

LEGISLATIVE COMMITTEE MINUTES

SB245

Bill as Introduced

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

Committee Minutes

SENATE CALENDAR NOTICE
Election Law and Municipal Affairs

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

Date: January 18, 2022

HEARINGS

Monday

01/24/2022

Election Law and Municipal Affairs	State House 100	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m. SB 243	permitting transfer on death deeds for real property.	
1:15 p.m. SB 244	relative to non-conforming structures and variances.	
1:30 p.m. SB 245	establishing a committee to study agreements between developers and municipalities on municipal trash removal fees paid by condominium owners and renters.	
1:45 p.m. SB 246	relative to qualified private communities.	
2:00 p.m. SB 425-FN	relative to the establishment of an election information portal.	
2:20 p.m. SB 427-FN	modifying the absentee voter registration process, absentee ballot application, and absentee ballot voting process.	

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 243

Sen. D'Allesandro

Sen. Cavanaugh

Rep. B. Griffin

SB 244

Sen. Cavanaugh

SB 245

Sen. Sherman

Sen. Watters

Sen. Soucy

Rep. Mangipudi

Rep. Guthrie

SB 246

Sen. Birdsell

Sen. Carson

Rep. W. MacDonald

SB 425-FN

Sen. Gray

Sen. Bradley

Sen. Daniels

Sen. Avar

Sen. Ward

Sen. Birdsell

Sen. French

Sen. Perkins Kwoka

Sen. Soucy

Sen. Watters

Sen. Sherman

SB 427-FN

Sen. Soucy

Sen. Whitley

Sen. Rosenwald

Sen. Watters

Sen. Sherman

Sen. Perkins Kwoka

Sen. Cavanaugh

Sen. Prentiss

Sen. D'Allesandro

Sen. Kahn

Rep. Cote

Tricia Melillo 271-3077

James P. Gray
Chairman

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

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

Hearing Date: January 24, 2022

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

Members of the Committee Absent : None

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

Sponsors:

Sen. Sherman
Rep. Mangipudi

Sen. Watters
Rep. Guthrie

Sen. Soucy

Who supports the bill: Senator Sherman, Senator David Watters, Susan Covert, Cheryl Bourassa, Heidi Henninger, Robert Anderson, Doris Hampton, Bob Perry, Patricia Anastasia, Scott Wolf, Paul Okonak, Peter Sorrentino

Who opposes the bill: Amy Spillane

Summary of testimony presented in support:

Senator Tom Sherman

- He filed this bill in response to a constituent complaint.
- The goal is to allow a better understanding of the circumstances under which a developer and municipality reach an agreement for municipal trash hauling.
- The future residents of condominiums will have to pay for municipal trash hauling even though this benefit does not apply to them.
- While agreeing with his constituent that this arrangement is, by its nature, unfair to the residents, he wanted to be certain that all aspects of this could be explored and that any remedy would take into account the input of all stakeholders.
- There are two instances in which apartments and condos would be without trash hauling even though they are paying for it.
- One instance is that there is an agreement between the contractor and town and the other is that the town may decide they will no longer provide the service to them.
- The question that the study committee would tackle is, should you be paying for a service that you are not receiving.

Scott Wolf – Condominium Association Institute NH

- They support the study that is being proposed.
- Condo associations need support in getting the same services that other taxpayers receive.

Paul Okonak – Condominium Association Institute NH

- The management company he works for manages about 350 associations, about 26,000 units.
- At the end of every fiscal year, when they sit with the condo boards and do budgets, they want to know what they are paying for that they are not getting.

- Usually it is the trash, plowing and street repairs.
- People in condos are paying the same tax rate but they are not getting the DPW services that a single homeowner would get.
- Condo owners are essentially paying double, through taxes and condo fees and not getting the services.
- Senator Birdsell clarified that what this bill is trying to address is that condo residents pay twice, once through taxes and then through condo fees for trash pickup and do not receive the service from the town.
 - Mr. Okonak replied that is exactly it. It is very frustrating and costs the condo associations a lot of money. The towns are collecting the taxes but not giving the service.

Peter Sorrentino

- He bought a condo in Hampton a few years ago.
- His goal was to downsize, save some money and minimize the maintenance he had to take care of.
- He learned that it is not as economical as you think it might be.
- He discovered that the condo fees are high because there are a lot of things condo owners are subjected to that home owners are not.
- The municipality does offer trash pickup but not to the condo community.
- He started paying for private trash pickup and was surprised to find that there was not an abatement on his taxes for it.
- In order to have the plans for the condo units approved by the town, the developer signed away future trash pickup.
- They did not realize when they purchased the condo that there would not be an abatement for these things.
- He knows there may be things he pays taxes for that he does not need but they need trash pickup.
- He questioned the selectmen about it and they said that it is just the way it is.
- He spoke to the town manager who told him that the trucks are not allowed on private property and they will not pick up the trash.
- The manager explained to him that with sewer services municipalities will give an abatement because state law requires them to.
- The manager stated that it was legal to not give an abatement for trash pickup and so they do it.
- Mr. Sorrentino feels that this is unjust.

