

LEGISLATIVE COMMITTEE MINUTES

SB250

Bill as Introduced

SB 250 - AS INTRODUCED

2022 SESSION

22-2973

05/10

SENATE BILL

250

AN ACT

enabling municipalities to adopt a tax credit for qualified private community property owners.

SPONSORS:

Sen. Carson, Dist 14; Sen. Watters, Dist 4; Sen. Birdsell, Dist 19; Rep. Lundgren, Rock. 5; Rep. Thomas, Rock. 5; Rep. Baldasaro, Rock. 5; Rep. Dolan, Rock. 5

COMMITTEE:

Election Law and Municipal Affairs

ANALYSIS

This bill enables municipalities to adopt a tax credit for qualified private community property owners.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 enabling municipalities to adopt a tax credit for qualified private community property owners.

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

1 1 New Subdivision; Tax Credit for Qualified Private Community Property Owners. Amend RSA
2 72 by inserting after section 87 the following new subdivision:

3 Qualified Private Community Property Owners Tax Credit
4 72:88 Qualified Private Community.

5 I. In this subdivision, "qualified private community" means a residential condominium,
6 cooperative, open space subdivision or other community consisting of at least 4 units, the residents of
7 which do not receive any tax abatement or tax exemption related to its construction, comprised of a
8 community trust or other trust device, condominium association, road association, homeowners'
9 association, or council of co-owners, wherein the cost of maintaining roads, streets, water and sewer
10 infrastructure and providing essential services is paid for by a not-for-profit entity consisting
11 exclusively of unit owners within the community.

12 II. No apartment building or garden apartment complex owned by an individual or entity
13 that receives monthly rental payments from tenants who occupy the premises shall be considered a
14 qualified private community. No proprietary campground facility shall be considered a qualified
15 private community. No community where title to land does not convey with improvements shall be
16 considered a qualified private community, except a residential condominium or cooperative.

17 72:89 Tax Credit for Qualified Private Community Property Owners. Each city and town may
18 adopt, pursuant to RSA 72:27-a, a property tax credit for persons owning real property in a qualified
19 private community, as defined in RSA 72:88. The tax credit shall be equal to the sum of what the
20 city or town reasonably determines it would cost to provide the services listed in paragraphs I
21 through V if the city or town were to provide them as a private contractor:

22 I. Removal of snow, ice, and other obstructions from the roads and streets.

23 II. Lighting of the roads and streets, to the extent of payment for the electricity required,
24 but not including the installation or maintenance of lamps, standards, wiring, or other equipment.

25 III. Collection of leaves and recyclable materials along the roads and streets and the
26 collection or disposal of solid waste along the roads and streets.

27 IV. Repair and replacement of roads and streets.

28 V. For qualified private communities connected to municipal water or sewer services, repair,
29 maintenance, and replacement of water and sewer infrastructure within the qualified private
30 community.

SB 250 - AS INTRODUCED

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1 2 Procedure for Adoption, Modification, or Rescission. Amend the introductory paragraph of
2 RSA 72:27-a, I to read as follows:

3 I. Any town or city may adopt the provisions of RSA 72:28, RSA 72:28-b, RSA 72:29-a, RSA
4 72:35, RSA 72:37, RSA 72:37-b, RSA 72:38-b, RSA 72:39-a, RSA 72:62, RSA 72:66, RSA 72:70, RSA
5 72:76, RSA 72:82, [~~or~~] RSA 72:85, **or RSA 72:89** in the following manner:

6 3 Owner. Amend RSA 72:29, VI to read as follows:

7 VI. For purposes of RSA 72:28, 28-b, 28-c, 29-a, 30, 31, 32, 33, 35, 36-a, 37, 37-a, 37-b, 38-a,
8 39-a, 62, 66, [~~and~~] 70, **and 89**, the ownership of real estate, as expressed by such words as "owner,"
9 "owned" or "own," shall include those who have placed their property in a grantor/revocable trust or
10 who have equitable title or the beneficial interest for life in the subject property.

11 4 Application Procedure; Reference Added. Amend the introductory paragraph of RSA 72:33, I
12 to read as follows:

13 I. No person shall be entitled to the exemptions or tax credits provided by RSA 72:28, 28-b,
14 28-c, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-b, 39-b, 62, 66, [~~and~~] 70, **and 89** unless the person
15 has filed with the selectmen or assessors, by April 15 preceding the setting of the tax rate, a
16 permanent application therefor, signed under penalty of perjury, on a form approved and provided
17 by the commissioner of revenue administration, showing that the applicant is the true and lawful
18 owner of the property on which the exemption or tax credit is claimed and that the applicant was
19 duly qualified upon April 1 of the year in which the exemption or tax credit is first claimed, or, in the
20 case of financial qualifications, that the applicant is duly qualified at the time of application. The
21 form shall include the following and such other information deemed necessary by the commissioner:

