

Amendment to HB 1499-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 New Subparagraphs; Termination of Tenancy. Amend RSA 540:2, II by inserting after
4 subparagraph (i) the following new subparagraphs:

5 (j)(1) Use of any personal identification that does not belong to the tenant or occupant to
6 obtain or maintain a tenancy.

7 (2) Personal identification in this subparagraph includes but is not limited to any
8 birth certificate, driver's license, government identification, passport, social security number, or
9 taxpayer identification number.

10 (k)(1) The tenant or any occupant of the rented premises has been convicted of any of the
11 following:

12 (A) Improper entry by alien under 8 U.S.C. section 1325(a) and the conviction is
13 less than 3 years prior to the service of the eviction notice;

14 (B) Any crime in state, federal, or tribal court where the maximum penalty
15 provided is imprisonment in excess of one year and the conviction is less than 5 years prior to the
16 service of the eviction notice;

17 (C) Any offense which requires registration as a "sexual offender" as defined by
18 RSA 651-B:1, IV, unless registration is no longer required prior to the service of the eviction notice;
19 or

20 (D) Any offense which requires registration as an "offender against children" as
21 defined by RSA 651-B:1, VI, unless registration is no longer required prior to the service of the
22 eviction notice.

23 (2) Any conviction disclosed in writing by the tenant or occupant to the landlord
24 prior to the start of any tenancy shall prevent the landlord from later terminating the tenancy for
25 any specific conviction disclosed.

26 (3) If any provision of this subparagraph or the application thereof to any person or
27 circumstances is held invalid, such invalidity shall not affect other provisions or applications of the
28 subparagraph which can be given effect without the invalid provision or application, and to this end
29 the provisions of this subparagraph are declared to be severable.

30 2 New Paragraph; Termination of Tenancy. Amend RSA 540:2 by inserting after paragraph
31 VIII the following new paragraph:

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1 IX. Any eviction brought pursuant to RSA 540:2, II(j) or (k) may name as defendant only the
2 person or persons alleged to have violated RSA 540:2, II(j) or (k) with out naming remaining
3 members of the household and the court may enter judgment against only the named defendants.

4 3 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill allows eviction if a tenant uses someone else's personal information to obtain the rental or if the tenant or an occupant has certain criminal convictions, including improper entry as a non-citizen or a conviction requiring registration as a sexual offender or offender against children. The landlord cannot use a conviction disclosed in writing before the start of the tenancy as grounds for eviction.