

**REGULAR CALENDAR**

**March 4, 2022**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on Municipal and County Government to which was referred HB 1268,**

**AN ACT limiting the authority for city council bylaws and ordinances. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.**

**Rep. Richard Lascelles**

**FOR THE MAJORITY OF THE COMMITTEE**

**MAJORITY  
COMMITTEE REPORT**

Committee:	<b>Municipal and County Government</b>
Bill Number:	<b>HB 1268</b>
Title:	<b>limiting the authority for city council bylaws and ordinances.</b>
Date:	<b>March 4, 2022</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT 2022-0680h</b>

**STATEMENT OF INTENT**

The majority of the committee felt that this legislation would rightly limit the overreach of municipalities to restrict the normal conduct of business during periods deemed emergencies.

Vote 10-9.

Rep. Richard Lascelles  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

## **REGULAR CALENDAR**

Municipal and County Government

**HB 1268**, limiting the authority for city council bylaws and ordinances. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard Lascelles for the **Majority** of Municipal and County Government. The majority of the committee felt that this legislation would rightly limit the overreach of municipalities to restrict the normal conduct of business during periods deemed emergencies. **Vote 10-9.**

Original: House Clerk

Cc: Committee Bill File

**REGULAR CALENDAR**

**March 4, 2022**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on Municipal and County Government to which was referred HB 1268,**

**AN ACT limiting the authority for city council bylaws and ordinances. 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. Laurel Stavis**

**FOR THE MINORITY OF THE COMMITTEE**

**MINORITY  
COMMITTEE REPORT**

<b>Committee:</b>	<b>Municipal and County Government</b>
<b>Bill Number:</b>	<b>HB 1268</b>
<b>Title:</b>	<b>limiting the authority for city council bylaws and ordinances.</b>
<b>Date:</b>	<b>March 4, 2022</b>
<b>Consent Calendar:</b>	<b>REGULAR</b>
<b>Recommendation:</b>	<b>INEXPEDIENT TO LEGISLATE</b>

**STATEMENT OF INTENT**

While the amended version of this bill is an improvement on the original, it still constitutes a dangerous overreach by the legislature into the local control of municipalities. city councils are granted broad authority under Section XV of RSA 47:17 to regulate the activities taking place within their jurisdictions that are, as the law states, "salutary and needful." It concludes by assuring that cities shall be permitted to make any bylaws and regulations which "may seem needful for the well-being of the city." This bill seeks to delete this latter reference, substituting language that only allows city councils to regulate "nuisances that interfere with the use or enjoyment of property." As such, it undermines the intent of RSA 47:17, which is to ensure that local elected officials are empowered to protect the people they serve, and not just their "property," and it subverts existing law by preventing city councils from carrying out the duties they are sworn to perform.

Rep. Laurel Stavis  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Municipal and County Government

**HB 1268**, limiting the authority for city council bylaws and ordinances. **INEXPEDIENT TO LEGISLATE.**

Rep. Laurel Stavis for the **Minority** of Municipal and County Government. While the amended version of this bill is an improvement on the original, it still constitutes a dangerous overreach by the legislature into the local control of municipalities. city councils are granted broad authority under Section XV of RSA 47:17 to regulate the activities taking place within their jurisdictions that are, as the law states, "salutary and needful." It concludes by assuring that cities shall be permitted to make any bylaws and regulations which "may seem needful for the well-being of the city." This bill seeks to delete this latter reference, substituting language that only allows city councils to regulate "nuisances that interfere with the use or enjoyment of property." As such, it undermines the intent of RSA 47:17, which is to ensure that local elected officials are empowered to protect the people they serve, and not just their "property," and it subverts existing law by preventing city councils from carrying out the duties they are sworn to perform.

Original: House Clerk

Cc: Committee Bill File

Rep. Harvey-Bolia, Belk. 4  
February 11, 2022  
2022-0680h  
10/05

Amendment to HB 1268

1 Amend RSA 47:17, XV as inserted by section 1 of the bill by replacing it with the following:

2

3           XV. Miscellaneous. Relative to the grade of streets, and the grade and width of sidewalks;  
4 to the laying out and regulating public squares and walks, commons, and other public grounds,  
5 public lights, and lamps; to trees planted for shade, ornament, convenience, or use, and the fruit of  
6 the same; to trespasses committed on public buildings and other public property, and in private  
7 yards and gardens; in relation to cemeteries, public burial grounds, the burial of the dead, and the  
8 returning and keeping records thereof, and bills of mortality, and the duties of physicians, sextons  
9 and others in relation thereto; relative to public wells, cisterns, pumps, conduits, and reservoirs; the  
10 places of military parade and rendezvous, and the marching of military companies with music in the  
11 streets of the city; relative to precautions against fire; relative to oaths and bonds of city officers, and  
12 penalties upon those elected to such offices refusing to serve; and relative to licensing and regulating  
13 butchers, petty grocers, or hucksters, peddlers, hawkers, and common victualers; dealers in and  
14 keepers of shops for the purchase, sale or barter of junk, old metals or second-hand articles, and  
15 pawnbrokers; under such limitations and restrictions as to them shall appear necessary. They may  
16 make any other bylaws and regulations [~~which may seem for the well being of the city~~] **for the**  
17 **abatement of nuisances that interfere with the use or enjoyment of property**; but no bylaw or  
18 ordinance shall be repugnant to the constitution or laws of the state; and such bylaws and  
19 ordinances shall take effect and be in force from the time therein limited without the sanction or  
20 confirmation of any other authority whatever.

**Amendment to HB 1268**

**- Page 2 -**

2022-0680h

**AMENDED ANALYSIS**

This bill limits the general authority of city councils to make bylaws and ordinances to the abatement of nuisances that interfere with the use or enjoyment of property.



**HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT**

**EXECUTIVE SESSION on HB 1268**

**BILL TITLE:** limiting the authority for city council bylaws and ordinances.

**DATE:** February 28, 2022

**LOB ROOM:** 301 - 303

**MOTIONS:** OUGHT TO PASS

Moved by Rep. Lascelles

Seconded by Rep. J. MacDonald

Vote: 9-7

**CONSENT CALENDAR: NO**

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

Respectfully submitted,

Rep John MacDonald, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1268

BILL TITLE: limiting the authority for city council bylaws and ordinances.

DATE: 2/28/22

LOB ROOM: 301-303

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # 0680H  
(if offered)
- Interim Study (2nd year)

Moved by Rep. LAScelles Seconded by Rep. MACDONALD Vote: \_\_\_\_\_

*NO ONE TO INTRODUCE AMENDMENT NO VOTE*

MOTION: (Please check one box)

- OTP
- ~~OTPA~~
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_  
(if offered)
- Interim Study (2nd year)

Moved by Rep. LAScelles Seconded by Rep. MACDONALD Vote: 9-7

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_  
(if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_  
(if offered)
- Interim Study (2nd year)

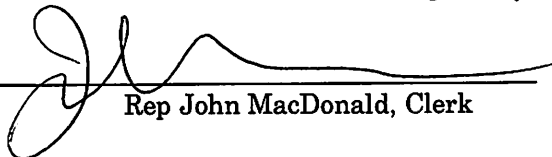
Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

CONSENT CALENDAR: \_\_\_\_\_ YES \_\_\_\_\_ NO

Minority Report?  Yes \_\_\_\_\_ No If yes, author, Rep: LAScelles Motion MASONRY

*Rep. Maggione  
MINORITY*

Respectfully submitted:

  
Rep John MacDonald, Clerk

**HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT**

**EXECUTIVE SESSION on HB 1268**

**BILL TITLE:** limiting the authority for city council bylaws and ordinances.

**DATE:** March 1, 2022

**LOB ROOM:** 301 - 303

**MOTIONS: RECONSIDER**

Moved by Rep. Lascelles

Seconded by Rep. Melvin

Vote: 11-8

**MOTIONS: OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. Lascelles

Seconded by Rep. Melvin

AM Vote: 15-4

Amendment # 2022-0680h

Moved by Rep. Lascelles

Seconded by Rep. Melvin

Vote: 10-9

**CONSENT CALENDAR: NO**

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

Respectfully submitted,

Rep John MacDonald, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on

BILL TITLE: HB 1268  
DATE: 3/1/22  
LOB ROOM: 301

MOTION: (Please check one box) *Reconsider*  
 OTP       ITL       Retain (1<sup>st</sup> year)       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2nd year)      (if offered)  
Moved by Rep. Lascelles      Seconded by Rep. Melvin      Vote: 11-8

MOTION: (Please check one box)  
 OTP       OTP/A       ITL       Retain (1<sup>st</sup> year)       Adoption of Amendment # 0680h  
 Interim Study (2nd year)      (if offered)  
Moved by Rep. Lascelles      Seconded by Rep. Melvin      Vote: 15-4

MOTION: (Please check one box)  
 OTP       OTP/A       ITL       Retain (1<sup>st</sup> year)       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2nd year)      (if offered)  
Moved by Rep. Lascelles      Seconded by Rep. Melvin      Vote: 10-9

MOTION: (Please check one box)  
 OTP       OTP/A       ITL       Retain (1<sup>st</sup> year)       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2nd year)      (if offered)  
Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

CONSENT CALENDAR:         YES         NO

Minority Report?  Yes         No    If yes, author, Rep: Lascelles Motion \_\_\_\_\_

~~MAGUIRE~~ Rep STAVIS

Respectfully submitted: John MacDonald  
Rep John MacDonald, Clerk



2022 SESSION

Municipal and County Government

Bill #: 1268 Motion: OTP-A AM #: 0650h Exec Session Date: 3/1/22

<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. <i>Rep. MacDonald</i>	6		
Melvin, Charles R.	7		
Ayer, Paul F.	8		
Pauer, Diane	9		
Maggiore, Jim V.		1	
Treleaven, Susan GS		2	
Gilman, Julie D.		3	
Stavis, Laurel		4	
Mangipudi, Latha D. <i>Rep. Newman</i>		5	
Vann, Ivy C.		6	
Klee, Patricia S.		7	
Gallager, Eric B.		8	
Rung, Rosemarie		9	
<b>TOTAL VOTE:</b>	<b>10</b>	<b>9</b>	



## 2022 SESSION

## Municipal and County Government

 Bill #: 1268 Motion: Adopt Amendment AM #: 0680h Exec Session Date: 3/1/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
	15		
Dolan, Tom Chairman			
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. <i>Rep. MacDonald</i>	6		
Melvin, Charles R.	7		
Ayer, Paul F.	8		
Pauer, Diane	9		
Maggiore, Jim V.	10		
Treleaven, Susan GS		1	
Gilman, Julie D.		2	
Stavis, Laurel	11		
Mangipudi, Latha D. <i>Newman</i>	12		
Vann, Ivy C.		3	
Klee, Patricia S.	13		
Gallager, Eric B.		4	
Rung, Rosemarie	14		
<b>TOTAL VOTE:</b>	15	4	



2022 SESSION

Municipal and County Government

Bill #: 1268 Motion: Reconsider AM #: \_\_\_\_\_ Exec Session Date: 3/1/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Dolan, Tom Chairman	11		
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. <i>MACDONALD</i>	6		
Melvin, Charles R.	7		
Ayer, Paul F.	8		
Pauer, Diane	9		
Maggiore, Jim V.		1	
Treleaven, Susan GS		2	
Gilman, Julie D.		3	
Stavis, Laurel		4	
<del>Mangipudi, Latha D.</del> <i>NEWMAN</i>		5	
Vann, Ivy C.		6	
Klee, Patricia S.		7	
Gallagher, Eric B.		8	
Rung, Rosemarie	10		
<b>TOTAL VOTE:</b>	<b>11</b>	<b>8</b>	



2022 SESSION

Municipal and County Government

Bill #: 1268 Motion: CTP AM #: \_\_\_\_\_ Exec Session Date: 2/28/22

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



HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 1268

**BILL TITLE:** limiting the authority for city council bylaws and ordinances.

**DATE:** February 15, 2022

**LOB ROOM:** 301 - 303                      **Time Public Hearing Called to Order:** 11:29a.m.

**Time Adjourned:** 12:45 p.m.

**Committee Members:** Reps. Dolan, Piemonte, J. MacDonald, Tripp, Guthrie, Lascelles, Pauer, Maggiore, Gilman, Mangipudi, Vann, Klee, Gallager and Rung

**Bill Sponsors:**

Rep. Harvey-Bolia

Rep. Abramson

Rep. Potucek

Rep. Renzullo

Rep. Yakubovich

TESTIMONY

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

**\*Rep. Juliet Harvey-Bolia** - Prime sponsor of the bill. Introduced the bill and amendment #2022-0680h.

Rep. Klee: Comment not necessarily accurate? ANS: The rate per thousand is a random date. If this did show it was getting better, would you change your statement? It wasn't working, is not as accurate? ANS: No, I would not agree with that. The Governor said each community could adopt these mandates. Would this prohibit him fro doing this? ANS: I believe he could do it. Would this prohibit him from having the Governor from telling cities that they could have a mandate. The legislation would have to call an emergency legislative session? ANS: No, on a side, not a Governor could wish a community to wear masks.

Rep. Maggiore: Is that personal property? Definition of property? ANS: The common use of the term applies.

**Natch Greyes, NH Municipal Association** - Opposes the bill and amendment. Already a provision to abate nuances. Local checks exist. This would take away our local authority, only stand a love provision is for mosquitoes. Standing water, may cover testing of water.

Rep. Maggiore: If 1272 and 168 passed, would we have confusion on who has the authority? ANS: Typically they are made through the city council. We also object to the amendment to 1272. This does take away local control.

**Christina Dubin, Surfrader Foundation, NH Chapter** - We are opposed to this bill. Arbitrate what is a clean and present danger.

**Matthew Cahillane, NH DHHS/DPHS** - No position. Some changes. We don't know what it would create for health officers.

Rep. Gilman: Changes from the original law? ANS: Nucliances of the property - air, water, waste, all the different types of property.

