

HB 383 - AS INTRODUCED

2025 SESSION

25-0893

05/09

HOUSE BILL **383**

AN ACT relative to the authority of condominium boards and unit owners to create and amend condominium instruments.

SPONSORS: Rep. Almy, Graf. 17

COMMITTEE: Housing

ANALYSIS

This bill provides that condominium rules and bylaws shall be considered part of the condominium instruments if they are registered with the registry of deeds. The bill also provides that the condominium declaration cannot be changed except by a vote of at least 51 percent of the unit owners.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the authority of condominium boards and unit owners to create and amend condominium instruments.

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

1 1 Condominium Instruments. Amend RSA 356-B:3, VI to read as follows:

2 VI. "Condominium instruments" is a collective term referring to the declaration, ~~[bylaws,]~~
3 and site plans and floor plans, recorded pursuant to the provisions of this chapter. Any exhibit,
4 schedule, or certification accompanying a condominium instrument and recorded simultaneously
5 therewith shall be deemed an integral part of that condominium instrument. Any amendment or
6 certification of any condominium instrument shall, from the time of the recordation of such
7 amendment or certification, be deemed an integral part of the affected condominium instrument, so
8 long as such amendment or certification was made in accordance with the provisions of this chapter.
9 ***If the condominium also chooses to register its rules or bylaws with the registry of deeds,***
10 ***the rules or bylaws shall be considered an integral part of the condominium instruments.***

11 2 Condominium Act; Applicability of Chapter. Amend RSA 356-B:6-a by inserting after
12 paragraph II the following new paragraph:

13 III. Once all the condominium units have been sold and control passed to the unit owners,
14 the original declaration cannot be changed except by a vote of at least 51 percent of the entire
15 membership of unit owners, whether the vote is taken in-person, by email or mail ballot, or a
16 combination thereof, in compliance with RSA 356-B:39. The bylaws can be changed by a simple
17 majority of those present at a properly noticed meeting, held in accordance with RSA 356-B:39,
18 which allows absentee balloting.

19 3 New Section; Formal Rules of the Association. Amend RSA 356-B by inserting after section 35
20 the following new section:

21 356-B:35-a Formal Rules of the Association. If the condominium board registers the rules of the
22 unit owners' association with the county registry of deeds, the rules shall have the force of law until
23 such time as they are rescinded by a vote of the unit owners as provided in RSA 356-B:37 through
24 RSA 356-B:39-a.

25 4 Effective Date. This act shall take effect 60 days after its passage.