

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 13, 2025

Time Opened: 9:35 a.m.

Time Closed: 10:35 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 establishes that the expiration of a lease or tenancy exceeding 12 months constitutes grounds for eviction while clarifying that a no-fault termination of tenancy is not considered an eviction for rental applications or tenant screening, with courts being required to document the tenant's lack of fault. This bill further requires the department of health and human services to provide a written report to the judicial branch when officially published data on housing vacancies and homeownership from the United States census bureau demonstrates New Hampshire has had a rental vacancy rate of 5 percent or higher each quarter for that calendar year.

Sponsors:

Rep. Lynn

Rep. Seidel

Who supports the bill: 16 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: 205 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:

Jonathan Hill and William Pierce, New Hampshire Rental Property Owners Association

- A lease is a contract with a clearly defined beginning and end. A landlord and a tenant mutually agree on the beginning, and the terms of the lease are open to renegotiation at the end.
- Tenants should expect stability and housing for the period of the lease. After the lease is over, it is terminated.
- Mr. Hill said tenants were their customers, and they needed to keep their units full to pay their expenses and mortgages.
- This bill was necessary because sometimes there are subjective reasons for evicting a tenant. While there are emergency reasons listed for restrictive properties, some of them do not meet what could be supportable or justifiable in court. Like other relationships, Mr. Hill said it was best to part ways if they did not get along.
- This bill provided 60 days' notice to understand a lease was not being renewed. If a landlord used the eviction clause, they would only need to provide 7- or 30-days' notice. This bill would require more than double the time to terminate a tenant-landlord relationship.
- For a landlord, the path towards eviction is difficult. Once an eviction has started, Mr. Hill said rent stops despite utility costs continuing and court costs that need to be paid upfront. To use these measures, their costs dramatically increase and they must increase rents overall.
- Mr. Pierce said if an individual was given a notice, it did not mean they were going through the eviction process, so they would not have a stain on their credit record.

Nick Norman, Apartment Association of New Hampshire and New Hampshire Rental Property Owners Association

- Mr. Norman did not believe there would be an increase in homelessness. The net effect would be neutral because if someone moved out, someone would move in.
- Landlords do not want to evict a tenant. Evictions are the last resort, and they do not want to evict an individual for a random reason.
- This bill would not change the rules and regulations on codes, retaliation, and discrimination.
- For retaliation, the statute stated there “shall be a rebuttable presumption if certain things happen like a tenant complains about a code violation.” If anything were validly used by a tenant, there would be a rebuttable presumption. It would be the responsibility of the landlord, not the tenant, to prove the case.
- This bill would provide an opportunity for landlords to be more lenient in accepting individuals with a marginal application because there would be an opportunity to have an individual leave at the end of a lease. If a tenant left within 60 days, an eviction would not happen.

Summary of testimony presented in opposition:

Representative Ellen Read

- Representative Read said both parties promised in the election that housing would be their top issue.
- Since the vacancy rate was 0.6 percent, Representative Read said this was not the right time to attack the rights of tenants.
- This bill would provide another reason to kick out a good tenant who has paid their rent on time each month, and they have obeyed all stipulations.
- In the House, the sponsor said it would be a revolving door, which was not accurate. If an individual could not find a place within 60 days, they would be evicted. Since it would be on their record, Representative Read said it would be almost impossible to find another place to live.
- Landlords are not reducing homelessness by bringing people off the streets. They are renting to others who have not been displaced.
- The reasons for this bill are already covered by law. If a landlord wanted to change usage, they could.
- Representative Read provided the Committee with an amendment. It would only apply to leases that are 12 months or greater, and it would take effect when the rental vacancy rate reached 5 percent.
- This bill would be used to get rid of individuals that landlords do not like.

Representative Kathy Staub

- This bill would end good cause eviction protections, and it would allow landlords to evict anyone at the end of their lease.
- According to the 2025 GAP Report from the National Low Income Housing Coalition, shortages are not universal across all income levels.
 - For every 100 renters at 100 percent of the area median income, there are 105 affordable apartments.
 - For every 100 renters at 80 percent of the area median income, there are 101 affordable apartments.
 - For every 100 renters at 50 percent of the area median income, there are only 65 affordable apartments.
 - For extremely low-income households, specifically individuals with a disability, there are only 39 affordable apartments for every 100 households.
- Over half of the state's 157,000 renters are rent burdened, which means they spend nearly 30 percent of their income on rent.
- If an individual has lost their apartment, they are not going to be able to qualify for another one, especially as rents have gone up astronomically over the past few years.
- 27,000 individuals who are extremely low-income, disabled, or elderly, are spending more than 50 percent of their income on their rent.

- In Manchester, 30 percent of the area median income would be \$32,000. If half of their income went to rent, it did not leave a lot of money for anything else. These individuals are skipping on their medications, or they are visiting food banks.
- Representative Staub urged the Committee to vote Inexpedient to Legislate to avoid destabilizing the state's already precarious position.

