

REGULAR CALENDAR

April 27, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Municipal and County Government to which was referred SB 245,

AN ACT establishing a committee to study agreements between developers and municipalities on municipal trash removal fees paid by condominium owners and renters. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Latha Mangipudi

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Municipal and County Government
Bill Number:	SB 245
Title:	establishing a committee to study agreements between developers and municipalities on municipal trash removal fees paid by condominium owners and renters.
Date:	April 27, 2022
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2022-1452h

STATEMENT OF INTENT

This bill addresses inconsistencies regarding municipal solid waste in communities in NH particularly in high density housing complexes. Addressing municipal solid waste across NH has become important due to a significant increase in solid waste and issues related to landfills and ground water pollution across our state. This very focused study committee will look at inconsistencies that exist currently between developers and municipalities to address "taxation without representation" which has not become common practice in NH. Not only will it be able to look at inconsistencies, it may also shed light on good practices that may exist in communities that could be adopted. This committee will be able to report their findings to solve the puzzle of solid waste management in our state. This study committee will address very specific issues in a short period of time so that an important larger solution can be derived for municipal solid waste.

Vote 10-9.

Rep. Latha Mangipudi
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Municipal and County Government

SB 245, establishing a committee to study agreements between developers and municipalities on municipal trash removal fees paid by condominium owners and renters. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Latha Mangipudi for the **Majority** of Municipal and County Government. This bill addresses inconsistencies regarding municipal solid waste in communities in NH particularly in high density housing complexes. Addressing municipal solid waste across NH has become important due to a significant increase in solid waste and issues related to landfills and ground water pollution across our state. This very focused study committee will look at inconsistencies that exist currently between developers and municipalities to address “taxation without representation” which has not become common practice in NH. Not only will it be able to look at inconsistencies, it may also shed light on good practices that may exist in communities that could be adopted. This committee will be able to report their findings to solve the puzzle of solid waste management in our state. This study committee will address very specific issues in a short period of time so that an important larger solution can be derived for municipal solid waste. **Vote 10-9.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

April 27, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Municipal and County Government to which was referred SB 245,

AN ACT establishing a committee to study agreements between developers and municipalities on municipal trash removal fees paid by condominium owners and renters. 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. Richard Tripp

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Municipal and County Government
Bill Number:	SB 245
Title:	establishing a committee to study agreements between developers and municipalities on municipal trash removal fees paid by condominium owners and renters.
Date:	April 27, 2022
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would establish a committee to study agreements between developers of condominium units and municipalities regarding municipal trash removal fees. The goal of the committee would be to examine the agreements and determine why fees are paid for services not rendered. The catalyst for this bill was in Hampton where the condominium developer agreed to pay the municipality trash pickup fees even though this service was also being paid through the condominium association's property taxes. It was mentioned several times during the hearing that what the developer and municipal agreement entailed is unknown and the proposed committee would permit this to be determined and therefore lead to a resolution. This is not the minorities opinion. The minority believes this to be a local issue between the condominium association and the municipality and something best resolved between the two parties. Approving this committee would open pandora's box and lead to future committees attempting to solve problems in which the state has no involvement.

Rep. Richard Tripp
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Municipal and County Government

SB 245, establishing a committee to study agreements between developers and municipalities on municipal trash removal fees paid by condominium owners and renters. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for the **Minority** of Municipal and County Government. This bill would establish a committee to study agreements between developers of condominium units and municipalities regarding municipal trash removal fees. The goal of the committee would be to examine the agreements and determine why fees are paid for services not rendered. The catalyst for this bill was in Hampton where the condominium developer agreed to pay the municipality trash pickup fees even though this service was also being paid through the condominium association's property taxes. It was mentioned several times during the hearing that what the developer and municipal agreement entailed is unknown and the proposed committee would permit this to be determined and therefore lead to a resolution. This is not the minorities opinion. The minority believes this to be a local issue between the condominium association and the municipality and something best resolved between the two parties. Approving this committee would open pandora's box and lead to future committees attempting to solve problems in which the state has no involvement.

