

SB 162-FN - AS INTRODUCED

2025 SESSION

25-1044

11/06

SENATE BILL **162-FN**

AN ACT relative to restrictions on acquisition of ownership, controlling, and occupancy interests in real property by certain foreign principals on or around certain military installations, and criminal penalties and civil forfeiture procedures for illegal acquisition.

SPONSORS: Sen. Birdsell, Dist 19; Sen. Lang, Dist 2; Sen. Avard, Dist 12; Sen. Carson, Dist 14; Sen. Innis, Dist 7; Sen. Gannon, Dist 23; Sen. Pearl, Dist 17; Sen. McGough, Dist 11

COMMITTEE: Commerce

ANALYSIS

This bill restricts foreign principals from countries of concern, or their agents, from acquiring ownership, controlling, or occupancy interests in real property within 10 miles of a protected facility.

This bill also establishes an affidavit filing requirement to confirm eligibility for acquiring such property interests and introduces criminal penalties and a forfeiture procedure for violations.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to restrictions on acquisition of ownership, controlling, and occupancy interests in real property by certain foreign principals on or around certain military installations, and criminal penalties and civil forfeiture procedures for illegal acquisition.

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

1 1 New Subdivision; Ownership or Lease of Real Property by Foreign Principals from Foreign
2 Countries of Concern. Amend RSA 477 by inserting after section 477:22-a the following new
3 subdivision:

4 Ownership or Lease of Real Property by Foreign Principals from Foreign Countries of Concern
5 477:22-b Definitions. In this subdivision:

6 I. "Company" or "development" means a sole proprietorship, organization, association,
7 corporation, partnership, trust, venture, group, subgroup, or any other entity or organization,
8 including its subsidiary or affiliate, that exists for profit-making purposes or to otherwise secure
9 economic advantage.

10 II. "Foreign country of concern" means the People's Republic of China, the Russian
11 Federation, the Islamic Republic of Iran, the Syrian Arab Republic, and the Democratic People's
12 Republic of Korea, including any agencies, institutions, instrumentalities, ruling political parties, or
13 any other entity exercising significant control over any of these listed countries.

14 III. "Foreign principal" means:

15 (a) The government or any government official, in any capacity, of a foreign country of
16 concern.

17 (b) A company, development, or other entity organized under the laws of, or having its
18 principal place of business in, a foreign country of concern.

19 (c) Any natural person who is an employee or agent of a foreign country of concern.

20 IV. "Protected facility" means the buildings, fixtures, and land contained on or within the
21 perimeters of the following:

22 (a) New Hampshire National Guard in Concord, New Hampshire.

23 (b) New Hampshire Army Aviation Support Facility in Concord, New Hampshire.

24 (c) Readiness Center of the 197th Artillery Brigade in Manchester, New Hampshire.

25 (d) Pease Air National Guard Base in Portsmouth, New Hampshire.

26 (e) New Boston Space Force Station in New Boston, New Hampshire.

27 (f) Portsmouth Naval Shipyard in Portsmouth, New Hampshire.

28 V. "Real property" means land, buildings, fixtures, and all other improvements to land.

1 VI. "Within 10 miles of a protected facility" means real property within 10 miles of a
2 protected facility, measured as the shortest distance between any portion of the real property's
3 perimeter and any portion of the protected facility's perimeter.

4 477:22-c Ownership, Control, and Occupancy; Prohibitions.

5 I. No foreign principal may acquire any ownership or controlling interest in real property
6 within 10 miles of any protected facility by any means, including but not limited to, purchase, grant,
7 contract, eminent domain, or demise.

8 II. No foreign principal may lease or otherwise enter into a contract to occupy or control, or
9 allow another foreign principal or agent to occupy or control, any real property within 10 miles of a
10 protected facility.

11 477:22-d Qualified Purchaser Affidavit Required.

12 I. Every person or entity who leases or acquires an ownership or controlling interest in
13 property within 10 miles of a protected facility shall file with the office of the attorney general,
14 within one business day of closing, or, in the case of a lease, within one business day of the delivery
15 of keys, access codes, or other methods of access to the premises, a notarized qualified purchaser
16 affidavit signed under penalty of perjury, attesting that the person acquiring an ownership or
17 controlling interest, or leasing the property:

18 (a) Is not a foreign principal or an agent of a foreign principal, as defined in this
19 subdivision;

20 (b) Has read and understands both the prohibitions in this subdivision and the penalties
21 for violations of the terms of this subdivision; and

22 (c) Is not prohibited from purchasing or leasing the property under this subdivision.

