HB 641-FN - AS INTRODUCED

2023 SESSION

23-0699
05/08

HOUSE BILL ***641-FN***

AN ACT relative to clearance inspections following identification of a lead exposure hazard.

SPONSORS: Rep. D. Kelley, Hills. 32

COMMITTEE: Judiciary

ANALYSIS

This bill requires that a lead clearance inspection report be provided to the property owner and department of health and human services within 30 days of receipt of the sample or upon receipt of payment for the inspection, whichever is earlier.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0699
05/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to clearance inspections following identification of a lead exposure hazard.

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

1 New Paragraph; Lead Paint Poisoning Prevention and Control; Clearance Inspections. Amend RSA 130-A:6 by inserting after paragraph VI the following new paragraph:

VII. Following abatement and upon completion of a clearance inspection indicating that no lead exposure hazards remain on the property, the lead inspector, risk assessor, or clearance testing technician shall provide a written clearance inspection report, within 30 days of receipt of the sample or upon receipt of payment, whichever is earlier, to:

(a) The owner of the dwelling, dwelling unit, or child care facility;

(b) The lead abatement contractor; and

(c) The department if the dwelling, dwelling unit, or child care facility is the subject of a lead hazard reduction order under this chapter or if the abatement work was completed utilizing a lead hazard remediation loan.

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

LBA
23-0699
12/29/22

HB 641-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to clearance inspections following identification of a lead exposure hazard.

FISCAL IMPACT: [X] State [X] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

COUNTY:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill requires that lead clearance inspection reports be provided to property owners and the state Department of Health and Human Services. The bill adds this requirement to RSA 130-A, violations of which are misdemeanors per RSA 130-A:16. There is no method to determine how many charges, if any, may be brought as a result of the bill. However, the entities impacted have provided the potential costs associated with misdemeanor penalties:

Judicial Branch	FY 2023	FY 2024 through 12/31/23	FY 2024 (Starting 1/1/24 with repeal of Felonies First)
Violation and Misdemeanor Level Offense	$119	$122	$122
Appeals	Varies	Varies	Varies
Judicial Council	FY 2023		FY 2024
Public Defender Program	Has contract with State to provide services.		Has contract with State to provide services.
Contract Attorney – Misdemeanor	$300/Case $70 administrative fee $100 incarceration fee (If applicable)		$300/Case $70 administrative fee $100 incarceration fee (If applicable)
Assigned Counsel- Misdemeanor. Travel time to court does not count	$90/Hour up to $2,000		$90/Hour up to $2,000

toward the cap.		
Assigned Counsel - Supreme Court Appeal	$125/Hour up to $10,000	$125/Hour up to $10,000
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake of new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments.		

NH Association of Counties	FY 2023	FY 2024
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	$105 to $125	$105 to $125

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount.

AGENCIES CONTACTED:

Judicial Branch, Department of Justice, Judicial Council, and New Hampshire Association of Counties