citizens.

SPONSORS: Rep. Roy, Rock. 32; Rep. Potucek, Rock. 6; Rep. Comtois, Belk. 7; Rep. Aron, Sull. 7

COMMITTEE: Municipal and County Government

ANALYSIS

This constitutional amendment concurrent resolution prohibits municipalities from raising property taxes more than 2 percent per year, based on the prior year's tax, nor more than one percent per year for certain disabled citizens and citizens 67 years of age and older.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
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 Twenty One

CONCURRENT RESOLUTION PROPOSING CONSITUTIONAL AMENDMENT

RELATING TO: relating to municipal taxes.

PROVIDING THAT: providing that a municipality may not raise property taxes more than two percent per year and no more than one percent per year on disabled citizens or senior citizens.

Be it Resolved by the House of Representatives, the Senate concurring, that the Constitution of New Hampshire be amended as follows:

1 I. That article 28 of the first part of the constitution be amended to read as follows:
2 [Art.] 28. [Taxes, by Whom Levied.] No subsidy, charge, tax, impost, or duty, shall be
3 established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or
4 their Representatives in the Legislature, or authority derived from that body. ***No subdivision of***
5 ***the state shall raise property taxes more than two percent per year and no more than one***
6 ***percent per year on citizens who are one hundred percent disabled as determined by the***
7 ***Veterans Administrtion or the Social Security Administration or on citizens 67 years of age***
8 ***or older. This limit shall be based on the actual tax of the previous year and not the rate,***
9 ***and shall be overridden only by a vote conducted by ballot. Warrant articles may not be***
10 ***used to bypass the limit. If a warrant article combined with proposed budgetary increases***
11 ***exceeds the two percent increase, it may only be proposed if it is included in an override***
12 ***vote and the cost and percentage over two percent is clearly explained on the ballot.***

13 II. That the above amendment proposed to the constitution be submitted to the qualified
14 voters of the state at the state general election to be held in November, 2022.

15 III. That the selectmen of all towns, cities, wards and places in the state are directed to
16 insert in their warrants for the said 2022 election an article to the following effect: To decide
17 whether the amendments of the constitution proposed by the 2021 session of the general court shall
18 be approved.

19 IV. That the wording of the question put to the qualified voters shall be:
20 "Are you in favor of amending article 28 of the first part of the constitution to read as follows:

21 [Art.] 28. [Taxes, by Whom Levied.] No subsidy, charge, tax, impost, or duty, shall be
22 established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or
23 their Representatives in the Legislature, or authority derived from that body. No subdivision of the
24 state shall raise property taxes more than two percent per year and no more than one percent per
25 year on citizens who are one hundred percent disabled as determined by the Veterans Administrtion
26 or the Social Security Administration or on citizens 67 years of age or older. This limit shall be
27 based on the actual tax of the previous year and not the rate, and shall be overridden only by a vote

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1 conducted by ballot. Warrant articles may not be used to bypass the limit. If a warrant article
2 combined with proposed budgetary increases exceeds the two percent increase, it may only be
3 proposed if it is included in an override vote and the cost and percentage over two percent is clearly
4 explained on the ballot."

5 V. That the secretary of state shall print the question to be submitted on a separate ballot or
6 on the same ballot with other constitutional questions. The ballot containing the question shall
7 include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in
8 either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall
9 be the same as the regular official ballot except that the words "Questions Relating to Constitutional
10 Amendments proposed by the 2021 General Court" shall be printed in bold type at the top of the
11 ballot.

12 VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it
13 becomes effective when the governor proclaims its adoption.

14 VII. Voters' Guide.

15 AT THE PRESENT TIME, the constitution does not limit a municipality's authority to
16 raise property taxes.

17 IF THE AMENDMENT IS ADOPTED, no municipality could raise property taxes more
18 than two percent per year, based on the prior year's tax, nor more than one percent for citizens who
19 are 100 percent disabled according to the veteran's administration or the social security
20 administration or who are 67 years of age and older.