

Bill as Introduced

HB 1470 - AS INTRODUCED

2010 SESSION

10-2229

05/03

HOUSE BILL **1470**

AN ACT establishing a committee to study laws relating to condominium and homeowners' associations.

SPONSORS: Rep. S. Harvey, Hills 21; Rep. Kappler, Rock 2; Rep. Hackel, Hills 21; Rep. Almy, Graf 11; Sen. Merrill, Dist 21; Sen. Carson, Dist 14

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill establishes a committee to study laws relating to condominium and homeowners' associations.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Ten

AN ACT establishing a committee to study laws relating to condominium and homeowners' associations.

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

- 1 1 Committee Established. There is established a committee to study laws relating to
2 condominium and homeowners' associations.
- 3 2 Membership and Compensation.
- 4 I. The members of the committee shall be as follows:
- 5 (a) Three members of the house of representatives, appointed by the speaker of the
6 house of representatives.
- 7 (b) One member of the senate, appointed by the president of the senate.
- 8 II. Members of the committee shall receive mileage at the legislative rate when attending to
9 the duties of the committee.
- 10 3 Duties. The committee shall:
- 11 I. Study laws relevant to condominium and other homeowners' associations.
- 12 II. Evaluate the need to distinguish smaller and larger associations in the statutes and to
13 differentiate between condominium associations and homeowners' associations.
- 14 III. Study model laws for possible improvement to New Hampshire laws.
- 15 IV. Recommend statutory changes.
- 16 V. Solicit information and testimony from the Community Associations Institute and others
17 with expertise or information relevant to the committee's study.
- 18 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
19 among the members. The first meeting of the committee shall be called by the first-named house
20 member. The first meeting of the committee shall be held within 45 days of the effective date of this
21 section. Three members of the committee shall constitute a quorum.
- 22 5 Report. The committee shall report its findings and any recommendations for proposed
23 legislation to the speaker of the house of representatives, the president of the senate, the house
24 clerk, the senate clerk, the governor, and the state library on or before November 1, 2010.
- 25 6 Effective Date. This act shall take effect upon its passage.

HB 1470 - AS AMENDED BY THE HOUSE

03Mar2010... 0541h

2010 SESSION

10-2229

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AN ACT establishing a committee to study laws relating to condominium and homeowners' associations.

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

1 1 New Section; Condominium Act; Committee to Study the Laws Relating to Condominium and
2 Homeowners' Associations. Amend RSA 356-B by inserting after section 69 the following new
3 section:

4 356-B:70 Committee to Study the Laws Relating to Condominium and Homeowners'
5 Associations.

6 I. There is established a committee to study laws relating to condominium and homeowners'
7 associations.

8 II. The members of the committee shall be as follows:

9 (a) Three members of the house of representatives, appointed by the speaker of the
10 house of representatives.

11 (b) One member of the senate, appointed by the president of the senate.

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13 the duties of the committee.

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17 to differentiate between condominium associations and homeowners' associations.

18 (c) Study model laws for possible improvement to New Hampshire laws.

19 (d) Recommend statutory changes.

20 (e) Solicit information and testimony from the Community Associations Institute and
21 others with expertise or information relevant to the committee's study.

22 V. The members of the committee shall elect a chairperson from among the members. The
23 first meeting of the committee shall be called by the first-named house member. The first meeting of
24 the committee shall be held within 45 days of the effective date of this section. Three members of the
25 committee shall constitute a quorum.

26 VI. The committee shall submit an annual report of its findings and any recommendations
27 for proposed legislation to the speaker of the house of representatives, the president of the senate,
28 the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2010
29 and each November 1 thereafter.

HB 1470 - AS AMENDED BY THE HOUSE

- Page 2 -

1 2 Effective Date. This act shall take effect upon its passage.

CHAPTER 322
HB 1470 - FINAL VERSION

03Mar2010... 0541h
05/12/10 2023s

2010 SESSION

10-2229
05/03

HOUSE BILL **1470**

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03Mar2010... 0541h
05/12/10 2023s

10-2229
05/03

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17 RSA 356-A, and condominiums under the condominium act, RSA 356-B, with the department of
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20 to differentiate between condominium associations and homeowners' associations.

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CHAPTER 322
HB 1470 - FINAL VERSION
- Page 2 -

1 committee shall constitute a quorum.

