

Amendment to HB 1091

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to unauthorized camping on private property.

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5 Amend the bill by replacing all after the enacting clause with the following:

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7 1 Findings and Purpose. The general court finds that:

8 I. Unauthorized camping on public and private property in densely populated municipalities
9 presents significant challenges to public health, sanitation, and safety, and interferes with the rights
10 of property owners.

11 II. Municipalities have an interest in ensuring that land is not used for habitation without
12 appropriate consent, oversight, and provision for waste disposal and emergency access.

13 III. While current law prohibits camping on public rights-of-way and public property
14 without permission, there is no parallel prohibition governing unauthorized camping on private land
15 in larger municipalities, which has resulted in conflicts between landowners, municipalities, and law
16 enforcement.

17 IV. It is therefore the purpose of this act to extend existing protections against unauthorized
18 camping to private property in municipalities of more than 10,000 residents, to clarify the role of law
19 enforcement in such matters, and to preserve both public order and private property rights.

20 2 Private Property Camping Restriction. Amend RSA 236:58 and the subdivision heading
21 preceding RSA 236:58 to read as follows:

22 Camping Along Highways and on Public *and Private* Property

23 236:58 Camping Restricted.

24 I. No person shall pitch a tent or place or erect any other camping device or sleep on the
25 ground within the public right-of-way or on public property unless permission is received from the
26 governing board of the governmental authority having jurisdiction over such public right-of-way or
27 property.

28 ***II.(a) In any municipality with a population greater than 10,000 as determined by***
29 ***the most recent federal decennial census, no person shall camp, erect a tent, place or erect***
30 ***any other camping device, or sleep on the ground upon private property unless:***

31 ***(1) The person has written permission from the owner of the property; or***

1 (2) *The property owner is continuously present on the premises at the time of*
2 *such camping and consents to the activity.*

3 (b) *This paragraph shall not apply to campsites or recreational campgrounds*
4 *or camping parks regulated pursuant to RSA 216-I.*

5 III. *In enforcement of paragraph II of this section, law enforcement officials shall*
6 *not be required to obtain or rely upon a written no trespass order from the property owner*
7 *if the person cannot satisfy either subparagraph II(a)(1) or (2).*

8 3 Additional Penalty for Camping on Private Property. Amend RSA 236:59 to read as follows:

9 236:59 Penalty. Any person who violates RSA 236:58 shall be guilty of a violation if a natural
10 person, or guilty of a misdemeanor if any other person; and, in addition, shall be liable for the cost of
11 restoration for any damage caused to a highway easement or right-of-way ***or to private land***
12 ***disturbed by such unlawful camping.***

13 4 Effective Date. This act shall take effect January 1, 2027.

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AMENDED ANALYSIS

This bill prohibits camping without permission on another's private property and adds penalties for such violations.