HB 401 - AS INTRODUCED

2023 SESSION

23-0622
05/10

HOUSE BILL ***401***

AN ACT relative to evictions based on the owner's intent to renovate the property.

SPONSORS: Rep. Kenney, Straf. 10; Rep. Staub, Hills. 25; Rep. Vogt, Rock. 21; Rep. Horrigan, Straf. 10; Rep. Howland, Straf. 20; Rep. A. Murray, Hills. 20; Rep. Seibert, Hills. 21; Rep. M. Smith, Straf. 10; Sen. Perkins Kwoka, Dist 21; Sen. Whitley, Dist 15

COMMITTEE: Judiciary

ANALYSIS

This bill establishes certain criteria for evictions based on the landlord's intent to renovate the property or remove the property from the residential housing market.

- -

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0622
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to evictions based on the owner's intent to renovate the property.

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

1 New Sections; Actions Against Tenants; Evictions Based on the Owner's Intent to Renovate the Property or Remove the Property from the Residential Rental Market. Amend RSA 540 by inserting after section 2 the following new sections:

540:2-a Evictions Based on the Owner's Intent to Renovate.

I. Except in cases brought pursuant to RSA 540:2, II(e), whenever an eviction notice is based on the owner's intent to repair, renovate, or rehabilitate a dwelling unit in restricted property, the eviction notice shall:

(a) Provide the tenant with no less than 60 days notice to vacate the premise; and

(b) Describe with specificity the work that the owner intends to have done on the dwelling unit, and the approximate time frame during which the work will be performed.

II. To prevail at the hearing on the merits of the possessory action, the owner shall establish that:

(a) The work cannot be safely performed while the unit is occupied;

(b) The work on the unit is expected to take more than 30 days; and

(c) The tenant has been offered a dwelling unit with the same number of bedrooms as are in the unit from which he or she is being evicted, at a rent that does not exceed the tenant's current rent. This provision shall not apply if no such unit is available or the owner can establish that there are grounds to evict the tenant pursuant to RSA 540:2, II (a), (b), (c), (d) or (g).

540:2-b Eviction Based on the Owner's Intention to Remove the Dwelling from the Residential Rental Market.

I. In any eviction action based on the owner's intention to remove a dwelling unit from the residential rental market:

(a) The eviction notice served on the tenant shall provide the tenant not less than 60 days notice to vacate the premises.

(b) Service of the eviction notice shall be accompanied by a sworn affidavit from the owner stating that the dwelling unit will remain off the market for not less than one year.

II. Any lessor, owner, or transferee of a building for which a prior owner served an affidavit required under subparagraph I(b), who returns a dwelling to the rental market within 12 months of the date that the signed affidavit was served on the tenant, shall be liable to the tenant in the amount of $10,000.

2 Action Against Tenants; Discretionary Stay Dependent on Payment of Rent. Amend RSA 540:13-c by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding paragraph I, in cases based on the landlord's intention to repair, renovate, or rehabilitate the premises, or the landlord's intention to remove the dwelling from the residential rental market, the court shall have the authority to grant a discretionary stay of up to 6 months.

3 Effective Date. This act shall take effect upon its passage.

REGULAR CALENDAR

February 8, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Judiciary to which was referred HB 401, relative to evictions based on the owner's intent to renovate the property.

WITHOUT RECOMMENDATION

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Judiciary**
Bill Number:	**HB 401**
Title:	**relative to evictions based on the owner's intent to renovate the property.**
Date:	**February 8, 2023**
Consent Calendar:	**Regular Calendar**
Recommendation:	**WITHOUT RECOMMENDATION**

Statement in support of Inexpedient to Legislate: This bill would place an undue and unwarranted burden on a landowner's ability and right to renovate and/or remove his property from the rental market. It would require the landlord to give 60 days' notice to vacate, describe with specificity the work to be done and the time it will take, explain why the work cannot be done with the tenant in place, and show that the work will take more than 30 days to complete. The landlord also must offer the tenant an alternative rental on the same terms if one is available. Evictions based on the landlord's intent to remove the unit from the rental market must also include a sworn affidavit that the unit would be off the market for no less than one year, with the owner incurring liability to the tenant for a $10,000 penalty if the unit is returned to the market in a shorter time. Supporters believe requiring landlords to comply with these onerous requirements will increase rental rates and decrease the already scant supply of affordable housing.

