Bill as Introduced

HB 1110 - AS INTRODUCED

2000 SESSION

00-2234
05/09

HOUSE BILL ***1110***

AN ACT establishing a committee to study landlord-tenant issues.

SPONSORS: Rep. L. Jean, Hills. 17; Rep. Clegg, Hills. 23

COMMITTEE: Judiciary

ANALYSIS

This bill establishes a study committee to review existing landlord-tenant laws and develop recommendations for revisions.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1110 – AS INTRODUCED

00-2234
05/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT establishing a committee to study landlord-tenant issues.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Committee Established. There is established a committee to study all existing landlord-tenant laws in the state and develop recommendations for possible revisions.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall review all landlord-tenant laws currently in existence, giving special consideration to the appeals process and potential remedies for landlords. The committee shall develop recommendations for revisions to existing laws, including the possibility of imposing criminal liability for tenant offenders.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000.

6 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Rep. L. Jean
Rep. Clegg, Hills. 23
January 25, 2000
2000-3191h
04/09

Amendment to HB 1110

Amend the title of the bill by replacing it with the following:

AN ACT relative to the procedure for eviction actions against tenants.

Amend the bill by replacing all after the enacting clause with the following:

1 Housing Security Guarantee Program; Redemption of Certificates in Event of Default; References Amended. Amend RSA 126-A:57, I (a) to read as follows:

(a) A certification of default and entitlement to some or all of the security deposit executed by the landlord under penalties of perjury, or a copy of the landlord's [~~notice to quit~~] ***writ of summons*** prepared and served in accordance with [~~RSA 540:3 and RSA 540:5, as applicable~~] ***RSA 540:13***.

2 Lead Paint Poisoning Prevention and Control; Relocation of tenants; References Amended. Amend RSA 130-A:8-a, II (g) to read as follows:

(g) Prior to the time the family vacates the unit, the owner shall return the tenant's security deposit, regardless of any rental arrears owed by the tenant or the condition of the unit, plus all prepaid rent. Prior to the reoccupancy of the unit under the provisions set forth in RSA 130-A:8-a, II(f), the tenant shall pay any rental arrears which shall have been demanded under RSA [~~540:4~~] ***540:13***, prior to the relocation of the tenant. The rental arrears shall be paid at least 10 days prior to reoccupancy. The tenant shall return the security deposit to the owner within 45 days after reoccupancy pursuant to RSA 540-A:6.

3 Regulation of Manufactured Housing Parks; Termination of Tenancy. Amend the introductory paragraph of RSA 205-A:3 to read as follows:

205-A:3 Termination of Tenancy. A tenancy in a manufactured housing park may be terminated by a manufactured housing park owner or operator [~~upon giving notice in writing to the tenant in the manner prescribed by RSA 540:5 and by first class mail,~~] ***in accordance with RSA 540:13*** to remove from the premises within a period of not less than:

4 Actions Against Tenants; Termination of Tenancy; References Amended. Amend RSA 540:2, I to read as follows:

I. The lessor or owner of nonrestricted property may terminate any tenancy [~~by giving to the~~

~~tenant or occupant a notice in writing to quit the premises~~] in accordance with RSA [~~540:3 and 5~~] ***540:13***.

5 Actions Against Tenants; Termination of Tenancy; References Amended. Amend the introductory paragraph to RSA 540:2, II to read as follows:

II. The lessor or owner of restricted property may terminate any tenancy [~~by giving to the tenant or occupant a notice in writing to quit the premises~~] in accordance with RSA [~~540:3 and 5~~] ***540:13***, but only for one of the following reasons:

6 Actions Against Tenants; Termination of Tenancy; References Amended. Amend RSA 540:2, III to read as follows:

III. If the grounds for eviction is other good cause as set forth in paragraph II(e) of this section, and such cause is based on the actions or inactions of the tenant, members of his family, or guests, the landlord shall[~~, prior to the issuance of the notice to quit,~~] provide the tenant with written notice stating that in the future such actions or inactions would constitute grounds for eviction. Such notice [~~shall be served in accordance with RSA 540:5 or by certified mail~~] ***may be served by any person and may be served upon the tenant personally or left at the tenant's last and usual place of abode. Proof of service must be shown by a true and attested copy of the notice, accompanied by an affidavit of service, but the affidavit need not be sworn under oath.***

