



# Landscape Architecture Licensure Laws

## ASLA Summary of Provisions

### NEW HAMPSHIRE

New Hampshire Statutes: 310-A:140, et seq.

New Hampshire Regulations: Chapter Lsa 100, et seq.

**Type of Law:** Practice/title act.

#### Board of Landscape Architects

The board consists of four landscape architects and one public member appointed by the Governor and Council. There is also a Joint Board of Licensure and Certification that include landscape architects, architects, engineers, land surveyors, geologists, foresters, natural scientists, and court reporters. The Joint Board provides coordinated administrative support for all of the boards under its jurisdiction, including the Board of Landscape Architects. Financed through the general fund.

#### Definitions

**Landscape architect:** a person who, by reason of professional education or practical experience, or both, is qualified to engage in the practice of landscape architecture as attested by licensing as a landscape architect.

**Practice of landscape architecture:** The performance of professional services in connection with the development of land areas where, and to the extent that the dominant purpose of such services is the preservation, enhancement, or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the setting, approaches or environment for structures of other improvements, natural drainage and the consideration and determination of inherent problems of the land relating to erosion, wear and tear, blight or other hazards, to the extent that such services protect the public health, safety and welfare. The practice of landscape architecture shall include the location, design, and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this paragraph, but shall not include the design, assessment, analysis or evaluation of structures or systems and appurtenant structures, and water and sewage treatment facilities as are exclusive to the practice of professional engineers, natural scientists, or architects as defined by New Hampshire law. This practice shall not include the making of land surveys or final land plats for official approval or recording, the official mapping of soils, or the analysis, testing, and reporting of soil and bedrock conditions, delineation of wetlands or determination of soil, surface or groundwater related to hazardous waste contamination. The practice of landscape architecture shall include:

- Production of graphic and written material for use in the planning and design of land development programs, including:
- Preparation, review, and analysis of master plans and land development plans incidental to the practice of landscape architecture.
- Reconnaissance, planning, construction documents and specifications, and construction supervision incidental to the practice of landscape architecture.
- Providing professional services for feasibility studies and site selection incidental to the practice of landscape architecture.
- Providing professional advice on land preservation, restoration, conservation, reclamation, rehabilitation, management, and development incidental to the practice of landscape architecture.
- Consultation, research, stewardship, analysis, investigation, reconnaissance and construction overview.

#### Exemptions

**Interprofessional practice:** The law exempts architects, engineers and land surveyors.

**Exempt persons:**

Note: Bracketed [ ] material is drawn from regulations.

Summary of Licensure Laws: New Hampshire

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- Business conducted by any agriculturalist, horticulturalist, tree expert, arborist, forester, wetland scientist, certified professional in erosion or sediment control, natural scientist, soil scientist, nurseryman or landscape nurseryman, gardener, landscape gardener, landscape designer, landscape contractor, irrigation designer, garden or lawn caretaker, or grader or cultivator of land, as these terms are generally used, except that no such person shall use the title 'landscape architect' or its derivations unless licensed.
- Preparation of wetland mitigation plans by a wetland scientist, natural scientist or soil scientist, except that no such person shall use the title 'landscape architect' or its derivations unless licensed.
- Federal employees while practicing landscape architecture for the federal government in New Hampshire.

Exempt activities:

- Preparation of details and shop drawings by persons, other than landscape architects, for use in connection with the execution of their work.
- Preparation of plans, drawings and specifications for and the supervision of the construction or alteration of landscape design associated with farms, residences, or institutional or commercial uses, where the client or reviewing governmental entity does not require the stamp of a licensed landscape architect.
- Supervision of builders, or superintendents employed by such builders, of the installation of landscape projects.

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#### **Eligibility Requirements – Grandfather Clause**

On and before March 27, 2008, the board was empowered to issue licenses to applicants under the grandfather clause. Such applicants were to demonstrate to the board the knowledge and experience equivalent to those set forth for initial licensure (below). Applicants under this provision must also pass the [LARE].

[Fee: Initial application, \$125; Renewal, \$150.]

#### **Eligibility Requirements – Initial Licensure**

Applicants must meet one of the following requirements: (1) An accredited 4-year landscape architecture degree or equivalent and three years professional experience under the direct supervision of a licensed landscape architect; or (2) a non-accredited 4-year landscape architecture degree (or a 4-year degree in a related field) and five years professional experience, three of which must be under the direct supervision of a licensed landscape architect. [Successful completion of graduate study leading to a master's degree in landscape architecture which has followed a baccalaureate degree in landscape architecture may be used for credit for one year of experience. Under the same conditions, a PhD in landscape architecture may be credited for two years of the experience requirement.] The statute also allows the board to reject an applicant who is not of "good professional character," which includes various criminal and fraudulent behavior, such as practicing landscape architecture without a license in violation of the laws of the jurisdiction in which the practice took place. Upon meeting these preliminary requirements, all applicants must pass the [LARE]. Landscape architectural teaching qualifies as landscape architectural experience. Work as a contractor, defined as the execution of work designed by a landscape architect or the supervision of the construction of such work as a foreman or superintendent is not deemed landscape architectural experience.

[Fee: Initial application, \$125; Initial license, \$30; Renewal, \$150.]