Amendment:

Rep. Kristine Perez

Statement in support of Ought to Pass: This bill offers needed protections for tenants in situations where a landlord plans to renovate property or remove property from the market. When an eviction notice is based on an intent to renovate, a renter must be provided 60 days' notice to vacate, be told what work is being done to the unit, and the time frame renovations will take. Additionally, it must be shown that the work cannot be safely performed with the tenant still living there and that the work will take more than 30 days. If one is evicted based on the owner's intention to remove the property from the market, this bill would require 60 days' notice to the tenant and mandates that the unit be off the market for one year. All of these protections allow a reasonable balance where landlords can still renovate and repair their properties or remove them from the market, but also allows tenants stability and more notice to avoid difficult situations, including school changes, increased difficulty in travel to work, or, because of lack of availability of alternative housing, homelessness.

Amendment:

Rep. Marjorie Smith

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Judiciary

HB 401, relative to evictions based on the owner's intent to renovate the property. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill offers needed protections for tenants in situations where a landlord plans to renovate property or remove property from the market. When an eviction notice is based on an intent to renovate, a renter must be provided 60 days' notice to vacate, be told what work is being done to the unit, and the time frame renovations will take. Additionally, it must be shown that the work cannot be safely performed with the tenant still living there and that the work will take more than 30 days. If one is evicted based on the owner's intention to remove the property from the market, this bill would require 60 days' notice to the tenant and mandates that the unit be off the market for one year. All of these protections allow a reasonable balance where landlords can still renovate and repair their properties or remove them from the market, but also allows tenants stability and more notice to avoid difficult situations, including school changes, increased difficulty in travel to work, or, because of lack of availability of alternative housing, homelessness.

Rep. Marjorie Smith

Statement in support of Inexpedient to Legislate: This bill would place an undue and unwarranted burden on a landowner's ability and right to renovate and/or remove his property from the rental market. It would require the landlord to give 60 days' notice to vacate, describe with specificity the work to be done and the time it will take, explain why the work cannot be done with the tenant in place, and show that the work will take more than 30 days to complete. The landlord also must offer the tenant an alternative rental on the same terms if one is available. Evictions based on the landlord's intent to remove the unit from the rental market must also include a sworn affidavit that the unit would be off the market for no less than one year, with the owner incurring liability to the tenant for a $10,000 penalty if the unit is returned to the market in a shorter time. Supporters believe requiring landlords to comply with these onerous requirements will increase rental rates and decrease the already scant supply of affordable housing.

Rep. Kristine Perez

Original: House Clerk

Cc: Committee Bill File

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB 401 Date: 1/25/23

Committee: Judiciary

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

Name	Address	Phone	Representing	Pro	Con
Jane Haigh	1573 Union St	9073944475	SCL	✓	
Rep Linda Stedman	Bedford		self		X
Dawn McKinney			NH Legal Assistance	✓	
Kirkland	Northwood		self		X
Rep Kathy Staub	Hills 25			✓	
Vanessa Blevins	5 Ash St Manch	661-0722	SLF	✓	
Ken Eyring	Windham				X
Eric Gallager	Concord			✓	
Viola	Katsiime	1045 Elm St. Manch	GSP	✓	

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 401

BILL TITLE: **relative to evictions based on the owner's intent to renovate the property.**

DATE: **January 25, 2023**

LOB ROOM: **206-208** **Time Public Hearing Called to Order:** **3:41 p.m.**

Time Adjourned: **4:36 p.m.**

Committee Members: Reps. Lynn, Wallace, Kuttab, Alexander Jr., Andrus, Testerman, Stapleton, Tripp, Greeson, K. Perez, M. Smith, Horrigan, DiLorenzo, Kenney, M. Paige, McBeath, Devine, Lanza, Manos and Turer

