

Senate Judiciary Committee

Brendan Bunnell 271-4063

HB 1709-FN, prohibiting certain unlawfully present felons from occupying or renting real property.

Hearing Date: April 2, 2026

Time Opened: 3:39 p.m.

Time Closed: 3:52 p.m.

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

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill prohibits certain unlawfully present aliens with prior felony convictions from occupying or renting real property and authorizes sheriffs to arrest such individuals during service of a writ of possession.

Sponsors:

Rep. Alexander Jr.

Rep. Berry

Rep. Kuttab

Rep. Peternel

Rep. Rice

Rep. Perez

Sen. Innis

Sen. Sullivan

Who supports the bill: Representative Daniel Popovici-Muller, Representative Joe Alexander, Representative Liz Barbour, Lori Korzen, Curtis Howland, Cindy Kudlik, Senator Daniel Innis, Pamela Harders, and Dan Richardson.

Who opposes the bill: 145 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 Joe Alexander introduced the bill and explained that the bill is intended to address housing shortages by targeting situations where housing units are occupied by individuals he described as illegal aliens with prior felony convictions who have been deported or left the United States and returned.

- He stated that the bill was narrowed from its original version to apply only to individuals with felony convictions whose status is confirmed by the Department of Homeland Security.
- He explained that the bill would allow sheriffs, where safe to do so, to arrest such individuals consistent with 8 U.S.C. § 1252c and argued that this would help enforce federal immigration laws and prevent individuals who commit serious crimes from residing in New Hampshire.
- He further stated that the bill could help free up housing units for New Hampshire residents, including those experiencing homelessness.
- Senator Gannon asked whether unlawful entry is generally a misdemeanor and whether that would create issues with treating individuals as felons.
 - Rep. Alexander clarified that the bill applies to individuals who have committed felony offenses, not merely unlawful entry, and emphasized that the scope had been narrowed to focus on what he described as the most serious offenders.
- Senator Altschiller asked what data supports the claim that a significant number of housing units are occupied by such individuals,
 - Rep. Alexander stated that it is difficult to quantify because individuals who are unlawfully present are not likely to be tracked, but argued that any housing units freed up would benefit New Hampshire residents in need.

Representative Timothy Horrigan testified in opposition, stating that the bill is both overly broad and practically limited in application.

- He explained that the definition of “occupant or tenant” could include a wide range of individuals, including those in commercial properties, hotels, or campsites, while the criteria for enforcement require prior felony conviction, deportation, reentry, and confirmation by DHS, which significantly narrows the number of people affected.
- He questioned the practical purpose of adding a state level penalty to individuals who would already be subject to serious federal consequences, including deportation.
- He also challenged the premise that immigration is a primary driver of housing shortages, arguing that immigrants contribute to housing supply through labor and construction.

- He concluded that the bill should be found inexpedient to legislate and noted that even if passed, it would likely apply to very few individuals.

Rachel Potter representing ACLU of NH, testified in opposition, arguing that the bill would significantly alter how immigration enforcement and eviction law operate in New Hampshire.

- She stated that the bill shifts eviction law away from traditional considerations such as nonpayment of rent or property damage and instead ties it to immigration status and past criminal history.
- She explained that under the bill, an otherwise compliant tenant could face criminal penalties based on status rather than conduct. She emphasized that reentry after deportation is already a federal crime and argued that the bill would improperly shift federal enforcement responsibilities onto landlords, courts, and county sheriffs, creating additional costs, liability, and what she described as mission creep.
- She also raised concerns that the bill would require sheriffs to make arrests during eviction proceedings, effectively turning those proceedings into immigration enforcement actions, and noted that currently only some counties participate in federal 287(g) agreements while this bill would require all counties to engage in some level of immigration enforcement.
- She further stated that public opinion in New Hampshire does not support increased immigration enforcement of this type.
- Senator Altschiller asked whether the bill would effectively require all counties to participate in immigration enforcement similar to 287(g) agreements.
 - Potter clarified that while the bill is narrower and specific to eviction related enforcement, it would still mandate that all sheriffs engage in some level of immigration enforcement regardless of whether their county had chosen to participate in such programs.