Respectfully submitted,

Rep. John MacDonald  
Clerk

# House Remote Testify

## Municipal and County Government Committee Testify List for Bill HB1268 on 2022-02-15

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

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>
Sullivan, Alexandra	Merrimack, NH alexmarysullivan@gmail.com	A Member of the Public	Myself	Support	No	No	2/10/2022 9:47 PM
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Support	No	No	2/11/2022 11:29 AM
Doughty, Patrick	Bethlehem, NH patrickdoughty@roadrunner.com	A Member of the Public	Myself	Support	No	No	2/11/2022 2:02 PM
SUPLEE, RYAN	BARRINGTON, NH chair@nh.surfrider.com	A Member of the Public	Myself	Oppose	No	No	2/11/2022 4:05 PM
Lane, Connie	Concord, NH connie.lane@leg.state.nh.us	An Elected Official	Merrimack District 12	Oppose	No	No	2/11/2022 5:39 PM
Hamer, Heidi	Manchester, NH heidi.hamer@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	2/11/2022 6:18 PM
Fay, Chris	Litchfield, NH loyalx3@aol.com	A Member of the Public	Myself	Support	No	No	2/11/2022 9:39 PM
Dyer, Allison	Nashua, NH allie_scott@comcast.net	A Member of the Public	Myself	Support	No	No	2/11/2022 10:17 PM
Cahill, Michael	Newmarket, NH michael.cahill@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	2/12/2022 6:31 AM
Eisner, Mary	Derry, NH nhdem@msn.com	A Member of the Public	Myself	Oppose	No	No	2/12/2022 8:23 AM
Duncan, Stan	Newton, NH standuncan@post.harvard.edu	A Member of the Public	Myself	Oppose	No	No	2/12/2022 8:25 AM
Jorgensen, Patricia	NORTHFIELD, NH yellaboat@aol.com	A Member of the Public	Myself	Support	No	No	2/12/2022 5:04 PM
Mackie, Danielle	Nashua, NH Daniellenuzzo70@gmail.com	A Member of the Public	Myself	Support	No	No	2/12/2022 5:45 PM

Mackie, Jordan	Nashua, NH jmackie@jmdotcom.com	A Member of the Public	Myself	Support	No	No	2/12/2022 5:45 PM
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Support	No	No	2/12/2022 7:39 PM
Kliskey, Jessica	Stratham, NH silversmithjess@gmail.com	A Member of the Public	Myself	Support	No	No	2/12/2022 8:16 PM
Hart, Kristie	Nashua, NH Kls686@gmail.com	A Member of the Public	Myself	Support	No	No	2/12/2022 10:38 PM
Baber, Kristine	Dover, NH kmbaber@gmail.com	A Member of the Public	KMB Research & Consulting	Oppose	No	No	2/13/2022 8:40 AM
Richards, John	Holderness, NH salmon246@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 9:02 AM
Glass, Jonathan	Cornish, NH Jglass1063@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 10:15 AM
Crandell-Glass, Jane	Cornish, NH Bostonjane@me.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 10:16 AM
Beck, Gerald	Holderness, NH bentrimone@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 10:33 AM
Spence, Richard	Dover, NH rtssds2@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 11:12 AM
Heath, Cindy	CORNISH FLAT, NH cheath58@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 11:14 AM
Pettingell, Judith	Hanover, NH jpsundaypainter@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 11:32 AM
Huberman, Anne	Peterborough, NH Anne.Huberman@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 12:33 PM
Cantwell, Matthew	Nashua, NH mtoddcantwell@icloud.com	A Member of the Public	Myself	Support	No	No	2/13/2022 12:34 PM
Cantwell, Kara	Nashua, NH kara.cantwell8@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 12:34 PM
Scott, Donald	Nashua, NH dfscott123@comcast.net	A Member of the Public	Myself	Support	No	No	2/13/2022 12:55 PM
Young, Susan	Alton Bay, NH snewco@hotmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 2:24 PM
Constantian, Mark	Hollis, NH mbconstantian@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 2:33 PM

Beffa-Negrini, Patricia	Nelson, NH pbeffa@me.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 3:07 PM
Bushueff, Catherine	Sunapee, NH agawamdesigns@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 3:42 PM
Chase, Susan	ANDOVER, NH SRFCHASE@GMAIL.COM	A Member of the Public	Myself	Oppose	No	No	2/13/2022 4:00 PM
M KramerPerry, Amy	Dover, NH amkp@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/13/2022 4:05 PM
Manuse, Andrew J	Derry, NH amanuse@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 4:26 PM
OKeefe, Bonnie	Stratham, NH okeehome@comcast.net	A Member of the Public	Myself	Support	No	No	2/13/2022 4:30 PM
St Pierre, Maria	Milford, NH mariacstpierre@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 4:34 PM
Szafarz, Stephen	Manchester, NH Steve@eprodgroup.com	A Member of the Public	Myself	Support	No	No	2/13/2022 4:45 PM
Brisson, Abigail	Manchester, NH Gjsagris@yahoo.com	A Member of the Public	Myself	Support	No	No	2/13/2022 4:46 PM
Nardino, Marie	Andover, NH mdnardino@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 4:47 PM
DeMark, Rick	Meredith, NH demarknh114@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 4:47 PM
Chicoine, Brian	Manchester, NH brian.chicoine@outlook.com	A Member of the Public	Myself	Support	No	No	2/13/2022 4:54 PM
Broshek, Mary Anne	Andover, NH mabandsadie@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 4:56 PM
Brown, Joanna	Manchester, NH jberardi2@hotmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 4:58 PM
Pouliot, Cheryl	West Lebanon, NH capouliot@hotmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 5:00 PM
Wester, Jessica	Loudon, NH wester.j@protonmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 5:01 PM
Hunnewell, Richard	Holderness, NH hunnewell.richard@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 5:06 PM
Hunnewell, Anne	Holderness, NH ahunne@roadrunner.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 5:06 PM

McCullough, Daniel	Enfield, NH dan.mccullough@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 5:18 PM
Goodwin, Jeannie	Dover, NH jgmusic@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/13/2022 5:20 PM
Navarro, Clarissa	Londonderry, NH cnavarro@allegrotech.com	A Member of the Public	Myself	Support	No	No	2/13/2022 5:21 PM
Moulton, Sue	Hampton, NH suevaliq@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 5:21 PM
Wadleigh, Nicole	Rochester, NH clasmere@yahoo.com	A Member of the Public	Myself	Support	No	No	2/13/2022 5:30 PM
O'Neill, Sandra	Madbury, NH sandy_oneill@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/13/2022 5:33 PM
Cartier, Darlene	Derry, NH msdarlene@comcast.net	A Member of the Public	Myself	Support	No	No	2/13/2022 5:45 PM
Cartier, John	Derry, NH jmcartier@comcast.net	A Member of the Public	Myself	Support	No	No	2/13/2022 5:49 PM
Peternel, Catherine	Wolfeboro, NH katypeternel@pm.me	A Member of the Public	Myself	Support	No	No	2/13/2022 5:50 PM
Surman, Elizabeth	Hampton Falls, NH hellolibby@comcast.net	A Member of the Public	Myself	Support	No	No	2/13/2022 5:52 PM
Haidaichuk, Cheri	goffstown, NH cheri@bmhitsolutions.com	A Member of the Public	Myself	Support	No	No	2/13/2022 5:59 PM
Pettengill, Maryjane	North Sandwich, NH dazeyfields@hotmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 6:03 PM
Tyszka, Matthew	Newport, NH mattcol@aol.com	A Member of the Public	Myself	Support	No	No	2/13/2022 6:03 PM
Cooper, David	North Sandwich, NH pelicanbaytreasure@hotmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 6:04 PM
Roberts, Bryan	Greenland, NH zeekroberts3@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 6:09 PM
Roberts, Katherine	Greenland, NH mychuckbrown@hotmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 6:09 PM
Barbour, Liz	Hollis, NH lizbarbour@protonmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 6:11 PM
graustein, alan	sanbornton, NH alangaustein@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 6:14 PM

Pauer, Eric	Brookline, NH secretary@BrooklineGOP.org	A Member of the Public	Myself	Support	No	No	2/13/2022 6:16 PM
Brown, Kathleen	Acworth, NH brown57kat@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 6:16 PM
Zirkle, Holly	Nottingham, NH gnomenclaturefun@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 6:21 PM
Guyen, Taci	Windham, NH taci.guyen@yahoo.com	A Member of the Public	Myself	Support	No	No	2/13/2022 6:37 PM
Mayo, Kathy	NOTTINGHAM, NH kathymayo2013@yahoo.com	A Member of the Public	Myself	Support	No	No	2/13/2022 6:47 PM
Setterlund, Deb	Londonderry, NH dsetterlund1@comcast.net	A Member of the Public	Myself	Support	No	No	2/13/2022 6:52 PM
Swiderski, Ed	Chester, NH wa2wsx@yahoo.com	A Member of the Public	Myself	Support	No	No	2/13/2022 6:53 PM
Gaudette, Sheryl	Hudson, NH sgaudette1@outlook.com	A Member of the Public	Myself	Support	No	No	2/13/2022 6:56 PM
Seppala, Kathleen	Rindge, NH katsep25@protonmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 6:58 PM
deMartelly, E.	Nelson, NH libde@myfairpoint.net	A Member of the Public	Myself	Support	No	No	2/13/2022 7:00 PM
Strycharz, Sarah	Concord, NH sarah@nhforever.com	A Member of the Public	Myself	Support	No	No	2/13/2022 7:01 PM
Darrow, Linda	Ctr. Barnstead, NH lindard.1956@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 7:03 PM
Fletcher, Theresa	Swanzy, NH Fourfletcherz@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 7:32 PM
Lessard, Martha	Salem, NH Jlessardfamily@comcast.net	A Member of the Public	Myself	Support	No	No	2/13/2022 7:32 PM
Willett, Michael	Swanzy, NH mapleknollfarmnh@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 7:33 PM
Willett, Kathleen	Swanzy, NH kwillettinnh@yahoo.com	A Member of the Public	Myself	Support	No	No	2/13/2022 7:34 PM
Willett, Elizabeth	Swanzy, NH Lizarelli22@yahoo.com	A Member of the Public	Myself	Support	No	No	2/13/2022 7:34 PM
Schwab, Rebecca	Penacook, NH rebecca.schwab@protonmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 7:34 PM

Valliere, Eileen	Hampstead, NH eileen@tbisoftware.com	A Member of the Public	Myself	Support	No	No	2/13/2022 7:40 PM
Dewey, Karen	NEWPORT, NH pkdewey@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/13/2022 7:47 PM
Borisko, Pamela	Atkinson, NH pjborisko@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 7:48 PM
Mosseu, Karen	Merrimack, NH kmmossey@comcast.net	A Member of the Public	Myself	Support	No	No	2/13/2022 8:00 PM
Tolman, Gwyneth	Sullivan, NH mydivinefather@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 8:02 PM
Hohler, Beth	Hampton, NH Bethina.web@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 8:29 PM
LaPointe, Susan	Epping, NH suelap16@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 8:34 PM
Owens, Brady	Nashua, NH brady.owens@pm.me	A Member of the Public	Myself	Support	No	No	2/13/2022 8:40 PM
Pauer, Diane	Brookline, NH diane.pauer@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/13/2022 8:41 PM
Jensen, Jean	Dover, NH bookend-guards-00@icloud.com	A Member of the Public	Myself	Support	No	No	2/13/2022 8:44 PM
Rhoades, Melanie	DOVER, NH melanierhoades@hotmail.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 8:51 PM
Wells, Lee	Andover, NH Leewells.locustfarm@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 9:00 PM
Wells, Ken	Andover, NH kenwells3@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 9:00 PM
Howes, Linda	SPRINGFIELD, NH 4lindahowes@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 9:03 PM
Kirby, Pamela	Derry, NH pkirby1@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/13/2022 9:04 PM
Beatrice, Donna	Nashua, NH dbjb1314@comcast.net	A Member of the Public	Myself	Support	No	No	2/13/2022 9:08 PM
Beatrice, John	Nashua, NH dbjb1314@comcast.net	A Member of the Public	Myself	Support	No	No	2/13/2022 9:08 PM
Beatrice, Angela	Nashua, NH dbjb1314@comcast.net	A Member of the Public	Myself	Support	No	No	2/13/2022 9:08 PM



Beatrice, Gianna	Nashua, NH dbjb1314@comcast.net	A Member of the Public	Myself	Support	No	No	2/13/2022 9:08 PM
Griffin, Amy	Loudon, NH Nhkick@aol.com	A Member of the Public	Myself	Support	No	No	2/13/2022 9:13 PM
Martin, Valerie	Nashua, NH valscustomsigns@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 9:21 PM
Martin, Kurt	Nashua, NH advanced.graphic.design@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 9:27 PM
Almy, Susan	Lebanon, NH Susan.almy@comcast.net	An Elected Official	Myself	Oppose	No	No	2/13/2022 9:28 PM
Paquette, Amanda	Pelham, NH amartin8513@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 9:34 PM
Clendenen, Faith	East Andover, NH FClen@tds.net	A Member of the Public	Myself	Support	No	No	2/13/2022 9:41 PM
Zaenglein, Barbara	AMHERST, NH bzaenglein@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 9:43 PM
Barr, Lisa	Danville, NH scottbarr107@comcast.net	A Member of the Public	Myself	Support	No	No	2/13/2022 9:44 PM
Hagenow, Janice	Warner, NH lovestodance40@yahoo.com	A Member of the Public	Myself	Support	No	No	2/13/2022 9:45 PM
T, Joe	Concord, NH nejester@comcast.net	A Member of the Public	Myself	Support	No	No	2/13/2022 9:47 PM
Zaenglein, Eric	Amherst, NH henley11@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/13/2022 9:55 PM
Verschueren, James	dover, NH jd.verschueren@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 10:02 PM
Currier, Dorothy	Concord, NH dorocurr@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 10:03 PM
Stevens, Representative Deb	Nashua, NH debstevens4ward7@gmail.com	An Elected Official	My 10K constituents	Oppose	No	No	2/13/2022 10:04 PM
Hamblet, Joan	Portsmouth, NH jhamblet4@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/13/2022 10:13 PM
Moore, Janet	Andover, NH Jmpcilley@tds.net	A Member of the Public	Myself	Oppose	No	No	2/13/2022 10:14 PM
Dontonville, Roger	Enfield, NH rdontonville@gmail.com	An Elected Official	Myself	Oppose	No	No	2/13/2022 10:34 PM

Loveless, eric	bedford, NH lovelessej@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 10:50 PM
Chester, Russan	Bedford, NH russan.chester@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 10:50 PM
Tavanyar, Yvonne	Nashua, NH ytavanyar@yahoo.com	A Member of the Public	Myself	Support	No	No	2/13/2022 11:05 PM
Zlatin, Marina	Portsmouth, NH marzlatin@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2022 11:12 PM
Archambault, Luanna	Pembroke, NH luanna97@comcast.net	A Member of the Public	Myself	Support	No	No	2/13/2022 11:25 PM
Lennartz, Marie	Merrimack, NH c-m-lennartz@comcast.net	A Member of the Public	Myself	Support	No	No	2/13/2022 11:35 PM
Grassie, Chuck	Rochester, NH chuck.grassie@leg.state.nh.us	An Elected Official	Strafford 11	Oppose	No	No	2/14/2022 12:10 AM
Economakis, Melissa	Newton, NH Meliscsj@protonmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 12:17 AM
Capone, jeffrey	Dover, NH jeffmconell@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 12:42 AM
Martin, Jeanne	Merrimack, NH jeanne-martin@hotmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 1:11 AM
Delano, Janie	HUDSON, NH tadandpole4@yahoo.com	A Member of the Public	Myself	Support	No	No	2/14/2022 1:45 AM
MARVIN, KURT	Franklin, NH INFO@BURLINGTONFOUNDRYINC.COM	A Member of the Public	Myself	Support	No	No	2/14/2022 2:07 AM
Cembalisty, Clara	Rochester, NH Cqsc43@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 2:37 AM
Cembalisty, Richard	Rochester, NH taxmanrick@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 2:40 AM
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Oppose	No	No	2/14/2022 3:50 AM
Tucker, Katherine	Wilmot, NH katherine.s.tucker@valley.net	A Member of the Public	Myself	Oppose	No	No	2/14/2022 6:03 AM
Lloyd, Gisela	East Kingston, NH haus@onepinewoods.us	A Member of the Public	Myself	Support	No	No	2/14/2022 6:27 AM
Meyer, Heidi	Derry, NH Floweroflife369@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 6:30 AM