7 Actions Against Tenants; Payment by Voucher and Application of Rents Paid by the Municipality; Reference Amended. Amend RSA 540:9-a to read as follows:

540:9-a Payment by Voucher and Application of Rents Paid by the Municipality. Any rental payment or partial rental payment tendered by the tenant in the form of a written promise to pay on behalf of the tenant by a municipality of this state, and any application by the municipality of amounts owed to it by a landlord pursuant to RSA 165:4-a, shall constitute payment by the tenant of the amount represented in the voucher, and of any amount applied by the municipality to delinquent balances of the landlord; provided, that this section shall not be construed to obligate a landlord to accept partial rental payments or payments tendered after the [~~expiration of the notice to quit~~] ***filing of a writ of summons pursuant to RSA 540:13.***

8 Actions Against Tenants; Possessory Action; Reference Amended. Amend RSA 540:12 to read as follows:

540:12 Possessory Action. The owner, lessor, or purchaser at a mortgage foreclosure sale of any tenement or real estate may recover possession thereof from a lessee, occupant, mortgagor, or other person in possession, holding it without right, after [~~notice in writing to quit the same as herein prescribed~~] ***the filing of a writ of summons pursuant to RSA 540:13.***

9 Actions Against Tenants; Writ of Summons for Possession; Reference Amended. Amend RSA 540:13, I to read as follows:

I. A writ of summons may be issued, returnable before a district court, setting forth in substance that the plaintiff is entitled to the possession of the demanded premises, [~~and~~] that the

defendant is in possession thereof without right, [~~after notice in writing, to~~] ***and that the defendant shall*** quit the same at a day named therein.

10 Repeal. The following are repealed:

I. RSA 540:3, relative to notice to quit issued by a landlord to a tenant.

II. RSA 540:4, relative to demand for payment of rent made by landlord.

III. RSA 540:5, relative to service of demand and notice to quit.

IV. RSA 540:7, relative to demand of rent made by landlord against tenant.

V. RSA 540:8, relative to time of demand for payment of rent issued by landlord.

VI. RSA 540:9, relative to payment of rent after notice.

11 Effective Date. This act shall take effect January 1, 2001.

2000-3191h

AMENDED ANALYSIS

This bill eliminates the requirement that a landlord serve a tenant with a demand for rent and a notice to quit, and allows a landlord to proceed by writ of summons in cases involving non-payment of rent.

Rep. Woods, Straf. 11
January 28, 2000
2000-3236h
05/10

FILE COPY

Amendment to HB 1110

Amend the title of the bill by replacing it with the following:

AN ACT relative to the procedure for eviction actions against tenants.

Amend the bill by replacing all after the enacting clause with the following:

1 Housing Security Guarantee Program; Redemption of Certificates in Event of Default; References Amended. Amend RSA 126-A:57, I (a) to read as follows:

(a) A certification of default and entitlement to some or all of the security deposit executed by the landlord under penalties of perjury, or a copy of the landlord's [~~notice to quit~~] ***writ of summons*** prepared and served in accordance with [~~RSA 540:3 and RSA 540:5, as applicable~~] ***RSA 540:13***.

2 Lead Paint Poisoning Prevention and Control; Relocation of tenants; References Amended. Amend RSA 130-A:8-a, II (g) to read as follows:

(g) Prior to the time the family vacates the unit, the owner shall return the tenant's security deposit, regardless of any rental arrears owed by the tenant or the condition of the unit, plus all prepaid rent. Prior to the reoccupancy of the unit under the provisions set forth in RSA 130-A:8-a, II(f), the tenant shall pay any rental arrears which shall have been demanded under RSA [~~540:4~~] ***540:13***, prior to the relocation of the tenant. The rental arrears shall be paid at least 10 days prior to reoccupancy. The tenant shall return the security deposit to the owner within 45 days after reoccupancy pursuant to RSA 540-A:6.

3 Regulation of Manufactured Housing Parks; Termination of Tenancy. Amend the introductory paragraph of RSA 205-A:3 to read as follows:

205-A:3 Termination of Tenancy. A tenancy in a manufactured housing park may be terminated by a manufactured housing park owner or operator [~~upon giving notice in writing to the tenant in the manner prescribed by RSA 540:5 and by first class mail,~~] ***in accordance with RSA 540:13*** to remove from the premises within a period of not less than:

4 Actions Against Tenants; Termination of Tenancy; References Amended. Amend RSA 540:2, I to read as follows:

I. The lessor or owner of nonrestricted property may terminate any tenancy [~~by giving to the tenant or occupant a notice in writing to quit the premises~~] in accordance with RSA [~~540:3 and 5~~]

540:13.

