

## **POSTED LAND AND CURRENT USE**

Each year as we head into the trail riding season, the question of riding on the property of another comes up. It is usually followed by the question of posting land under the current use and the additional 20% recreational tax reduction. The following information may help. If you are unsure about using someone's land that is posted, do not trespass on it. Get in touch with the owner and ask permission.

### **What is the Recreational Discount?**

The Recreational Discount is an incentive for landowners to keep their land open to others for six low-impact land uses; skiing, snowshoeing, fishing, hunting hiking and nature observation. In exchange for agreeing to allow all six of these activities, the current use assessment is reduced by 20%. No other recreational activities must be allowed, and the landowner may post against any other uses. Participation in the Recreational Discount is optional. ([RSA 79-A:4,II](#))

Please notice that the six uses does not include horses. My interpretation is that this means that a land owner can take the 20% reduction and still not allow horses since they are not listed as one of the six exclusions.

### **Isn't it true that all Current Use land is open to the public?**

No. There is no requirement for Current Use landowners to allow public use of their land. Current Use land is private property and the landowner has the right to decide how their property is used. For more information, see the section on [Public Use](#).

### **What if I receive the Recreational Discount AND post my land?**

There is a provision that allows a landowner who is receiving the Recreational Discount to post with the permission of the local assessing officials. An example of this would be when a farmer wants to post a field he is pasturing cows in during hunting season. Town officials usually grant this type of reasonable request.

However, if someone posts their land while receiving the Recreational Discount without the permission of local assessing officials, the 20% reduction will be removed the following tax year, and the property will not be eligible to receive the discount for the subsequent 3-year period, and a penalty is incurred.

### **What kind of liability do I have if I allow others to use my land?**

New Hampshire has a statute that limits the liability of landowners that allow public access to their land. The key to understanding this is in the concept of "duty of care". To those you invite to your property you owe a duty of care. If your land is unposted, or your land is posted but you give permission for any of the uses listed within this statute without asking for anything in return, you have no duty of care for the user's well being. Details about landowner liability may be found [by following this link](#).

### **What are the alternatives to wholesale "NO TRESPASSING" posting?**

You can be selective in your posting, for example, by posting against only certain activities. You can also allow use of your land with permission. For a complete list of posting alternatives, see our [Public Use section](#).

### **What can I do about land I used to enjoy, but now is posted?**

If land you like to use has been posted, get in touch with the landowner and ask their permission to use their land. Often posted land is used by many. Landowners may post against all trespassing, but are really only interested in restricting certain uses or discouraging strangers.

### **RSA 79-A:4,II CURRENT USE**

**D. Posting of Current Use Land.** Land assessed under current use may be posted. Receiving current use assessment does not require a landowner to open the property to public use.

**E. 20% Recreational Adjustment.** If a landowner decides not to post, and opens the property to public use without an entrance fee for 12 months a year, the land is entitled to a 20% reduction in the current use assessment of the acres opened to public recreational use. To receive the 20% recreation adjustment, the landowner must allow all of the following activities:

Hunting Skiing Fishing Snowshoeing Hiking Nature Observation

If any of these activities are detrimental to a specific agricultural or forest crop, that activity may be prohibited. If the 20% recreational adjustment has been granted, posting to prohibit any activity listed above requires approval of the local assessing officials. See Cub 305.03 for further explanation.

The landowner may prohibit trespass upon his property for all other activities, including use of mechanized and off-highway vehicles (such as snowmobiles and three-wheelers), camping, cutting down trees, etc. Posting land to prohibit these activities will not affect the 20% recreation adjustment.

### **DO YOU WANT MORE INFORMATION?**

Visit the New Hampshire Current Use Coalition <http://www.nhspace.org/cu.shtml>