

LEGISLATIVE BULLETIN

Still Waiting . . .

We wrote in last Friday’s Bulletin that we hoped to have more information this week about what is happening at the legislature. And we do—but not much. As we noted previously, the House and Senate are exploring ways for committees to meet remotely—the hang-up seems to be managing public testimony—and committee chairs have been asked to identify their highest priority bills so they can act on them in what may be a truncated legislative session.

We understand there is still some hope in the House of meeting its self-imposed deadlines for acting on legislation, including the June 4 deadline for ending the legislative session. That will be a challenge—but apparently we are not the only ones who would be happy to have the session over by the beginning of summer.

Virtual committee meetings are one thing; a meeting of the entire 400-member House is quite another. We understand consideration may be given to meeting in a facility that is large enough to accommodate the full membership while still allowing for appropriate “social distancing.”

Meanwhile, a large number of Senate bills were still awaiting action when the Senate’s deadline for acting on them passed just after the state of emergency was declared. This means the Senate will have to either extend its deadlines or let those bills die.

Life in interesting times. We hope, again, to have more information next week.

Emergency Order Regarding Abatement of Interest

Last Friday the governor issued [Emergency Order #25](#), authorizing a local option for providing blanket abatements of interest charged on delinquent property taxes, and suspending tax deeding during the state of emergency. We believe the order was intended to apply to the upcoming semi-annual property tax bills that most municipalities will be issuing in June with a payment due date of July 1 (or 30 days after issuance of the bill). However, it is unclear whether the order applies to interest

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GOVERNMENT AFFAIRS CONTACT INFORMATION

Margaret M.L. Byrnes,
Executive Director

Cordell A. Johnston,
Government Affairs Counsel

Barbara T. Reid,
Government Finance Advisor

Natch Greyes,
Municipal Services Counsel

Timothy W. Fortier,
Communications Coordinator



25 Triangle Park Drive
Concord NH 03301
Tel: 603.224.7447
EM: governmentaffairs@nhmunicipal.org
Website: www.nhmunicipal.org

on delinquent property tax bills already issued or on bills to be issued in June. There are other questions about the effective period of any abatements, due to the phrase “for the duration of the State of Emergency,” and questions about the ability of municipalities to proceed with tax lien procedures, as many tax collectors do at this time of the year.

Following issuance of the order, NHMA submitted a list of questions to the attorney general’s office seeking clarification of the intent and application of Emergency Order #25. A copy of NHMA’s Questions Regarding Emergency Order #25 is available [here](#). We will provide further guidance when we receive responses to these questions. As there is no immediate need to take action on the abatement of interest on property taxes, we recommend that municipalities not enact the local option authority provided by Emergency Order #25 until clarification is provided.

Federal Funding Update

In addition to the FEMA funding explained below, NHMA continues to monitor federal funding being provided through the Coronavirus Aid, Relief, and Economic Security Act (known as the CARES Act), and other pending federal legislation proposing to provide direct assistance to municipalities with populations under 500,000. This week NHMA participated in a White House conference call in which numerous federal agency officials described the current status of funding and issuance of guidelines for programs under the CARES Act that may directly or indirectly affect municipalities. Our understanding from that call is that federal agencies are still working on the allocation formulas and guidelines for the myriad of programs funded under the act. Of course, what we and everyone else want to know is how much money is coming to our state, and how that money will be used. Much of that has yet to be determined, but here are a few things we do know:

- New Hampshire will receive **\$1.25 billion** from the State and Local Coronavirus Relief Fund under the CARES Act. That money will go directly to the state, and while there is no provision for the state to distribute any to local governments, that is something NHMA will certainly be advocating for. The United States Treasury Department is drafting guidelines for the use of that money and anticipates that those guidelines may be issued by the end of next week. Members of New Hampshire’s congressional delegation, along with other federal legislators, are pushing for flexibility in those guidelines so states can use the funds to mitigate the short- and long-term economic impacts, including both increased costs *and* revenue losses, at the state and local levels of government as a result of the pandemic.
- The United States Department of Justice recently awarded New Hampshire **\$3.4 million** under the Byrne-Justice Assistance Grant program (Byrne-JAG) of the CARES Act. Allowable projects and purchases include, but are not limited to, overtime, equipment (including law enforcement and medical personal protective equipment), hiring, supplies (such as gloves, masks, sanitizer), training, travel expenses, and addressing the medical needs of inmates in state and local prisons, jails, and detention centers. The New Hampshire Department of Justice is currently accepting grant applications from state agencies, local governments, and entities whose primary mission is as first responders. Information regarding the grant application is available on the [Department of Justice website](#).