Bill Sponsors:

Rep. Kenney	**Rep. Staub**	**Rep. Vogt**
Rep. Horrigan	**Rep. Howland**	**Rep. A. Murray**
Rep. Seibert	**Rep. M. Smith**	**Sen. Perkins Kwoka**
Sen. Whitley		

TESTIMONY

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

1. **Rep. Kenney**, **Sponsor.**
- Provides that when there is an eviction based on landlords intent to renovate, that 60 days notice is provided.
- Prohibits landlord from selling the property within a year, inflicts penalty if done.
- Rep. M Smith asks why we need the bill. Rep Kenney states housing is a human right and if someone is going to be deprived of their housing, they should have notice.
- Rep. Alexander asked if line 15 provides the landlord has to shop around for a place for the tenant. Rep Kenney said well if he isn't going to provide notice, yes because the tenant needs housing.

2. **Jessica Morgeson, Support.**
- Renovation evictions are very high and misused.
- Gives family time to plan and move.

3. **Rep Kathy Staub, Co-Sponsor.**
- Maintaining a quality of life for residents.
- There are renters who have never missed a payment and can be evicted. This bill will give them 60 days.
- Bill helps to define parameters of renovations that would be permitted for eviction.
- Land lords will often do this just to get a higher rent payment and then tenant is left with no where to go.
- Often times no place for these renters to go when they're evicted. This legislation will help mitigate that for our constituents.

4. **Matt Bacon, Oppose**, NH Assoc of Realtors.
- Understands reason for which it was crafted and sympathizes, however the tenant knows the terms of the lease, and knows the end date of it and has no guarantees beyond that.
- Believes 60 days would be longest notice imposed. Normally it's 30 days.
- There is a lack of housing, not a lack of regulations.
- Rep Andrus asked if there's a way to look up the kind of housing lacking in NH. Mr. Bacon stated NH Housing Finance Authority puts out this information and it's all on their site.

5. **Brandon Lemay, Supports.**
- Works with many low and moderate income tenants and most often landlords use this renovation loophole to get tenants out when they have no other reason.
- Thinks on line 28 that 12 months is a bit too long, perhaps 6 months, since there is a housing crisis and that's a long time to not have a property available.

6. **Nick Norman, Oppose**, Apartment Assoc of NH.
- Tenants are only required to give 30 day notice, why do landlords have to give 60 days? Tenants are only giving 30 days notice when they plan to vacate, so you'd be looking for houses before you need them.
- Need to look to create more housing, not more regulations.
- Predicting renovation timelines is hard in this market due to supply chain issues.

7. **David Cline, Oppose.**
- Can't always know in advance a timeline, sometimes they find more issues once they start renovating.
- Some of these requirements are burdensome and subjective such as can the work be done safely? Is a splintering window a potential danger?
- Having to find a similar unit. Very ambiguous, can it be here or in Alabama?
- Why do we want to incentivize someone to keep an apartment off the market for 12 months when we have a shortage?
- Not easy to lineup contractors these days.
- Rep Horrigan wonders if a new owner buys a place how can he protect himself from knowing that the renovations had happened within 12 months and he may be on the hook for $10k. Mr. Cline said the seller could get an affidavit with P&S agreement similar to how you get a free and clear title.

8. **Sofia Hyatt, Support**, NHLA
- Can be evicted during lease term for a renovation. This is an abusive trend that is increasing.
- Gentleman in Exeter lived in apt for 5 years, paid timely. Was evicted for renovations. Place was painted and put on the market again in 3 days. This could have been done while tenant was still in apartment.
- If someone is going to renovate, they probably know in advance because it takes a long time to lineup contractors right now.
- Chair Lynn asked if his lease is one year and the contract doesn't say anything about renovations, can agreement be broken? Ms. Hyatt says yet, she's working on several. He asked her to provide specific case examples. She can't point to a case.
*Submitted written testimony

