

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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 then 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.

HB 164 - AS AMENDED BY THE SENATE

04/22/2021 1145s

2021 SESSION

21-0123

06/08

HOUSE BILL

164

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SPONSORS:

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COMMITTEE:

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24 selectmen shall have no authority to demolish or dispose of, any real estate that has been given,
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27 4 Application. This act shall be effective in all towns in which the provisions of RSA 41:14-a
28 have previously been adopted and remain in effect, without further action by the town.

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

CHAPTER 184
HB 164 - FINAL VERSION

04/22/2021 1145s
24Jun2021... 2063EBA

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 the select board 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***.
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CHAPTER 184
HB 164 - FINAL VERSION

04/22/2021 1145s
24Jun2021... 2063EBA

21-0123
06/08

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:

1 184:1 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.***

4 184:2 Selectmen; Demolition of Land or Buildings. Amend RSA 41:14-a, I to read as follows:

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6 authority to acquire or sell land, buildings, or both~~;~~, ***and to demolish or otherwise dispose of***
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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~~
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13 ***historic district commission if the building lies within a defined district***, where such board
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21 184:3 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 select board 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.

27 184:4 Application. This act shall be effective in all towns in which the provisions of RSA 41:14-a
28 have previously been adopted and remain in effect, without further action by the town.

29

CHAPTER 184
HB 164 - FINAL VERSION
- Page 2 -

184:5 Effective Date. This act shall take effect 60 days after its passage.

Approved: August 10, 2021
Effective Date: October 09, 2021

Amendments

Election Law and Municipal Affairs
April 15, 2021
2021-1145s
06/08

Amendment to HB 164

1 Amend the bill by replacing section 4 with the following:

2

3 4 Application. This act shall be effective in all towns in which the provisions of RSA 41:14-a
4 have previously been adopted and remain in effect, without further action by the town.

Committee Minutes

SENATE CALENDAR NOTICE

Election Law and Municipal Affairs

Sen James Gray, Chair
Sen Regina Birdsall, Vice Chair
Sen Ruth Ward, Member
Sen Donna Soucy, Member
Sen Rebecca Perkins Kwoka, Member

Date: April 8, 2021

HEARINGS

Thursday

04/15/2021

Election Law and Municipal Affairs	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	HB 126	relative to notice of execution of tax lien to mortgagees.
9:15 a.m.	HB 164	relative to the acquisition, sale, or demolition of municipal land or buildings.
9:30 a.m.	HB 409	relative to filling certain vacancies among members of school boards and other school district offices.
9:50 a.m.	HB 411	establishing a commission to study the equalization rate used for the calculation of a property tax abatement by the New Hampshire board of tax and land appeals, the superior court, and all cities, towns, and counties.
10:15 a.m.	HB 486-FN	relative to eligibility for the low and moderate income homeowners property tax relief.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/92947850864>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: 13126266799, 92947850864# or 16465588656, 92947850864#
4. Webinar ID: [929 4785 0864](https://www.zoom.us/j/92947850864)
5. To view/listen to this hearing on YouTube, use this link: <https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link: <http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 126

Rep. Cahill

Rep. DeSimone

HB 164

Rep. Abrami

Rep. Gilman

HB 409

Rep. Rung

Rep. Danielson

HB 411

Rep. Merner

HB 486-FN

Rep. Fellows

Rep. Walz

Rep. Adjutant

Rep. Gordon

Tricia Melillo 271-3077

James P. Gray
Chairman

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

HB 164, relative to the acquisition, sale, or demolition of municipal land or buildings.

Hearing Date: April 15, 2021

Members of the Committee Present: Senators Gray, Birdsell, Ward, Soucy and Perkins Kwoka

Members of the Committee Absent : None

Bill 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.