Original: House Clerk

Cc: Committee Bill File

Rep. Gallagher, Merr. 15
April 12, 2022
2022-1452h
10/05

Amendment to SB 245

1 Amend the title of the bill by replacing it with the following:

2

3 **AN ACT** establishing a committee to study agreements between developers and municipalities
4 on municipal waste removal fees paid by condominium owners and renters.

5

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

7

8 1 Committee Established. There is established a committee to study agreements between
9 developers and municipalities on municipal waste removal fees paid by condominium owners and
10 renters.

11

12 Amend the bill by replacing section 3 with the following:

13

14 3 Duties. The committee shall examine issues regarding agreements with developers and
15 municipalities the result of which is that condominium owners and renters are paying municipal fees
16 to cover waste removal services without receiving the benefit.

Amendment to SB 245
- Page 2 -

2022-1452h

AMENDED ANALYSIS

This bill establishes a committee to study agreements between developers and municipalities on municipal waste removal fees paid by condominium owners and renters.

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on SB 245

BILL TITLE: establishing a committee to study agreements between developers and municipalities on municipal trash removal fees paid by condominium owners and renters.

DATE: April 18, 2022

LOB ROOM: 301 - 303

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Tripp

Seconded by Rep. Melvin

Vote: 9-10

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Gallagher

Seconded by Rep. Guthrie

AM Vote: 19-0

Amendment # 2022-1452h

Moved by Rep. Mangipudi

Seconded by Rep. Vann

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 SB 245

BILL TITLE: establishing a committee to study agreements between developers and municipalities on municipal trash removal fees paid by condominium owners and renters.

DATE: 4/18/22

LOB ROOM: 301

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. Tripp Seconded by Rep. Melvin Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # 2022-1452h (if offered)
- Interim Study (2nd year)

Moved by Rep. Gallagher Seconded by Rep. Guthrie Vote: 19-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # epa (if offered)
- Interim Study (2nd year)

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

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. MANGIPUDI Seconded by Rep. VAR Vote: 10-9

CONSENT CALENDAR: ___ YES ___ NO

Minority Report? ___ Yes ___ No If yes, author, Rep: _____ Motion _____

Rep MANGIPUDI MAJORITY

REP-Tripp MINORITY

Respectfully submitted: [Signature]



2022 SESSION

Municipal and County Government

Bill #: SB245 Motion: Adopt Amend ^{2022-1452h}
AM #: _____ Exec Session Date: 4/18/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Dolan, Tom Chairman	19		
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>Tonosian</i>	6		
Melvin, Charles R.	7		
Ayer, Paul F.	8		
Pauer, Diane	9		
Maggiore, Jim V. <i>STAVIS</i>	10		
Treleaven, Susan GS <i>JACK</i>	11		
Gilman, Julie D.	12		
Stavis, Laurel <i>Perez</i>	13		
Mangipudi, Latha D.	14		
Vann, Ivy C.	15		
Klee, Patricia S.	16		
Gallager, Eric B.	17		
Rung, Rosemarie	18		
TOTAL VOTE:	19	-0	



2022 SESSION

Municipal and County Government

Bill #: SB245 Motion: OTPA AM #: 2022-14524 Exec Session Date: 4/18/22

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



2022 SESSION

Municipal and County Government

Bill #: SB245 Motion: ITL AM #: 2022-14521 Exec Session Date: 4/18/22

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

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON SB 245

BILL TITLE: establishing a committee to study agreements between developers and municipalities on municipal trash removal fees paid by condominium owners and renters.

DATE: April 7, 2022

LOB ROOM: 301 - 303

Time Public Hearing Called to Order: 10:30 a.m.

Time Adjourned: 11:15 a.m.

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

Bill Sponsors:

Sen. Sherman
Rep. Mangipudi

Sen. Watters
Rep. Guthrie

Sen. Soucy

TESTIMONY

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

Senator Tom Sherman - Prime sponsor of the bill. This was brought to my attention. Establish an agreement between condo's and municipalities. Why fees are paid for services and not rendered.

Rep. Gallagher: I had a bill to require public housing to provide recycling, etc. Would this study committee help to answer questions that came up with my bill? ANS: Yes, it would. Would you submit to amendment trash changed to waste? ANS: Yes, I would.