House Remote Testify

Judiciary Committee Testify List for Bill HB401 on 2023-01-25

Support: 71 Oppose: 13 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Oppose	No	No
Perkins Kwoka, Senator Rebecca	Portsmouth, NH rebecca.perkinskwoka@leg.state.nh.us	An Elected Official	Myself	Support	No	No
Holstein, Susanne	Bedford, NH srholstein@comcast.net	A Member of the Public	Myself	Support	No	No
Fuentes, Sebastian	Thornton, NH sebastian@radnh.org	A Lobbyist	Rights & Democracy NH	Support	No	No
Smith, Hayden	Hanover, NH hasmith1520@gmail.com	A Member of the Public	Myself	Support	No	No
Gordon, Carolyn	Hanover, NH csgordon@dartmouth.edu	A Member of the Public	Myself	Support	No	No
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Support	No	No
Steuerwald, Carissa	Portsmouth, NH LOGICALUNDERPANTS@GMAIL.COM	A Member of the Public	Myself	Support	No	No
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	No
Taylor, Gale	Concord, NH galeforcefacilitators@gmail.com	A Member of the Public	Myself	Support	No	No
Casino, Joanne	Concord, NH joannecasino@comcast.net	A Member of the Public	Myself	Support	No	No
Coon, Kate	Peterborough, NH kate2coon@gmail.com	A Member of the Public	Myself	Support	No	No
Feder, Marsha	Hollis, NH marshafeder@gmail.com	A Member of the Public	Myself	Support	No	No
St. Laurent, Marissa	Portsmouth, NH marissa.stlaurent@gmail.com	A Member of the Public	Myself	Support	No	No
Creem, Jeffrey	Nashua, NH jeff@thecreems.com	A Member of the Public	Myself	Oppose	No	No
Kelly, Jon	Penacook, NH jonmkelly@gmail.com	A Member of the Public	Myself	Oppose	No	No
Reed, Barbara	North Swanzey, NH BDReed74@gmail.com	A Member of the Public	Myself	Support	No	No
Kennard-Emery, Crystal	CONCORD, NH Cnk572@gmail.com	A Member of the Public	Myself	Support	No	No
Straiton, Marie	Pembroke, NH m.straiton@comcast.net	A Member of the Public	Myself	Support	No	No
Satterfield, Peter	Pembroke, NH psatterfield@comcast.net	A Member of the Public	Myself	Support	No	No
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Support	No	No
Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Support	No	No

Garland, Ann	Lebanon, NH annhgarland@gmail.com	A Member of the Public	Myself	Support	No	No
Ford, Sue	Easton, NH sueford06@gmail.com	A Member of the Public	Myself	Support	No	No
Willing, Maura	Concord, NH Maura.Willing@Comcast.net	A Member of the Public	Myself	Support	No	No
Medeiros, Jesse	Plainfield, NH bgtrck458@gmail.com	A Member of the Public	Myself	Oppose	No	No
Liberman, Sheryl	Merrimack, NH saml54@comcast.net	A Member of the Public	Myself	Support	No	No
Rettew, Ann	Concord, NH abrettew@gmail.com	A Member of the Public	Myself	Support	No	No
Karney, Stephen	Amherst, NH stephenakarney@gmail.com	A Member of the Public	Myself	Oppose	No	No
Jones, Nathaniel	BRENTWOOD, NH nate_jones@hotmail.com	A Member of the Public	Myself	Support	No	No
Jones, Jennifer	BRENTWOOD, NH jennjones123@hotmail.com	A Member of the Public	Myself	Support	No	No
Nardino, Marie	Andover, NH mdnardino@gmail.com	A Member of the Public	Myself	Support	No	No
Hayes, Colleen	Claremont, NH colleenannhayes@gmail.com	A Member of the Public	Myself	Support	No	No
Burr, Emily	Canterbury, NH revemilyburr@gmail.com	A Member of the Public	Myself	Support	No	No
Moore, Susan	Franconia, NH susan.moore.franconia@gmail.com	A Member of the Public	Myself	Support	No	No
Phillips, Betsey	Bethlehem, NH bphill36@gmail.com	A Member of the Public	Myself	Support	No	No
Schapiro, Joe	Keene, NH joe.schapiro@leg.state.nh.us	An Elected Official	Cheshire 16	Oppose	No	No
Phillips, Chuck	Bethlehem, NH chuckpnh@gmail.com	A Member of the Public	Myself	Support	No	No
Moccia, Lianne	LEBANON, NH lianne.moccia@gmail.com	A Member of the Public	Myself	Support	No	No
Hamer, Heidi	Manchester, NH heidi.hamer@leg.state.nh.us	An Elected Official	Myself	Support	No	No
Applewhite, Jordan	Sugar Hill, NH jordan.applewhite@gmail.com	A Member of the Public	Myself	Support	No	No
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No
MacGregor, Leslie	Grantham, NH lsmacgregor@gmail.com	A Member of the Public	Myself	Support	No	No
Nelson, Deborah	Hanover, NH dbaconnelson@gmail.com	A Member of the Public	Myself	Support	No	No
Hennessey, Martha	Hanover, NH Msh4wt@gmail.com	A Member of the Public	Myself	Support	No	No
Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Support	No	No
Brennan, Arthur	Weare, NH arete201314@gmail.com	A Member of the Public	Myself	Oppose	No	No
Spielman, Kathy Sue	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Support	No	No
Benham, Linda	Greenland, NH benhamblab@outlook.com	A Member of the Public	Myself	Support	No	No