5 Actions Against Tenants; Termination of Tenancy; References Amended. Amend the introductory paragraph to RSA 540:2, II to read as follows:

II. The lessor or owner of restricted property may terminate any tenancy [~~by giving to the tenant or occupant a notice in writing to quit the premises~~] in accordance with RSA [~~540:3 and 5~~] ***540:13***, but only for one of the following reasons:

6 Actions Against Tenants; Termination of Tenancy; References Amended. Amend RSA 540:2, III to read as follows:

III. If the grounds for eviction is other good cause as set forth in paragraph II(e) of this section, and such cause is based on the actions or inactions of the tenant, members of his family, or guests, the landlord shall[~~, prior to the issuance of the notice to quit,~~] provide the tenant with written notice stating that in the future such actions or inactions would constitute grounds for eviction. Such notice [~~shall be served in accordance with RSA 540:5 or by certified mail~~] ***may be served by any person and may be served upon the tenant personally or left at the tenant's last and usual place of abode. Proof of service must be shown by a true and attested copy of the notice, accompanied by an affidavit of service, but the affidavit need not be sworn under oath.***

7 Actions Against Tenants; Payment by Voucher and Application of Rents Paid by the Municipality; Reference Amended. Amend RSA 540:9-a to read as follows:

540:9-a Payment by Voucher and Application of Rents Paid by [~~the~~] ***a*** Municipality. Any rental payment or partial rental payment tendered by the tenant in the form of a written promise to pay on behalf of the tenant by ***the state, a county or*** a municipality of this state, ***or any organization which disburses federal or state funds,*** and any application by [~~the~~] ***a*** municipality of amounts owed to it by a landlord pursuant to RSA 165:4-a, shall constitute payment by the tenant of the amount represented in the voucher, and of any amount applied by [~~the~~] ***a*** municipality to delinquent balances of the landlord; provided, that this section shall not be construed to obligate a landlord to accept partial rental payments or payments tendered after the [~~expiration of the notice to quit~~] ***filing of a writ of summons pursuant to RSA 540:13.***

8 Actions Against Tenants; Possessory Action; Reference Amended. Amend RSA 540:12 to read as follows:

540:12 Possessory Action. The owner, lessor, or purchaser at a mortgage foreclosure sale of any tenement or real estate may recover possession thereof from a lessee, occupant, mortgagor, or other person in possession, holding it without right, after [~~notice in writing to quit the same as herein prescribed~~] ***the filing of a writ of summons pursuant to RSA 540:13.***

9 Actions Against Tenants; Writ of Summons for Possession; Reference Amended. Amend RSA 540:13, I to read as follows:

I. A writ of summons may be issued, returnable before a district court, setting forth in substance that the plaintiff is entitled to the possession of the demanded premises, [~~and~~] that the

defendant is in possession thereof without right, [~~after notice in writing, to~~] ***and that the defendant shall*** quit the same at a day named therein.

10 Repeal. The following are repealed:

I. RSA 540:3, relative to notice to quit issued by a landlord to a tenant.

II. RSA 540:4, relative to demand for payment of rent made by landlord.

III. RSA 540:5, relative to service of demand and notice to quit.

IV. RSA 540:7, relative to demand of rent made by landlord against tenant.

V. RSA 540:8, relative to time of demand for payment of rent issued by landlord.

VI. RSA 540:9, relative to payment of rent after notice.

11 Effective Date. This act shall take effect January 1, 2001.

2000-3236h

AMENDED ANALYSIS

This bill eliminates the requirement that a landlord serve a tenant with a demand for rent and a notice to quit, and allows a landlord to proceed by writ of summons in cases involving non-payment of rent.

House Judiciary
February 2, 2000
2000-3264h
05/10

FILE COPY

Amendment to HB 1110

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall review all landlord-tenant laws currently in existence, and shall develop recommendations for revisions to existing laws.

2000-3264h

AMENDED ANALYSIS

This bill establishes a study committee to review existing landlord-tenant laws.

