

HB 1336-FN - AS AMENDED BY THE HOUSE

11Mar2026... 0763h
11Mar2026... 1100h

2026 SESSION

26-2931
06/07

HOUSE BILL ***1336-FN***

AN ACT relative to regulated conditional deposits.

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

AMENDED ANALYSIS

This bill allows for the use of regulated conditional deposits by landlords and tenants and clarifies that advance rental payments need not be held in escrow, a trust, or a reserve account.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to regulated conditional deposits.

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

1 1 New Subdivision; Regulated Conditional Deposits. Amend RSA 540-A by inserting after
2 section 8 the following new subdivision:

3 Regulated Conditional Deposits

4 540-A:9 Regulated Conditional Deposits.

5 I. A regulated conditional deposit shall be treated as part of the security deposit for purposes
6 of RSA 540-A:6 through RSA 540-A:8, except as otherwise specifically provided. Landlords may
7 accept payment of a regulated conditional deposit in installments.

8 II. An applicant may offer, and a landlord may accept or suggest, a regulated conditional
9 deposit if an applicant fails to meet the landlord's approval criteria, provided that the unmet criteria
10 were disclosed prior to, or concurrently with, the submission of the rental application and payment
11 of any application fees, and further provided that at least one of the following is true:

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

14 (b) The applicant's combined verifiable household gross income from lawful sources, for
15 any size household exceeds 350 percent of the federal poverty guidelines for a household size of 2 as
16 reported annually by the United States Department of Health and Human Services and fails to meet
17 the landlord's requirements, provided the landlord's minimum gross income requirement does not
18 exceed 3 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 applicant and excluding cases
21 where the applicant provides a verifiable decision from the court that clearly states the basis for the
22 eviction was for one of the following reasons:

23 (1) Lead abatement pursuant to RSA 540:2, II(f);

24 (2) Expiration of the lease pursuant to RSA 540:2, II(i); or

25 (3) Other good cause pursuant to RSA 540:2, II(e), where the other good cause was
26 the landlord's intent to renovate the unit, to remove the unit from the rental market, or to transfer
27 or sell the property absent tenants; the landlord's intent to lease the unit to relatives; the applicant's
28 refusal to agree to a rent increase during a prior tenancy; or other reasons that are clearly not due to
29 the fault of the applicant.

1 (d) The applicant fails to meet the landlord's requirements regarding outstanding
2 unpaid judgments issued within 7 years of the application, unless the applicant verifiably
3 demonstrates that he or she is in compliance with all orders or agreements for periodic payments on
4 the judgments, and has maintained such compliance for the earlier of the preceding 12 months or
5 until the judgments were paid in full.

6 (e) The prospective landlord was unable to verify the present landlord reference and the
7 most recent prior landlord reference.

8 III. Nothing in this section shall be construed to:

9 (a) Compel a landlord to accept a regulated conditional deposit;

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

11 or

12 (c) Limit a landlord's ability to set approval criteria at their discretion; provided,
13 however, that a landlord may not accept a regulated conditional deposit on the basis of an approval
14 criterion that is more restrictive than established under RSA 540-A:9, II. If no condition set forth
15 under RSA 540-A:9, II applies, then the limits set forth under RSA 540-A:6, I shall apply.

16 IV. Prior to accepting a regulated conditional deposit, a landlord shall provide written notice
17 to the applicant specifying the reasons for requiring the regulated conditional deposit, informing the
18 applicant of their right to request a re-screening under RSA 540-A:9, VI and disclosing any fees for
19 re-screening.

20 V. The use of the following notice language, in at least 12-point type, provided prior to
21 accepting a regulated conditional deposit, shall satisfy the notice requirements of RSA 540-A:9, IV:

22 USE OF REGULATED CONDITIONAL DEPOSIT

23 Regulated Conditional Deposit Definition:

24 RSA 540-A:5, V. "Regulated conditional deposit" means an amount accepted by a landlord pursuant
25 to RSA 540-A:9, up to an additional one month's rent in excess of the limit set forth in RSA 540-A:6,
26 I(a).

27 Regulated Conditional Deposit Notice:

28 The applicant does not meet one or more of the following application criteria from RSA 540-A:9, II.

29 Indicate which one or more apply:

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

32 __ (b) The applicant's combined verifiable household gross income from lawful sources, for any size
33 household exceeds 350 percent of the federal poverty guidelines for a household size of 2 as reported
34 annually by the United States Department of Health and Human Services and fails to meet the
35 landlord's requirements provided the landlord's minimum gross income requirement does not exceed
36 3 times the monthly rent.

1 __ (c) The applicant fails to meet the landlord's requirements regarding prior eviction proceedings,
2 excluding cases dismissed without judgment against the applicant, and excluding cases where the
3 applicant provides a verifiable decision from the court that clearly states the basis for the eviction
4 was for one of the following reasons:

5 (1) Lead abatement pursuant to RSA 540:2, II(f);

6 (2) Expiration of the lease pursuant to RSA 540:2, II(i); or

7 (3) Other good cause pursuant to RSA 540:2, II(e), where the other good cause was the landlord's
8 intent to renovate the unit, to remove the unit from the rental market, or to transfer or sell the
9 property absent tenants; landlord's intent to lease the unit to relatives; the applicant's refusal to
10 agree to a rent increase during a prior tenancy; or other reasons that are clearly not due to fault of
11 the applicant.

12 __ (d) The applicant fails to meet the landlord's requirements regarding outstanding unpaid
13 judgments issued within 7 years of the application, unless the applicant verifiably demonstrates that
14 he or she is in compliance with all orders or agreements for periodic payments on the judgments and
15 has maintained such compliance for the earlier of the preceding 12 months or until the judgments
16 were paid in full.