Maillet, Brenda	Ashland, NH brendamaillet7@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 7:02 AM
Maillet, Ivan	Ashland, NH im45us@yahoo.com	A Member of the Public	Myself	Support	No	No	2/14/2022 7:16 AM
glidden, deborah	alexandria, NH moosepathfarmstainedglass@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 7:20 AM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	2/14/2022 7:25 AM
Letellier, Kathleen	Dover, NH Kathleenletellier@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 7:37 AM
Dinzeo, David	Dover, NH dinz00@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/14/2022 7:48 AM
House, Nancy	Hooksett, NH nhousenh@yahoo.com	A Member of the Public	Myself	Support	No	No	2/14/2022 7:53 AM
Jellison, Catherine	Amherst, NH Cathyjello@comcast.net	A Member of the Public	Myself	Support	No	No	2/14/2022 7:58 AM
Capriccio, Jill	Derry, NH taurusjmc@yahoo.com	A Member of the Public	Myself	Support	No	No	2/14/2022 8:15 AM
Couture, Laurie A.	Newmarket, NH LAC@LaurieACouture.com	A Member of the Public	Myself	Support	No	No	2/14/2022 8:23 AM
Johnson, Debra	Grantham, NH debjohnsondjj@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 8:27 AM
Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 8:40 AM
Meszynski, Edwin	Mason, NH Mezzyski@yahoo.com	A Member of the Public	Myself	Support	No	No	2/14/2022 8:44 AM
Young, Tim	Pembroke, NH tim.young11@outlook.com	A Member of the Public	Myself	Support	No	No	2/14/2022 8:47 AM
Hamel, Bonnie	MILAN, NH bonnie1397@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 8:53 AM
thompson, julia	durham, NH maple371@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 9:01 AM
Owens, Kimberly	Nashua, NH tiptoeskst@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 9:03 AM
Sommese, Cheryl	Londonderry, NH dsommese@aol.com	A Member of the Public	Myself	Support	No	No	2/14/2022 9:04 AM

Phillips, Betsey	Bethlehem, NH bphil36@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 9:06 AM
Raspiller, Cindy	Mont Vernon, NH raspicl@hotmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 9:15 AM
Ferrier, Jamie	Nashua, NH jferrier22@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 9:15 AM
LaClair, Donna	Loudon, NH alleycat9801@comcast.net	A Member of the Public	Myself	Support	No	No	2/14/2022 9:15 AM
Martin, Patricia A	Rindge, NH pmartin2894@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 9:19 AM
Kennedy, Beverly	Portsmouth, NH bevster71@hotmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 9:20 AM
Brown, Howard	Mont Vernon, NH hobro39@hotmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 9:23 AM
Geyer, Alberta	Merrimack, NH alberta@comcast.net	A Member of the Public	Myself	Support	No	No	2/14/2022 9:24 AM
Jakubowski, Dennis	LOUDON, NH dendeb146@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 9:25 AM
Templeton, Christine	Goffstown, NH templetonfamilyorganics@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 9:30 AM
Walter, Cynthia	Dover, NH cawalter22@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 9:45 AM
Cloutier, Suzanne	Hampton, NH shcloutier@comcast.net	A Member of the Public	Myself	Support	No	No	2/14/2022 9:49 AM
Dontonville, Anne	Enfield, NH Ardontonville@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 9:50 AM
Kenney, Robert	Temple, NH rsrkenney@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 9:50 AM
Salamanca, David	Salem, NH pzzboy1@comcast.net	A Member of the Public	Myself	Support	No	No	2/14/2022 9:52 AM
Cumbee, Lydia	FRANCONIA, NH lydiac7@hotmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 9:55 AM
Nelson, Deborah	Hanover, NH dbaconnelson@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 10:01 AM
Erlebacher, Frances	Rye, NH creatives@aol.com	A Member of the Public	Myself	Support	No	No	2/14/2022 10:04 AM

Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 10:21 AM
Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 10:21 AM
Corell, Elizabeth	Concord, NH Elizabeth.j.corell@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 10:27 AM
Fiske, Diane	Dover, NH nonnagolfer@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/14/2022 10:29 AM
Colquhoun, Laura	Nashua, NH lauracolquhoun2@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 10:39 AM
Hansen, Lorraine	Rollinsford, NH lhansennh@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 10:41 AM
Kenyon, Jeannine	Newmarket, NH quahogjk@icloud.com	A Member of the Public	Myself	Support	No	No	2/14/2022 10:43 AM
Freeman, Barbara	Andover, NH donavonfreeman@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/14/2022 10:43 AM
Schreier, Lori	Westmoreland, NH schreierlori@aol.com	A Member of the Public	Myself	Support	No	No	2/14/2022 10:54 AM
thoman, karen	Nashua, NH kt03062@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 10:54 AM
Gordon, Margaret	Weare, NH Megordon98@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 10:58 AM
Leslie, Sarah	Deerfield, NH Sleslie0517@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 11:00 AM
Collins, Kelly	Hancock, NH kellyanncollins@live.com	A Member of the Public	Myself	Support	No	No	2/14/2022 11:05 AM
Lozito, Viola Marie	Claremont, NH vmarielozito@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 11:10 AM
Lozito, Patrick	Claremont, NH patlozito@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 11:11 AM
Schaefer, Debbi	Exter, NH debbischaefers@hotmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 11:20 AM
Spalinger, Daniel	Windham, NH spalind@yahoo.com	A Member of the Public	Myself	Support	No	No	2/14/2022 11:21 AM
Atherton, John	Dover, NH JMAtherton.3@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 11:29 AM

Martin, Diane	Hampton falls, NH 79thurdparty@comcast.net	A Member of the Public	Myself	Support	No	No	2/14/2022 11:33 AM
Brown, Jean	HANOVER, NH jean.e.brown1@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 11:37 AM
Carraher, Melanie	Boscawen, NH MLCarraher@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 11:39 AM
Sylvain, Barbara	TILTON, NH brbsalem@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 11:45 AM
Kriese, Clay	Concord, NH claykriese@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 11:53 AM
Bergevin, Leslie	Loudon, NH Leslie.bergevin@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 12:01 PM
Petruzzello, Rhonda	Wolfeboro, NH rpetruzzello91@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 12:01 PM
Petruzzello, Michael	Wolfeboro, NH mpetruzzello91@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 12:01 PM
McDonald, Stuart	Nashua, NH mcdonasa@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 12:04 PM
QUISUMBING-KING, Cora	Dover, NH coraq@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/14/2022 12:07 PM
Bowles, Margaret	Lyme, NH mcb2885@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 12:13 PM
Cormier, Jennifer	Dunbarton, NH nhgencourt@jcsmotif.com	A Member of the Public	Myself	Support	No	No	2/14/2022 12:14 PM
Aman, Katie	Hanover, NH kathryn.aman@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 12:16 PM
Gordon, Laurie	Weare, NH lmgord23@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 12:21 PM
Dickler, Deneen	Rindge, NH dkd1905@aol.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 12:27 PM
Hubert, Fred	Hollis, NH fhubert67@yahoo.com	A Member of the Public	Myself	Support	No	No	2/14/2022 12:28 PM
noel, henry	Berlin, NH hw418noel@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 12:36 PM
Jakubowski, Deborah	Loudon, NH Dendeb146@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 12:40 PM

O'Connell, Caley	Nashua, NH cs3vcz@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 12:53 PM
O'Connell, Sabrina	Nashua, NH thelightindarkness@msn.com	A Member of the Public	Myself	Support	No	No	2/14/2022 12:54 PM
Marshall, James	Derry, NH jim_marshall2268@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 1:00 PM
Rettew, Annie	Concord, NH abrettew@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 1:10 PM
Bouchard, Donald	MANCHESTER, NH donaldjbouchard@gmail.com	An Elected Official	Myself	Oppose	No	No	2/14/2022 1:14 PM
Minton, Faith	Warner, NH minton.faith@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 1:23 PM
Arroyo, Joshua	Swanzey, NH joshuagarroyo@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 1:41 PM
Romero, Dena	Hanover, NH dena.romero@myfairpoint.net	A Member of the Public	Myself	Oppose	No	No	2/14/2022 1:53 PM
Barton, Marjorie	Laconia, NH mbarton@metrocast.net	A Member of the Public	Myself	Support	No	No	2/14/2022 2:03 PM
Borisko, Jack	Atkinson, NH Jackborisko@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 2:10 PM
Trostorff, Stephen	Warner, NH spt360@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 2:37 PM
Orkin, Susan	Grantham, NH susanorkin@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 2:37 PM
Levasseur, Donna	Hollis, NH westwind1@tds.net	A Member of the Public	Myself	Support	No	No	2/14/2022 2:38 PM
Trostorff, Pamela	Warner, NH pdt360@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 2:49 PM
Murray, Kate	New Castle, NH dr.karma2000@gmail.com	An Elected Official	Myself	Oppose	No	No	2/14/2022 2:52 PM
Anthes, Gregory	New Durham, NH gaanthes@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 2:52 PM
Anthes, Janis	New Durham, NH j.athanes@hotmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 2:53 PM
Aronson, Laura	Manchester, NH laura@mlans.net	A Member of the Public	Myself	Oppose	No	No	2/14/2022 3:00 PM

Berk, Bruce	Pittsfield, NH bruce.berk.nh@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 3:48 PM
kwasnik, joseph	concord, NH jkwasnik25@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 4:01 PM
Hatcher, Phil	Dover, NH phil.hatcher@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 4:11 PM
Merlone, Lynn	Rindge, NH prulone@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 4:25 PM
Doherty, David	Pembroke, NH ddoherty0845@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 4:34 PM
Hershey, Jane	Rindge, NH janelhershey@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 4:39 PM
Arend, Caroline	Bedford, NH arendnh@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 4:42 PM
M O'Rourke, Robin	Moultonborough, NH robinorourke@rocketmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 4:46 PM
Peterson, Kathy	Nashua, NH KathyofNH@aol.com	A Member of the Public	Myself	Support	No	No	2/14/2022 4:49 PM
Vaughan, Nancy	Manchester, NH nancy.vaughan@heart.org	A Lobbyist	American Heart Association	Oppose	No	No	2/14/2022 4:52 PM
McEachern, Deaglan	Portsmouth, NH mayor@cityofportsmouth.com	An Elected Official	City of Portsmouth	Oppose	No	No	2/14/2022 5:05 PM
Thomas, Anne	Rindge, NH annekerosie@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 5:24 PM
Chalifour, Tamara	Loudon, NH tamara@chalifourgroup.com	A Member of the Public	Myself	Support	No	No	2/14/2022 5:33 PM
Cahill-Yeaton, Miriam	Epsom, NH nmyeaton.mims@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 6:10 PM
Robbins, Ashley	Milton, NH ashleylincoln@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 6:38 PM
Axelman, Elliot	Hooksett, NH alu.axelman@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 6:57 PM
Houston, Alicia	Nashua, NH ahouston617@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 7:15 PM
Gulla, Carol	NEWMARKET, NH crgulla@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 7:26 PM



Christie, Bonnie	HOPKINTON, NH Bchristie1953@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 7:38 PM
Schlottmann, Catherine	Dunbarton, NH Cloudycow@hotmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 7:47 PM
Stevens, Elizabeth	New London, NH er.stevens@verizon.net	A Member of the Public	Myself	Oppose	No	No	2/14/2022 7:57 PM
Graham, John	Danville, NH johnnybgoon@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 7:58 PM
Strang, Dr. David	Gilmanton, NH davidstrangmd@yahoo.com	A Member of the Public	Myself	Support	No	No	2/14/2022 8:17 PM
Cope, David	Hancock, NH davidcope2000@hotmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 8:29 PM
Beame, Julia	Hancock, NH juliabeame@hotmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 8:29 PM
Koch, Helmut	Concord, NH helmut.koch.2001@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 8:32 PM
Reed, Barbara	North Swanzey, NH BDRreed74@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 8:40 PM
Mason, Peter	Lebanon, NH petermason68@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 8:53 PM
Hinebauch, Mel	Concord, NH melhinebauch@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 8:54 PM
A Gieschen Jr, John	Chesterfield, NH jgieschen@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 8:54 PM
See, Alvin	Loudon, NH absee@4liberty.net	A Member of the Public	Myself	Support	No	No	2/14/2022 8:59 PM
Dubin, Christina	Portsmouth, NH campaigns@nh.surfrider.org	A Member of the Public	Surfrider Foundation NH Chapter (volunteer representative)	Oppose	No	No	2/14/2022 9:04 PM
Bock, Debra	Hudson, NH the2box@msn.com	A Member of the Public	Myself	Support	No	No	2/14/2022 9:09 PM
Wade, Linda	North Hampton, NH lindafwade@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 9:16 PM
Kuemmerle, Nancy	Enfield, NH nkuemmerle@une.edu	A Member of the Public	Myself	Oppose	No	No	2/14/2022 9:21 PM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 9:31 PM

Hallock, Linda	Cornish, NH LINDASH@MAIL.COM	A Member of the Public	Myself	Oppose	No	No	2/14/2022 9:43 PM
Bartlett, Rep Christy	Concord, NH christydbartlett@gmail.com	An Elected Official	Merrimack County 19	Oppose	No	No	2/14/2022 9:50 PM
Kauffman, Jeri	Laconia, NH jmkauffman37@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 10:19 PM
Istel, Claudia	Acworth, NH cistel79@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/14/2022 10:58 PM
Freedman, Aubrey	Bridgewater, NH aubreyyfreedman@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2022 11:28 PM
Millman, Linda	Concord, NH jdm73@phreego.com	A Member of the Public	Myself	Support	No	No	2/15/2022 2:33 AM
Richardson, Bryan	Alexandria, NH marks-dad@ipatriots.us	A Member of the Public	Myself	Support	No	No	2/15/2022 4:13 AM
Messner, Katherine	Hudson, NH kate.messner@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/15/2022 5:14 AM
Peacock, Courtney	Concord, NH sixpeacocks@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2022 6:06 AM
Ellermann, Maureen	Concord, NH ellermannf@aol.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 6:38 AM
Fountain, Cathleen	Dalton, NH cathleenfountain56@msn.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 6:42 AM
hatch, sally	Concord, NH sallyhatch@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/15/2022 6:47 AM
Saunderson, George	Loudon, NH saunderson.george@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 7:23 AM
Anderson, Mary	Plaistow, NH elfskid@yahoo.com	A Member of the Public	Myself	Support	No	No	2/15/2022 7:46 AM
Saum, Judith	Rumney, NH judithsaum@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 7:49 AM
Cawley, David	Concord, NH dcawley7@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 7:54 AM
OBrien, Rebecca	Portsmouth, NH beccaraum@hotmail.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 8:05 AM
Reardon, Donna	Concord, NH bugs42953@aol.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 8:09 AM

perencevich, ruth	concord, NH rperence@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/15/2022 8:14 AM
Mazur, Brian	Goffstown, NH bmazur1776@protonmail.com	A Member of the Public	Myself	Support	No	No	2/15/2022 8:28 AM
MILNE, Cindy	Newmarket, NH cjmilne65@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 8:32 AM
FRIEDRICH, ED	Loudon, NH erfriedrich@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 8:33 AM
stonebanks, sandra	concord, NH sandrastonebanks@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 8:39 AM
Steel, Sandy	PLAINFIELD, NH selizabethsteel@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 8:46 AM
Ferrantello, Anthony	Keene, NH ajfnino@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2022 8:48 AM
BLAKE, DEBRA	Hooksett, NH debrablakesales@comcast.net	A Member of the Public	Myself	Support	No	No	2/15/2022 8:55 AM
Pooler, Kimberly	Concord, NH Kpoolr2214@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 9:14 AM
Howard, Raymond	Alton, NH brhowardjr@yahoo.com	An Elected Official	Belknap 8	Support	No	No	2/15/2022 9:35 AM
Scribner, Lois	Canterbury, NH scribnerlois@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 9:41 AM
STARRING, JAN	LITTLETON, NH janstarring70@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2022 9:41 AM
Tilli-Pauling, Marianne	Amherst, NH m.tillipauling@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 9:55 AM
Tilli-Pauling, Nigel	Amherst, NH N.tillipauling@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 10:01 AM
Quinlan, Patrick	Hudson, NH Patrickquinlan1978@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2022 10:27 AM
Hampton, Mark	Canterbury, NH dandmhamp38@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 10:28 AM
Leavitt, Deborah	Dover, NH daleavitt77@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/15/2022 10:32 AM
Medeiros, Jesse	Plainfield, NH Bgtrck458@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2022 10:33 AM

Newick, Catharine	Canterbury, NH Csnewick@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 10:33 AM
Stinson, Benjamin	CONCORD, NH benrkstinson@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 10:44 AM
Cunning, Nancy	Lincoln, NH nancydecor@msn.com	A Member of the Public	Myself	Support	No	No	2/15/2022 11:01 AM
Smith, Maja	Canterbury, NH majahauck@aol.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 11:08 AM
Rich, Cecilia	Somersworth, NH cecilia.rich@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	2/15/2022 11:41 AM
Cawthron, John	Nashua, NH johncaw@myfairpoint.net	A Member of the Public	Myself	Support	No	No	2/15/2022 11:44 AM
Lawrence, Johanna	Rye, NH johannalawrence@verizon.net	A Member of the Public	Myself	Support	No	No	2/15/2022 11:48 AM
Fisher, Mark	Dover, NH markfisher3340@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 12:49 PM
Cahill, Atinuke	Newmarket, NH atinukecahill@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/15/2022 1:26 PM
Schweiker, Roy	Concord, NH royswkr@hotmail.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 1:51 PM
Lillis, Kimberly	Hillsboro, NH crumberly6@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2022 2:22 PM
Kiefner, Robert	Concord, NH rskiefner@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 2:26 PM
ANAN, JAMES	LITTLETON, NH jimanan7@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2022 4:03 PM
Lang, Susan	Bedford, NH Goforit917@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2022 5:09 PM
Holt, David	Somersworth, NH davholt@aol.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 5:42 PM
Woods, Renia	Bow, NH renia.woods1@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/15/2022 11:57 PM

**Heather Goley**

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**From:** Dave Cory <contactdc@me.com>  
**Sent:** Wednesday, February 23, 2022 6:18 PM  
**To:** ~House Municipal and County Govt  
**Subject:** SUPPORT — HB 1268

**Please SUPPORT — HB 1268**, limiting the authority for city council bylaws and ordinances. This bill changes the enabling statute that allows cities and towns to pass "any" ordinance to only allow cities and towns to pass those bylaws and ordinances that the Legislature has empowered them to make. This law is the way New Hampshire has always operated until the pandemic, when various cities and towns abused their authority and passed several unlawful public health laws; for example, ordinances that forced citizens to wear masks. Citizens should not have to consult a law book when they cross town lines, and this bill would ensure they are protected by uniform laws across the state.

