

HB 1336-FN - AS INTRODUCED

2026 SESSION

26-2931

06/07

HOUSE BILL            ***1336-FN***

AN ACT                allowing exceptions to the cap on residential security deposits for applicants not meeting standard approval criteria.

SPONSORS:            Rep. Alexander Jr., Hills. 29; Rep. A. Murray, Hills. 20; Rep. Osborne, Rock. 2; Rep. Miles, Hills. 12; Rep. S. Minor, Belk. 5; Rep. Reinfurt, Hills. 29

COMMITTEE:          Housing

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ANALYSIS

This bill allows landlords to require a security deposit of up to 2 months' rent from applicants who do not meet specified approval criteria, establishes disclosure and re-screening requirements, and clarifies conditions under which the higher deposit may be removed or refunded.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty-Six*

AN ACT allowing exceptions to the cap on residential security deposits for applicants not meeting standard approval criteria.

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

1 1 Procedure. Amend RSA 540-A:6, I(a) to read as follows:

2 I.(a) ***Except as provided for in RSA 540-A:9***, a landlord shall not demand or receive any  
3 security deposit in an amount or value in excess of one month's rent or \$100, whichever is greater.  
4 Nothing in this section shall prohibit a landlord from entering into a written lease that requires the  
5 quarterly or less frequent payment of rent; provided, however, that the security deposit received in  
6 addition to the initial rent payment may not exceed the equivalent of one month's rent.

7 2 New Section; Security Deposits for Applicants Not Meeting Landlord's Approval Criteria.  
8 Amend RSA 540-A by inserting after section 8 the following new section:

9 540-A:9 Security Deposits for Applicants Not Meeting Landlord's Approval Criteria.

10 I. A landlord may require a security deposit of up to 2 months' rent if an applicant fails to  
11 meet the landlord's approval criteria, provided that the unmet criteria were disclosed prior to or  
12 concurrently with the submission of the rental application, and further provided that at least one of  
13 the following is true:

14 (a) The applicant's credit score fails to meet the landlord's requirements, and the  
15 landlord's minimum FICO score requirement does not exceed 650.

16 (b) The applicant's verifiable gross income from lawful sources fails to meet the  
17 landlord's requirements, and the landlord's minimum gross income requirement does not exceed 3  
18 times the monthly rent.

19 (c) The applicant fails to meet the landlord's requirements regarding prior eviction  
20 proceedings, excluding cases dismissed without judgment against the tenant.

21 (d) The applicant fails to meet the landlord's requirements regarding outstanding  
22 unpaid judgments pertaining to rental or financial obligations.

23 (e) The applicant has no prior rental history and is unable to provide a landlord  
24 reference.

25 II. Nothing in this section shall be construed to:

26 (a) Compel a landlord to accept a higher security deposit as a compensating factor;

27 (b) Compel a landlord to approve an applicant who fails to meet their approval criteria;

28 or

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1           (c) Limit a landlord's ability to set approval criteria at their discretion; provided,  
2 however, that a landlord whose approval criteria are more restrictive than the thresholds specified  
3 in RSA 540-A:9, I shall conform to the limits set forth in RSA 540-A:6, I.

4           III. A landlord who requires a security deposit exceeding one month's rent under this section  
5 shall provide written notice to the applicant specifying the grounds for the higher deposit, informing  
6 the applicant of their right to request a re-screening under RSA 540-A:9, IV, and disclosing any fees  
7 for re-screening.

8           IV. A tenant who was required to provide a security deposit exceeding one month's rent  
9 under this section may submit a written request for re-screening at their own expense, no more than  
10 once every 6 months. If the tenant establishes that they meet the landlord's standard rental criteria,  
11 the landlord shall remove the additional security deposit requirement. The landlord shall, at its  
12 option, issue a refund of rent or apply any excess deposit amount to the tenant's future rental  
13 obligations within 30 days of the tenant's submission for re-screening.

14           3 Effective Date. This act shall take effect 60 days after its passage.

**HB 1336-FN- FISCAL NOTE  
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AN ACT allowing exceptions to the cap on residential security deposits for applicants not meeting standard approval criteria.

**FISCAL IMPACT:**

<b>Estimated State Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
<b>Expenditures*</b>	Indeterminable			
<i>Funding Source</i>	General Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

\*Expenditure = Cost of bill      \*Appropriation = Authorized funding to cover cost of bill

<b>Estimated Political Subdivision Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	Indeterminable			
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	Indeterminable			

**METHODOLOGY:**

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: [https://gencourt.state.nh.us/lba/Budget/Fiscal\\_Notes/JudicialCorrectionalCosts.pdf](https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf)

**AGENCIES CONTACTED:**

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association