22 5 Appeal from Refusal to Grant Tax Credit. Amend RSA 72:34-a by read as follows:

23 72:34-a Appeal From Refusal to Grant Exemption, Deferral, or Tax Credit. Whenever the
24 selectmen or assessors refuse to grant an applicant an exemption, deferral, or tax credit to which the
25 applicant may be entitled under the provisions of RSA 72:23, 23-d, 23-e, 23-f, 23-g, 23-h, 23-i, 23-j,
26 23-k, 28, 28-b, 28-c, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-a, 38-b, 39-a, 39-b, 41, 42, 62, 66, [~~or~~]
27 70, **or 89** the applicant may appeal in writing, on or before September 1 following the date of notice
28 of tax under RSA 72:1-d, to the board of tax and land appeals or the superior court, which may order
29 an exemption, deferral, or tax credit, or an abatement if a tax has been assessed.

30 6 Interpretations; Rules. Amend RSA 72:36, I to read as follows:

31 I. The commissioner's interpretation of RSA 72:28, 72:28-b, 72:28-c, 72:29, 72:29-a, 72:30,
32 72:31, 72:32, 72:33, 72:34, 72:34-a, 72:35, 72:36-a, 72:37, 72:37-a, 72:37-b, 72:38-a, 72:38-b, 72:39-a,
33 72:39-b, 72:41, 72:62, 72:66, 72:70; 72:85, [~~and~~] 72:87, **and 72:89**; and

34 7 Effective Date. This act shall take effect April 1, 2023.

Amendments

Sen. Carson, Dist 14
February 10, 2022
2022-0676s
05/10

Amendment to SB 250

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

2

3 1 New Subdivision; Tax Credit for Qualified Private Community Property Owners. Amend RSA
4 72 by inserting after section 87 the following new subdivision:

5 Qualified Private Community Property Owners Tax Credit

6 72:88 Definitions. In this subdivision:

7 I.(a) "Qualified private community" means a residential condominium, cooperative, open
8 space subdivision or other community consisting of at least 4 units, the residents of which do not
9 receive any tax abatement or tax exemption related to its construction, comprised of a community
10 trust or other trust device, condominium association, road association, or homeowners' association,
11 wherein the costs of maintaining roads, streets, water and sewer infrastructure and providing
12 essential services are paid for by a voluntary corporation established under RSA 292, consisting
13 exclusively of unit owners within the community.

14 (b) No apartment building or garden apartment complex owned by an individual or
15 entity that receives monthly rental payments from tenants who occupy the premises shall be
16 considered a qualified private community. No proprietary campground facility shall be considered a
17 qualified private community. No community where title to land does not convey with improvements
18 shall be considered a qualified private community, except a residential condominium or cooperative.

19 II. "Residential street service" means:

20 (a) Removal of snow, ice, and other obstructions from the roads and streets.

21 (b) Lighting of the roads and streets, to the extent of payment for the electricity
22 required, but not including the installation or maintenance of lamps, standards, wiring, or other
23 equipment.

24 (c) Collection of leaves and recyclable materials along the roads and streets and the
25 collection or disposal of solid waste along the roads and streets.

26 (d) Repair and replacement of roads and streets.

27 (e) For qualified private communities connected to municipal water or sewer services,
28 any costs to repair, maintenance, and replacement of water and sewer infrastructure within the
29 qualified private community. The water and sewer infrastructure must be connected to a public
30 utility system to qualify as a residential street service under this paragraph.

31 72:89 Tax Credit for Qualified Private Community Property Owners. Each city and town may
32 adopt, pursuant to RSA 72:27-a, an annual property tax credit for persons owning real property in a

Amendment to SB 250

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1 qualified private community, as defined in RSA 72:88, I. The tax credit for each person shall be
2 equal to the prior calendar year cost of residential street services incurred by the qualified private
3 community, divided by the number of units or lots in the qualified private community. Cities and
4 towns shall have the discretion to limit the prior calendar year cost to the amount that the
5 municipality would have expended on those services if they were provided directly by the
6 municipality to the qualified private community. If any residential street service listed in
7 subparagraphs RSA 72:88, II(a)-(e) is not offered to property owners that live on roads or streets
8 maintained by the city or town, no tax credit shall be granted for those services.

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: February 1, 2022

HEARINGS

Monday

02/07/2022

Election Law and Municipal Affairs	State House 100	1:00 p.m.
(Name of Committee)	(Place)	(Time)

1:00 p.m.	SB 250	enabling municipalities to adopt a tax credit for qualified private community property owners.
1:15 p.m.	SB 251	relative to the advisory board of a tax increment financing district.
1:30 p.m.	SB 252	relative to information on property tax bills.
1:45 p.m.	SB 325	relative to local organization for emergency management and first responders.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 250

Sen. Carson
Rep. Thomas

Sen. Watters
Rep. Baldasaro

Sen. Birdsell
Rep. Dolan

Rep. Lundgren

SB 251

Sen. Birdsell

Sen. Gray

SB 252

Sen. Soucy
Sen. Perkins Kwoka
Rep. Cote

Sen. Whitley
Sen. Cavanaugh
Rep. Heath

Sen. Rosenwald
Sen. Sherman
Rep. Egan

Sen. Watters
Sen. Prentiss

SB 325

Sen. Cavanaugh
Rep. Edgar

Sen. Watters
Rep. Buco

Sen. Bradley
Rep. Cushing

Sen. Soucy
Rep. Mullen

Tricia Melillo 271-3077

James P. Gray
Chairman

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

SB 250, enabling municipalities to adopt a tax credit for qualified private community property owners.

Hearing Date: February 7, 2022

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

Members of the Committee Absent : None

Bill Analysis: This bill enables municipalities to adopt a tax credit for qualified private community property owners.

Sponsors:

Sen. Carson
Rep. Lundgren
Rep. Dolan

Sen. Watters
Rep. Thomas

Sen. Birdsell
Rep. Baldasaro

Who supports the bill: Senator Sharon Carson, Senator Regina Birdsell, Senator David Watters, Ronald Lavoie, George Sterling, Paula Forbes, Chris Noyes, Jessica Botterman, Matt Osbourne, Aubrey Freedman, Anthony Ferrantello, Kalee Willard, Eileen Bellabona, Joseph Bellabona, Peggy Mace, Brandon Stellmach, Curtis Howland, Vicki Mancuso, Anthony Palanza, Dayel Sitiwatjana, Nathania Sitiwatjana

Who opposes the bill: Katherine Heck, Patricia Anastasia, Cindy Kudlik, Fran Kelly, Eileen English, Sally Hatch, Lyn Lindpaintner, Jim Michaud

Summary of testimony presented in support:

Senator Sharon Carson

- This bill enables municipalities to adopt a tax credit for qualified private community property owners.
- It came forward because of a lot of work that's been done on this issue over many years.
- Usually, these are 55 and older communities and the roads are considered to be private roads.
- The unit owners are responsible for the upkeep of those roads.
- Due to the low standards that are required for the completion of these roads they tend to fail very quickly.
- The task of repairing the roads falls upon the people that live in the community.
- Sometimes these roads are used by the locals as cut throughs to get to another place.
- These unit owners are already paying for the maintenance of the town roads in their property taxes.
- The additional costs have become a burden to many.
- The costs are not just for repairing the roads, they are for plowing, street lights and general maintenance.
- These are services that traditional homeowners receive from the municipality through tax dollars.
- Essentially the private road unit owners are paying twice.
- Senator Soucy asked if she is aware of a bill with similar subject matter that Senator Birdsell has filed that would create a fund for those capital improvements and does she see these two bills as compatible.

- Senator Carson replied that she and Senator Birdsell have worked on this issue together so she is well aware of the other bill. She added that they divided them up and she thinks that the two of them mesh well together. They are hoping to get both of them passed and get these folks some tax relief.

John Goglia - New Hampshire Private Road Taxpayers Alliance

- The Alliance is a statewide nonprofit organization that was created specifically to advocate for tax fairness and equity for private road residents.
- They currently represent almost 500 individuals, in almost 90 different cities across the state of New Hampshire.
- SB 250 is enabling legislation allowing municipalities to grant a tax credit to qualified residents as determined by those municipalities.
- The individual residents would have to apply for that tax credit every year.
- This is not a retroactive tax credit.
- It is meant to rectify the imbalance of taxes paid by private road residents who do not receive the same municipal services as public road residents.
- In his community for the year 2021, they had snow removal charges of 65,000 dollars, street lighting 340 dollars, fire hydrant rental 14,500 dollars for a total of almost 80,000 dollars.
- That works out to a little over 800 dollars per year per unit.
- He believes that for decades municipalities have been broadening the definition of private roads basically to benefit themselves.
- The developers benefit also when municipalities grant waivers and variances to make it impossible for private roads to become public roads.
- The approval of private roads has increased dramatically in recent years to the benefit of the developers and the municipalities.
- The private road quality is highly suspect as neither the developer nor the municipality has ever has any legal or financial responsibility.
- In his community they recently spent 4,365 dollars to repair two of their five roads that are in serious disrepair.
- This is probably due to inadequate construction.
- They are looking at a very substantial cost of between 80,000 to 100,000 dollars to replace those roads after only seven years.
- Private road residents acknowledge that they knew the roads were private when they purchased in the community.
- They did not realize the full ramifications of what that meant until they were there for a few years.
- They never realize in the beginning that their property taxes would be the same or in many cases more than what people on public roads pay.
- They believe that municipalities have created a very unfair tax situation and they should be held accountable to fix it.
- These municipalities have realized huge tax benefits for decades and they believe it is time to rectify this injustice.
- Senator Gray commented that he is a member of the assessing standards board in his town and they have discussed this situation. A lot of those he spoke to said people who are on a private road, know that they are when they purchase the property and do not pay as much for the property. In that way their taxes are already reduced so doing this would be a double credit and asked Mr. Goglia how he would respond to that.
 - Mr. Goglia replied that based on his own community and talking to other communities around the state that is not true at all. He believes the purchase price depends on the type of community and where it is located. If it is located on a lake or in a very nice

community you pay just as much, if not more for those properties. He does not know anyone that thinks they are getting a break by buying on a private road.

Lou Gargiulo – Great North Property Management

- Approximately 265,000 New Hampshire residents, living in a 107,000 homes, reside in more than 2,200 community associations.
- If enacted this bill could help a portion of those residents.
- Constituents who live in community associations ask all the time if it is fair that their town provides very few services to their association even though they pay the same tax rate.
- These homes valuations are consistent with other similarly situated homes in their town that receive all of the public services.
- The stock answer has been that it was considered when the project was approved and the developer received some benefit or concession.
- That response is a distinction without a difference.
- If they attempt to research these project approvals they will find that little or no documentation supports that response.
- The New Hampshire Lakes Region is an excellent example of local government approval process that predates the modern day approval process.
- Many town services that are received today were not even part of the services that were available to residents when private roads to multiple homes were established.
- It is his opinion that this bill provides a method to address this imbalance.
- With a simple, formal, approval process and a reasonable appeals process that is used in property tax disputes, this bill creates a level of fairness that New Hampshire is noted for.
- Senator Birdsell commented that he had referenced one of the questions that people often ask is why they pay the same taxes as those in single family homes and asked if anyone has done a comparison to verify that is the case.
 - Mr. Gargiulo replied that he has not done a formal comparison but he has done it and what he found is that they're paying the same amount. He does not believe that they will find an assessor discounting a particular home on a private road.

Dick Swett

- He is a resident of a condominium association in Stratham.
- His experience in managing the condominium association affairs brings him to this public hearing to support SB 250 and SB 246.
- SB 250 eliminates the inequity in the delivery of municipal services presently existing between residents living in residential condominiums and other town residents.
- The property tax rate is the same for Vineyard residents as for every other municipal taxpayer but Vineyard residents do not receive comparable services.
- As a result of the tax inequities, the state, the county nor the town have a road category classified as private roads.
- There is no road construction standard for developers to follow when constructing a private road.
- Private road construction quality is not consistent as there are no basic standards to meet.
- The town will not accept the substandard private roads and the town is not willing to provide the same maintenance services as received by homes on public roads.
- Inferior road construction standards result in unsafe pedestrian and traffic flow.
- Inferior road construction results in more costly maintenance and shorter useful life for private roads.
- The density of residential condominium units per acre of land generates substantially greater property tax revenue to the municipality than a single home on a standard one acre lot.
- His condominium development has 76 units with four units on each 1.2 acres of land.
- This yields property tax revenue to the town of approximately 36,000 dollars per acre.

- A comparable single family unit situated on an acre of land yields a property tax amount of roughly 9,900 dollars.
- Condominium units on private roads generate property tax revenue three and a half times greater than the property tax revenue per acre but are denied comparable municipal services.
- An examination of municipal assessment cards does not reveal a differentiation of the assessed value process between homes on private roads and public roads.
- Real estate listings do not state that a home on a private road is priced in a discounted value compared to a home on a public road resulting in a reduced property assessment for the buyer.
- Real estate appraisals are based on comparables, such as lot size, gross living area, and location.
- The town collects property taxes on all the condominiums land which includes the land occupied by the private roads.
- In reality, the condominium is paying taxes on its own private roads.
- Homes located on public roads do not get taxed on the portion of their public road frontage yet the condominium property taxes are used to maintain public roads.
- The MLS listing on properties provides minimal information under the descriptive title of a private road.
- The MLS listing does not mention that privately maintained means that the purchaser, through the condominium association, is responsible for the cost of snow plowing, crack sealing, pothole repairs and repaving costs.
- The home appraisal reported the roads as public not private and home inspections do not provide any information on private road conditions.
- The public policy for municipalities to follow is to allow developers to construct substandard private roads that result in over taxation of condominium owners.
- SB 250 eliminates the existing inequality of property taxes.

Judy Bastian

- She and her husband live in a private community and are paying twice for the same thing.
- In her subdivision they contract for trash collection, plowing the street, maintaining the street, the entire sewer system pumping station, as well as the end of street lighting.
- Their street does connect to the major thoroughfare which is a public street.
- Other residents in Laconia get the same services that they do but they do not pay the additional costs.
- Part of their property taxes for in Laconia do go into the budget for municipal services and yet they would not have these services if they did not pay private contractors for them.
- This means they are paying twice for trash collection, sewer water drainage, infrastructure maintenance, and the cost of lighting on the end of their street.
- They pay for all of that and have an HOA fee as well.
- When these costs are spread out over 18 homes it amounts to a large figure.

Matt Niswender -New Hampshire Private Road Taxpayers Alliance

- When he moved onto a private road back in 2000, they had no road association or anything to take care of it.
- He was told when he bought his house as a private sale from the homeowner that there was a guy that lives on the street who would plow.
- He was also told he did not have to worry about the road maintenance.
- He was young and naive and unaware what the real costs were to live on a street that's not maintained by the town.
- It was a big eye-opener to him when the road started breaking apart.
- They had a washout and had to put in storm drains all with their own money.
- They had to take out loans to get the road repaired so that emergency vehicles could make it down the road.

- The Alliance is pushing for SB 246 to get passed so that municipalities do not keep allowing private roads to pop up without any capital reserve fund.
- In his situation, there were no funds.
- A lot of people just aren't aware of how much work and effort goes into private roads and how much extra money they cost out of your own pocket.
- SB 250 takes care of giving a tax break to the homeowners that live on private roads.
- It puts the burden on the private road associations to apply for this tax credit.
- It is an optional and up to the town to decide if they're willing to give the homeowners a tax break.
- The town of Dover and the town of Barrington both have said that their hands are tied until the state gives them a tool to be able to adopt this.
- SB 246 and SB 250 will give them that tool and help to stop the bleeding for all the private

Summary of testimony presented in opposition:

Katherine Heck - NHMA

- They have to oppose this bill as it's a policy position to oppose expanded or new tax exemptions and credits.
- They do appreciate the local option within the bill.
- She spoke to an assessor who stated that if a market place felt that being on a private road was a positive or a negative, that adjustment would be ascertained and the assessment would reflect that.
- They are concerned with some of the language in the bill such as setting the tax rate.
- All tax credits have to be known before a tax rate can be set.
- This means the community has to sum the credits up in an exact dollar amount before the MS1 can be filed with the DRA on September 1st.
- Another area of concern is the phrase "reasonably determined" on line 20.
- They would need to know what would be the standard or the metric that the assessing standards board or the governing body would have to enact to make sure that it would be reasonably determined.
- If they did define that, they would need to know who in the city or town would reasonably determine.
- It could be the governing body, the assessors, the legislative body, through the vote of town meeting when they adopt this provision, or some other mechanism.
- The municipality would need to determine if this would be done annually or once every five years during revaluation.
- Another question they have is would this be an appealable event, and if so, if someone disagreed what would the appeals process look like.
- It is important that there are some metrics to determine how credits or exemptions would be apportioned to make sure that it's equitable and doesn't leave the assessors or the governing body open to legal interpretations.
- The other question they have is on line 10, who determines "not-for-profit entity" is it the IRS standard or the New Hampshire Attorney General.
- They are also not sure what the definition of "council of co-owners" is.
- Village districts while they are run by local governments, tax residents separately for the maintenance repairs, upgrades or new services that they determine are needed.
- When they have to repair a sewer line or waste water line or upgrade their treatment plant the village district residents are billed monthly or quarterly for those costs.

TJM

Date Hearing Report completed: February 11, 2022

Speakers

Senate Remote Testify

Election Law and Municipal Affairs Committee Testify List for Bill SB250 on 202:
Support: 20 Oppose: 7

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Watters, Senator David	An Elected Official	Myself	Support
Birdsell, Senator Regina	An Elected Official	Senate District 19	Support
Lavoie, Ronald	A Member of the Public	Myself	Support
Sterling, George	A Member of the Public	Myself	Support
Forbes, Paula	A Member of the Public	Myself	Support
Noyes, Chris	A Member of the Public	Myself	Support
Botterman, Jessica	A Member of the Public	Myself	Support
Osbourne, Matt	A Member of the Public	Myself	Support
Anastasia, Patricia F	A Member of the Public	Myself	Oppose
Kudlik, Cindy	An Elected Official	Myself	Oppose
Kelly, Fran	A Member of the Public	Myself	Oppose
Freedman, Aubrey	A Member of the Public	Myself	Support
English, Eileen	A Member of the Public	Myself	Oppose
Ferrantello, Anthony	A Member of the Public	Myself	Support
hatch, sally	A Member of the Public	Myself	Oppose
Willard, Kalee	A Member of the Public	Myself	Support
Bellabona, Eileen	A Member of the Public	Myself	Support
Mace, Peggy	A Member of the Public	Myself	Support
Bellabona, Joseph	A Member of the Public	Myself	Support
Lindpaintner, Lyn	A Member of the Public	Myself	Oppose
Stellmach, Brandon	A Member of the Public	Myself	Support
Sitiwatjana, Nathania	A Member of the Public	Myself	Support
Sitiwatjana, Dayel	A Member of the Public	Myself	Support
Palanza, Anthony	A Member of the Public	Myself	Support
Mancuso, Vicki	A Member of the Public	Myself	Support
michaud, jim	A Member of the Public	Myself	Oppose
Howland, Curtis	A Member of the Public	Myself	Support

Testimony

My Dear Senators,

It is my hope that you will support SB250 and allow our New Hampshire cities and towns the ability to provide tax credits to residents of private roads. In this way, your constituents would be relieved of the burden of paying twice for essential services.