Sponsors:

Rep. Abrami

Rep. Gilman

Who supports the bill: Representative Patrick Abrami, Representative Julie Gilman, David Canada, Eric Pauer

Who opposes the bill: None

Who is neutral on the bill: Cordell Johnston

Summary of testimony presented in support:

Representative Patrick Abrami

- This bill makes some minor changes to RSA 41:14-A which was last updated in 2008.
- If a town adopts the provision in this statute, currently it allows the select board acquire or sell land, buildings or both, after submitting the proposal to the planning board or conservation commission for review and recommendation.
- After having two public hearings and before the select board votes, if fifty residents sign a petition, the issue can be placed on a warrant article.
- According to the NHMA many towns have adopted this provision but if they have not RSA 41:11-A is the default.
- HB 164 makes two changes to RSA 41:14-A.
- It adds demolition and disposal of buildings as allowable actions by the select board.
- The second change is that it adds the Heritage Commission as a reviewing body.
- Many of the buildings or land that is considered by the select board are in some way part of the history of the town and the Heritage Commission is charged with protecting that.
- Two more changes were added in a House amendment, one that adds the Historic District Commission as a reviewing body and the other is section IV requested by the NHMA.

- Section IV states that this shall be in all towns that have previously voted for this provision without any further action taken.
- Senator Birdsell commented that these are big changes and asked if the addition of section IV should be that the town will have to vote on it again.
 - Representative Abrami suggested that the Municipal Association could better answer that question.

David Canada – Stratham Heritage Commission

- This bill will ensure that the Heritage Commission will be consulted before the select board sell, buy, or demolish a building.
- It will also allow residents to bring demolition decisions of the select board to town meeting for consideration.
- RSA 41:14-A requires fifty people to put these decisions on a warrant article and that is not used lightly.
- There are many buildings and pieces of land that are important to the town culturally and historically but are not so important to the select board who are struggling to keep tax rates low.
- In Stratham, an elderly woman left her valuable home, land and a maintenance endowment to the town. A month after the town received the title, the select board had decided to demolish the house.
- The heritage board and others pleaded with the select board to change this decision, but they did not, and the well-loved home was demolished.
- The changes in RSA 41:14-A will put decision with the voters.
- Senator Perkins Kwoka asked if towns are able to pass demolition ordinances.
 - Mr. Canada replied that they do have one in Stratham, but it does not have any teeth. It only allows them to delay the demolition by 60 days. Typically, the select board is not bound by those ordinances. With this legislation it would be brought to the voters who have a right to overrule the select board.

Representative Julie Gilman

- They have a Heritage and Historic District Commission in Exeter.
- Town officials do not have to obey state law and they have the right to dispose of properties in whatever way they can.
- This will give the public the opportunity to weigh in on these decisions.
- Having public hearings, and commission meetings, etc., could make a difference in how properties are disposed of.
- The Heritage Commission believes it is very important to have the opportunity to speak to the select board about the actions they take.
- The Conservation Commission, planning and select boards, do not have the experience in town history to consider a properties heritage when making their decisions.

Representative Patrick Abrami

- On line 16 of the bill, the whole reason to have fifty people sign a petition to have this on the warrant article is to enforce that the towns people have the final say, not the select board.
- That is what the current statute reads, and he wanted to clarify that.
- Senator Birdsell asked if on line 17, is where it talks about the petition.
 - Representative Abrami replied yes if there are fifty registered voters who sign a petition then it can be put on the warrant article.

Cordell Johnston – NH Municipal Association

- Representative Abrami is correct, the voters do have the final authority by putting the issue on a warrant article.

Summary of testimony presented in opposition: None

Neutral Information Presented:

Cordell Johnston – NH Municipal Association

- He worked with Representative Abrami on the language and believes it is reasonable to give the Heritage Commission and the Historic District Commission of the municipality an opportunity to comment on a proposed demolition.
- These commissions would only have an advisory role and the decision still ultimately rests with the Select Board.
- Section IV was added to clarify if this becomes law it would be the law for those towns that have adopted it.
- Senator Gray asked if on line 27 it should say previously adopted or currently adopted because it is still not clear.
 - Mr. Johnston replied that is a good point although he is not sure at the moment what the language should be.
- Senator Gray asked Mr. Johnston if he could work on some language to address that and they can put it into a Committee amendment.
 - Mr. Johnston agreed to work on some new language.

