

New Hampshire Council on Resources and Development

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New Hampshire Surplus Land Review Process

Prior to the release of any real estate interest possessed by an agency of the State of New Hampshire, that interest must undergo a review process. Such property interests range from complete ownership (“fee simple”) down to leases of space in state-owned office buildings. RSA 4:40, the controlling statute, calls for the Council on Resources and Development to advise the Long Range Capital Planning and Utilization Committee on any state agency request to dispose of a property interest with the exception of real estate purchased with state or federal highway funds or turnpike funds (RSA 4:39-c).

The Council on Resources and Development (CORD) is composed of the chief executives of twelve state agencies, identified in RSA 162-C:2. CORD is required to meet at least quarterly, but generally meets on a bi-monthly basis. CORD is chaired by the Director of the Office of Energy and Planning (OEP) and OEP staff provides administrative support to CORD.

A state agency request to dispose of property is circulated to CORD members in advance of CORD meetings for the purpose of allowing full and timely review of the disposal request. As a matter of standing CORD policy, CORD member agencies are given thirty days to review such requests.

Because RSA 4:40 provides for acquisition of the property by the municipality or county in which the property is situated, both the municipality and the county are notified of the CORD review process at the time materials are distributed to CORD member agencies for their review and comment. In addition, the relevant regional planning commission is notified; this is not a statutory requirement, but is done to afford the opportunity to comment.

Three other bodies are given the opportunity to comment on the land disposal process. Before state land may be recommended for disposal by CORD, the Rivers Management Advisory Committee (RMAC) (RSA 483:8, VI and 483:14) and the Lakes Management Advisory Committee (LMAC) (RSA 483-A:5, II) both must review and make a recommendation on the proposal. The Public Water Access Advisory Board (PWAAB) (RSA 233-A) is also asked to comment upon proposals to dispose of state property, since they serve as an advisory committee to CORD.

After CORD makes a recommendation that property is no longer needed by the state, the proposal is submitted to the Legislative Long-Range Capital Planning and Utilization Committee for its review and recommendation. With that body’s review and approval, the proposal is then submitted to the Governor and Executive Council.

Finally, in all instances, the NH Housing Finance Authority arguably has preemptive authority under RSA 204-D:2 to acquire state property, irrespective of RSA 4:40 and the CORD review process.

Regardless of the statutory route through which the state ultimately surpluses property, in all circumstances the decision to initiate the process lies with the agency controlling that property.

If you have any questions about CORD’s role in the surplus land process, feel free to contact Dari Sassan at 271-2155 or dari.sassan@nh.gov.

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