

ITL: HB 1171 – Eviction safeguards for tenants whose Social Security payments are disrupted

Position: Opposition (ITL)

Bill Summary: This bill inserts a new paragraph into RSA 540:3 establishing a 90-day grace period for residential tenants who miss rent due to an “unanticipated halt” of monthly Social Security payments.

Key Points

1. **This is not a “grace period” in the ordinary sense; it functions as a categorical statutory bar to eviction for nonpayment**, compelling landlords to provide housing without compensation for up to 90 days.
2. **The triggering condition is undefined and unadministrable** (“unanticipated halt”), with no evidentiary standard, verification mechanism, timing requirement, or allocation of burden of proof.
3. **The bill imports federal administrative risk into private contracts** by shifting the consequences of federal benefits disruptions onto housing providers without any backstop funding or recovery mechanism.
4. **The bill is status- and income-source-specific in a way that is structurally inconsistent with RSA 540** and raises fairness and coherence concerns by privileging one payment source over all others.
5. **Before any law like this could be responsibly implemented, the legislature would need objective definitions, proof procedures, judicial administrability, and a loss-allocation framework**, none of which exist here.

Full Testimony

Mr. Chair, members of the Committee—

My name is Christopher Freeman. I am a housing provider in Keene, Walpole, and Lebanon, New Hampshire. I’m also a founding advisory board member of the Monadnock Housing Collaborative. All views expressed today are my own.

I’m here to urge the committee to find **HB 1171 Inexpedient to Legislate**.

This bill adds a new paragraph to RSA 540:3 providing that if a residential tenant “neglects to pay rent due to the unanticipated halt of monthly Social Security payments,” the tenant “shall have a 90-day grace period to seek other shelter or seek other funding.”

I want to begin by acknowledging that when a senior or disabled tenant experiences a sudden disruption in benefits, that can be frightening and destabilizing. The question is not whether hardship exists. The question is whether this bill creates a lawful and administrable rule that allocates risk fairly while preserving the integrity of New Hampshire’s eviction framework.

In my view, **it does not.**

First, this is not a grace period in the way that term is commonly understood.

In ordinary usage, a “grace period” implies a temporary delay coupled with an expectation of cure. This bill does not create a payment plan, a cure mechanism, escrow, or even a requirement that rent ultimately be paid. It grants the tenant 90 days to “seek other shelter or seek other funding,” which expressly contemplates continued nonpayment and a potential exit without cure.

As a matter of legal effect, placing this in RSA 540:3 functions as a categorical eviction defense for nonpayment triggered by a claimed benefits interruption. The practical result is compelled continued occupancy for up to 90 days while rent remains unpaid. This represents a substantial alteration of the right to recover possession for nonpayment.

Second, the phrase “unanticipated halt” is undefined and fails distinguish between:

- delays, suspensions, administrative holds, recoupments, garnishments, or payment method failures;
- partial interruptions versus complete interruptions;
- brief disruptions versus multi-month disruptions; or
- disruptions later cured by retroactive payments.

More importantly, the bill supplies no evidentiary mechanism. It does not specify:

- what documentation is required;
- when it must be provided;
- who bears the burden of proof;
- whether a landlord may challenge the claim; or

- how a court is supposed to resolve federal benefits questions in a summary eviction proceeding.

RSA 540 is designed to be judicially administrable. Summary process is not equipped to become a forum for litigating whether a federal agency “halted” payments and whether that halt was “unanticipated.” Without standards, this becomes discretionary and inconsistent.

Third, the bill shifts federal administrative risk onto private housing providers without any loss-allocation framework.

Social Security payment interruptions are federal administrative events. The landlord does not cause them, cannot prevent them, and cannot resolve them. *Yet this bill places New Hampshire’s property owners in the position of insurer of last resort for the full faith and credit of the United States Federal Government.*

That is pure risk transfer.

Fourth, source of income specific rules are a significant departure from current law.

New Hampshire’s current landlord–tenant framework does not distinguish eviction remedies based on whether rent was funded by wages, a pension, VA benefits, SSI/SSDI, or other sources. This bill singles out one federal payment stream and creates a special rule for that category alone.

Whatever one’s policy preferences, this is a serious structural departure. It raises a basic question: what is the limiting principle? If the state is going to create eviction defenses based on involuntary income disruption, why would the law privilege one payment source and not others? The bill does not answer that question.

For these reasons, I respectfully urge the committee to find **HB 1171 Inexpedient to Legislate.**

Thank you for your time, and I’m happy to answer any questions.

Respectfully submitted,

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