Before a state agency may dispose of state owned real estate, the proposal must undergo a review process beginning with the Council on Resources and Development (CORD). RSA 4:40 requires CORD to advise the Long Range Capital Planning and Utilization Committee on any state agency request to dispose of a state owned property interest (with the exception of real estate purchased with state or federal highway funds or turnpike funds as outlined in RSA 4:39-c and RSA 228:31-b). Such property interests range from complete ownership (a so-called “fee simple” interest) to leases of space in a state-owned office building.

CORD is composed of the heads of twelve agency members, as identified in RSA 162-C:1 (and listed below). CORD is chaired by the Director of the Office of Strategic Initiates (OSI) (formerly the Office of Energy and Planning) and OSI staff provides CORD’s administrative support. CORD is required to meet at least quarterly, but generally meets every other month.

An agency request to dispose of state owned property is first 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, members are provided with at least thirty days to review applications prior to CORD review.

Because RSA 4:40, I provides an option for acquisition of the property by the municipality or county in which the property is situated, both the municipality and the county are also notified of the CORD review process at the time materials are distributed to CORD members. 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 additional bodies are provided with the opportunity to comment on the land disposal process. Before state land may be recommended for disposal by CORD, the Rivers Management Advisory Committee (pursuant to RSA 483:8, VI and RSA 483:14) and the Lakes Management Advisory Committee (pursuant to RSA 483-A:5, II) both must review and make a recommendation on the proposal. The Public Water Access Advisory Board is also asked to review and comment upon proposals to dispose state property, as it serves as an advisory committee to CORD per RSA 233-A:2, II(c).

After CORD makes a recommendation, the proposal is submitted to the Legislative Long Range Capital Planning and Utilization Committee for its review and ultimate recommendation. Assuming that body’s review and approval, the proposal is then submitted to the Governor and Executive Council.

In all instances, the New Hampshire 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 Michael Klass at 271-6651 or michael.klass@osi.nh.gov.

December 6, 2017