

HB 1200 - AS INTRODUCED

2022 SESSION

22-2124

11/04

HOUSE BILL **1200**

AN ACT relative to notice of rent increases in residential rental property.

SPONSORS: Rep. Conley, Straf. 13; Rep. Kenney, Straf. 6; Rep. Vann, Hills. 24; Rep. McWilliams, Merr. 27; Rep. Perez, Hills. 23; Rep. Klein-Knight, Hills. 11; Rep. Berch, Ches. 1; Rep. Booras, Hills. 33; Sen. Perkins Kwoka, Dist 21

COMMITTEE: Judiciary

ANALYSIS

This bill requires notice by a landlord of at least 45 days of a proposed rent increase.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to notice of rent increases in residential rental property.

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

1 1 New Section; Actions Against Tenants; Notice of Rent Increase. Amend RSA 540 by inserting
2 after section 2 the following new section:

3 540:2-a Notice of Rent Increase.

4 I. This section shall apply to all residential rental property except:

5 (a) "Nonrestricted property" as defined in RSA 540:1-a, I.

6 (b) Rental units in properties in buildings or apartment complexes containing a total of 4
7 or fewer dwelling units, provided:

8 (1) The property is owned by a natural person; and

9 (2) The owner does not rent more than 4 dwelling units.

10 (c) Occupancies described in RSA 540:1-a, IV.

11 (d) Shared facilities as defined in RSA 540-B:1.

12 (e) Vacation or recreational rental units as defined in RSA 540-C:1.

13 (f) A dwelling unit in which, due to a federal or state rent subsidy based on the tenant's
14 household income, the increase in the contract rent does not affect the amount paid by the tenant as
15 his or her share of the rent.

16 (g) Manufactured housing in a manufactured housing park governed by RSA 205-A.

17 II. Notwithstanding the provisions of RSA 540:2, IV, or any other provision of law:

18 (a) No increase in a tenant's rent shall be effective and enforceable unless the tenant has
19 been served with no less than 45 days prior written notice of the amount and effective date of the
20 rent increase. Such notice shall be served in accordance with the provisions of RSA 540:5.

21 (b) Nothing in this paragraph shall be construed to permit a landlord to increase a
22 tenant's rent during the term of a lease for a fixed term, unless the lease expressly authorizes such
23 an increase.

24 (c) This paragraph shall apply to any rent increase that becomes effective upon or after
25 the expiration of the lease, provided however that the landlord may provide the notice of rent
26 increase required by this paragraph during the term of the lease.

27 (d) This paragraph shall not be construed to limit, in any way, the amount of a rent
28 increase that is implemented in accordance with the notice requirements set forth in this paragraph.

29 2 Effective Date. This act shall take effect upon its passage.