

CHAPTER 291
SB 26 - FINAL VERSION

03/20/2025...0906s
5Jun2025...1976h
06/26/2025...2905EBA

2025 SESSION

25-1070
07/05

SENATE BILL **26**

AN ACT allowing the department of justice to authorize the preclosing use of a portion of a deposit held in escrow for the payment of certain construction customizations, upgrades, or change orders.

SPONSORS: Sen. Pearl, Dist 17; Sen. Lang, Dist 2; Sen. Reardon, Dist 15; Sen. Innis, Dist 7; Sen. Murphy, Dist 16; Rep. See, Merr. 26; Rep. C. McGuire, Merr. 27; Rep. Moffett, Merr. 4; Rep. Verville, Rock. 2; Rep. Bryer, Rock. 1

COMMITTEE: Commerce

AMENDED ANALYSIS

This bill allows the department of justice to authorize the preclosing use of a portion of a deposit held in escrow for the payment of certain construction customizations, upgrades, or change orders.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT allowing the department of justice to authorize the preclosing use of a portion of a deposit held in escrow for the payment of certain construction customizations, upgrades, or change orders.

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

1 291:1 Trade and Commerce; Land Sales Full Disclosure Act; Escrow of Deposits. Amend RSA 356-
2 A:9-a to read as follows:

3 356-A:9-a Escrow of Deposits. Any deposit made in regard to any disposition of a lot, parcel, unit or
4 interest in subdivided lands shall be held in escrow until settlement or closing. Such escrow funds shall
5 be deposited in a separate account designated for this purpose; provided, however, if such funds are
6 being held by a real estate broker or attorney licensed under the laws of this state, they may be placed in
7 that broker's or attorney's regular escrow account and need not be placed in a separate designated
8 account. Such escrow funds shall not be subject to attachment by the creditors of either the purchaser or
9 the subdivider. *Notwithstanding the foregoing requirement that the deposit be held in escrow, the*
10 *department of justice's consumer protection and antitrust bureau may authorize the preclosing use of a*
11 *portion of a deposit designated pursuant to a purchase and sales agreement for the payment of any of the*
12 *following, on such terms as the bureau might reasonably impose:*

13 *I. Customizations;*

14 *II. Upgrades;*

15 *III. Change orders;*

16 *IV. Similar items; and*

17 *V. Any combination of paragraphs I through IV.*

18 291:2 Trade and Commerce; Condominium Act; Escrow of Deposits. Amend RSA 356-B:57 to read
19 as follows:

20 356-B:57 Escrow of Deposits. Any deposit made in regard to any disposition of any interest in a unit
21 shall either be held in escrow until settlement or closing or shall be delivered to the person providing
22 construction financing, who shall either hold said deposit in escrow or shall apply said deposit to the
23 construction of the condominium; provided, however, that any deposit made under a nonbinding
24 reservation agreement shall be placed in escrow. Subject to the foregoing, such escrow funds shall be
25 deposited in a separate account designated for this purpose; provided, however, if such funds are being
26 held by a real estate broker or attorney licensed under the laws of this state, they may be placed in that
27 broker's or attorney's regular escrow account and need not be placed in a separate designated account.
28 Such escrow funds shall not be subject to attachment by the creditors of either the purchaser or the
29 declarant. *Notwithstanding the foregoing requirement that the deposit be held in escrow, the department*
30 *of justice's consumer protection and antitrust bureau may authorize the preclosing use of a portion of a*

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1 *deposit designated pursuant to a purchase and sales agreement for the payment of any of the following,*
2 *on such terms as the bureau might reasonably impose:*

3 *I. Customizations;*

4 *II. Upgrades;*

5 *III. Change orders;*

6 *IV. Similar items; and*

7 *V. Any combination of paragraphs I through IV.*

8 291:3 Effective Date. This act shall take effect upon its passage.

Approved: August 01, 2025
Effective Date: August 01, 2025