Rep. Soltani, Merr. 10
February 7, 2000
2000-3342h
05/01

Amendment to HB 1110

Amend the bill by replacing section 3 with the following:

3 Duties.

I. The committee shall study laws governing eviction or ejection of tenants of residential dwelling units. The following issues are not within the scope of the committee's duties:

(a) Tort liability of persons engaged in a landlord-tenant relationship.

(b) All aspects of rental or lease of non-residential, commercial, or industrial properties.

(c) The issues pertaining to the initiation or commencement of a tenancy or lease.

(d) Hotels, motels, lodges, inns, bed & breakfasts.

(e) Camps, campgrounds, and recreational parks and campgrounds.

II. The committee shall specifically study the termination process of a landlord-tenant relationship in a residential context, regardless of whether the tenancy involves a permanent structure or a manufactured housing unit.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1110 Date 1/19/2000

Committee Judiciary

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 1110 FILE COPY

BILL TITLE: establishing a committee to study landlord-tenant issues.

DATE: Jan. 19, 2000

LOB ROOM: 208 **Time Public Hearing Called to Order:** 9:35 a.m.

Time Adjourned: 10:40 a.m.

(please circle if present)

Committee Members: Reps. ~~Mock~~, ~~Peterson~~, Jacobson, Keans, Bergin, Dokmo, ~~L. Jean~~, ~~Rowe~~, Ford, Withee, Dudley, ~~Piccoli~~, Soltani, ~~Woods~~, Wall, DePecol, J. Pratt, ~~Craig~~, ~~Lasky~~, ~~Mitchell~~, Solow and Wood.

Bill Sponsors: Reps. Jean, Clegg

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Loren Jean, sponsor, supporting

-Presented this bill as a means to correct the landlord and tenant law. The landlord and tenant law is a collection of laws that have developed over the past 50 years. A study is needed to develop a law that meets current landlord and tenant needs.

Rep. Clegg, co-sponsor, supporting

-Described how a tenant can abuse the current law even to staying in the property and not paying rent for a year. The current law is cumbersome. A law should protect both the landlord and the tenant.

Elliot Berry, Legal Assistance, Manchester, opposes bill

-Opposed the bill as it stands, should be studied. Currently, benefits only landlord. Bill does not require input from outside _____. Currently tenants are under great pressure to obtain housing in this scarce market.

Gene Gayda, NH Property Owners Asso., supporting bill

-Submitted written document. NH law is good in that it is a small law. In some other states the law is overly extensive. Vacancy rate is in the low range of 3%. 18,000 landlord/tenant dockets filed in the courthouse now. Let us not be one-sided in our views at to amending the landlord/tenant law. In landlord/tenant matters the District Court shows bias in favor of the tenant.

Bill Stergious, NH Property Owners Asssoc., supporting bill

-Has seven suggestions. Reduce notice to 3 days from 7 days. Boarding house tenants take advantage of the system. Should not get ex-parte orders without notification of the other party. Sheriff is requesting increased fees for service, while giving poor service. Currently the landlord is required to store goods – this should be changed. Should allow more than 1 month security deposit since the eviction process takes so much time.

Respectfully submitted,

Rep. James W. Craig, Acting Clerk

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 1110

BILL TITLE: establishing a committee to study landlord-tenant issues.

DATE: 1/19/00

LOB ROOM: 208 **Time Public Hearing Called to Order:** 9:35 AM

Time Adjourned: 10:40 AM

(please circle if present)

Committee Members: Reps. Mock, Peterson, Jacobson, Keans, Bergin, Dokmo, L. Jean, Rowe, Ford, Withee, Dudley, Picconi, Soltani, Woods, Wall, DePecol, J. Pratt, Craig, Lasky, Mitchell, Solow and Wood.

Bill Sponsors: L. Jean, Rep Clegg

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

1. Rep Jean presented bill as a means to correct the LET law. The LET law is a collection of laws that have developed over the past 50 years. A study is needed to develop a law that meets current Landlord and Tenant needs.

2. ~~Ethic~~ Rep Clegg, Co sponser described how a tenant can abuse the current law even to staying the property and not paying rent for a year. The current law is ~~confusing~~ cumbersom. Must protect both Landlords as well as tenant.

HB 1110

~~Spouse [illegible]~~

3. Elliot Berry, Legal Assistance. Opposed to form of the bill as the ~~study~~ issued to be ~~studied~~ studied seems to be only for the benefit of the landlord. Bill does not require input from outside experts. Currently tenants are under great pressure to obtain housing in this scarce market.

