

Senate Commerce Committee

Aaron Jones 271-2609

HB 60, relative to the termination of tenancy at the expiration of the tenancy or lease term.

Hearing Date: May 6, 2025

Time Opened: 11:34 a.m.

Time Closed: 11:56 a.m.

Members of the Committee Present: Senators Innis, Ricciardi, Murphy, McGough, Fenton and Reardon

Members of the Committee Absent : None

Bill Analysis: This bill adds the expiration of the term of the lease or tenancy if over 6 months as grounds for an eviction.

Sponsors:

Rep. Lynn

Rep. Seidel

Who supports the bill: 32 individuals were in support. Full sign in sheets are available upon request by contacting the Legislative Aide, Aaron Jones (aaron.jones@gc.nh.gov).

Who opposes the bill: 380 individuals were in opposition. Full sign in sheets are available upon request by contacting the Legislative Aide, Aaron Jones (aaron.jones@gc.nh.gov).

Who is neutral on the bill: No one

Summary of testimony presented in support:

Representative Bob Lynn

- Representative Lynn said this bill was also known as A Contract Means What It Says Act.
- This bill would overrule a decision made by the New Hampshire Supreme Court in 2005.
- Their decision focused on restricted property, which included small landlords who owned as little as a two-family property and they did not live in one of the units.
- In their decision, the end of a lease term did not constitute good cause for evicting an individual who did not want to leave.

- If a landlord entered a lease with a tenant for a year, it would be a year for the tenant. At the end of the year, a tenant could leave. As a landlord, however, a tenant does not have to leave if they have paid their rent and they have not destroyed the property.
- In a concurring decision, Justice Joseph Nadeau stated, “Under the majority’s interpretation, lease provisions purporting to limit the lease to a specified duration have no meaning. The effect of the majority’s interpretation is to create a perpetual tenancy, virtually a life interest in favor of a tenant of restricted property covered by the statute. I do not believe that was the intent of the landlord-tenant statutes.”
- Representative Lynn said the practical consequences are significant.
- Currently, landlords must decide upfront on a tenant. It is possible a landlord could reconsider a boisterous tenant or one who has a spotty credit record. If a tenant is let in under existing law, they cannot be evicted if they continue to pay their rent. If a landlord knew they were entering into a one-year lease, and at the end they could decide not to renew it, they could give individuals a chance.
- Representative Lynn said this has had a discouraging effect on landlords, and it has encouraged them to rent only to ideal tenants.
- In the House, it was suggested that this bill would repeal or undermine the ability for a tenant to resist being evicted on grounds of retaliation or discrimination on the basis of race or creed. If this bill were passed, Representative Lynn said it would not be okay for a landlord to retaliate or discriminate against a tenant.
- There has been an argument that this bill would increase homelessness; however, Representative Lynn said it did not hold water. If a tenant were evicted, a landlord could re-rent a property given the low vacancy rate. There was no evidence that an evicted individual would become homeless than an individual who moved into a property would come from homelessness. Representative Lynn said it would be one in, one out.
- Representative Lynn said property rights are important, and contracts should mean what they say.
- **Senator Ricciardi** asked if landlords could evict an individual to allow family members to move in, to renovate, for not paying their rent, or for destroying the premises.
 - **Representative Lynn** said they have that ability. This bill would increase the notice period to 60 days.
- **Senator Reardon** asked if the examples provided were reasons already in law that could be used to evict a tenant.
 - **Representative Lynn** said before a landlord decided on whether they would have an individual as a tenant, they would consider how much risk they would take. If an individual became a tenant, they would be there for the long haul. If a landlord knew their risk was limited to one year, they

could choose not to extend a lease. In that circumstance, a landlord might take a risk.

- **Senator Reardon** said there are reasons to separate from a tenant if they have not paid their rent, if they are boisterous, or if they are affecting the quiet enjoyment of the property.
 - **Representative Lynn** said if it could be proven, which is part of the problem. If an individual were a drug dealer or using drugs, it could be difficult for other renters to say it in court.
- **Senator Reardon** said she wanted to go back to the scenario that this was a tight housing market, and when a landlord separated with one tenant, another tenant would be available. She asked if a tenant could easily find another apartment if a landlord took a chance on them, but they were boisterous and they did not keep it as nice as possible.
 - **Representative Lynn** said if a landlord took a chance on a tenant, it could be possible that they do not. If an individual could not find another unit, he asked if there was a reason to believe that the individual coming in did not come from homelessness.

Summary of testimony presented in opposition:

Andrew Harmon

- Mr. Harmon said even if an individual qualified for subsidized housing, there is a lengthy wait time. If their lease is not renewed, they would have to go through the process yearly.
- Mr. Harmon said 60 days would not be enough time to find another place to live, and it assumed an individual did not need direct support staff to help them with their independent living needs.
- Mr. Harmon said if a place was not the same cost, it could lead to cascading issues.

Judith Jones, New Futures and New Hampshire Alliance for Healthy Aging

- Homelessness has a deep impact on individuals. It can be considered an adverse childhood event. Stress can negatively impact an individual's brain and cause major health issues. Data has shown that individuals struggling with substance misuse disorder can relapse.
- Nationally, the fastest group of individuals becoming homeless are older adults. From 2019 to 2023, homelessness in this category increased by 23 percent.
- Ms. Jones said it was mechanistic to assume it would be one in, one out. Individuals want to work, and they could be worried about the cost of moving, security deposits, and first and last month's rent.
- Given housing instability, and the potentially negative impact across generations, Ms. Jones asked if it was the time for this bill.

- **Senator Ricciardi** asked if this bill would create a new basis for eviction, or if it was a process to exit a tenant at the expiration of the lease without using the eviction process.
 - **Ms. Jones** deferred the question to legal scholars who practice landlord-tenant law.

Neutral Information Presented: None

AJ
Date Hearing Report completed: May 16, 2025