Rep. Tripp: Examples of how municipalities are changing fees? ANS: I believe someone here is going to testify.

Rep. Gilman: Our program is pay as you throw. Exeter is not paying extra. You buy the bags. ANS: Thank you for clarifying that.

Rep. Melvin: You are only doing this for condos? How about the others? ANS: No problems if the committee want to expand it. This is a very specific issue.

Rep. Rung: Focusing on existing? ANS: Anyone who has an interest can come and speak.

Rep. Tripp: Struggling to understand the problems. ANS: There is an actual fee that the condo owners have to pay the fee. They also pay an additional fee. A service they don't get after paying for it.

Rep. Treleaven: Committee Report, it's findings. We are just being asked to create a committee to study the issue? ANS: Yes.

Rep. Pauer: I am still confused. Is this a Line item on their tax bill? ANS: Yes, it is a line item on their tax bill.

Peter Sorrentino - Supports the bill. I downsized to a condo in Hampton. Enormous amount of costs that I never realized owning a single home when I bought my condo. We pay on our taxes, but are excluded from municipal trash pick up. Selectman said this is how it has been. It has been this way forever. It was a developer agreement with the town. It doesn't seem just and I believe this was happening. It makes no sense. The planning boards are holding the owners hostage.

Rep. Stavis: The Hampton website says they pickup rubbish? ANS: The website is not accurate. It's the older condominiums that get trash pickup. Seems to be an arrangement between the developer and the planning board.

Respectfully submitted,

Rep. John MacDonald
Clerk

House Remote Testify

Municipal and County Government Committee Testify List for Bill SB245 on 2022-04-07

Support: 3 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>
Watters, Senator David	Dover, NH david.watters@leg.state.nh.us	An Elected Official	Myself	Support	No	No	3/30/2022 2:35 PM
Soucy, Donna	Manchester, NH donna.soucy@leg.state.nh.us	An Elected Official	SD 18	Support	No	No	4/1/2022 4:20 PM
Smith, Julie	Nashua, NH Cantdog@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/2/2022 1:11 PM
Sherman, Senator	SD 24, NH jennifer.horgan@leg.state.nh.us	An Elected Official	SD24	Support	No	No	4/5/2022 10:02 AM

SB 245 - AS INTRODUCED

2022 SESSION

22-2940

10/11

SENATE BILL **245**

AN ACT establishing a committee to study agreements between developers and municipalities on municipal trash removal fees paid by condominium owners and renters.

SPONSORS: Sen. Sherman, Dist 24; Sen. Watters, Dist 4; Sen. Soucy, Dist 18; Rep. Mangipudi, Hills. 35; Rep. Guthrie, Rock. 13

COMMITTEE: Election Law and Municipal Affairs

ANALYSIS

This bill establishes a committee to study agreements between developers and municipalities on municipal trash removal fees paid by condominium owners and renters

.....

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT establishing a committee to study agreements between developers and municipalities on municipal trash removal fees paid by condominium owners and renters.

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

1 1 Committee Established. There is established a committee to study agreements between
2 developers and municipalities on municipal trash removal fees paid by condominium owners and
3 renters.

4 2 Membership and Compensation.

5 I. The members of the committee shall be as follows:

6 (a) One member of the senate, appointed by the president of the senate.

7 (b) Four members of the house of representatives, appointed by the speaker of the house
8 of representatives.

9 II. Members of the committee shall receive mileage at the legislative rate when attending to
10 the duties of the committee.

11 3 Duties. The committee shall examine issues regarding agreements with developers and
12 municipalities the result of which is that condominium owners and renters are paying municipal fees
13 to cover trash removal services without receiving the benefit.

14 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
15 among the members. The first meeting of the committee shall be called by the senate member. The
16 first meeting of the committee shall be held within 45 days of the effective date of this section. Three
17 members of the committee shall constitute a quorum.

18 5 Report. The committee shall report its findings and any recommendations for proposed
19 legislation to the president of the senate, the speaker of the house of representatives, the senate
20 clerk, the house clerk, the governor, and the state library on or before November 1, 2022.

21 6 Effective Date. This act shall take effect upon its passage.