Elliott Berry

- This bill would establish a new grounds for eviction.
 - Currently, every common fault that an individual can be evicted for is listed.
 - Additionally, the statute states “other good cause, which is grounds for eviction, includes but is not limited to, any legitimate business or economic reason, including rent increases, rehabilitation of the property, or moving in a family member.”
 - When these provisions were passed, a hearsay exception was added. At an eviction hearing, landlords could introduce their records on tenant complaints, so tenants did not have to testify.
- The Association of Realtors has found that the eviction rate in New Hampshire is higher than in other New England states that do not have good cause evictions.
- This bill would enable unlawful discrimination and retaliation for making good faith complaints.
- An independent, non-discriminatory reason for an eviction needed to be provided. Tenants, who are overwhelmingly representing themselves, would have to show an eviction was a pretext for another reason. A vast majority could not do this, however, for retaliation or discrimination.
- **Senator Reardon** asked if an individual would be liable for an eviction if they had a one-year lease, and they stayed beyond it with an agreement from a landlord.
 - **Mr. Berry** replied absolutely. As written, even if an individual stayed in their apartment for 10 years after the expiration of their lease, they could be evicted for the expiration of the initial lease. This is based on the word “or” in Lines 3 through 5.
- **Senator Reardon** said this would enhance the work of the Human Rights Commission because tenants will be evicted for illegitimate reasons. She asked how this would impact their right to seek help.
 - **Mr. Berry** said if there was discrimination, they could go to the Human Rights Commission or the Department of Housing and Urban Development. These processes can take between 6 months and 2 years, which is long after an individual has been rendered homeless.

Kate Marquis

- Ms. Marquis said she has lived in the same apartment for 6 years, and her landlord has been reasonable; however, she believed any interaction could be a reason for him to not renew her lease.
- This bill would create an unsettling power balance in the landlord-tenant relationship, and it would create another eviction status for renters who have done nothing wrong.
- If Ms. Marquis were interviewed for an apartment, and she shared that the previous landlord did not want to renew her lease, it would be a red flag.
- Ms. Marquis said there are other ways to get tenants out, and it should not be easily done on a whim.
- This bill would put 175,000 renting households on edge. There are few apartments to rent, and there are fewer that are affordable.
- Ms. Marquis said 60 days' notice was not enough. From a renter's perspective, this bill would create more problems than it would solve. She asked the Committee to not add to the stress of good renters who pay their rent, plow their own driveways, and make great neighbors.

Todd Marsh, President, New Hampshire Local Welfare Administrators Association

- For decades, tenants have had an option to not renew their lease whereas landlords have not had this option without good cause.
- The ability to end a basic need, particularly housing, was a power imbalance that was heavily weighted in favor of landlords. This was why the current law focused on verifiable reasons to evict.
- A mother, who was locally employed and who had children in school, could be evicted because she turned down unwanted advances from a landlord or she asked for her sink to be fixed. While this was not the intent of the sponsors, Mr. Marsh said it would be the outcome.
- This change has been presented as pro-housing because it would increase the flexibility of landlord decision-making. While flexibility might increase, there would be a cost to taxpayers who pay for state and municipal services.
- Mr. Marsh said this was a rare opportunity to be humanitarian and frugal by staying the course.

Jennifer Chisholm, Executive Director, New Hampshire Coalition to End Homelessness

- From 2019 to 2024, individuals staying in emergency shelters increased by 44 percent, including an 18 percent increase in families using shelter beds. Since 2019, the number of individuals staying outside or in their cars has quadrupled.
- Economics has been the driving force behind this issue. Rents have skyrocketed, while wages have stayed stagnant.

- According to New Hampshire Housing, median income households can afford the gross rent of only 13 percent of two-bedroom rental units on the market.
- Evictions have a significant impact on families and their risk of becoming homeless.
- In 2024, the *Quarterly Journal of Economics* found an increase in homelessness and in emergency shelter stays as well as a decrease in income and credit scores. This makes it more difficult to achieve housing stability. It was found that the effects of homelessness persisted 2 years after an eviction, and the negative effects on their financial health lasted for 6 years.
- Ms. Chisholm said no cause evictions are evictions with real consequences. It is more difficult for families to regain housing stability after an eviction. These families require more resources from the state, municipalities, and non-profit services.

Violet Lempke

- Ms. Lempke said without stability, it was an uphill battle for individuals to find ways to fill their needs of belonging and safety.
- With the support of Plymouth University, Ms. Lempke said she has found stable housing. Through this stability, she has been able to overcome health challenges.
- As a disabled and queer individual, Ms. Lempke feared that removing restrictions to provide just cause for evictions would be used to discriminate. For individuals like herself whose community is everything, an eviction can cost everything.

Mark Hilton, Sr.