4 E. ~~Gator~~ GATDA, NH Property owners assoc Submitted written document. NH Law is good in that it is a small law. Some other states the Law is overly extensive. Supports this bill. Vacancy rate is low in range of 3%. 18,000 LET Dockets filed in Court now. Let us not be one sided in our views as to amending the LET ~~law~~ law. In LET matters the District Court has shown bias in favor of the tenant.

5 Bill ~~Sturgeos~~ STURGIS N.H. Property owners assoc.

- has seven suggestions. Reduce notice to 3 days from 7 days. Boarding houses ~~tenants~~ tenants take advantage of system.

1/19/00
HB 1110

Could not get ex-party orders w/o notification of other party. Sheriff is requesting increased fees for service while poor service is being made. Currently the Landlord is required to store goods -- this should be changed. Should allow more than 1 month security deposit since the eviction process takes so much time.

Closed at 10:40 AM

Sub-Committee Actions

HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE WORK SESSION ON HB 1110

BILL TITLE: establishing a committee to study landlord-tenant issues.

DATE: 1/21/2000 11:23 AM

Subcommittee Members: Reps. Phyllis Woods
BETTY LASKY
JIM CRAIG

Comments and Recommendations:

Amendments:

Sponsor: Rep. WOODS — OLS Document #: 2000-3036h

Sponsor: Rep. — OLS Document #:

Sponsor: Rep. — OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. LASKY - AMEND 1110 + 1593 AS STATED + OUGHT TO PASS AS AMENDED

Seconded by Rep. CRAIG

Vote: 3-0

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. CRAIG
Subcommittee Chairman/Clerk

1/31/10 HB 1110

WOODS AMENDMENT INCORPORATES 1ST PART OF CRAIG (1523) BILL AND THE CLELL AMENDMENT TO HB1110

REP CLELL - DOESN'T HAVE PROBLEM WITH SHERIFF SERVING TENANTS.

JOHNATHAN GARRETT - DOOR SERVICE IS ALLOWED
NOTICE TO QUIT IS THE MAJOR TENANT PROTECTION - MIGHT PROMOTE HOMELESSNESS
NOT TO QUIT - 300' YES IF COMMON LAW

IF DID AWAY WITH NOTICE + DEMAND WOULD NEED SOME WAY TO NOTIFY A TENANT OF THE GROUNDS.

1523 - AMEND TO 5 LINES 1-9 + EFFECTIVE DATE TO 60 DAYS AFTER PASSAGE

1110 ONE AMENDMENT LINES 5-13
"THE COMMITTEE SHALL REVIEW ALL LANDLORD-TENANT LAWS CURRENTLY IN EXISTENCE AND SHALL DEVELOP RECOMMENDATIONS FOR REVISIONS TO EXISTING LAWS"

Sub-Committee Minutes

HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE WORK SESSION ON HB 1110

BILL TITLE: establishing a committee to study landlord-tenant issues.

DATE: 1/26/10 START 9:10 STOP 9:35

Subcommittee Members: Reps. WOODS CHAIR CRAIG JEAN

Comments and Recommendations: REP CLELL REVIEWED HIS AMENDMENT RESCHED TO 1/31/10 at 11AM

Amendments:

Sponsor: Rep. CLELL OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. NONE

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. CRAIG
Subcommittee Chairman/Clerk

Testimony

NEW HAMPSHIRE PROPERTY OWNERS ASSOCIATION

P.O. Box 422 Nashua, NH 03061 (603) 881-3682

Concord Manchester Nashua Salem/Derry Rochester Seacoast Connecticut Valley

FILE COPY

TESTIMONY OF

GENE GAYDA

HB1110

1/19/2000

Good Morning. My name is Gene Gayda. I am the president of the New Hampshire Property Owners Association. We are the all volunteer state wide trade association for landlords.

We support the concept of HB 1110.

About the only useful comment we share is that you may want to put some sort of limits on the study committee.

For example, the landlord tenant court appearance often is the first time people are in court. Many, if not most, L&T cases do not have a lawyer helping either side. Should landlord tenant cases be moved to the more informal Small Claims type court as is done in more then 20 other states? Is this an issue you want the study committee to explore?

