Bill as Introduced

17feb00.....3342h

HB 1110 – AS AMENDED BY THE HOUSE

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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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.

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.

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

House would not adopt Senate Public Affairs Amendment # 2000-3852s

Re Public Affairs to come back with another recommendation

Public Affairs
March 17, 2000
2000-3852s
05/09

IF this amendment is adopted by the Committee, please deliver to the House Clerk (Room 317) or Senate Clerk (Senate Chamber), the 2 originals and 2 copies.

Amendment to HB 1110

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

I. The members of the committee shall be 4 members of the house of representatives, appointed by the speaker of the house.

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

Amend the bill by replacing section 4 with the following:

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 member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

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Committee Minutes

Date: March 15, 2000
Time: 1:00 P.M.
Room: 104 - LOB

The Senate Committee on Public Affairs held a hearing on the following:

HB 1110 establishing a committee to study landlord-tenant issues.

Members of Committee present: Senator Trombly
Senator Disnard
Senator Eaton

The Chair, Senator Rick A. Trombly, opened the hearing by calling on Gene Gayda.

Gene Gayda – NH Property Owners Association: Good afternoon. My name is Gene Gayda; I'm president of the New Hampshire Property Owners Association; we're the all volunteer statewide trade association for landlords, the owners and managers of rental real estate.

On the sign-in sheet I put in for in favor of the bill. Frankly, I'm only in favor of the bill in the sense that it's somebody looking at something within my industry, and I always think that's positive. I don't really think the bill itself is going to accomplish much. It's a compromise as a leftover from a very lousy bill that started in the House that, frankly, was a piece of garbage and which was a rip-off on what landlords had done in terms of "good faith effort" over the last few years of trying to work with other folks within our industry.

Hearing that the problems that were described in the House, this was the compromise that the House worked out, which was. . . Why don't we study it some further?. . . .and there are things that do need looking at, but I just don't get the warm and fuzzy in my heart that, frankly, there is a pro-active positive effort to commit

to a study in a sense of any positive outcomes. As such, I'm for a study bill (always will be), but I don't know if you guys are just spinning your wheels if you were to allow this to continue.

Senator Rick A. Trombly, D. 7: Thank you very much. Any questions? (No response) Thank you.

Gene Gayda – NH Property Owners Association: Thank you.

Senator Rick A. Trombly, D. 7: The chair recognizes the only other person who signed up to speak, Jonathan Baird.

Jonathan Baird – NH Legal Assistance: Good afternoon. My name is Jonathan Baird; I'm an attorney with New Hampshire Legal Assistance. I'm here to speak in opposition to the bill.

I guess there's sort of a question of why we need a study bill about landlord-tenant laws at this time. I mean, I was part of the House process, and this bill started in a very different place and sort of evolved into a study bill. Actually, originally the intention was to change the law. No rationale has been presented – really your justification for why do we need this now. I think. . .I guess my concern is that why study something when there really isn't persuasive reasons for having a study bill. I know that there's been a concern about too many study bills; and I think it would be incumbent on the sponsors to sort of at least explain the rationale for why we need this.

Senator Rick A. Trombly, D. 7: Thank you very much. Does anybody else wish to speak on HB 1110? Seeing nobody, I'll close the hearing.

Hearing closed at 1:14 p.m.

Respectfully submitted,
Carolyn Carey, Secretary

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HB 1110 - 3/15/00
Rm. 104 L.O.B.

Present Trombly
Eaton
Disnard

RT

Jean for Clayton
Pres. NH

HB 1110

Rep Clegg

Reopened

testimony after hearing closed + after Ex. Session

Not part of Transcript

Hearing was closed + Ex'd

complicated

asked

notice to quit?

sorry

way.

worked with 3 or 4

not hurt residential side

3

Speakers

SENATE Public Affairs COMMITTEE

Date 3/15/00 Time 1:00 PM Public Hearing on HB 1110

Appearing in FAVOR: *(Please print)* *Please check box at left to speak.*

Speaking?	Name	Address	Representing
☒	GENE GAYNA	P.O. Box 422, NASHUA	N.H. Prof. Own. Assoc
☐			
☐			
☐			
☐			
☐			
☐			
☐			
☐			
☐			

Appearing in OPPOSITION: *(Please Print)* *Please check box at left to speak.*

☒	Jonathan Baird	408 Moody Bldg. Claremont	NH Legal Assistance
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Hearing Minutes

HB 1110 – AS AMENDED BY THE HOUSE

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2000 SESSION

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

Testimony

State of New Hampshire

STATE HOUSE

CONCORD

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

Voting Sheets

Senate Public Affairs Committee
EXECUTIVE SESSION

Bill# HB 1110

Hearing date: 3/15/00 Room: Rm 104-LOB
Motion of: OTPA

Made by Senator:			*Seconded by Senator:*		
	Trombly	☐		Trombly	☐
	Disnard	☐		Disnard	☑
	Eaton	☑		Eaton	☐
	Krueger	☐		Krueger	☐
	McCarley	☐		McCarley	☐
	Roberge	☐		Roberge	☐

Committee Member	*Present*	*Vote*	*Reported out by*
Senator Rick Trombly, Chairman	☑	3-0	
Senator George Disnard, Vice-Chair	☑		
Senator Thomas Eaton	☑		Senator Eaton
Senator Pat Krueger	☐		
Senator Caroline McCarley	☐		
Senator Sheila Roberge	☐		

*Amendments: 2000-3852s

NOTES:

Senate Public Affairs Committee
EXECUTIVE SESSION

Bill# HB 1110

Hearing date: 3/29/00 1:00 p.m. Room: 104 - LOB
Motion of: OTP

Made by Senator:	Trombly	☐	*Seconded by Senator:*	Trombly	☐
	Disnard	☐		Disnard	☐
	Eaton	☐		Eaton	☐
	Krueger	☐		Krueger	☐
	McCarley	☑		McCarley	☐
	Roberge	☐		Roberge	☑

Committee Member	*Present*	*Vote*	*Reported out by*
		5-0	
Senator Rick Trombly, Chairman	☑		
Senator George Disnard, Vice-Chair	☑		
Senator Thomas Eaton	☑		
Senator Pat Krueger	☐		
Senator Caroline McCarley	☑		McCarley
Senator Sheila Roberge	☑		

*Amendments:

NOTES:

Leave Senate on Committee

Committee Report

Date: March 15, 2000 Time: 1:00 pm

The Senate Committee on Public Affairs held its hearing in Room 104 LOB, Concord, New Hampshire.

BILL NO.: HB 1110 TITLE: establishing a committee to study landlord-tenant issues.

Members of the Committee present: Senator Trombly
Senator Disnard
Senator Eaton

Those appearing in favor:

Name and Address Representing

See Attached.

Those appearing in opposition:

Name and Address Representing

See Attached.

REPORT OF THE COMMITTEE:

☒ Ought to Pass
☐ Ought to Pass w/ Amendment
☐ Inexpedient to Legislate
☐ Rereferred
☐ Interim Study
☐ Continued Hearing
☐ Postponed Hearing

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON Public Affairs

to which was referred House Bill HB 1110

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

VOTE: 5-0

Having considered the same, report the same without amendment and recommend that the bill: **OUGHT TO PASS.**

Senator Caroline McCarley
For the Committee

File copy

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON Public Affairs

to which was referred House Bill HB 1110

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

VOTE: 3-0

2000-3852s

Having considered the same, report the same with the following amendment and recommend that the bill: **AS AMENDED OUGHT TO PASS.**

Senator Thomas R. Eaton
For the Committee