17 __ (e) The prospective landlord was unable to verify present landlord reference and most recent prior
18 landlord reference.

19 Regulated Conditional Deposit Re-Screening:

20 RSA 540-A:9, VI. A tenant who provided a regulated conditional deposit and who has not been in
21 material breach of the lease, including, but not limited to, nonpayment or late payments of monies
22 owed, may submit a written request for re-screening at their own expense no more than once every 6
23 months in the case of RSA 540-A:9, II(a)-(d), and no more than once in any 12-month period in the
24 case of RSA 540-A:9, II(e). If a tenant establishes that they meet the landlord's standard rental
25 criteria, the landlord shall, at its option, issue a refund of any regulated conditional deposit or apply
26 any regulated conditional deposit to the tenant's future rental obligations within 30 days of the
27 tenant's complete submission for re-screening.

28 The cost of re-screening is \$_____.

29 Landlord has provided the regulated conditional deposit notices above.

30 Tenant acknowledges receipt of the regulated conditional deposit notices above.

31 Tenant Signature: _____ Date: _____

32 Landlord Signature: _____ Date: _____

33 VI. A tenant who provided a regulated conditional deposit and who has not been in material
34 breach of the lease, including, but not limited to, nonpayment or late payments of monies owed, may
35 submit a written request for re-screening at their own expense no more than once every 6 months in
36 the case of RSA 540-A:9, II(a)-(d), and no more than once in any 12-month period in the case of RSA
37 540-A:9, II(e). If a tenant establishes that they meet the landlord's standard rental criteria, the

1 landlord shall, at its option, issue a refund of any regulated conditional deposit or apply any
2 regulated conditional deposit to the tenant's future rental obligations within 30 days of the tenant's
3 complete submission for re-screening.

4 VII. The administrative office of the courts shall, on a quarterly basis, report for each circuit
5 court:

6 (a) The number of writs of summons filed in possessory actions;

7 (b) The number of notices of default and the number of notices of judgments issued in
8 favor of the landlord, each broken out by the grounds for eviction set forth in RSA 540:2, II; and

9 (c) The number of writs of possession issued in possessory actions.

10 2 New Subparagraph; Prohibited Practices and Security Deposits; Security Deposits; Remedies.
11 Amend RSA 540-A:8, I by inserting after subparagraph (b) the following new subparagraph:

12 (c) Any landlord who does not comply with RSA 540-A:9 shall be deemed to have violated
13 RSA 358-A:2 and be subject solely to the remedies set forth in RSA 358-A:10, I.

14 3 Prohibited Practices and Security Deposits; Security Deposits; Procedure. Amend RSA 540-
15 A:6, I(a) to read as follows:

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

22 4 Prohibited Practices and Security Deposits; Security Deposits; Return of Security Deposit.
23 Amend RSA 540-A:7, I to read as follows:

24 I.(a) Except as provided in RSA 540-A:6, IV(c) **and RSA 540-A:7, I(b)**, a landlord shall
25 return a security deposit to a tenant and pay the interest due, if any, within 30 days from the
26 termination of the tenancy. If there are any damages to the premises, excluding reasonable wear
27 and tear, the landlord may deduct the costs of repair from the security deposit. The landlord shall
28 provide the tenant with a written, itemized list of any damages for which the landlord claims the
29 tenant is liable, which shall indicate with particularity the nature of any repair necessary to correct
30 any damage and satisfactory evidence that repair necessary to correct these damages has been or
31 will be completed. Satisfactory evidence may include, but not be limited to, receipts for purchased
32 repair materials and labor estimates, bills or invoices indicating the actual or estimated cost thereof.

33 (b) **If any portion of a security deposit was paid by a third party on behalf of the**
34 **tenant, the landlord may return any refundable portion of such contribution to the third**
35 **party in accordance with the third party's written instructions, provided a copy of such**
36 **instructions was delivered to the tenant in writing or by electronic communication prior to**
37 **the commencement of the tenancy. Absent any agreement to the contrary, the landlord**

1 *shall make any deductions first from tenant-paid funds and second from any known third-*
2 *party funds. The landlord shall furnish an itemized statement of any deductions from*
3 *third-party funds within 30 days of a written request by the third party. A landlord who, in*
4 *good faith, apportions third-party funds in compliance with this section shall be*
5 *discharged of liability related to such apportionment.*

6 5 Prohibited Practices and Security Deposits; Security Deposits; Definitions. Amend RSA 540-
7 A:5, II to read as follows:

8 II. "Security deposit" means all funds in excess of the monthly rent which are transferred
9 from the tenant to the landlord for any purpose. *An advance payment of rent is not a security*
10 *deposit and shall not be required to be held in escrow, trust, or reserve. A landlord may*
11 *accept advance rent payments provided that such payments are applied to uninterrupted,*
12 *consecutive rental periods, beginning with the first rental period that has not yet been*
13 *paid.*

14 6 New Paragraph; Prohibited Practices and Security Deposits; Security Deposits; Definitions.
15 Amend RSA 540-A:5 by inserting after paragraph IV the following new paragraph:

16 V. "Regulated conditional deposit" means an amount accepted by a landlord pursuant to
17 RSA 540-A:9, up to an additional one month's rent in excess of the limit set forth in RSA 540-A:6,
18 I(a).

19 7 Effective Date. This act shall take effect January 1, 2027.

**HB 1336-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT # 2026-1100h)**

AN ACT relative to regulated conditional deposits.

FISCAL IMPACT:

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

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

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

AGENCIES CONTACTED:

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