

HB 1709-FN - AS AMENDED BY THE HOUSE

11Mar2026... 0943h

2026 SESSION

26-2669

04/09

HOUSE BILL

***1709-FN***

AN ACT

prohibiting certain unlawfully present felons from occupying or renting real property.

SPONSORS:

Rep. Alexander Jr., Hills. 29; Rep. Berry, Hills. 44; Rep. Kuttab, Rock. 17; Rep. Peternel, Carr. 6; Rep. Rice, Hills. 38; Rep. Perez, Rock. 16; Sen. Innis, Dist 7; Sen. Sullivan, Dist 18

COMMITTEE:

Housing

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AMENDED 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.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 prohibiting certain unlawfully present felons from occupying or renting real property.

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

1 1 New Section; Prohibited Occupancy or Tenancy of Real Property by Certain Illegal Aliens.

2 Amend RSA 540 by inserting after section 30 the following new section:

3 540:31 Prohibited Occupancy or Tenancy of Real Property by Certain Illegal Aliens.

4 I. An individual commits an offense if such individual is an occupant or tenant of real  
5 property who:

6 (a) Is an alien illegally present in the United States;

7 (b) Has previously been convicted of a felony in the United States and deported or left  
8 the United States after such conviction; and

9 (c) The status of such individual is confirmed by the Department of Homeland Security  
10 pursuant to 8 United States Code, section 1252c.

11 II. Any individual who violates paragraph I shall be guilty of a class A misdemeanor.

12 III. A sheriff shall, to the extent possible and their ability to safely do so, arrest any  
13 individual discovered during service of the writ of possession under RSA 540:14 to be in violation of  
14 paragraph I or otherwise subject to arrest under 8 United States Code, section 1252c.

15 IV. If any provision of this section or the application thereof to any person or circumstances  
16 is held invalid, such invalidity shall not affect other provisions or applications of the section which  
17 can be given effect without the invalid provision or application, and to this end the provisions of this  
18 section are declared to be severable.

19 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1709-FN- FISCAL NOTE  
AS AMENDED BY THE HOUSE (AMENDMENT #2026-0943h)**

AN ACT prohibiting certain unlawfully present felons from occupying or renting real property.

**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