2 VI. The committee shall submit an annual report of its findings and any recommendations
3 for proposed legislation to the speaker of the house of representatives, the president of the senate,
4 the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2010
5 and each November 1 thereafter.

6 322:2 Effective Date. This act shall take effect upon its passage.

7 Approved: July 20, 2010

8 Effective Date: July 20, 2010

Amendments

Amendment to HB 1470

1 Amend RSA 356-B:70, IV as inserted by section 1 of the bill by replacing it with the following:

2

3 IV. The committee shall:

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11 (e) Recommend statutory changes.

12 (f) Solicit information and testimony from the Community Associations Institute and
13 others with expertise or information relevant to the committee's study.

Committee Minutes

SENATE CALENDAR NOTICE

COMMERCE, LABOR AND CONSUMER PROTECTION

Senator Margaret Hassan Chairman
Senator Betsi DeVries V Chairman
Senator Deborah Reynolds
Senator Jacalyn Cilley
Senator Peter Bragdon
Senator Sheila Roberge

For Use by Senate Clerk's Office ONLY
Bill Status
Docket
Calendar
Proof: Calendar Bill Status

Date: April 9, 2010

HEARINGS

Tuesday

5/4/2010

COMMERCE, LABOR AND CONSUMER PROTECTION

LOB 102

8:30 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: Please note the addition of HB 1393. Please note the time changes for HB 1340, HB 1366, HB 1370, HB 1371 and HB 1470.

- 8:30 AM HB1393 (New Title) relative to the treatment of New Hampshire investment trusts.
8:45 AM HB1340 relative to condominium liens for assessments.
9:00 AM HB1366 making certain technical corrections in the insurance laws.
9:15 AM HB1370 requiring independent medical examination practitioners to file a report with the insurance department.
9:30 AM HB1371 allowing recording of an examination by health care providers performing independent medical examinations.
9:45 AM HB1470 establishing a committee to study laws relating to condominium and homeowners' associations.

Sponsors:

HB1393 Rep. John DeJoie
HB1340 Rep. William Infantine
HB1366 Rep. Edward Butler
HB1370 Rep. Patrick Long
HB1371 Rep. Patrick Long
HB1470 Rep. Suzanne Harvey
Sen. Sharon Carson

Rep. L. Mike Kappler
Rep. Susan Almy

Rep. Paul Hackel

Sen. Amanda Merrill

START: 11:47am

END: 11:57am

**Commerce, Labor & Consumer Protection Committee
Hearing Report**

To: Members of the Senate
From: Greg Silverman, *Legislative Aide*
Re: Hearing report on **HB1470** - establishing a committee to study laws relating to condominium and homeowners' associations.
Hearing date: May 4th, 2010

Members of the Committee Present: Senator Reynolds, District 2; Senator Cilley, District 6; Senator Bragdon, District 11.
Members of the Committee Absent: Senator Hassan, District 23; Senator DeVries, District 18; Senator Roberge, District 9.

Sponsors: Rep. S. Harvey, Hills 21; Rep. Kappler, Rock 2; Rep. Hackel, Hills 21; Rep. Almy, Graf 11; Sen. Merrill, Dist 21; Sen. Carson, Dist 14.

What the bill does: This bill establishes a committee to study laws relating to condominium and homeowners' associations.

Who supports this bill: Senator Carson, District 14; Richard Head, Asst. Attorney General; Dean Cowan, Island Shores.

Who opposes this bill: None.

Summary of testimony received:

Senator Carson, District 14.

- Prime Sponsor.
- Condominium laws haven't been analyzed since 1990.
 - Today's problems with Condo Associations should be addressed.
 - Ex: Collecting delinquent fees.
- IV. The committee shall:
 - Study laws relevant to condominium and other homeowners' associations.
 - Evaluate the need to distinguish smaller and larger associations in the statutes and to differentiate between condominium associations and homeowners' associations.
 - Study model laws for possible improvement to New Hampshire laws.
 - Recommend statutory changes.
 - Solicit information and testimony from the Community Associations Institute and others with expertise or information relevant to the committee's study.

Richard Head, Asst. Attorney General

- Supports HB1470.
- Submitted an amendment to also:
 - "Study the registration of subdivisions under the Land Sales Act (RSA 356-A) and condominiums under the Condominium Act (RSA 356-B) with the Office of the Attorney General."
 - The study committee should determine whether time the DOJ spends on this work is of value to the state.

Action: None.