23 II. A failure to submit the qualified purchaser affidavit to the attorney general's office does
24 not affect the title or insurability of the title for the real property, or subject the listing, brokering,
25 closing, or leasing agent to civil or criminal liability, unless the agent has actual knowledge that the
26 transaction will result in a violation of this section. Nothing in this paragraph shall preclude the
27 attorney general's office from initiating a forfeiture action in accordance with RSA 477:22-f.

28 III. Failure to submit a required affidavit under this section shall result in a \$500 civil
29 penalty. Prior to an action against a natural person to impose the civil penalty, the attorney general
30 shall give notice and provide 60 days to cure the violation. No opportunity to cure shall be offered to
31 an entity in RSA 477:22-b, as knowledge of the filing requirement under this section shall be
32 imputed.

33 477:22-e Illegal Acquisition of Property by a Foreign Principal.

34 I. Acquisition of property in violation of RSA 477:22-c is a:

35 (a) Class A misdemeanor, when committed by a natural person.

36 (b) Class B felony, when committed by an entity defined in RSA 477:22-b, I.

1 II. The attorney general's office may refer a violation of this section for prosecution to the
2 county attorney's office in the county in which the subject property is located.

3 III. The attorney general's office may pursue a forfeiture action according to RSA 477:22-f
4 against a person or entity convicted of an offense under paragraph I of this section.

5 477:22-f Forfeiture of Real Property.

6 I. The department of justice may bring a forfeiture action according to this section against a
7 person or entity who secured any ownership interest in real property in violation of this subdivision
8 and who is convicted of an offense under RSA 477:22-e, I regarding that subject property.

9 II. Real property that is the subject of a conviction under RSA 477:22-e, I may be seized by
10 the state and forfeited as provided in this section. Property seized under this section may be held by
11 the state to secure it prior to forfeiture proceedings.

12 III. The state may seize the subject property by filing in the registry of deeds in the county
13 where the property is located a notice of attachment stating that the state has attached the
14 identified property pursuant to this section.

15 IV. The state shall have a lien on any property subject to forfeiture under this section upon
16 seizure of such property. Upon forfeiture, the state's title to the property relates back to the date of
17 seizure.

18 V. Within 30 days of the seizure of any real property under paragraph II, the attorney
19 general shall file a petition in the superior court of the county in which the property was seized,
20 requesting forfeiture of the property. The court shall issue an order of notice requiring the state to
21 send by certified mail a copy of the petition to all owners of the property, including those with partial
22 ownership or controlling interests, and to other persons appearing to have an interest in the
23 property. If no such petition is filed within 30 days of the seizure of the property, the property shall
24 be returned to its owners.

25 VI. Within 30 days of receipt of the attorney general's petition for forfeiture, the court shall
26 schedule a hearing. This hearing shall be conducted as a civil action. The court may order forfeiture
27 of the property seized under paragraph II if the state establishes, by a preponderance of the
28 evidence, that (a) the ownership or controlling interest in the property was acquired in violation of
29 this section, and (b) that the person or entity holding their interest in the property knew or should
30 have known that they acquired their interest in violation of this chapter.

31 VII. If forfeiture is granted, the attorney general shall provide for the disposition of the
32 forfeited property in any manner not prohibited by law, including retention of the property for
33 official use by law enforcement or other public agencies, or by sale at public auction. The attorney
34 general shall pay the reasonable expenses of the seizure, forfeiture proceeding, and sale of property
35 from the proceeds of any public auction of forfeited items or from any penalty obtained under this
36 chapter. All outstanding recorded liens on any property forfeited shall be paid in full within a
37 reasonable time following the court proceedings.

SB 162-FN - AS INTRODUCED

- Page 4 -

1 477:22-g Rulemaking. The attorney general shall adopt rules, pursuant to RSA 541-A, relative
2 to:

3 I. The contents and filing requirements for the qualified purchasing affidavit; and

4 II. Other provisions of this subdivision that the attorney general determines require
5 administrative rules.

6 2 Effective Date. This act shall take effect January 1, 2026.

**SB 162-FN- FISCAL NOTE
AS INTRODUCED**

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FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

*Expenditure = Cost of bill *Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

This could possibly result in an increase in civil cases in the Superior Court, however, there is no way to predict how many such actions would occur so any such increase is indeterminable. The Judicial Branch has provided average cost information for civil cases in the Superior Court:

NH Judicial Branch Average Civil Case Estimates

Judicial Branch Average Cost	FY 2025	FY 2026
Superior Court Complex Civil Case	\$1,430	\$1,473
Superior Court Routine Civil Case	\$535	\$552

Common Civil Case Fees

Superior Court Fees	As of 2/12/2020
Original Entry Fee	\$280
Third-Party Claim	\$280
Motion to Reopen	\$160

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association