

Senate Executive Departments and Administration Committee

Ben Mickens 271-1403

SB 527, relative to written notice provided by state agencies to municipalities regarding pending applications.

Hearing Date: January 28, 2026

Time Opened: 9:00 a.m.

Time Closed: 9:18 a.m.

Members of the Committee Present: Senators Pearl and Reardon

Members of the Committee Absent : Senators McGough, Gannon and Altschiller

Bill Analysis: This bill broadens the scope of what comprises notice from first class mail to all written forms of notice.

Sponsors:

Sen. Lang

Sen. Pearl

Sen. Watters

Sen. Sullivan

Sen. Murphy

Sen. Innis

Who supports the bill: Senator Tim Lang, Senator Dan Innis, Adam Crepeau (NHDES), Adam Schmidt (NH Association of Realtors).

Who opposes the bill: Brodie Deshaies (NHMA)

Who is neutral on the bill: No one.

Summary of testimony presented in support:

Senator Lang (Prime)

- This is a request of DES.
- This came as part of the JLACR conversations.
- It is essentially focused on streamlining the process of getting information out and in a cost-effective manner.

Adam Crepeau, Assistant Commissioner, Department of Environmental Services

- This is coming in response to the growth of e-commerce. The department is working to do more business online for ease of access.

- There is a law which requires state agencies to notify municipalities by mail, this causes us to send an incredible amount of postage throughout the year. This change would allow us to do this digitally.
- We would also like to suggest some amendments.
 - One where the applicant has to submit the notification to local authorities, rather than DES.
 - Also, an amendment to allow us to control the timeline on when these notifications need to go out.
- I will share language for possible amendments.

Senator Pearl asked if moving the notification requirements from agency to applicant would make an additional cost.

Assistant Commissioner Crepeau stated that it would be a light cost. DES would require the applicant to provide the email address used for them to then verify receipt.

Senator Pearl clarified that DES is asking applicants to provide notification information, but not necessarily the actual notification to the towns.

Assistant Commissioner Crepeau stated this was true for the underlying bill. There are two notifications: One for the town, which is addressed by the underlying bill, and second related to local advisory committees focused on water. We would ask the applicant to take up the local advisory notifications.

Senator Pearl asked what happens if the applicant and town disagree on whether a notification was received or not.

Assistant Commissioner Crepeau said that there was staff who would investigate if the proper email was used. We also publish online when applications are received. The town and the applicant can check.

Senator Pearl reiterated his concern with the shift of responsibility.

Senator Reardon asked to confirm the details of “postal receipt” in the amendment, and have we looked at what qualifies as notification to abutters.

Assistant Commissioner Crepeau stated that this is currently the agency’s responsibility and we are looking for places to increase efficiency. We still may have situations where we must do the work manually.

Summary of testimony presented in opposition:

Brodie Deshaies, NHMA

- We are opposed as presented, however are sympathetic to the underlying problem.
- The key concern is how the state can ensure receipt, especially electronically.

- This could especially be a problem for our smaller towns.
- Additionally,
 - Not all towns have access to electronic documentation.
 - Some towns do not list clerks' emails publicly.
 - Others may use personal emails for clerk related business
- We want to try and get the relevant contact info for clerks and towns across the state, and are willing to work on the bill, however we believe it needs more time.

Senator Reardon there is an evidentiary rule for mail when properly received. What about electronic emails, is there an evidentiary rule governing that?

Mr. Deshaies agrees that a paper record would be important, especially if there is any litigation.

Neutral Information Presented: None.

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Date Hearing Report completed: January 30, 2026