Thank you for supporting this important bill,

Dave Cory  
Rye, NH

**Heather Goley**

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**From:** Johanna Lawrence <johannalawrence@verizon.net>  
**Sent:** Tuesday, February 15, 2022 11:53 AM  
**To:** ~House Municipal and County Govt  
**Subject:** SUPPORT — HB 1268

**Please SUPPORT — HB 1268**, limiting the authority for city council bylaws and ordinances. This bill changes the enabling statute that allows cities and towns to pass "any" ordinance to only allow cities and towns to pass those bylaws and ordinances that the Legislature has empowered them to make. This law is the way New Hampshire has always operated until the pandemic, when various cities and towns abused their authority and passed several unlawful public health laws; for example, ordinances that forced citizens to wear masks. Citizens should not have to consult a law book when they cross town lines, and this bill would ensure they are protected by uniform laws across the state.

Thank you for supporting this important bill,  
Johanna Lawrence  
Rye, NH

**Heather Goley**

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**From:** debosgood <debosgood@protonmail.com>  
**Sent:** Tuesday, February 15, 2022 11:48 AM  
**To:** ~House Municipal and County Govt  
**Subject:** SUPPORT — HB 1268

**SUPPORT — HB 1268**

Thank you!

## Heather Goley

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**From:** Joe Torelli <endoftape@yahoo.com>  
**Sent:** Tuesday, February 15, 2022 11:03 AM  
**To:** ~House Municipal and County Govt  
**Subject:** Opinion HB-1268

Committee members:

Please support HB-1268 at your hearing

I'm grateful to the authors and sponsors of this bill as I'm sure they have seen how towns exceed their authority these last two years. We need to limit the authority of towns and cities to making only laws that the legislature allows them to make within their jurisdiction and their ability to do so. We have seen how many towns have been forcing unconstitutional (both NH and US) mandates on their populace, and this bill will stand to prevent them from exceeding what they are supposed to be doing.

Please support HB-1268.

Joe Torelli  
(917)209-6074  
Hampton



## Heather Goley

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**From:** JD Rector <r4adventures@gmail.com>  
**Sent:** Monday, February 14, 2022 10:52 PM  
**To:** ~House Municipal and County Govt  
**Subject:** HB 1268 Support

I'm asking you to support this bill. A person shouldn't be confused on what laws apply with which town in one state.

Jeri Kauffman  
Laconia NH

Sent from Mail for Windows



Virus-free. [www.avg.com](http://www.avg.com)

## Heather Goley

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**From:** bdreyer14@gmail.com  
**Sent:** Monday, February 14, 2022 5:53 PM  
**To:** ~House Municipal and County Govt  
**Subject:** HB 1268 Limited Authority for City Ordinances

Dear Committee Members,

Please support this bill. We saw abuse of power and unlawful public health laws during the pandemic. The authority of bylaws and ordinances should be limited. NH citizens should be protected by uniform laws across the state.

Thanks,

Ben and Keren Dreyer

## Heather Goley

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**From:** Dianne <dv6367x@comcast.net>  
**Sent:** Monday, February 14, 2022 8:58 AM  
**To:** ~House Municipal and County Govt  
**Subject:** SUPPORT — HB 1268

The laws that the legislature passes should be uniform throughout the state. Each city should not be enabled to make separate laws.

Dianne Vogt  
Dover

Sent from my iPad

## Heather Goley

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**From:** Edwin Meszynski <zynski3@yahoo.com>  
**Sent:** Monday, February 14, 2022 8:47 AM  
**To:** ~House Municipal and County Govt  
**Subject:** Please support HB 1268

Representatives,  
please support HB 1268.  
Thank you,  
Ed Meszynski

Sent from my iPhone

## Heather Goley

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**From:** Michelle Slack <khrisma888@gmail.com>  
**Sent:** Sunday, February 13, 2022 11:54 PM  
**To:** ~House Municipal and County Govt  
**Subject:** Support HB 1268 please

Dear committee members please support this Bill HB 1268 Thank you

## Heather Goley

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**From:** Anthony Ferrantello <ajfnino@gmail.com>  
**Sent:** Tuesday, February 15, 2022 8:55 AM  
**To:** ~House Municipal and County Govt  
**Subject:** Support HB1268

Please support HB1268 that would appropriately limit the authority for city council bylaws and ordinances. This bill changes the enabling statute that allows cities and towns to pass "any" ordinance to only allow cities and towns to pass those bylaws and ordinances that the Legislature has empowered them to make. This law is the way New Hampshire has always operated until the pandemic, when various cities and towns abused their authority and passed several unlawful public health laws; for example, ordinances that forced citizens to wear masks. Citizens should not have to consult a law book when they cross town lines, and this bill would ensure they are protected by uniform laws across the state.

Thank You,  
Anthony Ferrantello  
Keene, NH

## Heather Goley

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**From:** Donald Reid <dwrreid@gmail.com>  
**Sent:** Monday, February 14, 2022 7:49 PM  
**To:** ~House Municipal and County Govt  
**Subject:** HB1268

We should be able to have uniform laws across the state. Please support this bill.

Don & Renee Reid  
Alton Bay, NH

**Heather Goley**

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**From:** David St. Lifer <upstreamnh@outlook.com>  
**Sent:** Monday, February 14, 2022 6:04 PM  
**To:** ~House Municipal and County Govt  
**Subject:** HB1268

Dear Municipal & County Committee:

Please support HB 1268, limiting the authority for any city council bylaws and ordinances. The enabling statute in this should be changed from allowing cities and towns to pass any bylaws and ordinances to only ordinances the Legislature has empowered them to make. This will prevent cities and towns to pass several unlawful rules, like wearing a mask. Before the pandemic NH operated on common sense rules not draconian measures.

Thank you,

David St. Lifer  
2022

Marlborough, NH

Feb. 14,



## Heather Goley

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**From:** lakeview clock repair <lakeviewclockrepair@protonmail.com>  
**Sent:** Monday, February 14, 2022 3:06 PM  
**To:** ~House Municipal and County Govt  
**Subject:** HB1268 support

Please support this bill.

Local towns and cities have been mandating things that are not within their purview.

This bill will limit them to mandating only what they are allowed to - the rest of those powers belong in the legislature.

Thank you for your work,  
J. Grenier  
Nashua, NH

Sent from ProtonMail for iOS

and would cost the State money we can ill-afford to spend to sort through the never-ending chaos. We urge the committee, as it has done in the past, to vote ITL on HB1268.

Thank you for your consideration.

Sincerely,



Christina Dubin  
Volunteer Secretary and Campaigns Coordinator  
Surfrider Foundation New Hampshire Chapter  
campaigns@nh.surfrider.org



Melissa Gates  
Northeast Regional Manager  
Surfrider Foundation  
mgates@surfrider.org



municipal board reversing its own decision outside of the 30-day appeal period.<sup>6</sup>

- Within 149-M, the state's solid waste management statute, every single item that can be classified as solid waste is not explicitly written out. This would be a tedious list needing constant updating to itemize every item of trash in the State. It is therefore inherent that municipalities have **existing** authority to regulate solid waste, and also therefore have the **inherent authority** to classify which items are considered to be solid waste under the given definition of solid waste. Indeed, clarifying this inherent authority is the very nature of another bill before this Committee today, HB1119, which seeks to clarify the existing authority relating to single-use bags that are a solid waste headache; this is a demonstrated need to squash ambiguity, as multiple local jurisdictions have stalled on considering local legislation they would like to bring forward to mitigate solid waste relating to single-use bags. This is one instance where providing more explicit intent in the law is necessary, as proven by needs expressed by our State's municipalities. But to modify our State law in a sweeping manner by passing HB1268 would be to insert unnecessary and burdensome oversight onto every single letter of local law, where such clarification is not warranted.

It is not difficult to discern, even from this short list, the arduous path that HB1268 would put the state on. The General Court, state agencies, local governments and citizens would be bogged down in the minutia and administrative tasks of New Hampshire's municipalities, unable to tend to critical matters relating to their primary duties to the people. If passed, HB1268 would ultimately demonstrate a lack of confidence in the ability of local government,

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<sup>6</sup> *74 Cox Street, LLC v. City of Nashua*, 156 N.H. 228, 231 (2007)

present danger”.<sup>4</sup> HB1268 challenges necessary inherent authority that municipalities throughout New Hampshire exercise under existing state statutes. With 234 municipalities and 25 unincorporated places that vary in demographics, economics, culture, and geography, it is necessary for local governments to maintain their current authorities to make timely decisions in response to unique situations in their communities. It is already statutorily provided that the local policy must not directly contradict the State constitution or laws. Attempting to require explicit authority for all municipal matters is akin to asking a child not only to request permission to attend a specific outing but also to request permission to breathe, to blink, to ambulate, and to rest. HB1268 presents significant concerns and undue burdens for every scale of government and for the liberties of New Hampshire people; it is the very essence of *inexpedient to legislate*.

### **Inherent Authority in New Hampshire**

There are plentiful examples in which municipalities are afforded inherent authority to carry out ordinances under the respective RSA. Some examples include:

- Workforce housing ordinances that are varied in the 71 municipalities that have chosen to implement them under RSA 674:58.<sup>5</sup>
- Under the area of zoning and planning, inherent authority in land use boards was supported in the case of *74 Cox Street, LLC v. City of Nashua*. Chief Justice Broderick acknowledged the inherent authority in the

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<sup>4</sup> [http://gencourt.state.nh.us/bill\\_status/pdf.aspx?id=27739&q=billVersion](http://gencourt.state.nh.us/bill_status/pdf.aspx?id=27739&q=billVersion)

<sup>5</sup> <http://www.gencourt.state.nh.us/rsa/html/lxiv/674/674-58.htm>



February 15, 2022

Chairman Dolan, Vice Chairman Piemonte, and Distinguished Members of the House Municipal and County Government committee:

The Surfrider Foundation New Hampshire Chapter offers this testimony in opposition of HB1268 limiting the authority for city council bylaws and ordinances.<sup>1</sup>

### **Creating a Burden for State and Municipalities**

The goal of this bill is identical to multiple bills before it, including last session's HB439, which failed in 2021 and sought the same ends, to limit the scope of city councils. During the public hearing for that bill, Lebanon Mayor Timothy McNamara referenced the headache such legislation would cause for the state as, "There would be a flood of legislation to address emergent local issues".<sup>2</sup>

Just as HB439 attempted to do, the bill at hand takes aim at strengthening RSA 47-17 but in an unreasonable and overbearing manner, by further limiting the following portion of paragraph XV: "They may make any other bylaws and regulations which may seem for the well-being of the city; but no bylaw or ordinance shall be repugnant to the constitution or laws of the state".<sup>3</sup> By adding a time period requirement ("for a period not to exceed 10 days") and increasing the limitation of the scope of authority to "locations that present a clear and present danger to the city", the state would be sought after to resolve many issues that require an extended time period beyond ten days, and will create a need for the State to arbitrate every instance of what constitutes a "clear and

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<sup>1</sup> [http://gencourt.state.nh.us/bill\\_status/pdf.aspx?id=27739&q=billVersion](http://gencourt.state.nh.us/bill_status/pdf.aspx?id=27739&q=billVersion)

<sup>2</sup> <https://www.nhbr.com/flurry-of-new-hampshire-house-bills-take-aim-at-municipal-authority/>

<sup>3</sup> <http://www.gencourt.state.nh.us/rsa/html/iii/47/47-17.htm>

This administrative inspection warrant authorizes the inspection of the property. However, to secure the warrant you must show probable cause by an affidavit.<sup>16</sup> An affidavit is a written statement of facts made under oath. This affidavit must:

“describe the place, dwelling, structure, premises, vehicle or records to be inspected and the purpose for which the inspection is to be made. In addition, if testing or sampling is requested, the affidavit shall describe the time and manner of such testing or sampling. In all cases, the affidavit shall contain either a statement that the consent to inspect has been sought and refused, or facts or circumstances reasonably justifying the failure to seek such consent.<sup>17</sup>”

Once the administrative inspection warrant is secured it must be executed within 7 days of its issue or it becomes void.<sup>18</sup> However, you may request an extension or a renewal of the inspection warrant from the justice who issues the original warrant.<sup>19</sup> The warrant must be served between 8 a.m. and 6 p.m. unless specifically authorized by the issuing justice as necessary.<sup>20</sup> The inspection authorized by the warrant cannot be carried out by a forcible entry unless the warrant specifically authorizes otherwise.<sup>21</sup> To help execute the inspection warrant, the Health Officer can bring law enforcement to assist in the process.<sup>22</sup> During the inspection, a copy of the warrant must be provided to the owner or occupant; or if neither is present then it should be left at the location. In addition, if any samples are taken from the site, a receipt should be given to the owner or occupant; or left at the sampling location.<sup>23</sup> There are occasions when a Health Officer might be called in to accompany other governmental officials on ‘their’

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<sup>16</sup> NH RSA 595-B:2

<sup>17</sup> Id.

<sup>18</sup> NH RSA 595-B:4

<sup>19</sup> Id.

<sup>20</sup> NH RSA 595-B:5

<sup>21</sup> Id.

<sup>22</sup> Id.

<sup>23</sup> NH RSA 595-B:6

nuisance “[a]ny premises which are unsanitary, or which are littered with rubbish or garbage, or which have an uncontrolled growth of weeds.”<sup>11</sup>

Local jurisdictions outside of New Hampshire utilize the same approaches to public nuisance ordinances in their efforts to protect public health. To ensure that the ordinances we reference in this document represented communities both large and small, over 100 jurisdictions were researched. The Resource Section of this document provides links to a sampling of local nuisance ordinances from New Hampshire and other states.

