



New Hampshire Municipal Association

April 29, 2020

Acceptance and Expenditure of CARES Act Assistance by Local Government

New Hampshire law permits municipalities to authorize acceptance and expenditure of funds from the state, federal or other governmental unit, or a private source, which becomes available during the fiscal year. [RSA 31:95-b](#). In most municipalities the town meeting or legislative body (i.e., town or city council, board of aldermen, etc.) have previously granted authority to the select board or governing body to accept and expend such grants. Once authorized, a grant in the amount of \$10,000 or more must be approved by the governing body at a public hearing, with notice of the hearing published in a newspaper of general circulation in the relevant municipality at least 7 days before the hearing is held. For grants of less than \$10,000, these may be accepted by vote of the select board at a public meeting provided notice of the proposed acceptance is noted in the published agenda and recorded in the minutes. Any such accepted grant cannot require the expenditure of other town or village district funds except those funds lawfully appropriated for the same purpose.

Notwithstanding RSA 31:95-b, [RSA 21-P:43](#) would permit acceptance and expenditure of CARES Act grants in any amount, including amounts of \$10,000 or greater, without a public hearing or notice being published in a newspaper 7 days in advance. RSA 21-P:43 states that gifts, grants or loans for emergency management purposes may be accepted by the “executive officer, city council, or board of selectmen.” There is no public hearing requirement. Although this law would seemingly permit a city manager, town manager, or mayor to accept and expend a CARES grant, we think the better practice is to have the city or town council, select board or board of commissioners vote to accept and expend a CARES Act gift or grant. In order for a public body to accept a CARES Act, grant a public meeting would be required, which could be conducted in a virtual manner, and the ordinary notice requirements for public meetings under RSA 91-A should be followed.