Tourigny, Robert	Manchester, NH rtourigny@nwsnh.org	A Member of the Public	Myself	Support	No	No
Nicholson, Lisa	Newmarket, NH LisaRNicholson@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Andrews, Heather	Newmarket, NH heather@cheneyco.com	A Member of the Public	Myself	Oppose	No	No
LeClerc, Daniel	Amherst, NH djl91862@gmail.com	An Elected Official	Myself	Support	No	No
BALDWIN, HEATHER	Thornton, NH hpbaldwin48@gmail.com	An Elected Official	Myself	Support	No	No
Berry, Jake	Concord, NH jberry@new-futures.org	A Lobbyist	New Futures	Support	No	No
Spier, Carry	Nashua, NH carry.spier@leg.state.nh.us	An Elected Official	Myself	Support	No	No
Fudge, Kim Marie	NORTH CONWAY, NH kimfudge20@gmail.com	A Member of the Public	Myself	Oppose	No	No
Perencevich, Ruth	Concord, NH rperence@comcast.net	A Member of the Public	Myself	Support	No	No
Black, William	Hanover, NH billblacknh@gmail.com	A Member of the Public	Myself	Support	No	No
Holt, David	Somersworth, NH Davholt@aol.com	A Member of the Public	Myself	Support	No	No
Sellarole, Jana	Walpole, NH jgsellarole@gmail.com	A Member of the Public	Myself	Support	No	No
Almy, Susan	Lebanon, NH susan.almy@comcast.net	An Elected Official	Myself	Support	No	No
Weber, Jill	Mont Vernon, NH jill@frajilfarms.com	A Member of the Public	Myself	Support	No	No
Billingham, Carla	Salem, NH billingham2@comcast.net	A Member of the Public	Myself	Support	No	No
Slattery, Joseph	Portsmouth, NH jmslattery25@gmail.com	A Member of the Public	Myself	Support	No	No
Taylor, Susan	Plainfield, NH sueetaylor158@gmail.com	A Member of the Public	Myself	Support	No	No
Taylor, David	Plainfield, NH dstaylor342@gmail.com	A Member of the Public	Myself	Support	No	No
Termini, Marcella	Manchester, NH marcellatermini@gmail.com	A Member of the Public	Myself	Support	No	No
Lyon, Sarah	Lee, NH s33lyon@gmail.com	A Member of the Public	Myself	Support	No	No
Margolin, Elissa	Portsmouth, NH elissa@housingactionnh.org	A Lobbyist	Housing Action NH	Support	No	No
Cochran, Shane	Manchester, NH shane.cochrannh@gmail.com	A Member of the Public	Myself	Support	No	No
Hinebauch, Mel	Concord, NH melhinebauch@gmail.com	A Member of the Public	Myself	Support	No	No
Lovett, Charlene	Claremont, NH charlenelovett2022@gmail.com	A Member of the Public	Myself	Support	No	No
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No
Muns, Chris	Town, NH chris.muns@leg.state.nh.us	An Elected Official	Myself	Support	No	No
Cross MacDonald, Erika	Hollis, NH erika.cross.macdonald@gmail.com	A Member of the Public	Myself	Support	No	No

