

HB 373-LOCAL - AS INTRODUCED

2025 SESSION

25-0426
02/06

HOUSE BILL

373-LOCAL

AN ACT relative to the management and regulation of town real property.

SPONSORS: Rep. Pauer, Hills. 36; Rep. Edgar, Rock. 29; Rep. McGrath, Rock. 40; Rep. Muns, Rock. 29; Rep. Cole, Hills. 26; Rep. T. Dolan, Rock. 16; Rep. Franz, Graf. 6; Rep. Fracht, Graf. 16; Sen. Rochefort, Dist 1; Sen. Watters, Dist 4

COMMITTEE: Municipal and County Government

ANALYSIS

This bill requires select boards to attain a 3/5 majority vote to rent or lease real property owned by the town for a period of more than one year. It also authorizes the legislative body, through a 3/5 majority vote, to grant or rescind the select board's authority to rent or lease any municipal property under their control for a term of up to 5 years.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 the management and regulation of town real property.

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

1 1 Town Property. Amend RSA 41:11-a to read as follows:

2 41:11-a Town Property.

3 I. The ~~[selectmen]~~ **select board** shall have authority to manage all real property owned by
4 the town and to regulate its use, unless such management and regulation is delegated to other public
5 officers by vote of the town, or is governed by other statutes, including but not limited to RSA 31:112,
6 RSA 35-B, RSA 36-A:4, and RSA 202-A:6.

7 II. The authority under paragraph I shall include the power to rent or lease such property
8 during periods not needed for public use, ~~[provided, however, that any rental or lease agreement for~~
9 ~~a period of more than one year shall not be valid unless ratified by vote of the town.]~~ **subject to the**
10 **following provisions:**

11 (a) *If the proposed lease is for one year or less, then the select board may lease*
12 *the property without further action by the town meeting;*

13 (b) *If the proposed lease is for more than one year, then the town meeting shall*
14 *vote by a 3/5 majority at an annual or special meeting to grant the select board the*
15 *authority to rent or lease a specific municipal property for an amount of time specified in*
16 *the question, not to exceed 99 years. Voting on the question shall be by ballot, but the*
17 *question shall not be placed on the official ballot used to elect officers, except in the case of*
18 *a legislative body that uses an official ballot form of meeting under RSA 40:13 or under a*
19 *charter adopted pursuant to RSA 49-D. Polls shall remain open and ballots shall be*
20 *accepted by the moderator for a period of not less than one hour following the completion*
21 *of discussion on the question.*

22 III. Notwithstanding paragraph II, the legislative body may vote ~~[to authorize the board of~~
23 ~~selectmen]~~ **by a 3/5 majority at an annual or special meeting to grant the select board the**
24 **authority, or rescind such authority previously granted,** to rent or lease **any** municipal
25 property **under their control** for a term of up to 5 years ~~[without further vote or ratification of the~~
26 ~~town]~~. **Voting on the question shall be by ballot, but the question shall not be placed on the**
27 **official ballot used to elect officers, except in the case of a legislative body that uses an**
28 **official ballot form of meeting under RSA 40:13 or under a charter adopted pursuant to**
29 **RSA 49-D. Polls shall remain open and ballots shall be accepted by the moderator for a**
30 **period of not less than one hour following the completion of discussion on the question.**

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1 Once adopted, this authority shall remain in effect until specifically rescinded by the legislative body
2 at any duly warned meeting, ~~[provided that the term of any lease entered into prior to the rescission~~
3 ~~shall remain in effect]~~ ***however, such rescission shall not terminate any existing leases.***

4 2 Effective Date. This act shall take effect 60 days after its passage.