

HB 82 - AS INTRODUCED

2021 SESSION

21-0065

08/06

HOUSE BILL **82**

AN ACT relative to amending a conservation easement between the state and a landowner.

SPONSORS: Rep. Berch, Ches. 1; Rep. Abbott, Ches. 1; Rep. Harvey, Ches. 1

COMMITTEE: Judiciary

ANALYSIS

This bill allows the amendment of a conservation easement between a governmental body and a landowner.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to amending a conservation easement between the state and a landowner.

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

1 1 Conservation Easements; Changes. Amend RSA 477:46 to read as follows:

2 477:46 Restrictions Enforceable. No conservation restriction held by any governmental body or
3 by a charitable, educational or other corporation, association, trust or other entity whose purposes
4 include conservation of land or water areas or of a particular such area, no preservation restriction
5 held by any governmental body or by a charitable, educational or other corporation, association,
6 trust or other entity whose purposes include preservation of structures or sites of historical
7 significance or of a particular such structure or site and no agricultural preservation restriction held
8 by any governmental body or charitable corporation, trust or other entity whose purposes include
9 preservation of land or water areas predominantly in their agricultural state shall be unenforceable
10 against any owner of the restricted land or structure on account of lack of privity of estate or
11 contract or lack of benefit to particular land or on account of the benefit being assignable or being
12 assigned to any other governmental body or to any entity with like purposes. This section shall not
13 be construed to imply that any restriction, easement, covenant or condition which does not have the
14 benefit of this section shall, on account of any provisions hereof, be unenforceable. Any doctrine of
15 law which might otherwise cause the termination of such a restriction shall not be affected by the
16 provisions of this subdivision. ***Nothing in this section shall prohibit a governmental body and***
17 ***a landowner from changing the terms of an established conservation easement, including***
18 ***but not limited to exchanging another parcel in return for easing current use restrictions,***
19 ***if such change is to correct an injustice or for any reason that advances the public good.***

20 2 Effective Date. This act shall take effect 60 days after its passage.