Bill as Introduced

SB 305- AS INTRODUCED

2000 SESSION

00-2709
09/01

SENATE BILL ***305***

AN ACT relative to payments to defeat eviction for nonpayment of rent.

SPONSORS: Sen. Johnson, Dist 3; Sen. Disnard, Dist 8

COMMITTEE: Judiciary

ANALYSIS

This bill allows a tenant to defeat an eviction for nonpayment no more than 3 times within a 12-month period by paying the arrearages and liquidated damages before the expiration of the notice of a demand for rent or notice to quit.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

00-2709
09/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to payments to defeat eviction for nonpayment of rent.

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

1 Payment After Notice. Amend RSA 540:9 to read as follows:

540:9 Payment After Notice. No tenancy shall be terminated for nonpayment of rent, utility charges, or any other lawful charge contained in a lease or an oral or written rental agreement if the tenant, before the expiration of the notice, pays or tenders all arrearages plus $15.00 as liquidated damages; provided, however, that a tenant may not defeat an eviction for nonpayment by use of this section more than 3 times [~~in one calendar year~~] ***within a 12-month period.***

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

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON SB 305

BILL TITLE: relative to payments to defeat eviction for nonpayment of rent.

DATE: March 22, 2000

LOB ROOM: 208 **Time Public Hearing Called to Order:** 10:05

Time Adjourned: 10:10

(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: Senators Johnson, Disnard

TESTIMONY

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

Sen. Johnson, sponsor, supporting
-addresses the bill as one to close a loophole in present landlord tenant law; i.e. to change from calendar year to 12 month period to prevent abuses in defeating evictions.

Jonathan Baird, NH Legal Assistance – supporting bill
-agrees with Senator Johnson.

Respectfully submitted,

Loren Jean

Rep. Loren J. Jean, Clerk

SB 305

Sen Johnson "Prime" Address the bill as one to close a loophole in present landlord tenant law 1E. to change from calendar year to 12 mo period to prevent abuses in defeating evictions

Johnathan David. NH legal assoc. Favored bill agreed with Sen Johnson

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON SB 305

BILL TITLE: relative to payments to defeat eviction for nonpayment of rent.

DATE: 3/21/00

LOB ROOM:

Time Public Hearing Called to Order: 10:05

Time Adjourned: 10:10

(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:

TESTIMONY

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

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on SB 305

BILL TITLE: **relative to payments to defeat eviction for nonpayment of rent.**

DATE: 3/22/00

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. Keans

Seconded by Rep. Wall

Vote: 12-0 (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 #: SB 305 Title: _____

PH Date: 3/22/00 Exec Session Date: 3/22/00

Motion: _____ 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:	12	0

Printed: 12/30/1999

Committee Report

COMMITTEE REPORT

COMMITTEE: **Judiciary**

BILL NUMBER: **SB 305**

TITLE: relative to payments to defeat eviction for nonpayment of rent.

DATE: 3/22/00

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 12-0

Rep. Koorus
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

THIS BILL SIMPLY CLEARS UP A LOOPHOLE IN THE TENANT / LANDLORD STATUTES. CURRENTLY A TENANT GETS UP TO 3 CHANCES TO PAY ARREARAGES IN A YEAR. THIS LEGISLATION DEFINES THE YEAR AS A "12-MONTH PERIOD". ALL SIDES WERE IN AGREEMENT THAT THIS IS THE INTENT OF THE LAW. 12-0

SB 305

Sandra B Kemp

Harold Jack Noah

COMMITTEE REPORT

COMMITTEE: **Judiciary**

BILL NUMBER: **SB 305**

TITLE: relative to payments to defeat eviction for nonpayment of rent.

DATE: April 18, 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)

This bill simply clears up a loophole in the tenant/landlord statutes. Currently a tenant gets up to 3 chances to pay arrearages in a year. This legislation defines the year as a "12 month period". All sides were in agreement that this is the intent of the law.

Vote 12-0.

Rep. Sandra B. Keans
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Judiciary

SB 305, relative to payments to defeat eviction for nonpayment of rent. OUGHT TO PASS

Rep. Sandra B. Keans for Judiciary: This bill simply clears up a loophole in the tenant/landlord statutes. Currently a tenant gets up to 3 chances to pay arrearages in a year. This legislation defines the year as a "12 month period". All sides were in agreement that this is the intent of the law. Vote 12-0.