For example, New Hampshire written law is one of the smaller sized laws when compared to other states. This works well in allowing a judge to use common sense in resolving disputes. California, by contrast, has one of the largest laws. But things got so goofy in California, that currently, the landlord tenant docket is immediately sealed as soon as a landlord files an eviction. Trying to define all possibilities of landlord tenant interface would seem to lessen the New Hampshire uniqueness.

For example, a few other states have successfully experimented with the idea of voluntary arbitration as an alternate path for eviction. Should the committee look at this issue?

Point is, the study committee concept is wonderful, but you may want to focus more narrowly on the issues you want explored.

We would love to be part of any committee effort.

Thank you for your time.

State of New Hampshire

STATE HOUSE

CONCORD

RECEIVED
NOV 02 2000
By Stabs
LRC

MEMORANDUM

To: **Honorable C. Jeanne Shaheen, Governor,**
Honorable Donna Sytek, Speaker of the House
Honorable Beverly Hollingworth, President of the Senate
Karen O. Wadsworth, Clerk of the House
Gloria M. Randlett, Clerk of the Senate
Michael York, State Librarian

From: **Rep. Robert E. Clegg, Jr.**
39 Trigate Road
Hudson, NH 03051-5120

Date: **November 1, 2000**

Re: **Final Report on HB 1110,**
establishing a committee to study landlord-tenant issues.

Pursuant to Chapter 71:1, N.H. Laws of 2000, enclosed please find the report of the committee charged with reviewing existing landlord-tenant laws and developing recommendations for revisions.

Please feel free to contact me with any questions and comments.

cc: Study committee members

HB 1110, CHAPTER 71:1, N.H. LAWS OF 2000

Establishing a committee to study all existing landlord-tenant laws in the state and develop recommendations for possible revisions.

Study Committee Final Report
November 1, 2000

Members appointed: Rep. Robert Clegg; Rep. Jane Wood; Rep. Andre Martel; Rep. Cynthia Dokmo; Sen. Sylvia Larsen, Sen. Caroline McCarley; Sen. Rick Trombly

The Committee was established and charged with studying the laws governing eviction or ejection of tenants of residential dwelling units. The Committee was expressly charged with studying the termination process of a landlord-tenant relationship in a residential context, regardless of whether the tenancy involves a permanent structure or a manufactured housing unit.

Two meetings of the Committee were scheduled and properly noticed, on August 16, 2000 and September 27, 2000. A quorum was not present at either meeting due to House and Senate involvement in the impeachment proceedings. Therefore the Committee was unable to organize and to proceed with its work.

This is a complex issue and continually provides contentious issues before the legislature. It is the hope of the Committee that this subject matter will be pursued and studied in a formal manner at some point in the future in order to enable the resolution of the problems presented by current state landlord-tenant laws.

Respectfully submitted,

Robert E. Clegg, Jr.

Rep. Robert E. Clegg, Jr.
Hillsborough County, District 23
First named member of the Committee

House Judiciary
February 2, 2000
2000-3263h
05/10

FILE COPY

Amendment to HB 1523

Amend the bill by replacing all after section 1 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

2000-3263h

AMENDED ANALYSIS

This bill extends payments on behalf of tenants to include payments by voucher from the state, a county, or any organization that disburses state or federal funds.

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on 1110

BILL TITLE:

DATE: 2/3/2010

LOB ROOM: 208

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Reams

Seconded by Rep. Soltani

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Loren J. Jean, Clerk

OFFICE OF THE HOUSE CLERK

2000 SESSION

JUDICIARY

Bill #: HB 1110 Title: _____

PH Date: ___/___/___ Exec Session Date: 2/3/00

Motion: Ought Study Amendment #: _____

MEMBER	YEAS	NAYS
Mock, Henry P, Chairman		
Peterson, Andrew R, V Chairman		✓
Jacobson, Alf E		✓
Keans, Sandra B	✓	
Bergin, Peter F		✓
Dokmo, Cynthia J		✓
Jean, Loren J, Clerk	✓	
Rowe, Robert H		✓
Ford, Nancy M		
Withee, Dennis J		
Dudley, Terri C		
Picconi, Al J		✓
Soltani, Tony F	✓	
Woods, Phyllis L	✓	
Wall, Janet G		✓
DePecol, Benjamin J		
Pratt, John M		
Craig, James W	✓	
Lasky, Bette R	✓	
Mitchell, McKim W		✓
Solow, Martha S		✓
Wood, Jane	✓	
TOTAL VOTE:	7	9

