

**Senate Election Law and Municipal Affairs Committee**  
*Jessica Bourque 271-2104*

**HB 373-LOCAL**, relative to the management and regulation of town real property.

**Hearing Date:** May 6, 2025

**Time Opened:** 9:56 a.m.

**Time Closed:** 10:01 a.m.

**Members of the Committee Present:** Senators Gray, Perkins Kwoka and Long

**Members of the Committee Absent:** Senators Lang and Rochefort

**Bill Analysis:** This bill:

I. Requires selectmen to obtain an approval vote to rent or lease a specified real property owned by the town for a period of more than one year and up to 99 years.

II. Provides that selectmen can enter into leases of any real property owned by the town for up to one year without action by the legislative body, and that selectmen may be granted universal authority by an approval vote of the legislative body to enter into leases of any real property owned by the town for up to 5 years.

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**Sponsors:**

Rep. Pauer

Rep. Edgar

Rep. McGrath

Rep. Muns

Rep. Cole

Rep. T. Dolan

Rep. Franz

Rep. Fracht

Sen. Rochefort

Sen. Watters

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**Who supports the bill:** Rep. Diane Pauer

**Who opposes the bill:** No one

**Summary of testimony presented:**

**Representative Diane Pauer, Prime Sponsor, Hillsborough-District 36**

- Some towns believe that any long-term lease agreements need to be approved by the voters every 5 years, which is incorrect.
- The Senate attempted to address this issue last year, but Senator Altschiller's amendment failed in Committee of Conference.
- It is crucial for the legislature to clarify this statute, as it is being misinterpreted and misapplied.
- Two examples of recent instances:

- In Brookline, in 2019, a warrant article was passed to allow the selectmen to enter into a lease agreement with individual tenants for 13 years. However, now there is a warrant article every 5 years renewing the authorization to allow the selectmen to continue that lease for another period of 5 years.
- Last year, as part of a half-billion-dollar revitalization proposal, Hampton wanted to enter a lease with the abutter of less than 1/10th of a mile of unused town road. Some interpreted the statute to mean that the legislative body would have to vote every five years to allow the selectmen to continue leasing that bit of road to the developer.
- Section II of the bill clarifies that a legislative body may enter into an agreement without approval if the lease is for less than one year. If the lease exceeds one year, it states that, if approved by the legislative body, a select board may enter into that agreement for up to 99 years without needing ongoing approval every five years.

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Date Hearing Report completed: May 7, 2025