

Amendment to HB 60

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

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3 1 New Subparagraph; Termination of Tenancy; Expiration of Term; Effective on Submission of
4 Report of the Department of Health and Human Services. Amend RSA 540:2, II by inserting after
5 subparagraph (h) the following new subparagraph:

6 (i) For a lease the original term of which is 12 months or longer, or for a lease the term
7 of which is less than 12 months, but which has been renewed for a total period of 12 months or
8 longer, the expiration of the term of the lease, provided that:

9 (1) The landlord has provided the tenant with written notice at least 60 days in
10 advance of the termination date of the lease term that the lease will not be renewed and that the
11 tenant must vacate the rental property at the end of the lease term; and

12 (2) The landlord has filed a possessory action within 6 months of the lease expiring.

13 2 New Paragraph; Termination of Tenancy; Expiration of Term. Amend RSA 540:2 by inserting
14 after paragraph VII the following new paragraph:

15 VIII. No fault termination of tenancy shall not be considered an eviction for the purposes of
16 rental applications and tenant screening reports by the lessor or the lessee. For the purposes of this
17 section, “no fault termination of tenancy” shall mean any termination of tenancy under RSA 540:2,
18 II(e), and RSA 540:2, II(f), when “other good cause” is not based on the action or inaction of the
19 tenant, members of their family, or guests. The court handling any no fault termination of tenancy
20 shall make note in court documentation of the termination of tenancy proceeding that the
21 termination of tenancy was at no fault of the tenant.

22 3 Termination of Tenancy; Expiration of Term; Effective on Submission of Report of the
23 Department of Health and Human Services. Amend RSA 540:2 to read as follows:

24 VIII. No fault termination of tenancy shall not be considered an eviction for the purposes of
25 rental applications and tenant screening reports by the lessor or the lessee. For the purposes of this
26 section, “no fault termination of tenancy” shall mean any termination of tenancy under RSA 540:2,
27 II(e), **RSA 540:2, II(i)**, and RSA 540:2, II(f), when “other good cause” is not based on the action or
28 inaction of the tenant, members of their family, or guests. The court handling any no fault
29 termination of tenancy shall make note in court documentation of the termination of tenancy
30 proceeding that the termination of tenancy was at no fault of the tenant.

31 4 Department of Health and Human Services; Report Required. The department of health and
32 human services shall provide a written report to the judicial branch when officially published data

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1 on the rental vacancy rate from the United States Federal Reserve demonstrates New Hampshire
2 has had a rental vacancy rate of 5 percent or higher each quarter for that calendar year. The
3 department of health and human services and the judicial branch shall make this report available on
4 their websites. The department of health and human services shall notify the senate president, the
5 speaker of the house, and the governor when this report is filed.

6 5 Contingency on Filing of Report. Sections 1 and 3 of this act shall take effect upon
7 certification by the department of health and human services to the director of the office of
8 legislative services that the report required by section 4 of this act has been provided to the judicial
9 branch.

10 6 Effective Date.

11 I. Sections 1 and 3 of this act shall take effect as provided in section 5 of this act.

12 II. The remainder of this act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill establishes that the expiration of a lease or tenancy exceeding 12 months constitutes grounds for eviction while clarifying that a no-fault termination of tenancy is not considered an eviction for rental applications or tenant screening, with courts being required to document the tenant's lack of fault. This bill further requires the department of health and human services to provide a written report to the judicial branch when officially published data on housing vacancies and homeownership from the United States census bureau demonstrates New Hampshire has had a rental vacancy rate of 5 percent or higher each quarter for that calendar year.