## **ENFORCEMENT AUTHORITY**

In addition to drafting public nuisance regulations, Health Officers have a duty to investigate “all nuisances and other causes of danger to the public health.”<sup>12</sup> Regardless of a jurisdiction’s decision to draft regulations pursuant to New Hampshire RSA 147:1, a local Health Officer has the duty to investigate and the authority abate public nuisances.<sup>13</sup>

To investigate a public nuisance claim, a Health Officer will often need access to private property to determine if there is indeed a public health threat. When the property owner or occupant refuses to grant access to the property, an administrative inspection warrant can be obtained from a justice of a municipal, district, or superior court.<sup>14</sup> However, there are circumstances when notice is *not* required. First, the owner of the property must be unknown **or** does not reside in the town. Second, the property must be unoccupied **or** the occupant is, in the opinion of the Health Officer, unable to remediate the nuisance. If both of these two conditions are met, the Health Officer can without previous notice remove or destroy the public nuisance.<sup>15</sup>

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<sup>11</sup> Manchester, NH, Housing Code § 150.002(B).

<sup>12</sup> NH RSA 147:3 (2013)

<sup>13</sup> See NH RSA 147:3 (granting authority to investigate nuisances and other dangers to the public health); see *also* NH RSA 147:4 (granting authority to remove nuisances.)

<sup>14</sup> NH RSA 595-B:1 (2013)

<sup>15</sup> NH RSA147:6 (2013)

nuisance or other thing injurious to the public health is in any building, vessel, or enclosure he shall make complaint under oath to some justice of the peace who shall issue a warrant directed to the proper authority to search such building, vessel or enclosure and he may enter therein and make search.<sup>8</sup>

Other jurisdictions have taken a different approach by providing a general definition of nuisance and a non-exclusive list of public health threats that qualify as a nuisance. For example, the local regulation in the City of Berlin, New Hampshire defines nuisance, in the vector control section of its public health code, as:

“any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood...or shall cause or result in annoyance or disturbance to persons beyond the boundaries of such property; inference to the health and/or safety of the person beyond the boundaries of such property....<sup>9</sup>”

The ordinance then indicates that this definition of nuisance includes, but is not limited to, the presence on the premises of any of the following:

junk, trash, or debris, abandoned, discarded or unused objects or equipment such as but not limited to automobiles, furniture, paper, cardboard, plastic, glass, crockery, scrap metal, tires, stoves, refrigerators, freezers, cans or containers.<sup>10</sup>

It is also important to note that some jurisdictions also address public nuisance through the provisions of their property maintenance code or zoning regulations. Although these ordinances may look at specific structural issues, they also address public health threats. For example, the Housing Code of Manchester, New Hampshire includes in its definition of public

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<sup>8</sup> Portsmouth, NH, Public Health Ordinance, art. I. § 3.101.

<sup>9</sup> Berlin, NH, Health Regulations § 7-26(7).

<sup>10</sup> Id.



section below examines the delegation of nuisance abatement authority to local Health Officers and explores the parameters placed on this authority by the state.

## **AUTHORITY TO DRAFT REGULATIONS**

To address the public health threat posed by public nuisances, the state has delegated considerable authority to local Health Officers. New Hampshire RSA 147:1 grants the Health Officers of cities and towns the authority to draft regulations for the “prevention and removal of nuisances, and such other regulations relating to the public health as in their judgment the health and safety of the people require. . . .”<sup>6</sup> For local regulations drafted under this provision to take effect, they must be approved by the selectmen, recorded by the town clerk, and published in a newspaper printed in the town, or posted in two or more public places in the town.<sup>7</sup>

The scope of this authority is intentionally broad to allow Health Officers to address the public health threats specific to their community and to provide a tool that can adapt as new challenges develop within the community. The courts in New Hampshire have respected this delegation of authority and have done little to narrow the scope of the local Health Officer’s nuisance abatement power.

The combination of a broad delegation of regulatory authority and 13 cities, 221 towns, and 25 unincorporated places in New Hampshire creates the potential for a diverse array of local public nuisance ordinances. However, few local jurisdictions have utilized this authority to create public health ordinances that elaborate upon the general definition of public nuisance provided by the State. A survey of these regulations indicates that some jurisdictions have drafted regulations that leave the definition of public nuisance broad, rather than narrowing its scope with specific examples. For example, the City of Portsmouth, New Hampshire, addresses the issue of nuisance in its public health ordinances by stating:

“The Health Officer shall inquire into all nuisances and all causes of danger to the public health, and whenever he shall know, or have cause to suspect, that any

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<sup>6</sup> NH RSA 147:1 (2013)

<sup>7</sup> Id.

highways.”<sup>1</sup> When this interference substantially and unreasonably affects the use and enjoyment of a single or small group of properties it is considered a private nuisance.<sup>2</sup> When an activity unreasonably interferes “with a right common to the general public,” it is considered a public nuisance.<sup>3</sup> As such, a public nuisance is a “behavior that unreasonably interferes with the health, safety, peace, comfort or convenience of the general community.”<sup>4</sup> A public nuisance could include public health threats such as pest infestations, unsanitary living conditions, smoke from outdoor wood boilers, or properties with unreasonable accumulation of garbage. At times, conduct may be both a private and a public nuisance if it causes both a particular harm to a specific property and a more generalized harm to the greater community.<sup>5</sup> However, the local Health Officer’s focus is to play an important role in addressing the health threat presented by public nuisances.

To understand the scope of the Health Officer’s authority to abate public nuisances, it is helpful to understand the source of this authority - the police powers of the state government. However, to determine the scope of state government authority you must first look to the U.S. Constitution and the concept of federalism. Federalism is the division of power between the federal government and state governments. The basis of federalism in the United States is the 10<sup>th</sup> Amendment, which states that any powers not “delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” Under this broad reservation of power, states have police powers. Police powers are the authority to enact and enforce legislation and regulations to protect the welfare, health, and safety of the population. These police powers provide the basis for a state’s nuisance abatement authority. However, the relationship between state and local governments is different than the concept of federalism. Local governments are generally recognized as subsidiaries of their respective states. Any power that local authorities exercise is delegated from the state. The

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<sup>1</sup> Black’s Law Dictionary, Ninth Edition (2009)

<sup>2</sup> Dunlap v. Daigle, 122 N.H. 295, 298 (1982).

<sup>3</sup> Robie v. Lillis, 112 N.H. 492, 495 (1972).

<sup>4</sup> *Id.*

<sup>5</sup> Urie v. Franconia Paper Co., 107 N.H. 131, 133(1966).

- Is the condition already addressed in another federal, state or local law, rule or local ordinance?
- Does the problem require enforcement action?

The taskforce was also interested in developing model language that could be used by cities and towns interested in developing stronger local public health ordinances. To achieve this, they gathered samples and compared the language of ordinances from New Hampshire cities and towns.

The momentum of the taskforce was temporarily slowed down by the vacancy of the Division of Public Services (DPHS) Health Officer Liaison position in November 2012. When this position was filled in 2013, the DPHS moved forward and contacted the Network for Public Health Law Eastern Region at the University of Maryland Francis King Carey School of Law about assisting the taskforce in completing this guidance document. The Network for Public Health Law agreed to partner with DPHS to provide and review sample ordinances that are working successfully nationally and identify for New Hampshire a template ordinance for a small, medium and large communities, identify the health impacts relative to each of the five potential public health nuisances that New Hampshire had identified as a priority, and provide case law research.

Once the draft *Public Health Nuisance Guidance Document* was available for review, the Taskforce reconvened in January 2014. Over the course of several meetings, the Taskforce reviewed the findings of The Network for Public Health Law and the Public Health Resource Section developed by DPHS. In September 2014, this document was released to the public.

## **OVERVIEW OF PUBLIC HEALTH NUISANCE**

A local Health Officer's authority to abate public nuisances is an important tool in protecting public health. In general, a nuisance is defined as a "condition, activity, or situation (such as a loud noise or foul odor) that interferes with the use or enjoyment of property; esp., a nontransitory condition or persistent activity that either injures the physical condition of adjacent land or interferes with its use or with the enjoyment of easements on the land or of public

## **BACKGROUND**

In April 2010 the New Hampshire Health Officers' Association general membership expressed a need to better understand and define NH RSA 147 *Nuisances; Toilets; Drains; Expectoration; Rubbish and Waste*, otherwise known in this document as the Public Health Nuisance standard. To achieve this goal, a public health nuisance taskforce was formed comprised of a diverse group of professionals.

Between April 2010 and September 2011 this taskforce met on five occasions working towards the development of guidelines that could be used by state officials and local Health Officers to address public health nuisances. The taskforce wanted these newly developed guidelines to include a general definition of "Public Health Nuisance" in New Hampshire law as well as examples of definition from other states. The goal of the taskforce was to develop guidelines that were not legally binding but rather provide a range of factors for consideration when making a local or state level determination of what falls within a Public Health Nuisance based on New Hampshire law and the group of experts gathered to review this subject. Once completed, the taskforce wanted to make this guidance document available to the public through websites of the NH Health Officer Association and the Division of Public Health Services.

Over the course of the seventeen months that the taskforce met, they identified five public health nuisances that they felt were particularly challenging to New Hampshire Health Officers. These high priority public health nuisances included: airborne particulates from outdoor wood furnaces; infestation of pests; sanitation of waste water; moisture and mold; and unsanitary living conditions. The taskforce then developed an algorithm to be used when making the determination if something fit the criteria of a public health nuisance. The algorithm included the following reasoning:

- Does the condition meet the general definition of public health nuisance as it is currently presented in NH law?
- Is there evidence that the condition is causing or could have a health impact on members of the public?

The information contained in this document is broad and intended for informational purposes only. This document is not a substitute for legal advice. Since every case is different, should you need specific guidance, you are encouraged to contact your attorney. The information shared in this document is not intended to create an attorney-client relationship.

## **PARTICIPATING MEMBERS OF THE PUBLIC HEALTH NUISANCE TASKFORCE**

<b>Philip Alexakos</b>	<b>Manchester Health Department, Chief of Environmental Health and Emergency Preparedness</b>
<b>Dr. Donald Bent</b>	<b>Town of New London, Health Officer</b>
<b>Dr. Stephen Crawford</b>	<b>NH Department of Agriculture, State Veterinarian</b>
<b>Richard de Seve</b>	<b>NH Department of Environmental Services, Water Division</b>
<b>Rich DiPentima</b>	<b>NH Representative District 16</b>
<b>Beverly Baer Drouin</b>	<b>Division of Public Health Services, Healthy Homes &amp; Environment Section, Administrator</b>
<b>Michael Dumond</b>	<b>Division of Public Health Services, Bureau of Public Health Protection, Bureau Chief</b>
<b>Louise Hannan</b>	<b>Division of Public Health Services, Health Officer Liaison,(former)</b>
<b>Dennise Horrocks</b>	<b>Town of Plaistow, Health Officer</b>
<b>Judy Jervis</b>	<b>NH Health Officers Association, President</b>
<b>Elizabeth Maynard</b>	<b>NH Division of Public Health Services, Counsel</b>
<b>Kim McNamara</b>	<b>City of Portsmouth, Health Officer</b>
<b>Pam Monroe</b>	<b>NH Dept. of Environmental Services, Air Resource Division</b>
<b>Jessica Morton</b>	<b>Division of Public Health Services, Health Officer Liaison</b>
<b>Bill Oleksak</b>	<b>Town of Hudson, Health Officer</b>
<b>Heidi Peek</b>	<b>City of Nashua, Health Officer</b>
<b>David Rousseau</b>	<b>NH Department of Agriculture, Div. of Pesticide Control, Director</b>
<b>Chuck Stata</b>	<b>Town of Groton, Health Officer</b>
<b>Mathew Swinburne</b>	<b>Network for Public Health Law Eastern Region, University of Maryland Francis King Carey School of Law</b>

# **PUBLIC HEALTH NUISANCE GUIDANCE DOCUMENT**

completed by the

**NH PUBLIC HEALTH NUISANCE TASKFORCE**

and the

**NETWORK FOR PUBLIC HEALTH LAW EASTERN REGION**



wear a face covering. Members of the public dining at a restaurant may remove masks while seated at their table, but must wear a mask when entering, exiting or moving about indoors.

This directive is issued pursuant to the statutory authority of the undersigned, including but not limited to RSA 147:1<sup>1</sup>, and the duty and authority of the undersigned to take actions necessary to protect the public health.

01/07/2022

Dated



Kim McNamara

Health Officer

City of Portsmouth, NH

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<sup>1</sup> RSA 147:1 reads as follows:

- I. The health officers of towns may make regulations for the prevention and removal of nuisances, and such other regulations relating to the public health as in their judgment the health and safety of the people require, which shall take effect when approved by the selectmen, recorded by the town clerk, and published in some newspaper printed in the town, or when copies thereof have been posted in 2 or more public places in the town.

Note: This directive is authorized by the Portsmouth City Manager, which is the analogous position in Portsmouth to "the selectmen" referenced in the statute.

## **PUBLIC HEALTH DIRECTIVE**

The City of Portsmouth and the Portsmouth Health Department issue this Public Health Directive in order to minimize the threat to public health posed by the spread of highly infectious Covid-19. Accordingly, effective January 7, 2022 all persons over the age of 5 within the City of Portsmouth are directed to wear proper face coverings, covering their nose and mouth:

1. In all publicly accessible indoor areas; and
2. In all indoor places of employment shared by two (2) or more non-same household employees, when employees are not working in separate offices/areas.

Face coverings are any tightly woven cloth or other material which substantially complies with the Center for Disease Control and Prevention's (CDC) recommended guidance for masks and includes surgical masks, and N95s, without holes or an exhalation valve.

A publicly accessible building or area is any building that is regularly accessible to the general public, or specific areas of a building open to the public and includes modes of public transportation. All such facilities shall post the requirement for a face covering.

Masks for children under 5 years old will be left to the discretion of their parents. This order does not apply to private homes or residential units; public or private schools, patrons in indoor swimming pools, music students, vaccinated performers in public venues, or gymnasiums that have instituted other mitigation measures such as vaccination requirements, physical distancing or enhanced ventilation systems, and athletes actively participating in athletic arenas.

A face covering is not required for any person with a medical or developmental condition to whom the wearing of a face covering would pose a threat to their health or safety, including anxiety. The individual shall not be required to produce documentation or other evidence to verify such conditions.

