



January 17, 2012

The Honorable Beverly Ferrante, Chair
House Municipal & County Government Committee
Legislative Office Building, Room 301
Concord, NH 03301

Subject: HB 1515, relative to the assessment of the land use change tax and the use of land use change tax revenues

Dear Representative Ferrante:

The New Hampshire Planners Association, representing 200 land use planning professionals in our state, is writing to express our strong opposition to HB 1515. This bill would strip municipalities of the power to decide how to spend land use change tax revenues and would impose standards that could have a highly detrimental impact on the use of the Current Use laws and their success at conserving land statewide.

As municipalities develop their master plans under the delegated powers of RSA 674:2, one of their preeminent concerns relates to the conservation of important natural resources, such as water supply areas, critical habitat, prime agriculture lands, or treasured viewsheds. Yet government is constitutionally constrained against taking private property, no matter how important the resources it contains. Rather, we must buy it at fair market value from willing sellers. In those communities that have chosen to allocate a portion of their land use change tax toward the local conservation fund, those tax revenues have been a vital contributor to thoughtful conservation.

Sections 1 through 5 of HB 1515 would impose draconian measures on property owners that failed to timely pay their land use change tax, potentially resulting in confiscation of the private property by the municipality. Under such circumstances, it is difficult to imagine why a property owner would want to take the risk of enrolling in current use.

Sections 6 and 8 of the bill would eliminate the power of municipalities to allocate any portion of the land use change tax revenues to conservation uses, and they would eliminate the local non-lapsing conservation fund. There is nothing in the law as it stands today that compels municipalities to use these tools; they are simply available as an option for a community's use.

The Current Use law has been a bulwark. For these reasons, we urge your committee to find HB 1515 "inexpedient to legislate." Thank you for this opportunity to provide comment on the bill.

Sincerely,

Timothy J. Corwin, Esq.
Legislative Liaison