

Committee Report

CONSENT CALENDAR

February 23, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Municipal and County Government
to which was referred HB 164,**

**AN ACT relative to the acquisition, sale, or demolition
of municipal land or buildings. Having considered the
same, report the same with the recommendation that
the bill OUGHT TO PASS.**

Rep. Tony Piemonte

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Municipal and County Government
Bill Number:	HB 164
Title:	relative to the acquisition, sale, or demolition of municipal land or buildings.
Date:	February 23, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill amends RSA 41:14-a which relates to the statute which outlines how a select board may acquire or sell municipal land, buildings or both. This bill makes two major changes to the statute. First, it adds the demolition or disposal of municipal buildings, other than a sale, to the breadth of the statute. Currently the process calls for the planning board and the Conservation Commission, if they exist within a town, to make recommendations to the select board concerning the disposition of municipal land and buildings. The second statute change within this bill is the addition of the Heritage Commission, if such a commission exists within a town, and the Historic District Commission, if the building lies within the defined district, to become part of the review process for recommendations being made to the select board. What prompted this bill was that there were more and more examples of towns knocking down historic buildings. The current statute only addresses the sale of municipal buildings and not the demolition of these buildings. When it comes to historic buildings, the Heritage Commission within a town is best positioned to inform the select board of a buildings historic value. The committee unanimously agreed that these two changes were needed.

Vote 19-0.

Rep. Tony Piemonte
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Municipal and County Government

HB 164, relative to the acquisition, sale, or demolition of municipal land or buildings. **OUGHT TO PASS.**

Rep. Tony Piemonte for Municipal and County Government. This bill amends RSA 41:14-a which relates to the statute which outlines how a select board may acquire or sell municipal land, buildings or both. This bill makes two major changes to the statute. First, it adds the demolition or disposal of municipal buildings, other than a sale, to the breadth of the statute. Currently the process calls for the planning board and the Conservation Commission, if they exist within a town, to make recommendations to the select board concerning the disposition of municipal land and buildings. The second statute change within this bill is the addition of the Heritage Commission, if such a commission exists within a town, and the Historic District Commission, if the building lies within the defined district, to become part of the review process for recommendations being made to the select board. What prompted this bill was that there were more and more examples of towns knocking down historic buildings. The current statute only addresses the sale of municipal buildings and not the demolition of these buildings. When it comes to historic buildings, the Heritage Commission within a town is best positioned to inform the select board of a buildings historic value. The committee unanimously agreed that these two changes were needed. **Vote 19-0.**

Original: House Clerk

Cc: Committee Bill File

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 164

BILL TITLE: relative to the acquisition, sale, or demolition of municipal land or buildings.

DATE: February 1, 2021

LOB ROOM: Hybrid

MOTIONS: **OUGHT TO PASS**

Moved by Rep. Maggiore

Seconded by Rep. Lascelles

Vote: 19-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John MacDonald, Clerk

OFFICE OF THE HOUSE CLERK



1/22/2021 10:08:26 AM
Roll Call Committee Registers
Report

2021 SESSION

Municipal and County Government

Bill #: HB164 Motion: OTP AM #: _____ Exec Session Date: 2/1/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Piemonte, Tony Vice Chairman	1		
Porter, Marjorie A.	2		
Klee, Patricia S.	3		
Tripp, Richard P.	4		
Guthrie, Joseph A.	5		
Lascelles, Richard W.	6		
McBride, Everett P.	7		
Melvin, Charles R.	8		
Ayer, Paul F. <i>Revote No video - Yes 2 AMENA</i>	9		
Pauer, Diane	10		
Gallager, Eric B.	11		
Treleaven, Susan GS	12		
Gilman, Julie D.	13		
Maggiore, Jim V.	14		
Stavis, Laurel	15		
Mangipudi, Latha D.	16		
Vann, Ivy C.	17		
MacDonald, John T. Clerk	18		
Dolan, Tom Chairman	19		
TOTAL VOTE:			

Public Hearing

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 164

BILL TITLE: relative to the acquisition, sale, or demolition of municipal land or buildings.

DATE: February 1, 2021

LOB ROOM: Hybrid **Time Public Hearing Called to Order:** 11:00a.m.