- New Hampshire is a community of people who come together. When this fabric is broken down, and landlords are allowed to run amok, Mr. Hilton asked what happened. Eventually, individuals become homeless. As a result, law enforcement needs more resources and more municipal and state funding is needed.
- In Manchester, there are 500 applicants a day for an apartment. For an application, it costs \$65 to \$85. Mr. Hilton said landlords only picked the best of the best.
- Mr. Hilton said if this bill moved forward, it would give landlords the golden path to become richer.

Lily Wellington, Executive Director, New Hampshire Commission on Aging

- In New Hampshire, 27 percent of the population is 60 years or older. By 2030, it will be 30 percent or more.
- Renting provides flexible opportunities for the aging population.
- This bill would push costs back to communities and towns.

- If an individual is evicted for no reason, they might not have access to hiring a mover. In addition, it could have an impact on expensive levels of care.

Jessica Margeson

- Ms. Margeson said tenants have become disenfranchised, and their complaints have fallen on deaf ears.
- According to the 2023 Census, there are approximately 157,000 renter households in New Hampshire. This is equivalent to 31.9 percent of all households.
- Ms. Margeson said a hostile renting environment was not a way to encourage renters to stay in the state or for trained workers to move here.
- Tenants have no bargaining power, and programs over the last few years have expired.
- Ms. Margeson helped a single parent of three children to gain housing in the Fairways in Derry. With her income, she qualified for a one-bedroom unit. They have been waiting for funding from Southern New Hampshire Services. They have until the end of June to leave, or their rent will increase substantially.
- Ms. Margeson said they have insufficient financial rental assistance to keep people housed.
- It could be \$8,000 a year in security deposits and first month's rent if an individual moved every 6 months. This did not include application fees.
- While this bill has been argued as a contract rights issue, it created a tenant rights issue.
- Two years ago, a tenant complained to the Human Rights Commission because their landlord said their building was not for disabled individuals. The tenant has not heard from the Commission yet.

Vanessa Blais, Director of Policy and Planning, New Hampshire Council on Developmental Disabilities

- When the Supreme Court made their decision, protecting individuals at the termination of tenancy protected individuals with disabilities from having instability in housing.
- Eliminating protections would eliminate rights under the Fair Housing Act.
- The Supreme Court decided this was a different contract. When she was an educator, and their contracts expired, they did not pack up and leave. As a society, they had determined that different contracts mean different things.
- Ms. Blais said displacement shatters the fundamental security families have.
- This summer, there will be a committee meeting to help individuals with developmental disabilities gain independence through more stable housing, which this bill would oppose.

Ann Marie O'Rourke

- Ms. O'Rourke said she was a retired registered nurse on a limited income, Social Security, and a small monthly annuity.
- Ms. O'Rourke lived in the same apartment for 18 years, and she said she always paid on time. When it was sold in 2023, the rent was doubled by the next year. In February 2024, she was evicted to convert it into an Airbnb.
- Ms. O'Rourke signed up for senior housing, and she was placed on a 2- to 3-year waiting list. She said she felt isolated and embarrassed to share with friends, and she had lost her self-worth. She found an apartment in July 2024, and she said she still felt the effects of being homeless.

Sam Hawkins, NAMI New Hampshire

- Under existing law, it is challenging for individuals with serious mental illnesses to have stable housing. Mr. Hawkins said a key contributor was discrimination in the rental process.
- If passed, they are concerned this bill would contribute to unhoused, hospitalized, or incarcerated individuals with mental illness.
- If this bill were found Inexpedient to Legislate, it would not change existing landlord protections. However, it would continue to protect renters, including those with mental illnesses or disabilities.
- Given the housing crisis and the tight budget, this was an urgent issue that could impact transitional or supportive housing for individuals living with a mental illness.

Marta Hurgin, Attorney, New Hampshire Legal Assistance

- If you are a landlord in New Hampshire, Attorney Hurgin said it was easy to evict a tenant. If this bill were passed, it would be even easier.
- If this bill were passed, Attorney Hurgin offered some solutions.
 - First, it should be 12-month lease terms instead of 6-month leases.
 - Second, a landlord would have to do this within 6 months after the expiration of a lease term.
 - Third, the implementation of this bill should be delayed because a housing crisis existed, the eviction laws were working, and landlords and tenants were familiar with court forms.
- Attorney Hurgin said they opposed this bill because there would be no further burden of proof for an eviction.

Nick Taylor, Director, Housing Action NH

- Currently, it is not a healthy or free housing market. Allowing individuals to stay in their homes would help to address the housing crisis.
- When they have surveyed their members, this has not been an issue that has come up. Instead, they are asking for regulatory relief and financial incentives.

- If accessory dwelling units are rented, these individuals would be exempt from end of lease laws because it would not apply to owner-occupied housing with less than four units.

Neutral Information Presented: None

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Date Hearing Report completed: May 20, 2025