

Senate Judiciary Committee

Brendan Bunnell 271-4063

HB 1499-FN, relative to additional grounds for eviction under the landlord and tenant statute.

Hearing Date: March 31, 2026

Time Opened: 2:46 p.m.

Time Closed: 3:28 p.m.

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

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill allows eviction if a tenant uses someone else's personal information to obtain the rental or if the tenant or an occupant has certain criminal convictions, including improper entry as a non-citizen or a conviction requiring registration as a sexual offender or offender against children. The landlord cannot use a conviction disclosed in writing before the start of the tenancy as grounds for eviction.

Sponsors:

Rep. Alexander Jr.

Rep. Beaulier

Rep. Berry

Rep. Kuttub

Rep. Osborne

Rep. Sweeney

Sen. Innis

Sen. Lang

Who supports the bill: Representative Daniel Popovici-Muller, Representative Dillon Dumont, Curtis Howland, Senator Daniel Innis, Pamela Harders.

Who opposes the bill: 144 Individuals signed in opposition to the bill. For a complete list of those who signed in opposition please contact the Senate Judiciary Committee Aide.

Who is neutral on the bill: None.

Summary of the testimony presented:

Representative Dillon Dumont introduced House Bill 1499, explaining that under current law (RSA 540:2, Roman numeral II), tenants may only be evicted for specific listed causes such as nonpayment of rent, property damage, lease violations, or behavior affecting health and safety.

- He stated that the category of "other good cause" has been interpreted many times by the New Hampshire Supreme Court and remains ambiguous. He explained that the bill seeks to clarify and add specific grounds for eviction, including when a tenant or occupant commits fraud or identity theft to obtain

housing, has certain recent criminal convictions, violates immigration laws, or is a registered sex offender, including offenders against children.

- He emphasized that the bill includes safeguards, such as prohibiting eviction based on convictions that were disclosed in writing prior to the start of the tenancy.
- He stated that the bill is intended to promote accountability, protect landlords and other tenants, and provide clarity in the law. He noted that he was presenting the bill on behalf of another sponsor and would not take questions. No questions were asked.

Stephen Tower, representing New Hampshire Legal Assistance, testified in opposition and explained that the bill allows eviction based on past criminal status rather than current behavior.

- He stated that existing law already allows eviction if a tenant's conduct threatens health or safety, making additional provisions unnecessary. He argued that fraud in obtaining housing is already covered under "other good cause."
- He raised concerns about the breadth of crimes covered, noting that felonies in other states could include relatively minor conduct, such as shoplifting over a certain amount or marijuana possession.
- He also warned that the bill could allow eviction of entire households based on one individual's past conviction.
- He suggested an amendment to clarify that disclosure of criminal history through a background check, not just written disclosure, should prevent eviction under the bill.
- Senator Abbas asked whether Tower opposed all four categories of new eviction grounds listed in the bill or only some of them.
 - Stephen Tower responded that his primary concern is the overall concept, emphasizing that landlords already have the ability to screen tenants and should not be allowed to evict later based on information they could have obtained at the outset.
- Senator Abbas asked about a scenario where a tenant becomes a registered sex offender after the tenancy begins and whether landlords should have a remedy in that situation.
 - Stephen Tower responded that if a tenant's conduct poses a threat to health or safety, current law already provides a basis for eviction, and he

suggested that such scenarios are relatively uncommon compared to the broader impact of the bill.

- Senator Abbas asked whether landlords could include lease provisions addressing future criminal conduct.
 - Stephen Tower agreed that landlords can include such provisions in leases.

Holly Stevens, representing NAMI New Hampshire, testified in opposition and emphasized the importance of stable housing for individuals with mental illness.

- She argued that the bill would allow eviction based on past conduct, including convictions up to five years old, even when tenants are complying with their lease.
- She expressed concern that entire households could be evicted due to one member's past conviction and that the bill could disproportionately impact vulnerable populations, including those with mental illness or substance use disorders.
- Senator Altschiller asked whether the three-year lookback period in current law was part of her concern.
 - Holly Stevens responded that both the lookback period and the requirement for affirmative written disclosure are problematic, noting that tenants may not realize they must disclose older convictions and could be penalized for failing to do so.
 - Senator Altschiller followed up by asking whether the bill would allow eviction based on conduct unrelated to tenancy, such as past minor offenses.
 - Holly Stevens confirmed that this was a concern, explaining that relatively minor felony-level offenses could result in eviction years later and could affect entire families.
- Senator Altschiller asked whether a young adult household member's past conviction could jeopardize housing for the entire family.
 - Holly Stevens confirmed that this was a key concern.

Nick Taylor, representing Housing Action New Hampshire, testified in opposition and emphasized that landlord-tenant relationships are contractual agreements based on information available at the time of signing.

- He argued that the bill shifts focus away from tenant behavior during tenancy to past conduct.
- He supported adding language recognizing background checks as disclosure and raised concerns about household-wide eviction.
- He noted that landlords already have tools to address criminal conduct during tenancy, including lease provisions and existing eviction law.
- Senator Abbas asked whether removing the five-year lookback provision while keeping other parts of the bill would reduce opposition.
 - Nick Taylor responded that concerns would remain, particularly regarding disclosure and the principle that landlords should rely on information obtained at the start of tenancy.
 - Senator Abbas suggested that codifying material misrepresentation could simplify court proceedings by making eviction grounds clearer.
 - Nick Taylor responded that clarity is important but emphasized the need for fairness and transparency at the outset of lease agreements.

Elliot Berry testified in opposition and argued that current law already provides sufficient grounds for eviction. He emphasized that if landlords knew about a tenant's past conduct when entering into a lease, they should not later be allowed to evict based on that same information.

- He also argued that eviction should apply only to the individual responsible for misconduct, not entire households.
- He discussed scenarios involving crimes committed after tenancy begins and stated that serious offenses would typically result in incarceration, effectively removing the individual from the property without requiring eviction of others.
- Senator Gannon asked whether landlords should have knowledge of criminal activity by all household members at the time of tenancy.
 - Elliot Berry responded that if landlords did not have knowledge initially, they could address it later, but emphasized fairness and limiting eviction to responsible individuals.
- Senator Abbas asked whether clarifying that prior disclosure prevents eviction would improve the bill.

- o Elliot Berry agreed and suggested expanding that protection to include information obtained through background checks, not just written disclosure.

Rachel Potter, representing the ACLU, testified in opposition and argued that the bill turns eviction into a tool for enforcing criminal and immigration law through civil housing proceedings.

- She emphasized that eviction would no longer be tied to tenant behavior on the property but instead to past conduct.
- She noted that the bill applies broadly to any felony-level offense, including nonviolent crimes, and raised concerns about inaccuracies in background check systems leading to wrongful evictions.
- She also warned that immigration-related provisions could lead to discriminatory screening practices and profiling in the rental market.
- Senator Gannon asked why landlords should not have similar authority as law enforcement in enforcing immigration-related consequences.
 - o Rachel Potter responded that landlords should not act as immigration enforcement agents.
- Senator Abbas asked whether a conviction for improper entry would automatically result in deportation.
 - o Rachel Potter responded that deportation is not automatic and that individuals may remain in the country for various legal or humanitarian reasons.
- Senator Abbas asked why there is opposition specifically to provisions involving registered sex offenders or offenders against children.
 - o Rachel Potter responded that landlords already have the ability to address such situations through existing law and lease provisions, and that the bill is unnecessary.
- A committee member asked whether improper entry is classified as a misdemeanor or felony.
 - o Rachel Potter clarified that it is a misdemeanor.