

HB 490 - AS INTRODUCED

2025 SESSION

25-0766

09/05

HOUSE BILL

490

AN ACT relative to indemnification for municipalities adopting policies to address homelessness.

SPONSORS: Rep. H. Howard, Straf. 4; Rep. Bay, Straf. 21; Rep. Maggiore, Rock. 23; Rep. Malone, Straf. 9; Rep. Newell, Ches. 4; Rep. Plamondon, Hills. 3; Rep. Seibert, Hills. 21; Rep. Veilleux, Hills. 34; Rep. A. Murray, Hills. 20; Rep. Khan, Rock. 30; Sen. Watters, Dist 4

COMMITTEE: Municipal and County Government

ANALYSIS

This bill allows public property to be used to aid and shelter the homeless and indemnifies the governmental unit from claims for injury related to such aid and shelter absent intentional misconduct or a conscious disregard for safety.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 indemnification for municipalities adopting policies to address homelessness.

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

1 1 Use of Public Property; Aid for the Homeless. Amend RSA 35-B:6 to read as follows:

2 35-B:6 Use of Public Property.

3 ***I.*** All public property may be used for leisure time activities ***and temporary shelter***
4 ***and/or aid for the homeless***, provided that prior approval for its use has been granted by the
5 appropriate authority in charge of that property. A cooperating agency may establish its own system
6 of just compensation for the ***leisure time*** use of such properties. Similarly, any authority or body in
7 charge of any public property may refuse use of its property for leisure service activities ***or***
8 ***providing temporary shelter and/or aid to the homeless*** if interference in the intended use of
9 the property would result.

10 ***II.*** ***Notwithstanding RSA 507-B:2, the appropriate authority in charge of the public***
11 ***property or any of its employees shall not be held liable for damages in any civil action***
12 ***alleging negligence related to their duty of care to a designated area created to aid and/or***
13 ***provide temporary shelter for the homeless or its residents.***

14 ***III.*** ***Any action to recover damages arising out of the appropriate authority in***
15 ***charge of public property or any of its employees' duty of care related to a designated area***
16 ***created to aid and/or provide temporary shelter for the homeless and/or its residents shall***
17 ***be dismissed unless the complaint describes with particularity the means by which the***
18 ***appropriate authority in charge of public property or its employees intentionally acted to***
19 ***create the harm or risk of harm complained of, or acted with a conscious disregard for the***
20 ***safety of others.***

21 **2** New Section; Bodily Injury Actions Against Governmental Units; Aid for the Homeless.
22 Amend RSA 507-B by inserting after section 11 the following new section:

23 507-B:12 Aid and Shelter for the Homeless. A governmental unit that provides, permits, or
24 participates in the provision of temporary shelter, food, clothing, or other assistance to persons it
25 considers to be in need shall not have a duty of care to prevent, and shall not be liable for, bodily
26 injury, personal injury, or property damage arising from or related to such aid, unless the injury or
27 damage was caused by the governmental unit's intentional misconduct or the governmental unit
28 acted with a conscious disregard for the safety of others. A governmental unit providing temporary
29 shelter shall be exempt from all statutes and common law pertaining to tenancy and occupancy.

30 3 Effective Date. This act shall take effect 60 days after its passage.