Gerlack, Sarah	Boscawen, NH sgerlack@boscawennh.gov	State Agency Staff	NHLWAA	Support	No	No
MICHAUD, CHARLEEN	Manchester, NH cmichaud@manchesternh.gov	A Member of the Public	The City of Manchester Welfare Department	Support	No	No
Smith, Sara	Pembroke, NH sara.rose.ssmith@gmail.com	A Member of the Public	Myself	Support	No	No
Pierre, Sandra	Marlow, NH spierre@mailbox.org	An Elected Official	Myself	Oppose	No	No
Lane, Connie	Concord, NH connie.lane@leg.state.nh.us	An Elected Official	Constituents	Support	No	No
Lamphier, Regan	Nashua, NH reganburkelamphier@gmail.com	An Elected Official	Myself	Support	No	No
Schuett, Rep. Dianne	Pembroke, NH schuettforrep@yahoo.com	An Elected Official	Myself	Support	No	No
Peirce, William	Kittery, ME wf5@yahoo.com	A Member of the Public	Myself	Oppose	No	No

January 25, 2023

House Judiciary Committee
Legislative Office Building
Concord, NH 03301

Chairman Lynn and members of the House Judiciary Committee:

I am writing in support of HB401. Passage of this bill would provide a reasonable time for tenants to find alternative housing should landlords elect to renovate/repair or remove units from the residential rental market. It would also ensure that landlords follow through when citing renovations/repairs or unit removal as the reason for eviction. Combined this would help stabilize housing in communities and assure improvements to local housing stock.

Near vacancy rates in housing markets across the state make it more difficult for residents to find alternative housing. Providing tenants at least a 60-day notice better aligns with the Council on Housing Stability's Strategic Plan. Policy that supports this plan is critical to the economic stability of communities across the state.

Improvements to residential rental properties benefit communities in numerous ways. When landlords cite intent to renovate/repair units as cause for eviction, there is an expectation that this will be done. Taking such action promotes quality housing and higher property values, benefitting landlords, future tenants, and the overall valuation of communities.

We need housing policy that fosters economic stability and promotes quality housing stock. Please vote in support of HB401.

/s/
Charlene Lovett
Former Mayor of Claremont
Charlenelovett2022@gmail.com
603-504-6273 (h)
443-538-9977 (c)

Gale Taylor

Marissa St. Laurent

Protect NH tenants.

Maura Willing

The current administration's ideas regarding what should be taught and not taught is unacceptable. As a former teacher I firmly believe ideas, even unpleasant ones, are the basis of a strong society.

Deborah Nelson

The current housing climate, and our local Upper Valley, has seen too many instances where tenants find themselves evicted because a property has changed hands and the new owner wishes to renovate and increase rents. We need to protect those who rely on rental housing, but cannot keep up with ever escalating housing costs.

Susan Taylor

Our State Government already is last in the nation for financial support of our schools and the poorer districts thus have the highest taxes. This undermines the quality of our public schools and causes us to have 2nd highest tax burden in the nation because of local property taxes. The last thing we should do is take more money out of our schools to give to people who can already afford to send their kids to private schools.