I am requesting that this email serve as my signature in support of SB250.

Thank you.

Robert Walsh

Ann Walsh

- Sterling Hull Lane, Exeter NH, 03833

SB 250 is about TAX FAIRNESS

Why is it that residents of private roads do not enjoy the same services as all other town residents? Property taxes pay for snow removal, streetlights, fire hydrants and road maintenance, refuse removal, recycling...unless you live on a private road.

House Bill SB 250 would allow towns the option of giving a tax credit to residents of private roads, compensating for these essential services. Private road residents pay the SAME PROPERTY TAXES as other town residents. Please vote for fairness! SUPPORT SB 250. Allow our town to adopt a tax credit for private community property owners. Thank you for including this message as a part of the public record.

PLEASE SUPPORT SB 250 enabling municipalities to adopt a tax credit for qualified private community property owners

Tricia Melillo

From: Janice Beetle <janice@beetlepress.com>
Sent: Monday, January 17, 2022 12:32 PM
To: James Gray; Regina Birdsell; Ruth Ward; Donna Soucy; Rebecca Perkins Kwoka; Tricia Melillo
Subject: In support of Senate Bill 250

Dear committee members,

I live in a private community called Country Club Shores in Laconia, New Hampshire. We pay a homeowner fee here that covers the cost of our weekly trash collection, the sewage system maintenance, street maintenance and repair, and winter snow plowing of our street. These services are also paid for in the property taxes I pay to the city of Laconia, so I am in favor of Senate Bill 250 and ask that you support it.

I would much appreciate a tax credit so that I am not, in essence, paying for these essential services twice.

Thank you for your consideration,

Janice
Janice Beetle

PR and communications, Beetle Press.
Book development/book writing and editing, JaniceBeetleBooks.com.
413-374-6239

Tricia Melillo

From: Frederick Lombardi <myhouse706@comcast.net>
Sent: Tuesday, January 25, 2022 8:49 PM
To: James Gray; Regina Birdsell; Ruth Ward; Donna Soucy; Rebecca Perkins Kwoka; Tricia Melillo
Subject: I would like to request your support in passing SB250 and SB246.

SB250 will allow cities and towns to grant tax credits to private road property owners.

SB246 will require developers to establish and fund a Capital Reserve Fund for all new private road developments going forward.

These Bills will be considered by the Election Law and Municipal Affairs Committee and I would like to encourage your support.

**V/r,
Frederick Lombardi
The Chase Condominiums**

Sent from my iPhone

Tricia Melillo

From: Patti Anastasia <patti.anastasia@gmail.com>
Sent: Sunday, February 6, 2022 4:47 PM
To: James Gray; Tricia Melillo; Donna Soucy; Rebecca Perkins Kwoka; Regina Birdsell; Ruth Ward
Subject: SB 250 Testimony

Dear Committee Members,

I am OPPOSED to SB 250.

SB 250 provides tax credits to qualified private community property owners for standard town services that they have chosen to not accept when they purchased property in a private community. This bill is a slippery slope that can lead to every "special" group expecting tax credits for services that they do not use based on their personal choices. I have chosen to not have children, therefore I have never used the town-funded school system. Shouldn't I get a tax credit? Should only library patrons pay the taxes to support the library? Every special interest group will start getting in line for their tax credits. Historically, throughout NH, every property owner has been subject to taxes for standard town services. Any buyer/owner in these private communities should do their due diligence and know what they are getting themselves into. There is no reason to change this.

Patricia Anastasia
50 Holstein Avenue
Londonderry, NH 03053

**MARCUS, ERRICO,
EMMER & BROOKS, P.C.**

Attorneys At Law



Dean T. Lennon
dlennon@meeb.com
admitted in: MA NH & RI

VIA E-MAIL

February 4, 2022

Senate Commerce Committee
107 North Main Street
Concord, NH 03301

RE: Senate Bill 250

Dear Committee Members:

My name is Dean Lennon and I am a member of the Community Associations Institute – New England Chapter’s NH Legislative Action Committee (“NHLAC”). As you are likely aware, the NHLAC is comprised of homeowners living in condominiums as well as professionals within the condominium industry including property managers and lawyers specializing in community association law. CAI is a nationwide organization which provides education and resources to owners living in community associations and those professionals who work with them.