#### **Eligibility Requirements – Reciprocal Licensure**

Note: Bracketed [ ] material is drawn from regulations.



Valid licensure in another state, territory or possession of the United States (or a CLARB certificate), when the applicant's qualifications meet the requirements for initial licensure.

[Fee: With CLARB certificate, \$225; Without CLARB certificate, \$275; Renewal, \$150.]

#### **Practice Entities**

No provisions.

#### **Seal Requirements**

All papers or documents involving the practice of landscape architecture when issued or filed for public record must be dated and bear the signature and seal of the licensee who prepared or had responsibility for and approved them. [The seal may be affixed on all plans, maps, and reports prepared by the licensee, and shall be affixed to all documents issued or filed for public record.]

#### **Enforcement**

Board powers: Adopt regulations, including: (1) the application procedure for licensure; (2) the qualifications of applicants in addition to those set by statute; (3) examination procedures; (4) procedures for license renewal and reinstatement, including late fees and any requirements for continuing education; (5) establishment of all fees required under the statute; (6) ethical and professional standards, including disciplinary procedures for violation of these standards; (7) design of official seal; and application procedures for and issuance of corporate practice certificates. Administer oaths and affirmations, preserve testimony, subpoena witnesses and to compel, by subpoena duces tecum, the production of all books, records, files and documents (whether originals, copies or electronic or other form) and other materials relevant to its investigation of any grievance, complaint, or disciplinary proceeding.

Prohibitions/penalties: The following misconduct constitutes a Class B misdemeanor: (1) practice of fraud or deceit in licensure process; (2) conviction of a felony or any offense involving moral turpitude; (3) any unprofessional conduct or dishonorable conduct unworthy of, and effecting the practice of, the profession; (4) unfitness or incompetency by reason of negligent habits or other causes; or negligent or willful acts performed in a manner inconsistent with the interests of persons relying on the expertise of the licensee; (5) drug/alcohol addiction to a degree that renders the licensee unfit to practice; (6) mental or physical incompetency to practice; (7) willful or repeated violation of the licensing law; (8) suspension or revocation of a landscape architect license in another jurisdiction and not reinstated; (9) violation of the rules of professional conduct for landscape architects or any other rule adopted by the board; (10) providing false testimony before the board; (11) failure to provide information requested by the board within 30 calendar days; and (12) knowingly making or signing any false statement, certificate, or affidavit in connection with the practice of landscape architecture. The board may take the following disciplinary actions: written reprimand; suspension; refusal to renew; limitation or restriction of the license; probation; revocation; requiring a program of continuing education in the areas of deficiency; requiring practice under supervision of a licensed landscape architect. Penalties can also include civil penalties in amounts established by the board to not exceed \$2,000 per offense, or in the case of continuing offenses, \$200 per day the violation continues, whichever is greater. The board may also assess all reasonable costs incurred in connection with the proceeding as a condition of probation or reinstatement.

It is a class B misdemeanor for a licensee to stamp or seal any documents after the license has expired or has been revoked, unless such license has been renewed, reinstated or reissued.

Prohibitions/penalties for unlicensed practice: It is a class B misdemeanor for a licensee or business organization to: present or attempt to use the license or seal of another; give any false or forged evidence of any kind to the board in obtaining a license; falsely impersonate any other licensee; attempt to use an expired or revoked license; practice landscape architect or offer, advertise or hold oneself out to the public as

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being in the practice of landscape architecture in New Hampshire without a license. The Superior Court has jurisdiction over these provisions.

### **Mandatory Continuing Education**

New Hampshire requires 30 hours of continuing education for landscape architects as a condition of biennial renewal. 15 excess hours may be carried over to the next reporting period.

#### Administration:

- Requires the board to randomly audit for compliance at least 5% of the licensees each year

#### Activities:

- Must be relevant to the practice of landscape architecture, including technical, ethical or managerial content
- Content must be well organized and presented in a sequential manner and have a provision for individual participant course/program registration, including information required for recordkeeping and reporting.
- One college semester hour = 45 hours
- One college quarter hour = 30 hours
- One continuing education unit = 10 hours
- Course work, seminars or professional technical presentations made at meetings, conventions, or conferences for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings shall earn CE hours for the actual time of each program. Teaching/instructing is given twice the CE hours as participants for the first time only (does not apply to full-time faculty).
- Publishing landscape architecture text book (30 hours)
- Publishing landscape architecture paper or article (2 hours/article; maximum 6 hours)
- Activity on a state or national board of licensure (maximum 6 hours)
- Active participation (serving as an officer or actively participating in a committee) in professional or technical societies (maximum 2 hours)
- Patent (10 hours)
- Active participation as member or alternate of a planning board, zoning board of adjustment or conservation commission (6 hours)

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Recordkeeping: Licensee has responsibility for maintaining four-year record, including log of activity, sponsoring organization, location, instructor's name, and hours earned. Record should also include attendance verification records, such as signed attendance receipts, paid receipts, or a copy of listing of attendees signed by a person sponsoring the program. The forms must be submitted with the annual renewal.

#### Exemptions:

- Licensees who serve on temporary active duty in the U.S. military for a period of time exceeding 120 consecutive days in a year are exempt from the CE requirements for that year
- Hardship cases will be considered by the committee on an individual basis

**Last updated April 13, 2011**

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