Elissa Margolin

No written testimony

Shane Cochran

As a member of the FrontDoor Agency’s Advocacy Committee, I urge you tosupport HB401. As an Agency, we support low-income individuals and families to attain housing stability. -Shane Cochran

Erika Cross MacDonald

It is well known that unscrupulous landlords use the "renovation" excuse to evict tenants in order to make minimal improvements to a unit and then turn around and rent it at a much higher rate. Given the severe lack of affordable housing in NH, I ask that this law be changed to prevent this. Thank you.

CHARLEEN MICHAUD

As the Director of the Welfare Department in Manchester, I support HB 401. Landlords evicting for renovations should be required to demonstrate to the court what renovations will be done. Additionally tenants being required to leave their home due to renovations need to be given more time to find alternative housing. Housing can not be located and secured within 30 days in the current rental market. Thank you.

William Peirce

Chairman Lynn and members of the Judiciary Committee,

I urge you NOT to pass HB401, a redefinition of renovation evictions.

I am a landlord in New Hampshire. HB401 envisions a very complicated and difficult judicial policing of the renovation eviction process. Please refer to Nick Norman's testimony for description of all the problems it presents.

In today's testimony, a tenant attorney claimed that a landlord used the renovation eviction process to evict the tenant, then only paint the unit and rent it out again two weeks later. If true, that seems like constructive eviction or fraud. There are already severe penalties for that sort of bad behavior.

As a person who has renovated many housing units, I can tell you that costs are difficult to estimate until you see what is behind the walls. At the moment, it is very hard to line up contractors. A firm construction timeline as envisioned in this bill would be very difficult to make real.

HB401 (8)

Stewart

PROPERTY MANAGEMENT

January 23, 2023

Honorable Bob Lynn
Chairman,House Judiciary Committee
!07 North Main Street
Concord, NH 03301

RE: HB 401

Dear Chairman Lynn,

My name is Paul Stewart and I am President of Stewart Property Management, which is located in Bedford, NH.

Our firm owns or manages 2500 apartments in New Hampshire and we have been involved with many properties in our 35 years of operation that have undergone major renovation.

It has been our experience that such properties require substantial advanced planning before renovations can take place. Our owners typically give us a 6-9 month notice, and some of that time is in preparing residents for the owner's plans.

If renovations require permanent displacement of residents a 60 day notice outlining the owner's plans is of no burden whatsoever.

Sincerely,

/s/ Paul N. Stewart
President

EQUAL HOUSING OPPORTUNITY

Stewart Property Management does not discriminate based on race, color, sex, age, religion, national origin, family or marital status, or handicap.

PO Box 10540 • Bedford, New Hampshire 03110 • (603) 641-2163 FAX (603) 641-1063

pstewart@stewartproperty.net • www.stewartproperty.net

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 401

BILL TITLE: relative to evictions based on the owner's intent to renovate the property.

DATE: February 8, 2023

LOB ROOM: 206-208

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. K. Perez | Seconded by Rep. Wallace | Vote: 10-10

MOTIONS: OUGHT TO PASS

Moved by Rep. Horrigan | Seconded by Rep. McBeath | Vote: 10-10

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Katelyn Kuttab, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2023 9:53:34 AM
Roll Call Committee Registers Report

2023 SESSION

Judiciary

Bill #: HB401 Motion: OTP AM #: _____ Exec Session Date: 8Feb23

Members	YEAS	Nays	NV
Lynn, Bob J. Chairman		10	
Wallace, Scott Vice Chairman		1	
Alexander, Joe H.		2	
Andrus, Louise		3	
Testerman, Dave		4	
Stapleton, Walter A.		5	
Tripp, Richard P.		6	
Greeson, Jeffrey		7	
Kuttab, Katelyn Clerk		8	
Perez, Kristine		9	
Smith, Marjorie K.	1		
Horrigan, Timothy O.	2		
DiLorenzo, Charlotte I.	3		
~~Kenney, Cam E.~~ Eaton, Daniel	4		
Paige, Mark	5		
McBeath, Rebecca Susan	6		
Devine, Shelley	7		
Lanza, Judi	8		
Manos, Zoe R	9		
Turer, Eric S	16		
TOTAL VOTE:	10	10	—

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

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