Time Adjourned: 11:25a.m.

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

Bill Sponsors:

Rep. Abrami **Rep. Gilman**

TESTIMONY

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

Rep. Abrami - Prime sponsor of the bill. Last years bill HB 1104 that passed unanimously before Municipal and County Government enabling legislation. Municipal Association has no position on this bill. Same bill that was passed before the house last year.

Rep. Gilman: Gives the community the opportunity to make decision concerning building.

Margaret Byrnes, NH Municipal Association - Neutral on the bill. No opposition to the bill.

Jennifer Goodman, Executive Director, NH Preservation Alliance - Supports the bill.

Rep. Guthrie: Selectmen, should that be changed to Selcetboard instead? ANS: It can be connected to Selectboard in 1 of 2 the Senate.

Chairman Dolan: Should we change this to selectboard instead of selectman then move to Executive Session?

Rep. Vann: Have the Senate make the corrections.

Rep. Treleaven: In favor of passing.

Rep. Greg Hill - The bill into Charter School Building bill. That is in the Education Committee.

Chairman Dolan: Combining of bills is done in the Senate.

Respectfully submitted,

Rep. John MacDonald
Clerk

House Remote Testify

Municipal and County Government Committee Testify List for Bill HB164 on 2021-02-01

Support: 7 Oppose: 0 Neutral: 1 Total to Testify: 4

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Byrnes, Margaret	mbyrnes@nhmunicipal.org	A Lobbyist	NH Municipal Association	Neutral	Yes (2m)	No	1/31/2021 8:58 AM
Goodman, Jennifer	jg@nhpreservation.org	A Member of the Public	NH Preservation Alliance	Support	Yes (1m)	No	2/1/2021 10:31 AM
Canada, David	canadafamily@comcast.net	A Member of the Public	Myself	Support	Yes (0m)	No	1/27/2021 4:06 PM
Abrami, Patrick	abrami.nhrep@gmail.com	An Elected Official	Rock 19 Prime Sponsor	Support	Yes (0m)	No	1/27/2021 4:06 PM
Mitchell, Rebecca	rmitch7473@gmail.com	A Member of the Public	Myself	Support	No	No	1/28/2021 3:40 PM
Merrill, Nathan	njmerrill@comcast.net	A Member of the Public	Stratham Heritage Commission, chairman	Support	No	No	1/31/2021 6:49 PM
Rathbun, Eric	ericsrathbun@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2021 10:31 PM
Hodson, Cathleen	Seahodson@aol.com	A Member of the Public	Myself	Support	No	No	2/1/2021 11:04 AM

Testimony

Archived: Tuesday, April 20, 2021 9:31:38 AM
From: [Jennifer Goodman](#)
Sent: Monday, February 1, 2021 10:32:44 AM
To: ~House Municipal and County Govt
Subject: written support for HB 164
Importance: Normal
Attachments:
HB164nhpreservationalliance.pdf ;

Thank you for sharing this with the committee.

Jennifer
Jennifer Goodman
Executive Director
N.H. Preservation Alliance
7 Eagle Square
PO Box 268
Concord, NH 03302
www.nhpreservation.org
603-224-2281

Don't forget to [donate](#) to our Annual Fund so we can address new challenges!





February 1, 2021

Re: HB 164 before NH House Municipal and County Government Committee

Dear Chairman Donlan and members of the committee:

The NH Preservation Alliance urges your support of HB164, a proposal that includes “demolition or disposal” in the list of municipally-authorized activities along with “acquisition or sale” and includes municipal heritage commissions and local historic districts in the consultative process as outlined in RSA 41:14-a.

As the statewide non-profit historic preservation organization, the Preservation Alliance has individual, business and organizational members throughout the state. We help about 100 community projects a year and represent and assist towns and cities, planning boards and heritage and historic district commissions as well as community development organizations, historical societies, “friends groups,” planning commissions and housing agencies.

Municipalities are juggling so much day to day, year to year. This important change should be a very positive addition to city and town law and procedures.

- From a municipal management process, we think this proposal adds predictability to acquisition and disposition processes. This commitment to utilizing the commission advisors seems practical and sound.
- From a historic preservation and community development perspective, processes like this help can set a positive and effective course for acquisition and management of a historic resource, and/or help prevent unnecessary losses of irreplaceable historic assets.

