

Issuance of No Trespass Orders: *A Guide for Municipalities*



An Advisory of the New Hampshire Municipal Association
September 2026

Summary of Changes Pursuant to [2026 Chapter Law 339](#) (HB 1184)

Establishment of RSA 635:2-a, Order Against Trespass on Public Property: [2026 Chapter Law 339](#) (HB 1184) establishes RSA 635:2-a, Criminal Trespass; Order Against Trespass on Public Property. The law establishes a newly required process for how emergency no trespass orders (NTO) are issued, when the NTO expires, and how NTOs can be rescinded, modified, or continued for a defined period. Additionally, the process includes informing persons subject to an NTO of how to appeal the order to the governing body and request a public hearing and appeal the governing body's decision to the superior court. Further, governing bodies are required to review all existing NTOs upon the effective date of the new law (October 18, 2026) and have 90 calendar days to reissue or rescind the NTO in accordance with the provisions of the new law.

Under the new law, a governing body responsible for public property, or their designee, may issue an NTO directing a person to leave or not enter specified public property when “immediate action is reasonably necessary to protect public safety, prevent substantial disruption of governmental operations, or prevent damage to public property.” It is important to adequately and properly post the spaces of public property that are secured premises or areas that are not open to the general public. In RSA 635:2, the Criminal Trespass statute, “secured premise” means “any place which is posted in a manner prescribed by law or in a manner reasonably likely to come to the attention of intruders, or which is fenced or otherwise enclosed in a manner designed to exclude intruders.”

If a person is instructed to leave or not enter specified public property, then an emergency NTO may be issued and must be in writing. The NTO shall:

- State the date and time of issuance;
- Identify the specific public property to which the order applies;
- Provide a brief statement of the factual basis for the emergency issuance;
- State the expiration date and time of the NTO; and
- State that the person may request a hearing on the NTO.

The NTO shall be effective immediately upon issuance and shall expire after 35 calendar days unless the governing body seeks to extend the duration of the NTO. Any extension of an NTO by the governing body shall be done:

- By a majority vote taken by a roll call vote;
- At a duly noticed public meeting, or during a non-public session if permitted under RSA 91-A and requested by the individual subject to the NTO.

If the governing body extends or approves the NTO following the procedures established under RSA 635:2-a, then the NTO shall include:

- The date of issuance;
- The specific public property to which the order applies;
- A clear explanation of the reason for the NTO;
- The duration of the NTO, not to exceed one year;
- A statement informing the individual of the right to request a hearing to contest the NTO;
- Instructions on how to request a hearing; and
- A statement informing the individual of the right to appeal an adverse decision to the superior court.

The individual subject to the NTO shall have the right to a hearing upon written request, and the request must be made no later than 10 calendar days from the date of issuance or governing body approval of the NTO. If the individual subject to the NTO requests a hearing, the governing body shall hold the hearing at its next regularly scheduled meeting. If a hearing is not held at the next regularly scheduled meeting or if action is not taken to extend the initial emergency NTO within the required 35 days, the NTO will be automatically vacated. The only exception is if the delay is attributable to the individual requesting the hearing.

Following the hearing requested by the individual subject to the NTO, the governing body shall issue a written decision stating whether the NTO was rescinded, modified, or continued for a defined period, not to exceed one year. The final decision of the governing body may be appealed to the superior court within 30 days of the written decision.

Additionally, the new law requires the governing body to review all NTOs effective on October 18, 2026, within 90 days (by Saturday, January 16, 2027) and reissue or rescind them in accordance with the new law. If no action is taken, the NTO will be rescinded on January 16, 2027.

It is recommended that the governing body or town or city manager update or adopt a policy to align with the provisions of RSA 635:2-a. Further, it is recommended that the policy should provide formal designations regarding who can issue NTOs, and a draft

form for issuing NTOs. As mentioned above, public property and spaces that are secured places and not to be accessed by the general public should be adequately and properly posted, and these spaces should be secured. Local officials should also review RSA 635:2, the process for criminal trespass if an NTO is violated.

Effective Date for RSA 635:2-a: October 18, 2026

Repeal Date for RSA 635:2-a, VII: August 19, 2026

Statutes Established: RSA 635:2-a