Printed: 12/30/1999

Tabled

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 1110

BILL TITLE: **establishing a committee to study landlord-tenant issues**

DATE: 2/3/00

LOB ROOM: 208

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Sullam

Seconded by Rep. 13 – 4

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Loren J. Jean, Clerk

OFFICE OF THE HOUSE CLERK

2000 SESSION

JUDICIARY

Bill #: HB 1110 **Title:** _____

PH Date: ___/___/___ **Exec Session Date:** 2/3/00

Motion: Table **Amendment #:** _____

MEMBER	YEAS	NAYS
Mock, Henry P, Chairman	✓	
Peterson, Andrew R, V Chairman	✓	
Jacobson, Alf E	✓	
Keans, Sandra B	✓	
Bergin, Peter F		✓
Dokmo, Cynthia J		✓
Jean, Loren J, Clerk	✓	
Rowe, Robert H		✓
Ford, Nancy M		
Withee, Dennis J		
Dudley, Terri C		
Picconi, Al J	✓	
Soltani, Tony F	✓	
Woods, Phyllis L	✓	
Wall, Janet G		✓
DePecol, Benjamin J		
Pratt, John M		
Craig, James W	✓	
Lasky, Bette R	✓	
Mitchell, McKim W	✓	
Solow, Martha S	✓	
Wood, Jane	✓	
TOTAL VOTE:	13	4

Printed: 12/30/1999

17

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 1110

BILL TITLE: **establishing a committee to study landlord-tenant issues.**

DATE: 10/3/00

LOB ROOM:

Amendments:

Sponsor: Rep. Judiciary — OLS Document #: 3342-H

Sponsor: Rep. — OLS Document #:

Sponsor: Rep. — OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Jean

Seconded by Rep. Ricconi

Vote: 13-3 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Jean

Seconded by Rep. Ricconi

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 13-3

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Loren J. Jean, Clerk

OFFICE OF THE HOUSE CLERK

2000 SESSION

JUDICIARY

Bill #: _____ **Title:** _____

PH Date: ___/___/___ **Exec Session Date:** 10/12/00

Motion: OTPA **Amendment #:** 3342-H

MEMBER	YEAS	NAYS
Mock, Henry P, Chairman	✓	
Peterson, Andrew R, V Chairman	✓	
Jacobson, Alf E	✓	
Keans, Sandra B	✓	
Bergin, Peter F		✓
Dokmo, Cynthia J		✓
Jean, Loren J, Clerk	✓	
Rowe, Robert H	✓	
Ford, Nancy M	✓	
Withee, Dennis J	✓	
Dudley, Terri C		
Picconi, Al J	✓	
Soltani, Tony F		
Woods, Phyllis L	✓	
Wall, Janet G	✓	
DePecol, Benjamin J		
Pratt, John M		✓
Craig, James W		
Lasky, Bette R	✓	
Mitchell, McKim W	✓	
Solow, Martha S		
Wood, Jane		
TOTAL VOTE:	13	3

Printed: 12/30/1999

Committee Report

COMMITTEE REPORT

COMMITTEE: **Judiciary**

BILL NUMBER: **HB 1110**

TITLE: establishing a committee to study landlord-tenant issues.

DATE: Feb. 10, 2000 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The original bill requested a study which was far too broad for the committee to find favor with. Landlord-tenant law is expensive and complex. The committee did find favor however with limiting the study to the termination process of a landlord-tenant relationship.

Vote 13-3.

Rep. Loren J. Jean
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Judiciary

HB 1110, establishing a committee to study landlord-tenant issues. OUGHT TO PASS WITH AMENDMENT

Rep. Loren J. Jean for Judiciary: The original bill requested a study which was far too broad for the committee to find favor with. Landlord-tenant law is expensive and complex. The committee did find favor however with limiting the study to the termination process of a landlord-tenant relationship. Vote 13-3.

The original bill requested a study which was for two years for the committee to find fault with Landlord Tenant Law is expansive and complex ~~and the volume on which does~~. The committee did find fault however with limiting the study to the termination process of a landlord-tenant relationship.

OK HRH

COMMITTEE REPORT

COMMITTEE: **Judiciary**

BILL NUMBER: **HB 1110**

TITLE: establishing a committee to study landlord-tenant issues.

DATE: 10/2/00 CONSENT CALENDAR YES ☑ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

Vote 13-3

Rep. Jean
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT