



# NEW HAMPSHIRE

## OVERVIEW

News reports revealed no reported condemnations for private parties in New Hampshire between 1998 and 2002. This admirable restraint probably results in part from a decision of the New Hampshire Supreme Court in 1980 holding that New Hampshire's constitution did not allow condemnations for "economic development,"<sup>443</sup> i.e., local governments could not take land for private businesses on the premise that the business would create jobs and pay taxes. One legislative attempt to increase compensation for condemned businesses failed in 2002, but New Hampshire remains one of the best states to own a home or business without fear of it being taken for another private party.

<sup>443</sup> See *Merrill v. City of Manchester*, 499 A.2d 216, 218 (N.H. 1985).

## LEGISLATIVE ACTIONS

Recognizing that eminent domain takings often result indirectly in the closure of the businesses displaced by those condemnations, the New Hampshire state legislature sought to pass a bill that would protect business owners and minimize the destructive effects of eminent domain. In May 2002, both houses voted in favor of House Resolution 1393, which would have allowed business owners the option of accepting either fair market value or an amount that compensated them for the various costs associated with reestablishing the business in a new location.<sup>444</sup> However, Governor Jeanne Shaheen vetoed the measure, stating in her veto message that the bill would force higher costs on cities and towns, thus threatening municipal projects that rely on state and federal funds. The legislature was unable to come up with enough votes to override Gov. Shaheen's veto.<sup>445</sup>

<sup>444</sup> See H.R. 1393, 157th Sess. (N.H. 2002).

<sup>445</sup> Tom Fahey, "Legislature Can't Override Shaheen Vetoes," *The Union Leader (Manchester, N.H.)*, May 23, 2002, at A16.

