HB 401 - AS INTRODUCED

2023 SESSION

23-0622
05/10

HOUSE BILL ***401***

AN ACT relative to evictions based on the owner's intent to renovate the property.

SPONSORS: Rep. Kenney, Straf. 10; Rep. Staub, Hills. 25; Rep. Vogt, Rock. 21; Rep. Horrigan, Straf. 10; Rep. Howland, Straf. 20; Rep. A. Murray, Hills. 20; Rep. Seibert, Hills. 21; Rep. M. Smith, Straf. 10; Sen. Perkins Kwoka, Dist 21; Sen. Whitley, Dist 15

COMMITTEE: Judiciary

ANALYSIS

This bill establishes certain criteria for evictions based on the landlord's intent to renovate or remove the property from the residential housing market.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to evictions based on the owner's intent to renovate the property.

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

1 New Sections; Actions Against Tenants; Evictions Based on the Owner's Intent to Renovate the Property or Remove the Property from the Residential Rental Market. Amend RSA 540 by inserting after section 2 the following new sections:

540:2-a Evictions Based on the Owner's Intent to Renovate.

I. Except in cases brought pursuant to RSA 540:2,II(f), whenever an eviction notice is based on the owner's intention to repair, renovate, or rehabilitate a dwelling unit in restricted property, the eviction notice shall:

(a) Provide the tenant with no less than 60 days notice to vacate the premise; and

(b) Describe with specificity the work that the owner intends to have done on the dwelling unit, and the approximate time frame during which the work will be performed.

II. To prevail at the hearing on the merits of the possessory action, the owner shall establish that:

(a) The work cannot be safely performed while the unit is occupied;

(b) The work on the unit is expected to take more than 30 days; and

(c) The tenant has been offered a dwelling unit with the same number of bedrooms as are in the unit from which he or she is being evicted, at a rent that does not exceed the tenant's current rent. This provision shall not apply if no such unit is available or the owner can establish that there are grounds to evict the tenant pursuant to RSA 540:2,II (a),(b),(c),(d) or (g).

540:2-b Eviction Based on the Owner's Intention to Remove the Dwelling from the Residential Rental Market.

I. In any eviction action based on the owner's intention to remove a dwelling unit from the residential rental market:

(a) The eviction notice served on the tenant shall provide the tenant not less than 60 days notice to vacate the premises.

(b) Service of the eviction notice shall be accompanied by a sworn affidavit from the owner stating that the dwelling unit will remain off the market for not less than one year.

II. Any lessor, owner, or transferee of a building for which a prior owner served an affidavit required under subparagraph I(b), who returns a dwelling to the rental market within 12 months of the date that the signed affidavit was served on the tenant, shall be liable to the tenant in the amount of $10,000.

2 Action Against Tenants; Discretionary Stay Dependent on Payment of Rent. Amend RSA 540:13-c by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding paragraph I, in cases based on the landlord's intention to repair, renovate, or rehabilitate the premises, or the landlord's intention to remove the dwelling from the residential rental market, the court shall have the authority to grant a discretionary stay of up to 6 months.

3 Effective Date. This act shall take effect upon its passage.