Additionally, any municipality that was eligible for a Byrne-JAG grant in 2019 is eligible to apply for funding directly from the United States Department of Justice. The application deadline for direct

funding is May 29, 2020. Additional information on this direct funding is available on the [Department of Justice website](#).

- This week the governor announced the establishment of the Governor’s Office for Emergency Relief and Recovery (GOFERR). This office will be charged with the investment and oversight of COVID-19 relief and stimulus funds provided to New Hampshire by the federal government. The office will manage the accounting, auditing, legal, and IT requirements surrounding these investments and will ensure transparency and accountability measures to the citizens of New Hampshire for all relief and stimulus efforts.

Election Assistance

One of the many concerns on the minds of local officials is how to conduct elections this year without jeopardizing the health of voters or poll workers. While most New Hampshire towns held their elections on March 10, just before the state of emergency was declared, some have elections in April and May. Even if, as expected, most of those elections are postponed to June or July, no one expects New Hampshire to be coronavirus-free by then; and a larger problem is looming—the state primary in September and general election in November.

Some help may be on the way. Governor Sununu said in a press conference yesterday that the attorney general will soon issue a “guidance” document stating that anyone who is concerned about the coronavirus is entitled to vote by absentee ballot. We will be interested to see that document, and we will share it as soon as it is available.

However, that is unlikely to solve the entire problem. While presumably many voters will choose to vote by absentee ballot, many may not. An election still must be held, which means moderators, clerks, selectmen, supervisors of the checklist, and ballot clerks must still show up and spend most of a day in a confined space interacting with some number of in-person voters. Especially considering that a large percentage, quite possibly a majority, of election officials are over 60, it will be a challenge to accomplish this safely.

The federal CARES Act includes \$400 million in new Help America Vote Act (HAVA) emergency funds, made available to states “to prevent, prepare for, and respond to the coronavirus for the 2020 federal election cycle.” New Hampshire’s share of that amount is approximately \$3.2 million. There is no word yet on what the state plans to do with that money, but it could go a long way toward helping cities and towns make their polling places safer. We will monitor this situation closely, and we encourage local officials to be in touch with their legislators and other state officials to share their ideas and concerns.

FEMA Assistance Approved

The Federal Emergency Management Agency (FEMA) recently gave [public notice](#) of its intent to provide financial assistance to the State of New Hampshire, local governments, and certain private nonprofit organizations under the national emergency declaration issued by the president on March 13. FEMA will provide financial and/or direct assistance to the State of New Hampshire under Category B of the Public Assistance Program as authorized by Section 502 of the Stafford Disaster Relief and Emergency Assistance Act. Eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials may be reimbursed under Public Assistance Category B. State and local government entities and certain private nonprofit organizations throughout the entire state are eligible to apply for assistance.

The New Hampshire Division of Homeland Security and Emergency Management (HSEM) will be disseminating information regarding Public Assistance Category B program guidelines and the application process in the near future. As we advised in last week’s [Bulletin](#), be sure to track your COVID-19-related expenses for possible reimbursement under this program or other federal programs.

Survey on Municipal Needs

As mentioned above, we have been encouraging municipalities to keep careful track of their expenditures and lost revenues related to the COVID-19 pandemic. To get a better sense of those costs as the state begins to plan how it will use the \$1.25 billion in federal aid (see “Federal Funding Update,” above), NHMA is preparing a survey that we plan to distribute to all municipalities. This will help us make the case for municipalities to state officials overseeing the spending those funds. We are just beginning to prepare the survey, but we hope to have it to all municipalities by April 24.

Legislative Policy Process Update

As stated previously, we have postponed NHMA’s legislative policy process. We are looking at dates in late May for the rescheduled organizational meeting of the policy committees, originally scheduled for last Friday. We are also extending the deadline to submit legislative policy proposals to June 12. [Go to our website](#) for the legislative policy proposal form.

We will publish an update when we have more details. Thank you for your patience—we look forward to meeting with all our policy committee members, either virtually or in person, as soon as we can.

2020 NHMA UPCOMING MEMBER EVENTS	
Apr. 15	Webinar: ZBA Basics in New Hampshire (12:00 – 1:00 p.m. online) [Rescheduled from April 8 th .]
Apr. 17	Virtual Workshop: Hot Topics in Road Law (online)
Please visit www.nhmunicipal.org for the most up-to-date information regarding our upcoming training opportunities and events. For more information, please call NHMA’s Workshop registration line: (603) 230-3350.	