

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

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

Hearing Date: April 15, 2021

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

Members of the Committee Absent : None

Bill Analysis: This bill authorizes selectmen to demolish municipal buildings. This bill also provides for review of any proposed demolition by the heritage commission and the historic district commission, if any.

Sponsors:

Rep. Abrami

Rep. Gilman

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

Who opposes the bill: None

Who is neutral on the bill: Cordell Johnston

Summary of testimony presented in support:

Representative Patrick Abrami

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

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

David Canada – Stratham Heritage Commission

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

Representative Julie Gilman

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

Representative Patrick Abrami

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

Cordell Johnston – NH Municipal Association

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

Summary of testimony presented in opposition: None

Neutral Information Presented:

Cordell Johnston – NH Municipal Association

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

TJM

Date Hearing Report completed: April 16, 2021