Heritage Commissions are doing tremendous work across the state. The number has grown steadily since the Legislature established this younger “sister” of Conservation Commissions, and we’re approaching 70 by our most recent count. From Keene and Lebanon to Erroll. These groups of volunteers are actively engaged in survey and planning projects, education and outreach, assistance to other municipal bodies, and, at times, rehabilitation or restoration projects. They are important players in the positive

trends of investment in our communities that we can see in the growth of use of preservation and community development tools that the NH Legislature has established over the years, at ribbon cuttings and awards ceremonies, in support of local jobs and stabilized or enhanced property values, and in daily life in our communities.

Jennifer Goodman, executive director, NH Preservation Alliance, jg@nhpreservation.org, jg@nhpreservation.org or 224-2281. Thank you for your consideration.

Bill as
Introduced

HB 164 - AS INTRODUCED

2021 SESSION

21-0123

06/08

HOUSE BILL **164**

AN ACT relative to the acquisition, sale, or demolition of municipal land or buildings.

SPONSORS: Rep. Abrami, Rock. 19; Rep. Gilman, Rock. 18

COMMITTEE: Municipal and County Government

ANALYSIS

This bill authorizes selectmen to demolish municipal buildings. This bill also provides for review of any proposed demolition by the heritage commission and the historic district commission, if any.

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 Twenty One

AN ACT relative to the acquisition, sale, or demolition of municipal land or buildings.

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

1 1 Selectmen; Demolition of Buildings. Amend the section heading of RSA 41:14-a to read as
2 follows:

3 41:14-a Acquisition or Sale of Land, Buildings, or Both; ***Demolition or Disposal of Buildings.***

4 2 Selectmen; Demolition of Land or Buildings. Amend RSA 41:14-a, I to read as follows:

5 I. If adopted in accordance with RSA 41:14-c, the ~~[selectmen]~~ ***select board*** shall have the
6 authority to acquire or sell land, buildings, or both~~;~~, ***and to demolish or otherwise dispose of***
7 ***buildings***, provided, however, they shall first submit any such proposed acquisition, ~~[or]~~ sale,
8 ***demolition, or disposal*** to the planning board, ~~[and to]~~ the conservation commission, ***the heritage***
9 ***commission, and the historic district commission if the building lies within a defined***
10 ***district*** for review and recommendation by those bodies, where ~~[a]~~ ***such*** board or ~~[commission or~~
11 ~~both,]~~ ***commissions*** exist. After the ~~[selectmen receive]~~ ***select board receives*** the recommendation
12 of the planning board, ~~[and]~~ the conservation commission, ***the heritage commission, and the***
13 ***historic district commission if the building lies within a defined district***, where such board
14 or ~~[commission or both]~~ ***commissions*** exist, they shall hold 2 public hearings at least 10 but not
15 more than 14 days apart on the proposed acquisition, ~~[or]~~ sale, ***demolition, or disposal***; provided,
16 however, upon the written petition of 50 registered voters presented to the ~~[selectmen]~~ ***select board***,
17 prior to the ~~[selectmen's]~~ ***select board's*** vote, according to the provisions of RSA 39:3, the proposed
18 acquisition, ~~[or]~~ sale, ***demolition, or disposal*** shall be inserted as an article in the warrant for the
19 town meeting. The ~~[selectmen's]~~ ***select board's*** vote shall take place no sooner than 7 days nor later
20 than 14 days after the second public hearing which is held.

21 3 New Paragraph; Demolition or Disposal of Municipal Buildings. Amend RSA 41:14-a by
22 inserting after paragraph II the following new paragraph:

23 III. The provisions of this section shall not apply to the demolition or disposal of, and the
24 selectmen shall have no authority to demolish or dispose of, any real estate that has been given,
25 devised, or bequeathed to the town for charitable or community purposes except as provided in RSA
26 498:4-a or RSA 547:3-d.

27 4 Application. This act shall be effective in all towns that have previously adopted the
28 provisions of RSA 41:14-a, without further action by the town.

29 5 Effective Date. This act shall take effect 60 days after its passage.