Summary of testimony presented in opposition: None

Speakers

Senate Remote Testify**Election Law and Municipal Affairs Committee Testify List for Bill SB245 on 202:**
Support: 8 Oppose: 1

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Watters, Senator David	An Elected Official	Myself	Support
Covert, Susan	A Member of the Public	Myself	Support
Bourassa, Cheryl	A Member of the Public	Myself	Support
Henninger, Heidi	A Member of the Public	Myself	Support
Spillane, Amy	A Member of the Public	Myself	Oppose
Anderson, Robert	A Member of the Public	Myself	Support
Hampton, Doris	A Member of the Public	Myself	Support
Perry, Bob	A Member of the Public	Myself	Support
Anastasia, Patricia	A Member of the Public	Myself	Support

Testimony

Testimony

Tom Sherman

NH State Senator – District 24

SB 245 Establishing a committee to study agreements between developers and municipalities on municipal trash removal fees paid by common dominion owners and renters

I filed this bill in response to a constituent complaint. The goal is to allow a better understanding of the circumstances under which a developer and municipality reach an agreement that the future residents of the condominiums will have to pay for municipal trash hauling even though this benefit does not apply to them. While agreeing with my constituent that this arrangement is by its nature unfair to the residents, I wanted to be certain that all aspects of this arrangement could be explored and that any remedy would take into account the input of all stakeholders.

Voting Sheets

**Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2022 Session**

Bill SB 245

Hearing date: 1/24/22

Executive Session date: 2/14/22

Motion of: OTP Vote: 5-0

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

Motion of: Consent Vote: 5-0

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

Motion of: _____ Vote: _____

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

Reported out by: Sen Soucy

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Monday, February 14, 2022

THE COMMITTEE ON Election Law and Municipal Affairs

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, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Donna Soucy
For the Committee

This bill will establish a committee to study agreements between developers of condominium units and municipalities regarding municipal trash removal fees. In many circumstances unit owners have to pay for private trash pickup while at the same time that service is included in their property taxes. The goal of this study committee will be to examine these agreements and determine why fees are paid for services not rendered.

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of SB245

Docket Abbreviations

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

Official Docket of SB245.:

Date	Body	Description
12/14/2021	S	To Be Introduced 01/05/2022 and Referred to Election Law and Municipal Affairs; SJ 1
1/18/2022	S	Hearing: 01/24/2022, Room 100, SH, 01:30 pm; SC 4
2/15/2022	S	Committee Report: Ought to Pass, 02/24/2022; Vote 5-0; CC; SC 8
2/24/2022	S	Ought to Pass: MA, VV; OT3rdg; 02/24/2022; SJ 4
3/23/2022	H	Introduced 03/17/2022 and referred to Municipal and County Government
3/29/2022	H	Public Hearing: 04/07/2022 10:30 am LOB 301-303
4/6/2022	H	Executive Session: 04/18/2022 10:00 am LOB 301-303
4/27/2022	H	Committee Report: Ought to Pass with Amendment #2022-1452h (Vote 10-9; RC)
4/27/2022	H	Majority Committee Report: Ought to Pass with Amendment #2022-1452h (NT) (Vote 10-9; RC)
4/27/2022	H	Minority Committee Report: Inexpedient to Legislate
5/5/2022	H	Amendment # 1452h: AF DV 140-166 05/05/2022 HJ 12
5/5/2022	H	Lay SB245 on Table (Rep. Dolan): MA DV 187-148 05/05/2022 HJ 12

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 245 Senate Committee: ELMA

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

Final docket found on Bill Status

Bill Hearing Documents: (Legislative Aides)

- Bill version as it came to the committee
 - All Calendar Notices
 - Hearing Sign-up sheet(s)
 - Prepared testimony, presentations, & other submissions handed in at the public hearing
 - Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: (Legislative Aides)

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

- amendment # _____ - amendment # _____
- amendment # _____ - amendment # _____

- Executive Session Sheet
- Committee Report

Floor Action Documents: (Clerk's Office)

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

- amendment # _____ - amendment # _____
- amendment # _____ - amendment # _____

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

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

Enrolled Bill Amendment(s)

Governor's Veto Message

All available versions of the bill: (Clerk's Office)

as amended by the senate
final version

as amended by the house

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

Tricia Muello
Committee Aide

6/14/22
Date

Senate Clerk's Office **TW**