

Senate Judiciary Committee

Brendan Bunnell 271-4063

HB 1598-FN, relative to notice and proceedings for tenants and landlords engaged in eviction processes.

Hearing Date: March 31, 2026

Time Opened: 2:17 p.m.

Time Closed: 2:45 p.m.

Members of the Committee Present: Senators Gannon, Abbas, Altschiller and Reardon

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill amends various landlord/tenant laws to makes it easier for landlords to evict tenants for non-payment of rent or for a material breach of a rental agreement.

Sponsors:

Rep. Dumont

Rep. Cole

Rep. Beaulier

Rep. Ulery

Sen. Carson

Who supports the bill: Representative Dillon Dumont, Representative Daniel Popovivi-Muller, Elizabeth McKinney, Cory Stone, Curtis Howland, Pamela Harders.

Who opposes the bill: 76 Individuals signed in opposition to this bill. For a complete list of those who signed in opposition please contact the Senate Judiciary Committee Aide.

Who is neutral on the bill: Lauren Warner, Elliot Berry, Stephen Tower, and Jennifer Chisholm (NH Coalition to End Homelessness).

Summary of the testimony presented:

Representative Dillon Dumont introduced House Bill 1598, and explained that the bill is intended to improve and streamline eviction procedures under RSA 540 while balancing the interests of landlords and tenants.

- He emphasized that the bill focuses on clear cases such as nonpayment of rent or serious lease violations involving health, safety, or criminal activity.

- He stated that the goal is not to rush tenants out of housing, but to restore efficiency to a system that can move too slowly, creating financial strain for housing providers and reducing available housing.
- He noted that the bill was the result of collaboration between housing providers, the House Housing Subcommittee, and New Hampshire Legal Assistance, and that an amendment addressed earlier concerns.
- He stated that the bill maintains tenant protections while improving clarity, notice provisions, and predictability. He also noted that it passed with bipartisan support on the consent calendar.

Nick Norman, speaking on behalf of landlord associations, testified in support and described the bill as a negotiated compromise developed through extensive collaboration, including input from New Hampshire Legal Assistance.

- He explained that earlier versions of the bill contained unconstitutional provisions and overly restricted tenant rights, but those issues were addressed in the amended version.
- He highlighted a technical drafting error on page five, line seven, where a statutory reference should be corrected from subparagraph C to subparagraph E due to renumbering.
- He explained that the bill restores existing eviction timelines while addressing delays caused by procedural tactics. He stated that the bill requires both parties to state defenses and counterclaims in advance of hearings, allowing better preparation, but includes a provision allowing a short continuance if a tenant raises a defense later.
- He described additional provisions limiting frivolous motions, requiring rent payments into court after judgment if further delays are sought, reducing discretionary stays while allowing exceptions in extreme cases, and expanding liability for lease violations caused by household members or guests.
- He also noted a potential duplication issue identified shortly before the hearing that may require further amendment.
- Senator Abbas asked about the interaction between the requirement to file an answer with defenses and the provision allowing tenants to raise defenses later at the hearing. He questioned whether this could incentivize tenants or attorneys to withhold defenses until trial, potentially disadvantaging landlords, and asked whether removing that provision would undermine the negotiated compromise.

- o Nick Norman responded that removing that provision would undermine the compromise. He explained that under current law tenants are not required to state defenses in advance, which forces landlords to prepare for all possible arguments.
- o He stated that the bill improves this by requiring earlier disclosure, while still allowing flexibility for tenants who may not understand the requirement, with the option of a continuance to allow landlords time to respond.
- Senator Reardon asked Norman to restate the technical correction regarding the statutory citation on page five line 7.
 - o Nick Norman clarified that on page five, line seven, the reference should read RSA 540-A:4, Roman numeral 7, subparagraph E rather than subparagraph C due to renumbering of provisions.
 - Senator Reardon stated that there is not currently a subparagraph E in that section.
 - o Nick Norman replied there would be a section E when the bill passes.

Lauren Warner, deputy general counsel for the judicial branch, testified without taking a position on the bill. She explained that expedited statutory timeframes can have broader impacts on court operations, noting that when cases are prioritized due to statutory deadlines, other cases without such deadlines, such as divorce or parenting matters, may be delayed.

- She also pointed out that the bill uses “days” rather than “business days” in some places, which could further shorten timelines.
- She provided data indicating that there were 5,736 landlord-tenant cases in 2024, most of which were eviction cases, and noted that many tenants are likely self-represented due to the short timelines and financial constraints.
- Senator Tara Reardon asked how often tenants in landlord-tenant cases are self-represented.
 - o Lauren Warner responded that exact data is not tracked, but she believes a significant number are pro se, particularly given the short response timelines and the financial circumstances of many tenants.

David Klein, a small landlord, testified in support and explained that the amended bill removed an earlier expedited eviction process that raised constitutional concerns.

- He addressed the compromise regarding affirmative defenses, explaining that tenants are allowed to raise defenses later because many are self-represented and may not understand pleading requirements, while landlords are given the option of a continuance to prepare.
- He described practical challenges landlords face when tenants raise unexpected defenses and emphasized the need for balance. He also discussed provisions related to RSA 540-A, explaining that the bill provides a tool for addressing extreme situations, such as tenants creating serious health hazards (for example, hoarding conditions involving trash), where current law does not provide an effective remedy.
- He emphasized that the bill requires judicial approval and does not allow self-help evictions. No questions were asked.

Jessica Margeson, a tenant advocate, testified in opposition. She described her work running a tenant clinic and assisting pro se tenants, and argued that the bill would undermine fairness in the eviction process.

- She stated that many tenants face delays in accessing legal assistance and financial support, often taking weeks, while eviction timelines are much shorter.
- She expressed concern about the lack of a safety net for vulnerable populations such as elderly or disabled tenants and argued that the bill could increase homelessness.
- She also referenced a fiscal impact estimate associated with earlier versions of the bill and questioned the policy direction of increasing evictions rather than supporting housing stability. No questions were asked.

Representative Dillon Dumont returned briefly to clarify that the fiscal note referenced earlier applied to a prior version of the bill that included an expedited process, which has since been removed. He confirmed that the amendment discussed by Nick Norman had been shared with committee members and acknowledged that certain provisions, including those related to affirmative defenses, were part of the negotiated compromise.

Elliot Berry, a retired attorney at NH legal assistance, addressed a technical issue in the bill, explaining that on page three, lines 23 to 30, there is a conflict between

language allowing eviction without a hearing for “necessary repairs” versus “emergency repairs.” He argued that “necessary repairs” is too broad and could allow eviction without a hearing in situations that do not justify such action, whereas “emergency repairs” is a more appropriate standard. The speaker recommended removing the reference to “necessary repairs” and retaining only the emergency repairs standard, noting that current law already addresses necessary repairs and provides for a hearing process.

BMB

Date Hearing Report completed: April 2, 2026