TJM
Date Hearing Report completed: April 16, 2021

Speakers

Senate Remote Testify

Election Law and Municipal Affairs Committee Testify List for Bill HB164 on 2021

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

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>9</u>
Abrami, Patrick	abrami.nhrep@gmail.com	16033806365	An Elected Official	Rock 19 Stratham (Prime Sponsor)	Support	Yes	4
Gilman, Representative Julie	julie.gilman@leg.state.nh.gov	Not Given	An Elected Official	Town of Exeter	Support	Yes	4
Johnston, Cordell	cjohnston@nhmunicipal.org	603-748-4019	A Lobbyist	NH Municipal Association	Neutral	Yes	4
Canada, David	canadafamily@comcast.net	603.235.5778	A Member of the Public	Myself	Support	Yes	4
Pauer, Eric	secretary@BrooklineGOP.org	603.732.8489	A Member of the Public	Myself	Support	No	4

Voting Sheets

**Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2021 Session**

Bill HB 164

Hearing date: 4-15-2021

Executive Session date: 4-15-2021

Motion of: OTP Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: Committee Amendment Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP/A Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consent W → B and 5-0

Reported out by: Sen. Ward

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Thursday, April 15, 2021

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **HB 164**

AN ACT

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

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1145s

Senator Ruth Ward
For the Committee

This bill amends RSA 41:14-a which outlines how a select board may acquire or sell municipal land, buildings or both. It adds the demolition or disposal of municipal buildings, other than a sale, to the breadth of the statute and adds 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. 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.

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of HB164

Docket Abbreviations

Bill Title: relative to the acquisition, sale, or demolition of municipal land or buildings.*Official Docket of HB164.:*

Date	Body	Description
1/4/2021	H	Introduced (in recess of) 01/06/2021 and referred to Municipal and County Government HJ 2 P. 37
1/21/2021	H	Public Hearing: 02/01/2021 11:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/95927066667 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
1/27/2021	H	Executive Session: 02/08/2021 02:00 pm Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/96815613466
2/25/2021	H	Committee Report: Ought to Pass (Vote 19-0; CC) HC 18 P. 20
4/7/2021	H	Ought to Pass: MA VV 04/07/2021 HJ 5 P. 43
4/7/2021	H	Reconsider (Rep. Osborne): MF VV 04/07/2021 HJ 5 P. 50
4/7/2021	S	Introduced 04/01/2021 and Referred to Election Law and Municipal Affairs; SJ 11
4/8/2021	S	Remote Hearing: 04/15/2021, 09:15 am; Links to join the hearing can be found in the Senate Calendar; SC 19
4/16/2021	S	Committee Report: Ought to Pass with Amendment #2021-1145s, 04/22/2021; Vote 5-0; CC; SC 20
4/22/2021	S	Committee Amendment #2021-1145s, RC 23Y-1N, AA; 04/22/2021; SJ 12
4/22/2021	S	Ought to Pass with Amendment 2021-1145s, RC 23Y-1N, MA; OT3rdg; 04/22/2021; SJ 12
6/10/2021	H	House Concurs with Senate Amendment 2021-1145s (Rep. Dolan): MA VV 06/10/2021 HJ 10 P. 13
7/15/2021	S	Enrolled Bill Amendment #2021-2063e Adopted, VV, (In recess of 06/24/2021); SJ 20
7/15/2021	H	Enrolled Bill Amendment #2021-2063eba: AA VV (in recess of) 06/24/2021 HJ 11
7/21/2021	S	Enrolled Adopted, VV, (In recess 06/24/2021); SJ 20
7/23/2021	H	Enrolled (in recess of) 06/24/2021
8/16/2021	H	Signed by Governor Sununu 08/10/2021; Chapter 184; Eff: 10/09/2021

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 164

Senate Committee: ELMA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 1145s ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate ___ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office 

July 8, 2021
2021-2063-EBA
10/11

Enrolled Bill Amendment to HB 164

The Committee on Enrolled Bills 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 following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 164

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 164

Amend RSA 41:14-a, III as inserted by section 3 of the bill by replacing line 2 with the following:

select board shall have no authority to demolish or dispose of, any real estate that has been given,