Members of the public entering any restaurant or alcohol-serving business for the purpose of picking up food for take-out or any other purpose must

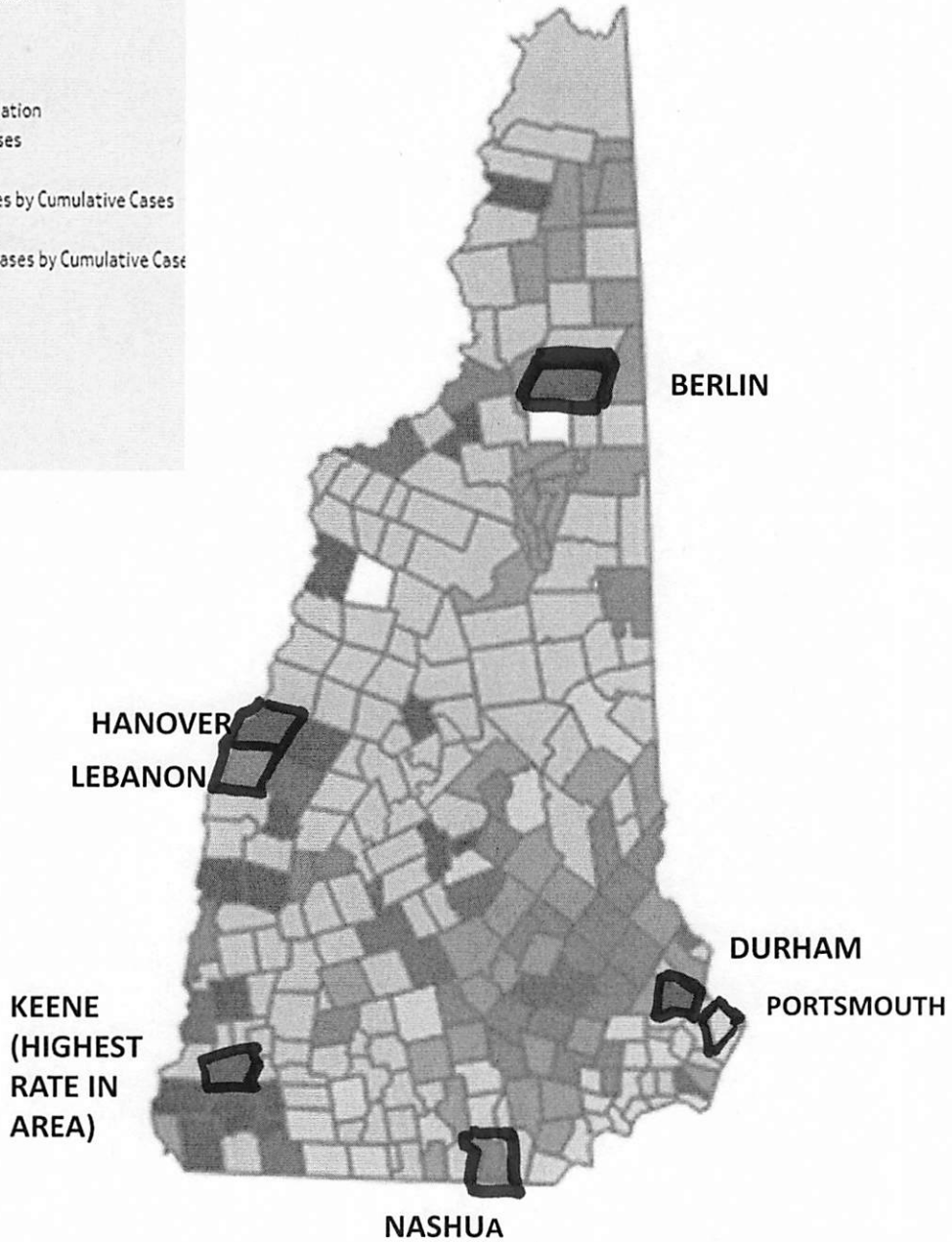




HB  
1268

# From the NH Covid-19 Interactive Dashboard: Cities with Town-wide Mask Mandates

- Select a Metric to View
- Current Level of Community Transmission
  - Rate of New Cases per 100k Population (Last 14 Days)
  - PCR Test Positivity Rate (Last 7 Days)
  - Antigen + PCR Test Positivity Rate (Last 7 Days)
  - Cumulative Antigen + PCR Tests per 100k Population (Last 90 days)
  - New Cases (Last 14 Days)
  - Cumulative Cases
  - Rate of Cumulative Cases per 100k Population
  - Active Cases
  - Rate of Active Cases per 100k Population
  - Cumulative Deaths
  - Rate of Cumulative Deaths per 100k Population
  - % of Cumulative Deaths by Cumulative Cases
  - Cumulative Institutional Setting Cases
  - % of Cumulative Institutional Setting Cases by Cumulative Cases
  - Cumulative Long-Term Care Facility Cases
  - % of Cumulative Long-Term Care Facility Cases by Cumulative Case
  - Cumulative Antigen and PCR Tests
  - Cumulative PCR Tests
  - Cumulative Antigen Tests
  - Cumulative Antibody Tests
  - % of Individuals Fully Vaccinated
  - % of Individuals with at Least 1 Dose



2/10/22

with population less than 100



Higher

2022-0680h

AMENDED ANALYSIS

This bill limits the general authority of city councils to make bylaws and ordinances to the abatement of nuisances that interfere with the use or enjoyment of property.

UNAPPROVED

Amendment to HB 1268

1 Amend RSA 47:17, XV as inserted by section 1 of the bill by replacing it with the following:

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3 XV. Miscellaneous. Relative to the grade of streets, and the grade and width of sidewalks;  
4 to the laying out and regulating public squares and walks, commons, and other public grounds,  
5 public lights, and lamps; to trees planted for shade, ornament, convenience, or use, and the fruit of  
6 the same; to trespasses committed on public buildings and other public property, and in private  
7 yards and gardens; in relation to cemeteries, public burial grounds, the burial of the dead, and the  
8 returning and keeping records thereof, and bills of mortality, and the duties of physicians, sextons  
9 and others in relation thereto; relative to public wells, cisterns, pumps, conduits, and reservoirs; the  
10 places of military parade and rendezvous, and the marching of military companies with music in the  
11 streets of the city; relative to precautions against fire; relative to oaths and bonds of city officers, and  
12 penalties upon those elected to such offices refusing to serve; and relative to licensing and regulating  
13 butchers, petty grocers, or hucksters, peddlers, hawkers, and common victualers; dealers in and  
14 keepers of shops for the purchase, sale or barter of junk, old metals or second-hand articles, and  
15 pawnbrokers; under such limitations and restrictions as to them shall appear necessary. They may  
16 make any other bylaws and regulations [~~which may seem for the well-being of the city~~] **for the**  
17 **abatement of nuisances that interfere with the use or enjoyment of property**; but no bylaw or  
18 ordinance shall be repugnant to the constitution or laws of the state; and such bylaws and  
19 ordinances shall take effect and be in force from the time therein limited without the sanction or  
20 confirmation of any other authority whatever.

Management of animal hoarding and other animal cruelty issues,  
<http://www.nh.gov/humane/documents/animal-cruelty-manual.pdf>

Foodborne Illness and Contamination – U.S. Food and Drug Administration,  
<http://www.fda.gov/Food/FoodborneIllnessContaminants/default.htm>

Fast forward 100 years and partners from the U.S. Department of Housing and Urban Development (HUD); Department of Energy; Centers for Disease Control; Environmental Protection Agency (EPA); U.S. Department of Agriculture (USDA), US Surgeon General, National Institute of Environmental Health Sciences (NIEHS), and National Institute of Standards and Technology have come together to form the Federal Interagency Healthy Homes Workgroup to establish and champion a comprehensive Federal strategy to promote healthy homes and to support delivery of safe and healthy housing for all.

According to the National Center for Healthy Housing, the costs associated with unhealthy housing is estimated to be in excess of \$54.9 billion per year and does not include lost work days from school or work. These costs are associated with lead poisoning, neurobehavioral disorders, asthma, childhood cancer, injury, unsanitary water, fire, and carbon monoxide poisoning. Today's home visiting agencies (i.e. weatherization, visiting nurses, special medical services) are seeing families with a variety of mental wellness issues that can include hoarding, child abuse, elder abuse, unsanitary conditions, animal hoarding, electrical and fire issues. Each one of these issues on their own is unsafe, put them together and they multiply the risks to residents.

RSA 48-A:14, Housing Standards <http://www.gencourt.state.nh.us/rsa/html/III/48-A/48-A-mrg.htm> is the minimum standards for rental properties in the state of New Hampshire. This standard is the starting point for unsanitary living conditions. Supporting documentation includes:

*Healthy Homes*, National Center for Healthy Housing - <http://www.nchh.org/>

*Healthy Homes*, Center for Disease Control and Prevention - <http://www.cdc.gov/healthyplaces/newhealthyhomes.htm>

*Healthy Homes*, US Department of Housing and Urban Development - [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/healthy\\_homes/hhi](http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/hhi)

*Animal Hoarding and Public Health*, The Animal Hoarding Research Consortium - <http://vet.tufts.edu/hoarding/pubhlth.htm>

Each year, an average of eight New Hampshire residents die from asthma. Moisture and mold in the home is known to make asthma worse and can trigger an asthma attack. According to the 2011 - 2012 Adult Asthma Call Back Survey, 13% of adults reporting having seen or smelled mold in the past 20 days. People with chronic lung illnesses, such as obstructive lung disease, are at higher risk to develop mold infections in their lungs.

In 2004 the Institute of Medicine (IOM) found there was sufficient evidence to link indoor exposure to mold with upper respiratory tract symptoms, cough, and wheeze in otherwise healthy people; with asthma symptoms in people with asthma; and with hypersensitivity pneumonitis in individuals susceptible to that immune-mediated condition. The IOM also found limited or suggestive evidence linking indoor mold exposure and respiratory illness in otherwise healthy children. The most important means for avoiding adverse health effects is the prevention (or minimization) of persistent dampness and microbial growth on interior surfaces and in building structures.

RSA 48-A:14, Housing Standards <http://www.gencourt.state.nh.us/rsa/html/III/48-A/48-A-mrg.htm> prohibits roofs, and wall that leak consistently. It also prohibits defective internal plumbing, and floors, walls, or ceilings with substantial holes. Supporting documentation includes:

*Mold* - Center for Disease Control and Prevention, <http://www.cdc.gov/mold/basics.htm>

*WHO Guidelines for Indoor Air Quality: Dampness and Mould* - World Health Organization, [http://www.euro.who.int/\\_data/assets/pdf\\_file/0017/43325/E92645.pdf](http://www.euro.who.int/_data/assets/pdf_file/0017/43325/E92645.pdf)

*Adverse Human Health Effects Associated with Molds in the Indoor Environment*, American College of Occupational and Environmental Medicine - [http://www.acoem.org/AdverseHumanHealthEffects\\_Molds.aspx](http://www.acoem.org/AdverseHumanHealthEffects_Molds.aspx)

*Mold*, Occupational Safety and Health Administration - <https://www.osha.gov/SLTC/molds/>

### **Unsanitary Living Conditions**

The role of housing as a contributor to health has been known for decades. In the early 1800s, the relationship between housing conditions and health was recognized among public health practitioners in the United States and Europe and led to the sanitary reform movement.

*Publications of water, sanitation and health* - World Health Organization,  
[http://www.who.int/water\\_sanitation\\_health/publications/en/](http://www.who.int/water_sanitation_health/publications/en/)

*Before the Swarm, Guidelines for the Emergency Management of Mosquito-Borne Disease Outbreaks* - The Association of State and Territorial Health Officials (ASTHO)  
<http://www.astho.org/Programs/Environmental-Health/Natural-Environment/Before-the-Swarm/>

*West Nile Virus* – Centers for Disease Control and Prevention  
<http://www.cdc.gov/westnile/index.html>

*Lyme Disease* – Centers for Disease Control and Prevention  
<http://www.cdc.gov/lyme/>

*Arsenic Information* - NH Department of Environmental Services -  
<http://des.nh.gov/organization/divisions/water/dwgb/capacity/arsenic.htm>

## **Moisture and Mold**

According to the Centers for Disease Control and Prevention, the World Health Organization, Occupational Safety and Health Administration and the American College of Occupational and Environmental Medicine, the growth of molds in home, school, and office environments has been cited as the cause of a wide variety of human ailments and disabilities. Molds and other fungi may adversely affect human health through three processes: 1) allergy; 2) infection; or 3) toxicity. Microbial pollution is a key element of indoor air pollution. It is caused by hundreds of species of bacteria and fungi, in particular filamentous fungi (mold), growing indoors when there is high air humidity, condensation and water damage. These moist conditions promote the survival and growth of dust mites and fungi, resulting in increased exposure to mite and fungal allergens and fungal toxins and irritants. Damp indoor environments may also contain bacteria, bacterial endotoxins and other microorganisms.

According to the Division of Public Health Asthma Control Program, New Hampshire has consistently seen one of the highest adult prevalence rates of current asthma in the country.. Approximately 114,000 adults (11%) and 28,000 children (10.6%) in the state have asthma. For a small state with a population of 1,323,459 (2013 Census), by any measure, this is significant.



due to mosquito-borne diseases. New Hampshire is especially vulnerable to West Nile virus, and Eastern Equine Encephalitis virus (EEE). EEE is transmitted to humans by the bite of an infected mosquito. Adult mosquitos make their home in weeds, tall grass, and bushes and they lay their eggs in standing water. Unkempt pools, hot tubes, lawn ornaments, tires, tin cans, roof gutters, wheel barrows, and un-aerated garden ponds present attractive places for mosquitos to lay eggs. As New Hampshire's climate continues to transition to warmer temperatures with increased precipitation and severe weather events, we can anticipate local flooding that will lead to water damaged properties. This will directly impact the number of mosquitoes and other insects that breed around standing water collecting in containers, potentially creating high-risk environments for disease.

RSA 48-A:14, Housing Standards <http://www.gencourt.state.nh.us/rsa/html/III/48-A/48-A-mrg.htm> prohibits defective internal plumbing or back up of sewerage caused by faulty septic or sewerage system. Supporting documentation includes:

RSA 147, Nuisances; Toilets; Drains; Expectoration; Rubbish And Waste - <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-X-147.htm>

*Global WASH-Related Diseases and Contaminants*, Center for Disease Control and Prevention, [http://www.cdc.gov/healthywater/wash\\_diseases.html](http://www.cdc.gov/healthywater/wash_diseases.html)

*Vector or Insect-borne Diseases Associated with Water* - Center for Disease Control and Prevention, [http://www.cdc.gov/healthywater/wash\\_diseases.html#vector](http://www.cdc.gov/healthywater/wash_diseases.html#vector)

*Water-related Diseases, Contaminants, and Injuries by Type* - Centers for Disease Control & Prevention, <http://www.cdc.gov/healthywater/disease/type.html>

*Sanitation & Hygiene* - Centers for Disease Control & Prevention, <http://www.cdc.gov/healthywater/global/sanitation/index.html>

*Public Health Consequences of a Flood Disaster* - US Environmental Protection Agency, Iowa, 1993, <http://www.cdc.gov/mmwr/preview/mmwrhtml/00021451.htm>

*Waters (by type)* - US Environmental Protection Agency, <http://water.epa.gov/type/>

trigger Asthma. Health effects associated with increased use of certain pesticides to combat these pests can include eye, nose, and throat irritation, skin rashes, stomach cramps, nausea, central nervous system and kidney damage, and increased risk of cancers. RSA 48-A:14, Housing Standards <http://www.gencourt.state.nh.us/rsa/html/III/48-A/48-A-mrg.htm> was updated in January 2014 to include inspection and remediation standards for property owner of rental properties infested with insects and rodents. Supporting documentation includes:

*Public Health Significance of Urban Pests* - World Health Organization

[http://www.euro.who.int/\\_data/assets/pdf\\_file/0011/98426/E91435.pdf](http://www.euro.who.int/_data/assets/pdf_file/0011/98426/E91435.pdf)

### **Sanitation of Standing and Surface Water**

Approximately 40 percent of New Hampshire residents rely upon private wells as a primary source of drinking water. Unregulated for portability, these private wells are at risk for high levels of coliform bacteria, radon, arsenic, and chemical contamination. Coliform bacteria, which include fecal bacteria such as *Escherichia coli* (*E. coli*), are microscopic organisms that originate in the intestinal tract of warm-blooded animals and are also present in soil and vegetation. Based on state lab test results from private wells, 19% of private wells indicate the presence of coliform bacteria in private well water. Coliform bacteria, though harmless for many, are a risk for children, pregnant woman, and immuno-compromised people. The presence of coliform Bacteria in well water may indicate other disease-causing bacteria, viruses or parasites (pathogens) of fecal origin are present.

