

Amendment to HB 1171

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT establishing an affirmative defense to eviction proceedings for certain residential
4 tenants deprived of federal assistance.

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6 Amend the bill by replacing section 1 with the following:

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8 1 New Paragraphs; Actions Against Tenants; Residential Tenants; Affirmative Defense
9 Established. Amend RSA 540:3 by inserting after paragraph I the following new paragraphs:

10 I-a. It shall be an affirmative defense for any residential tenant in an eviction proceeding
11 where due to the unanticipated halt of federal assistance such tenant:

12 (a) Received 50 percent less of their usual monthly income due to the unanticipated halt
13 of federal assistance; and

14 (b) The eviction is a result of the non-payment of rent during a period where federal
15 assistance payments to the tenant were disrupted by:

16 (1) A massive disruption to the receipt of federal benefits, including but not limited
17 to disruptions caused by a government shutdown; or

18 (2) A disruption unrelated to any fault or change of eligibility of the individual
19 tenant.

20 I-b. The affirmative defense established in paragraph I-a shall apply for 90 days subsequent
21 to the residential tenant being deprived of federal assistance due to an unanticipated halt.
22 Following this 90 day period, residential tenants shall have a 9 month grace period to make such
23 rent payments accrued during the 90 day period. During such grace period, landlords may not take
24 action on the nonpayment of rent from that 90 day period before the end of the 9 month grace period.

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AMENDED ANALYSIS

This bill establishes an affirmative defense for certain residential tenants in eviction proceedings who are deprived of federal assistance due to an unanticipated halt of such assistance. This bill also provides a grace period for such tenants to make rent payments not paid during the period where the affirmative defense is permitted.