I am writing on behalf of the NHLAC in support of Senate Bill 250. Our committee supports this bill as it recognizes the inequity experienced by many owners living in qualified private communities which is that they do not always receive the same municipal services that other residents do within the same city or town.

By way of example, homeowner A lives in a \$300,000 unit of a condo and homeowner B lives in a \$300,000 single family home minutes away. Both pay the same exact property tax bill but Owner B has her trash picked up, her street plowed and street lighting paid by the town. Owner A pays for all those items out of pocket by way of an HOA fee. In this example, Owner B is enjoying the fruits of tax payments while Owner A is only getting a portion back all while paying the exact same amount.

By allowing municipalities to establish a tax credit for owners within a qualified private communities, the inequity many owners experience can be fairly compensated and puts all tax paying residents on equal footing in terms of the services received in exchange for their tax dollars. Ultimately, it is simply not fair for homeowners A and B to pay the same taxes but for A to get only a percentage of services. SB 250 rights that wrong by giving municipalities the ability to address the issue if they so choose.

Senate Commerce
February 4, 2022
Page 2 of 2

For these reasons, the NHLAC lends its support for the bill and encourages the committee to recommend passage.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Lennon', with a long horizontal flourish extending to the right.

Dean T. Lennon

DTL/

Committee Election Law & Municipal Affairs

Good Morning, Senators

Thank you for the opportunity to speak in support of SB 250 at this public hearing.

My name is Dick Swett, a resident of The Vineyards at Stratham Condominium Association in Stratham, N. H.

I was elected to the Association's Board of Directors in October 2017

I have served as President of the Vineyard Board since September 2019.

I am a retired banker and I have no legal training.

However, my experience in managing the Vineyard Condominium Association affairs brings me to this Public Hearing to support SB 250 and the companion bill, SB 246.

REASONS WHY THE VINEYARD ASSOCIATION BOARD SUPPORTS SB 250

1. SB 250 eliminates the inequity in the delivery of municipal services presently existing between residents living in residential condominiums and other town residents.
2. The property tax rate is the same for Vineyard residents as for every other municipal taxpayer, but Vineyard residents do not receive comparable services as a result of the tax inequities.
3. Neither the state, the county or the town have a road category classified as "Private Roads.
4. There is no road construction standard for developers to follow when constructing a private road
 - a. private road construction quality is not consistent as there are no basic standards to meet
 - b. private roads are not constructed to the town's standards. The town will not accept the sub-standard private roads and is not willing to provide the same maintenance services as received by homes on public roads.
 - c. inferior construction standard results in unsafe roads for vehicle and pedestrian traffic
 - d. inferior road construction results in more costly maintenance and a shorter useful life for private roads.

5. The density of residential condominium units per acre of land generates substantially greater property tax revenue to the municipality than single home on a standard one acre lot.

For example;

My condominium development has 76 units. Four units are on 1.21 acres yielding property tax revenue of \$36,077.

Comparable single family units are situated on land averaging 1 acre yielding an average property tax revenue of \$9,983.

Condominium units on private roads generate property tax revenue 3.6 times the property tax revenue per acre but are denied comparable municipal services.

Frequently heard Objections to SB 250

1. Houses on private roads have a discounted market value because the homeowner does not receive the full complement of municipal services.

a. An examination of municipal assessment cards does not reveal a differentiation of the assessment process between homes on private roads and municipal roads.

b. Real estate listings do not state that a home on a private road is priced at a discounted value compared to a home on a public road, resulting in a reduced property assessment.

c. Real estate appraisals are based on comparables such as lot size, gross living area, and location. There is no market value discount for homes on private roads.

e. The town collects property taxes all the condominium's land which includes the land occupied by the private roads. In reality the condominium is paying taxes on its private roads.

f. Homes located on public roads do not get taxed on the portion of their public road frontage, yet Condominium property taxes are used to maintain public roads in front of similar homes.

2. A condominium buyer knew that the roads were private when purchasing the home.

a. The MLS listing provides minimal information under the descriptive title “Street/Road Description: Association, Cul de Sac, Paved, Private, Privately maintained.”

b. The MLS listing does not mention that “Privately Maintained” means the purchaser, through the condominium association, is responsible for the cost of snow plowing, crack sealing, pot hole repairs, and repaving costs.

c. The home appraisal does not advise the purchaser of the private road condition and possible needed repairs. My home appraisal reported the roads as “public”.

d. Home inspections do not provide any information on private road conditions or maintenance responsibilities for private roads.

e. The Condo Certs document has 58 questions that provides information to the purchaser. There is not one question on that form identifying the condominium roads as private or public.

f. Should the mantra of Caveat Emptor be public policy for municipalities to allow developers to construct substandard private roads that result in over taxation of condominium owners?

SB 250 eliminates the existing inequality in property taxes.