Data from the NH Department of Environmental Services studies indicate that 1 in 5 bedrock wells in the state are likely to exceed the revised and more stringent US Environmental Protection Agency (EPA) arsenic drinking water standard of 0.010 milligrams per liter (mg/L). Further study by the United States Geologic Survey found a positive correlation between the prevalence of private well use and bladder cancer mortality rates in the region. Bladder cancer rates in New Hampshire are 29% above the national average and are increasing over time.

Standing water plays a critical role in the spread of insect-borne diseases because many insects, such as mosquitos, breed around water. Infected insects can transmit deadly disease to humans through their bite, such as malaria, dengue fever, and West Nile virus. According to the Center for Disease Control and Prevention, worldwide, over one million people die each year

*Health Effects of Breathing Wood Smoke* – U.S. Environmental Protection Agency website.  
[http://www.epa.gov/burnwise/pdfs/woodsmoke\\_health\\_effects\\_jan07.pdf](http://www.epa.gov/burnwise/pdfs/woodsmoke_health_effects_jan07.pdf)

*Biomass smoke exposures: Health outcomes measures and study design* – Centers for Disease Control and Prevention.  
[http://www.cdc.gov/nceh/airpollution/airquality/pdfs/mtbiomass\\_conference\\_health\\_outcomes.pdf](http://www.cdc.gov/nceh/airpollution/airquality/pdfs/mtbiomass_conference_health_outcomes.pdf)

*The Dangers to Health From Outdoor Wood Furnaces* – Environment & Human Health, Inc.  
[http://www.ehhi.org/reports/woodsmoke/woodsmoke\\_report\\_ehhi\\_1010.pdf](http://www.ehhi.org/reports/woodsmoke/woodsmoke_report_ehhi_1010.pdf)

*Human Health Risks Associated with Particulate Matter in the Ambient Environment* – US Environmental Protection Agency.  
<http://www.epa.gov/ncer/science/pm/2008sab/091508summary.html>

*United States Environmental Protection Agency.* (2008 May). Particulate Matter. Retrieved on June 9, 2008 <http://www.epa.gov/oar/particlepollution/>

*Air Trends: Particulate Matter* - United States Environmental Protection Agency. (2008 April).  
<http://www.epa.gov/airscience/air-particulatematter.htm>

*Outdoor Pollution* - World Health Organization  
[http://www.who.int/phe/health\\_topics/outdoorair/en/](http://www.who.int/phe/health_topics/outdoorair/en/)

### **Infestation of Pests**

The second half of the 20th century and the beginning of our current century have witnessed important changes in ecology, climate and human behavior that favor the development of pests that include rats, mice, cockroaches, fleas, house flies, mosquitos, dust mites and regional habitat of these pests. People can no longer assume that pest-borne diseases are relics of the past. According to the World Health Organization, Centers for Disease Control and Prevention, and the US Environmental Protection Agency, public health risk posed by various pests can include West Nile Virus, Lyme Disease, Histoplasmosis, Hantavirus, Plague, Salmonellosis, Leptospirosis, rat bites, and mouse, dust mite and cockroach allergens that can

- b. Guide To District Court Enforcement of Local Ordinances and Codes  
<https://www.nh.gov/oep/resource-library/laws-rules-cases/documents/2001-nhba-district-court-enforcement-guide.pdf>
- c. Sample#1 Petition for an Administrative Inspection Warrant  
[http://www.nhhealthofficers.org/manual/sample\\_files/Request\\_Administrative\\_Inspection\\_Warrant.pdf](http://www.nhhealthofficers.org/manual/sample_files/Request_Administrative_Inspection_Warrant.pdf)
- d. Sample#2 Petition for an Administrative Inspection Warrant  
[http://www.nhhealthofficers.org/manual/sample\\_files/Administrative\\_Inspection\\_Warrant\\_DistCrt.pdf](http://www.nhhealthofficers.org/manual/sample_files/Administrative_Inspection_Warrant_DistCrt.pdf)

## **PUBLIC HEALTH RESOURCE SECTION**

### **Airborne Particulates from Outdoor Wood Furnaces**

According to the World Health Organization (WHO) and supported by federal agencies that include Centers for Disease Control and Prevention and US Environmental Protection Agency (EPA), fine particulate matter that is generated by wood smoke is associated with a broad spectrum of acute and chronic illness, such as lung cancer and cardiopulmonary disease. According to the EPA, toxins in the wood smoke emissions from outdoor wood furnaces include carbon monoxide; PM2.5; PM10; methane; volatile organic compounds; benzene; sulfur dioxide; nitrogen oxides; ammonia; formaldehyde; acetaldehyde; phenol; naphthalene; cresols; acrolein; 1,3-butadiene; benzopyrene; mercury; and dioxins and furans. The size of the particles is directly linked to their potential for causing health problems. Small particles less than 10 microns in diameter pose the greatest problems, because they can get deep into the lungs, and some may even get into the bloodstream. Among these particles are “fine particles,” which are 2.5 microns in diameter and smaller. These fine particles can affect both your lungs and your heart. Numerous scientific studies have linked particle pollution exposure to a variety of problems, including increased respiratory symptoms, such as irritation of the airways, coughing, or difficulty breathing; decreased lung function; aggravated asthma; development of chronic bronchitis; irregular heartbeat; nonfatal heart attacks; and premature death in people with heart or lung disease. Supporting documentation includes:

- a. Story County, Iowa

<http://www.storycountyiowa.gov/DocumentCenter/Home/View/975>

- b. Kent County, Michigan

[http://www.accesskent.com/Health/Publications/pdfs/Nuisances\\_Regulations.pdf](http://www.accesskent.com/Health/Publications/pdfs/Nuisances_Regulations.pdf)

- c. Borough of Pennington Mercer County, New Jersey

<http://www.penningtonboro.org/BOH%20Ordinance%202008-1%20-%20Nuisance%20Code.pdf>

- d. LaSalle County, Illinois

<http://www.lasallecounty.org/hd/eh/pubs/Pbnuisan.pdf>

- e. Weymouth, Massachusetts

[http://www.weymouth.ma.us/CMS200Sample/uploadedfiles/17\\_Reg\\_Nuisances.pdf](http://www.weymouth.ma.us/CMS200Sample/uploadedfiles/17_Reg_Nuisances.pdf)

- f. Norfolk, Virginia

<http://www.norfolk.gov/index.aspx?nid=1167>

- g. Clermont County, Ohio

<http://www.clermonthealthdistrict.org/NuisanceCompRegulations.pdf>

- h. Cerro Gordo County, Iowa

[http://www.co.cerro-gordo.ia.us/Supervisors/Ordinances/11B\\_Amended\\_Nuisance\\_Ordinance.pdf](http://www.co.cerro-gordo.ia.us/Supervisors/Ordinances/11B_Amended_Nuisance_Ordinance.pdf)

- i. Model Nuisance Ordinance from Massachusetts Association of Health Boards

<http://www.mahb.org/bohregs/nuisance.htm>

4. RSA 595-B Administrative Inspection Warrants

- a. Administrative Inspection Warrant Statute

<http://www.gencourt.state.nh.us/rsa/html/LIX/595-B/595-B-mrg.htm>

challenges arise. Likewise the enforcement procedures required by the state may seem detailed, but they provide the due process needed to balance the rights of the individuals with the public health concerns of the community.

## **LEGAL RESOURCE SECTION**

For further research, we have provided links to the relevant New Hampshire code, a sample of Local New Hampshire Ordinances, and a sample of nuisance ordinances from other states.

1. New Hampshire Public Nuisance Code

<http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-X-147.htm>

2. Sample New Hampshire Nuisance Ordinances

- a. City of Portsmouth

<http://www.cityofportsmouth.com/cityclerk/ordinances/Chapter3.pdf>

- b. Claremont City

<http://library.municode.com/index.aspx?clientId=12246>

- c. Town of Kingston

[http://www.kingstonnh.org/sites/vth-kingston/files/file/file/ordinance\\_book\\_titleiii\\_section1300\\_article1303\\_vectorcontrol\\_04\\_07\\_09.pdf](http://www.kingstonnh.org/sites/vth-kingston/files/file/file/ordinance_book_titleiii_section1300_article1303_vectorcontrol_04_07_09.pdf)

- d. City of Berlin

<http://www.berlinnh.gov/Pages/FV1-000288C9/FV1-000317B8/S00C11EC7>

- e. City of Somersworth

<http://www.somersworth.com/uploads/%7B6A358E86-F1E9-48A6-9007-17B2B8618EE5%7D.PDF>

3. Sample Nuisance Ordinances from Other States

- (3) An accounting of the municipality's expenses related to abating the nuisance.
- (4) A statement that indicates that the abatement costs constitute a lien against the real estate that is enforceable in the same manner as real estate taxes and that if no objection is filed with the Health Officer within 30 days; the account will be committed to a tax collector.
- (5) The address of office of the Health Officer, where any objections must be filed
- (6) A copy of N.H. Rev. State Ann. § 147:7-b which address the collection of nuisance costs.

This Order must be served upon the record owner of the property or their agent, and the person to whom the property taxes are assessed, if they are not the owner of the property. After the Order has been served, the individual may file a written objection to the Order with the Health officer. This objection must be filed within 30 days of receiving the Order and must specify the basis for opposing the Order. If an objection is not promptly filed, the Health Officer may initiate the collection process by providing the officer responsible for issuing tax warrants with a copy of the Order, proof of service, and a certification that no objection was received.<sup>36</sup> However, when an objection is filed, the Health Officer may file a motion to affirm the Order with the district court of the district in which the property is situated or the superior court, if the amount at issue exceeds the district court's civil damage limits (\$25,000<sup>37</sup>). The court will then conduct a hearing on the motion, at which material and proper evidence may be allowed. After the hearing the court will affirm, correct, or deny the Order for abatement costs.

## **AUTHORITY TO DRAFT AND ENFORCE REGULATIONS**

The authority to draft and enforce local nuisance regulations provides local Health Officers with an important tool in protecting the public health of their community. While the broad delegation of regulatory authority may seem unyielding, it is expansive to provide Health Officers with power to address the specific challenges of their community and to adapt as new

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<sup>36</sup> NH RSA 147:7-b

<sup>37</sup> NH RSA 502-A:14

In either case, the Health Officer may enlist the assistance of others to abate a public nuisance.<sup>29</sup> Resisting the efforts of the Health Officer or their assistants during the abatement process is a Class B Misdemeanor,<sup>30</sup> subject to a fine up to \$1,200.<sup>31</sup>

The owner or occupant of a property is liable for the expenses incurred in the abatement of a public nuisance.<sup>32</sup> There are two processes through which a Health Officer may recuperate abatement costs. The Health Officer may bring a civil action in the name of the town<sup>33</sup> or they may issue an “Order for Abatement Costs pursuant to RSA 147:7-b.”<sup>34</sup>

To issue this, an Order for abatement costs, the Health Officer must first obtain the consent of the municipal governing body. Often municipalities issue verbal warnings and advisory letters prior to issuing an Order. When doing this, the Health Officer must be certain that he has thoroughly documented all site visits, discussions, phone calls, meetings, and emails. Once consent is secured, the Order must contain the following elements:

- (1) A copy of the notice sent to owner or occupant. This notice must contain a description of the public nuisance, the date of any inspection, required corrective actions, and a reasonable time line for the correction of the public nuisance. This notice must also indicate that failure to take corrective action may result in action by the municipality and the cost of these actions shall result in a lien against the real estate.<sup>35</sup>
- (2) A statement of the corrective actions taken by the municipality.

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<sup>29</sup> NH RSA 147:5

<sup>30</sup> NH RSA 625:9

<sup>31</sup> NH RSA 651:2

<sup>32</sup> NH RSA 147:7

<sup>33</sup> Id.

<sup>34</sup> NH RSA 147:7-b

<sup>35</sup> NH RSA 147:7-a



administrative inspection warrant. Please check with your Town/City Attorney to ensure that this is permitted in each specific instance.

If the property owner or occupant of the nuisance property refuses entry when the warrant is presented, they can be found guilty of a Class B Misdemeanor.<sup>24</sup> Class B Misdemeanors are subject to a penalty of up to \$1,200.<sup>25</sup> However, the state can file a notice of intent to seek Class A Misdemeanor penalties which would increase the penalty to a maximum of \$2,000 and a potential of up to one year in prison.<sup>26</sup> For additional information on the administrative inspection warrant process please see the legal resource section of this document.

Once a public nuisance has been discovered, a Health Officer can require the owner or occupant of building, vessel, premises, or property to remove or destroy a public nuisance within a specific time.<sup>27</sup> Generally, the Health Officer must provide the owner or occupant of the property with written notice of this Order. This notice must be given to the individual or left at the owner's or occupant's abode. Having law enforcement serve the document is an efficient way of providing notice. Although not required by law, it may expedite the nuisance abatement process to deliver the notice by certified mail with return receipt requested or through another delivery service with receipt confirmation.

If the individual fails to comply with the Order, the Health Officer has the authority to forcibly enter the property and abate the nuisance.<sup>28</sup> In executing the authority to forcibly enter a property, caution should be exercised in these potentially inflammatory situations. It would be prudent to involve law enforcement to help ensure a safe and expedient resolution.

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<sup>24</sup> See NH RSA 595-B:8 (2013)(stating that refusal to grant entry is a misdemeanor); see also NH RSA 625:9 (IV)(c) (2013) (stating that any undesignated misdemeanor is a class B misdemeanor unless it involves an act or threat of violence).

<sup>25</sup> NH RSA 651:2 (2013)

<sup>26</sup> Id.; see also NH RSA 625:9 (IV)(c) (allowing the state to seek class A penalties).

<sup>27</sup> NH RSA147:4 (2013)

<sup>28</sup> Id.

This administrative inspection warrant authorizes the inspection of the property. However, to secure the warrant you must show probable cause by an affidavit.<sup>16</sup> An affidavit is a written statement of facts made under oath. This affidavit must:

“describe the place, dwelling, structure, premises, vehicle or records to be inspected and the purpose for which the inspection is to be made. In addition, if testing or sampling is requested, the affidavit shall describe the time and manner of such testing or sampling. In all cases, the affidavit shall contain either a statement that the consent to inspect has been sought and refused, or facts or circumstances reasonably justifying the failure to seek such consent.<sup>17</sup>”

Once the administrative inspection warrant is secured it must be executed within 7 days of its issue or it becomes void.<sup>18</sup> However, you may request an extension or a renewal of the inspection warrant from the justice who issues the original warrant.<sup>19</sup> The warrant must be served between 8 a.m. and 6 p.m. unless specifically authorized by the issuing justice as necessary.<sup>20</sup> The inspection authorized by the warrant cannot be carried out by a forcible entry unless the warrant specifically authorizes otherwise.<sup>21</sup> To help execute the inspection warrant, the Health Officer can bring law enforcement to assist in the process.<sup>22</sup> During the inspection, a copy of the warrant must be provided to the owner or occupant; or if neither is present then it should be left at the location. In addition, if any samples are taken from the site, a receipt should be given to the owner or occupant; or left at the sampling location.<sup>23</sup> There are occasions when a Health Officer might be called in to accompany other governmental officials on ‘their’

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<sup>16</sup> NH RSA 595-B:2

<sup>17</sup> Id.

<sup>18</sup> NH RSA 595-B:4

<sup>19</sup> Id.

<sup>20</sup> NH RSA 595-B:5

<sup>21</sup> Id.

<sup>22</sup> Id.

<sup>23</sup> NH RSA 595-B:6

nuisance “[a]ny premises which are unsanitary, or which are littered with rubbish or garbage, or which have an uncontrolled growth of weeds.”<sup>11</sup>

Local jurisdictions outside of New Hampshire utilize the same approaches to public nuisance ordinances in their efforts to protect public health. To ensure that the ordinances we reference in this document represented communities both large and small, over 100 jurisdictions were researched. The Resource Section of this document provides links to a sampling of local nuisance ordinances from New Hampshire and other states.

