

HB 1408 - AS INTRODUCED

2022 SESSION

22-2733

11/04

HOUSE BILL ***1408***

AN ACT requiring the refund of residential tenancy application fees.

SPONSORS: Rep. Klein-Knight, Hills. 11; Rep. Grassie, Straf. 11; Rep. Adjutant, Graf. 17; Rep. Vail, Hills. 30; Rep. Bouchard, Hills. 11; Rep. Vann, Hills. 24; Rep. Wazir, Merr. 17

COMMITTEE: Judiciary

ANALYSIS

This bill requires the refund of residential tenancy application fees when an applicant does not become a party to a signed rental agreement.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 requiring the refund of residential tenancy application fees.

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

1 New Subdivision; Application Fees. Amend RSA 540-A by inserting after section 8 the following new subdivision:

Application Fees

540-A:9 Definitions. As used in this subdivision, and unless context otherwise requires:

I. "Application fee" means the total amount an applicant for tenancy is required to pay a landlord in order to be considered for renting residential premises.

II. "Cost" means the out-of-pocket expense to a landlord for a specific service incurred in connection with consideration of an application performed prior to approval or disapproval of an application for tenancy, including but not limited to a credit check, or a criminal records check. "Cost" shall not include time and effort that a landlord, or any employee or agent of a landlord, spends processing the application.

III. "Landlord" means the owner of "restricted property" as defined in RSA 540-A:1-a, II, and any employee or agent thereof.

540-A:10 Application Fees; Refund; Deduction of Costs.

I. Within 15 days of the submission of an application for tenancy by a prospective tenant, a landlord that requires an application fee shall:

(a) Inform the applicant in writing, mailed to the applicant's address as indicated on the application for tenancy, that his or her application has been denied.

(b) Refund the application fee within 15 days of the date on which the applicant is informed of the denial, provided that any cost as defined in RSA 540-A:9, II may be deducted from the refund.

(c) Include with the refund or, if after deduction there is no refund, mail separately an itemized statement of each cost that is deducted from the refund.

540-A:11 Remedy. Any landlord who violates the provisions of this subdivision shall be subject to civil remedies pursuant to RSA 358-A:10, including costs and reasonable attorney's fees.

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