- The Vineyards Board of Directors strongly supports SB 250 and SB 246.

Thank you for the opportunity to make this presentation.

Proulx Oil & Propane
P O Box 419
Newmarket NH 03857
800-287-1921
csr@proulxoilandpropane.com

INVOICE

Feb 7, 2022

Account #:	298382
Invoice #:	40131
Invoice Date:	2/3/22
Total Due:	\$0.00

Richard Swett
26 Vineyard Dr
Stratham, NH 03885

TERMS: Payment Due By 02/18/2022.

Amount Enclosed: \$ _____

.....
Please Return This Portion With Your Payment
.....

Description:

Quantity	Description	Unit Price	Amount
371.8	Propane All	\$2.19	\$814.24

Sub Total: \$814.24
Compliance Fee: \$8.79
Tax Total: \$8.79

Invoice Total: \$823.03
Prev. Balance: \$-823.03

Total Due: \$0.00

Pay your invoice: <https://myaccount.proulxoilandpropane.com/>

DELIVERY TICKET UPDATE: We no longer leave a paper delivery ticket in an envelope hanging from your door after a fuel delivery has been made. Your delivery ticket is now e-mailed to you.

For Fuel or Service At: Richard Swett
26 Vineyard Dr
Stratham, NH 03885

Proulx Oil & Propane
P O Box 419
Newmarket NH 03857
800-287-1921

Account #: 298382
Invoice #: 40131
Invoice Date: 2/3/22

Tricia Melillo

From: Joseph Bellabona <joe.bellabona@gmail.com>
Sent: Monday, February 7, 2022 11:18 AM
To: James Gray; Regina Birdsell; Ruth Ward; Donna Soucy; Rebecca Perkins Kwoka; Tricia Melillo
Subject: Support Bill250

Please support Senate Bill 250 (Tax Credit for Qualified Private Communities). Senate Bill 250 allows citizens on private roads to receive a fair tax credit for services that are not received.

My wife and I are senior citizens with a home on a private road, Carmens Dr., Dover, NH. We do not receive services such as trash removal, plowing, street lighting, or any street and utilities maintenance on our private street. Our home Tax assessment is conducted yearly and based on market value. There is no assessment or tax reduction for reduced services. NH cities and towns are supporting contractor development of HOA, private roads. Our cities and towns know the same amount of taxes will be paid from these developments without providing services will reduce their expenses. Our contractor told us that the city of Dover Planning Board wanted more affordable smaller homes--but are they affordable? These services are costly, especially when there are only six families on our private road, Carmens Drive.

Finding ways to reduce private road costs could become problematic for all. Whereas well maintained private roads will benefit all, not just the families living on them. For example, Carmens Drive is a steep decline perpendicular to Sixth St in Dover, NH. Maintenance of this road is costly and if not completed will impact the busy Sixth street. Putting the burden on taxpayers living on private roads is unfair! Paying for services that you do not receive. Reducing tax burdens or providing services will benefit all.

Please provide fair taxation and safe roads for all NH citizens with your support of Bill 250. Also request this email be made part of the public record with today's hearing.

Thank you

Joseph Bellabona

10 Carmens Drive, Dover, NH 03820

Tel# 603 842- 4339

Voting Sheets

Report

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

Bill SB 250

Hearing date: 2/7

Executive Session date: 2/14/22

Motion of: OTP Vote: _____

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

Motion of: 06765 - Failed motion Vote: 2-3

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

Motion of: IS Vote: 4-1

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

Reported out by: Sen. Ward

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Monday, February 14, 2022

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **SB 250**

AN ACT

enabling municipalities to adopt a tax credit for
qualified private community property owners.

Having considered the same, the committee recommends that the Bill

BE REFERRED TO INTERIM STUDY

BY A VOTE OF: 4-1

Senator Ruth Ward
For the Committee

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of SB250

Docket Abbreviations

Bill Title: enabling municipalities to adopt a tax credit for qualified private community property owners.*Official Docket of SB250.:*

Date	Body	Description
12/14/2021	S	To Be Introduced 01/05/2022 and Referred to Election Law and Municipal Affairs; SJ 1
2/1/2022	S	Hearing: 02/07/2022, Room 100, SH, 01:00 pm; SC 6
2/15/2022	S	Committee Report: Referred to Interim Study, 02/24/2022; SC 8
2/24/2022	S	Refer to Interim Study, MA, VV; 02/24/2022; SJ 4

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 250 Senate Committee: ELMIA

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

N/A 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 # 06765 - amendment # _____

- amendment # _____ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: (Clerk's Office)

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

- amendment # _____ - amendment # _____

- amendment # _____ - amendment # _____

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

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

Enrolled Bill Amendment(s)

Governor's Veto Message

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

as amended by the senate

as amended by the house

final version

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

Tricia Melillo
Committee Aide

6/14/22
Date

Senate Clerk's Office TW