## **ENFORCEMENT AUTHORITY**

In addition to drafting public nuisance regulations, Health Officers have a duty to investigate “all nuisances and other causes of danger to the public health.”<sup>12</sup> Regardless of a jurisdiction’s decision to draft regulations pursuant to New Hampshire RSA 147:1, a local Health Officer has the duty to investigate and the authority abate public nuisances.<sup>13</sup>

To investigate a public nuisance claim, a Health Officer will often need access to private property to determine if there is indeed a public health threat. When the property owner or occupant refuses to grant access to the property, an administrative inspection warrant can be obtained from a justice of a municipal, district, or superior court.<sup>14</sup> However, there are circumstances when notice is *not* required. First, the owner of the property must be **unknown** **or** does not reside in the town. Second, the property must be unoccupied **or** the occupant is, in the opinion of the Health Officer, unable to remediate the nuisance. If both of these two conditions are met, the Health Officer can without previous notice remove or destroy the public nuisance.<sup>15</sup>

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<sup>11</sup> Manchester, NH, Housing Code § 150.002(B).

<sup>12</sup> NH RSA 147:3 (2013)

<sup>13</sup> See NH RSA 147:3 (granting authority to investigate nuisances and other dangers to the public health); see also NH RSA 147:4 (granting authority to remove nuisances.)

<sup>14</sup> NH RSA 595-B:1 (2013)

<sup>15</sup> NH RSA 147:6 (2013)

nuisance or other thing injurious to the public health is in any building, vessel, or enclosure he shall make complaint under oath to some justice of the peace who shall issue a warrant directed to the proper authority to search such building, vessel or enclosure and he may enter therein and make search.<sup>8</sup>”

Other jurisdictions have taken a different approach by providing a general definition of nuisance and a non-exclusive list of public health threats that qualify as a nuisance. For example, the local regulation in the City of Berlin, New Hampshire defines nuisance, in the vector control section of its public health code, as:

“any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood...or shall cause or result in annoyance or disturbance to persons beyond the boundaries of such property; inference to the health and/or safety of the person beyond the boundaries of such property....<sup>9</sup>”

The ordinance then indicates that this definition of nuisance includes, but is not limited to, the presence on the premises of any of the following:

junk, trash, or debris, abandoned, discarded or unused objects or equipment such as but not limited to automobiles, furniture, paper, cardboard, plastic, glass, crockery, scrap metal, tires, stoves, refrigerators, freezers, cans or containers.<sup>10</sup>

It is also important to note that some jurisdictions also address public nuisance through the provisions of their property maintenance code or zoning regulations. Although these ordinances may look at specific structural issues, they also address public health threats. For example, the Housing Code of Manchester, New Hampshire includes in its definition of public

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<sup>8</sup> Portsmouth, NH, Public Health Ordinance, art. I. § 3.101.

<sup>9</sup> Berlin, NH, Health Regulations § 7-26(7).

<sup>10</sup> Id.

section below examines the delegation of nuisance abatement authority to local Health Officers and explores the parameters placed on this authority by the state.

## **AUTHORITY TO DRAFT REGULATIONS**

To address the public health threat posed by public nuisances, the state has delegated considerable authority to local Health Officers. New Hampshire RSA 147:1 grants the Health Officers of cities and towns the authority to draft regulations for the “prevention and removal of nuisances, and such other regulations relating to the public health as in their judgment the health and safety of the people require. . . .”<sup>6</sup> For local regulations drafted under this provision to take effect, they must be approved by the selectmen, recorded by the town clerk, and published in a newspaper printed in the town, or posted in two or more public places in the town.<sup>7</sup>

The scope of this authority is intentionally broad to allow Health Officers to address the public health threats specific to their community and to provide a tool that can adapt as new challenges develop within the community. The courts in New Hampshire have respected this delegation of authority and have done little to narrow the scope of the local Health Officer’s nuisance abatement power.

The combination of a broad delegation of regulatory authority and 13 cities, 221 towns, and 25 unincorporated places in New Hampshire creates the potential for a diverse array of local public nuisance ordinances. However, few local jurisdictions have utilized this authority to create public health ordinances that elaborate upon the general definition of public nuisance provided by the State. A survey of these regulations indicates that some jurisdictions have drafted regulations that leave the definition of public nuisance broad, rather than narrowing its scope with specific examples. For example, the City of Portsmouth, New Hampshire, addresses the issue of nuisance in its public health ordinances by stating:

“The Health Officer shall inquire into all nuisances and all causes of danger to the public health, and whenever he shall know, or have cause to suspect, that any

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<sup>6</sup> NH RSA 147:1 (2013)

<sup>7</sup> Id.

highways.”<sup>1</sup> When this interference substantially and unreasonably affects the use and enjoyment of a single or small group of properties it is considered a private nuisance.<sup>2</sup> When an activity unreasonably interferes “with a right common to the general public,” it is considered a public nuisance.<sup>3</sup> As such, a public nuisance is a “behavior that unreasonably interferes with the health, safety, peace, comfort or convenience of the general community.”<sup>4</sup> A public nuisance could include public health threats such as pest infestations, unsanitary living conditions, smoke from outdoor wood boilers, or properties with unreasonable accumulation of garbage. At times, conduct may be both a private and a public nuisance if it causes both a particular harm to a specific property and a more generalized harm to the greater community.<sup>5</sup> However, the local Health Officer’s focus is to play an important role in addressing the health threat presented by public nuisances.

To understand the scope of the Health Officer’s authority to abate public nuisances, it is helpful to understand the source of this authority - the police powers of the state government. However, to determine the scope of state government authority you must first look to the U.S. Constitution and the concept of federalism. Federalism is the division of power between the federal government and state governments. The basis of federalism in the United States is the 10<sup>th</sup> Amendment, which states that any powers not “delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” Under this broad reservation of power, states have police powers. Police powers are the authority to enact and enforce legislation and regulations to protect the welfare, health, and safety of the population. These police powers provide the basis for a state’s nuisance abatement authority. However, the relationship between state and local governments is different than the concept of federalism. Local governments are generally recognized as subsidiaries of their respective states. Any power that local authorities exercise is delegated from the state. The

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<sup>1</sup> Black’s Law Dictionary, Ninth Edition (2009)

<sup>2</sup> Dunlap v. Daigle, 122 N.H. 295, 298 (1982).

<sup>3</sup> Robie v. Lillis, 112 N.H. 492, 495 (1972).

<sup>4</sup> Id.

<sup>5</sup> Urie v. Franconia Paper Co., 107 N.H. 131, 133(1966).

- Is the condition already addressed in another federal, state or local law, rule or local ordinance?
- Does the problem require enforcement action?

The taskforce was also interested in developing model language that could be used by cities and towns interested in developing stronger local public health ordinances. To achieve this, they gathered samples and compared the language of ordinances from New Hampshire cities and towns.

The momentum of the taskforce was temporarily slowed down by the vacancy of the Division of Public Services (DPHS) Health Officer Liaison position in November 2012. When this position was filled in 2013, the DPHS moved forward and contacted the Network for Public Health Law Eastern Region at the University of Maryland Francis King Carey School of Law about assisting the taskforce in completing this guidance document. The Network for Public Health Law agreed to partner with DPHS to provide and review sample ordinances that are working successfully nationally and identify for New Hampshire a template ordinance for a small, medium and large communities, identify the health impacts relative to each of the five potential public health nuisances that New Hampshire had identified as a priority, and provide case law research.

Once the draft *Public Health Nuisance Guidance Document* was available for review, the Taskforce reconvened in January 2014. Over the course of several meetings, the Taskforce reviewed the findings of The Network for Public Health Law and the Public Health Resource Section developed by DPHS. In September 2014, this document was released to the public.

## **OVERVIEW OF PUBLIC HEALTH NUISANCE**

A local Health Officer's authority to abate public nuisances is an important tool in protecting public health. In general, a nuisance is defined as a "condition, activity, or situation (such as a loud noise or foul odor) that interferes with the use or enjoyment of property; esp., a nontransitory condition or persistent activity that either injures the physical condition of adjacent land or interferes with its use or with the enjoyment of easements on the land or of public

## **BACKGROUND**

In April 2010 the New Hampshire Health Officers' Association general membership expressed a need to better understand and define NH RSA 147 *Nuisances; Toilets; Drains; Expectoration; Rubbish and Waste*, otherwise known in this document as the Public Health Nuisance standard. To achieve this goal, a public health nuisance taskforce was formed comprised of a diverse group of professionals.

Between April 2010 and September 2011 this taskforce met on five occasions working towards the development of guidelines that could be used by state officials and local Health Officers to address public health nuisances. The taskforce wanted these newly developed guidelines to include a general definition of "Public Health Nuisance" in New Hampshire law as well as examples of definition from other states. The goal of the taskforce was to develop guidelines that were not legally binding but rather provide a range of factors for consideration when making a local or state level determination of what falls within a Public Health Nuisance based on New Hampshire law and the group of experts gathered to review this subject. Once completed, the taskforce wanted to make this guidance document available to the public through websites of the NH Health Officer Association and the Division of Public Health Services.

Over the course of the seventeen months that the taskforce met, they identified five public health nuisances that they felt were particularly challenging to New Hampshire Health Officers. These high priority public health nuisances included: airborne particulates from outdoor wood furnaces; infestation of pests; sanitation of waste water; moisture and mold; and unsanitary living conditions. The taskforce then developed an algorithm to be used when making the determination if something fit the criteria of a public health nuisance. The algorithm included the following reasoning:

- Does the condition meet the general definition of public health nuisance as it is currently presented in NH law?
- Is there evidence that the condition is causing or could have a health impact on members of the public?



The information contained in this document is broad and intended for informational purposes only. This document is not a substitute for legal advice. Since every case is different, should you need specific guidance, you are encouraged to contact your attorney. The information shared in this document is not intended to create an attorney-client relationship.

## **PARTICIPATING MEMBERS OF THE PUBLIC HEALTH NUISANCE TASKFORCE**

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Dr. Donald Bent	Town of New London, Health Officer
Dr. Stephen Crawford	NH Department of Agriculture, State Veterinarian
Richard de Seve	NH Department of Environmental Services, Water Division
Rich DiPentima	NH Representative District 16
Beverly Baer Drouin	Division of Public Health Services, Healthy Homes & Environment Section, Administrator
Michael Dumond	Division of Public Health Services, Bureau of Public Health Protection, Bureau Chief
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Dennise Horrocks	Town of Plaistow, Health Officer
Judy Jervis	NH Health Officers Association, President
Elizabeth Maynard	NH Division of Public Health Services, Counsel
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Jessica Morton	Division of Public Health Services, Health Officer Liaison
Bill Oleksak	Town of Hudson, Health Officer
Heidi Peek	City of Nashua, Health Officer
David Rousseau	NH Department of Agriculture, Div. of Pesticide Control, Director
Chuck Stata	Town of Groton, Health Officer
Mathew Swinburne	Network for Public Health Law Eastern Region, University of Maryland Francis King Carey School of Law

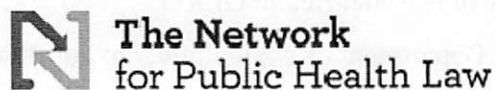
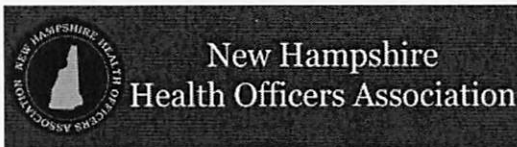
# **PUBLIC HEALTH NUISANCE GUIDANCE DOCUMENT**

completed by the

**NH PUBLIC HEALTH NUISANCE TASKFORCE**

and the

**NETWORK FOR PUBLIC HEALTH LAW EASTERN REGION**



## Heather Goley

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**From:** Juliet Harvey-Bolia  
**Sent:** Sunday, February 13, 2022 6:32 PM  
**To:** ~House Municipal and County Govt  
**Subject:** Testimony and amendment for HB 1268  
**Attachments:** HB 1268 - 2022-0680h City Coucil.pdf; Public Health Nuisance Guidance Document\_Task Force.pdf

Dear Committee members:

Please find attached an amendment for HB 1268, relative to the scope of authority for city councils to enact bylaws.

I have also included *Public Health Nuisance Guidance Document* by the NH Public Health Nuisance Task Force. Well-worth the read, this guidance document was developed out of a need to better understand and define NH RSA 147 Nuisances; Toilets; Drains; Expectoration; Rubbish and Waste, otherwise known in this document as the Public Health Nuisance standard.

My amendment uses defining language drafted in this guidance document which is the result of collaboration by 19 different NH health agency representatives.

I think you'll find the amendment is broad enough to allow city councils the ability to tackle any public nuisance while leaving issues such as communicable disease regulation to the State.

Thank you and please call my cell phone at 802.535.6819 with any concerns.

Juliet

### **Juliet Harvey-Bolia**

NH House of Representative, Belknap County Dist. 4- Tilton & Sanbornton  
Resources, Recreation & Development Committee, Clerk  
Public Water Access Advisory Board, Member  
Winnisquam Regional School District Budget Committee, Member

Tilton Main Street Committee, Member  
66 Dunlop Drive  
Tilton, NH 03276  
603.238.6627

HB 1268 - AS INTRODUCED

2022 SESSION

22-2170  
10/05

HOUSE BILL            **1268**

AN ACT                limiting the authority for city council bylaws and ordinances.

SPONSORS:        Rep. Harvey-Bolia, Belk. 4; Rep. Abramson, Rock. 37; Rep. Potucek, Rock. 6; Rep. Renzullo, Hills. 37; Rep. Yakubovich, Merr. 24

COMMITTEE:        Municipal and County Government

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ANALYSIS

This bill limits the authority of city councils to make bylaws and ordinances to those they are specifically empowered to make.

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Explanation:        Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears [~~in brackets and struck through.~~]  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT limiting the authority for city council bylaws and ordinances.

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

1 1 Powers of City Councils; Bylaws and Ordinances; Limitations Added. Amend RSA 47:17, XV  
2 to read as follows:

3 XV. Miscellaneous. Relative to the grade of streets, and the grade and width of sidewalks;  
4 to the laying out and regulating public squares and walks, commons, and other public grounds,  
5 public lights, and lamps; to trees planted for shade, ornament, convenience, or use, and the fruit of  
6 the same; to trespasses committed on public buildings and other public property, and in private  
7 yards and gardens; in relation to cemeteries, public burial grounds, the burial of the dead, and the  
8 returning and keeping records thereof, and bills of mortality, and the duties of physicians, sextons  
9 and others in relation thereto; relative to public wells, cisterns, pumps, conduits, and reservoirs; the  
10 places of military parade and rendezvous, and the marching of military companies with music in the  
11 streets of the city; relative to precautions against fire; relative to oaths and bonds of city officers, and  
12 penalties upon those elected to such offices refusing to serve; and relative to licensing and regulating  
13 butchers, petty grocers, or hucksters, peddlers, hawkers, and common victualers; dealers in and  
14 keepers of shops for the purchase, sale or barter of junk, old metals or second-hand articles, and  
15 pawnbrokers; under such limitations and restrictions as to them shall appear necessary. They may  
16 make ~~[any]~~ other bylaws and regulations ~~[which may seem for the well-being of]~~ **for the purpose of**  
17 **addressing locations that present a clear and present danger to** the city; but no bylaw or  
18 ordinance shall be repugnant to the constitution or laws of the state; and such bylaws and  
19 ordinances shall take effect **upon their adoption** and be in force ~~[from the time therein limited]~~ **for**  
20 **a period not to exceed 10 days**, without the sanction or confirmation of any other authority  
21 whatever.

22 2 Effective Date. This act shall take effect 60 days after its passage.