RP

Date: May 4, 2010
Time: 11:47 A.M.
Room: LOB 102

The Senate Committee on Commerce, Labor and Consumer Protection held a hearing on the following:

HB1470 establishing a committee to study laws relating to
 condominium and homeowners' associations.

Members of Committee present: Senator Reynolds
 Senator Cilley
 Senator Bragdon

Senator Jacalyn Cilley opened the hearing on HB1470, and in the absence of the prime sponsor, invited co-sponsor Senator Sharon Carson to introduce the legislation.

Senator Sharon M. Carson, D. 14: Thank you, Madam Chair, and honorable Committee members for hanging in this long on a hot day with the windows closed.

Senator Jacalyn L. Cilley, D. 6: And no lunch. But...

Senator Sharon M. Carson, D. 14: Well, we are getting to lunch. I co-sponsored this bill with Representative Harvey based upon the fact that last summer I was contacted by a constituent from Hudson who was a member of a condo association and was having a lot of problems. So, I ended up doing a lot of research on this and discovered that we should really be looking at our condo laws. We haven't really looked at them since the 1990s.

We now have a number of new condominium developments across the state, and plus we now have the 55 and over developments that have spread across the southern tier. I thought it would be a good idea for us to really take a look.

Earlier this morning, you heard some testimony of Representative Infantine's bill on super lien. This was another issue that came up during my research, and I, quite frankly, wasn't sure if this was the right thing for New

Hampshire. So, I thought it would be appropriate that we really take a look at what we are doing, can we do it better, do we need to make some changes with our condo laws?

I will be more than happy to take some questions.

Senator Jacalyn L. Cilley, D. 6: Senator Reynolds.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Senator Carson. I think this is a good idea. My question is, and I don't mean this facetiously, but with regard to line 11, a member of the Senate. Anyway, I guess the practical realities and I've probably got seven or eight bills in Judiciary where people have wanted to, you know separate these issues. Are you anticipating that there would in fact be a member of the Senate available to participate in this committee?

Senator Sharon M. Carson, D. 14: Thank you very much for your question, Senator.

Senator Jacalyn L. Cilley, D. 6: I think she was about to volunteer.

Senator Sharon M. Carson, D. 14: Yes. Since I am a co-sponsor of the bill, and since I have already done a lot of work on this, I would be more than happy to volunteer to serve on the study committee.

Senator Jacalyn L. Cilley, D. 6: And, thank you.

Senator Deborah R. Reynolds, D. 2: And, if I could just follow up.

Senator Jacalyn L. Cilley, D. 6: Follow up.

Senator Deborah R. Reynolds, D. 2: There are a lot of members of the New Hampshire Bar Association that have some expertise in condominium law. And, I hope or just ask that the committee maybe reach out to the Bar Association real estate section, because I think that this is an area that does need to be studied. But, I think there is some expertise out there from the Bar that would help the process.

Senator Sharon M. Carson, D. 14: I would agree with you. In my studying of this issue, I discovered that there are a lot of problems. Especially, with condo associations collecting delinquent fees and I know now that, with today's economy, it is very difficult for people, and if you've got a group of individuals who don't pay their fees, it affects everyone. So, we need to really

look at that and I think having the legal community involved in the discussion is very important.

Senator Jacalyn L. Cilley, D. 6: Senator Carson, in my time on this Committee over the last four years, I have seen just a plethora of bills related to condo associations, and you know, more involvement by the members, more decision making in the bylaws. Everything that has to do with that relationship I think has come before this Committee. And, when I saw this bill I thought, "I thought this was studied." Do you know, by chance, if there was another study committee on condos or condo associations, the bylaws, the whole nine yards? I could swear that that was one of the things we did with one of those bills. I don't know if anybody recalls.

Senator Sharon M. Carson, D. 14: I really don't know because I had asked the Senate Research to do some research for me, and I have a big file full of it, and I don't recall seeing a study. And I'm sure if one had been done that they would have passed that along to me.

Senator Jacalyn L. Cilley, D. 6: I would hope so. But, I guess I would ask that you double check it because...

Senator Sharon M. Carson, D. 14: Okay. I will.

Senator Jacalyn L. Cilley, D. 6: I was so certain that we had passed a study committee.

Senator Sharon M. Carson, D. 14: I am more than happy to do that.

Senator Jacalyn L. Cilley, D. 6: Are there any other questions for Senator Carson? Okay, thank you.

Senator Sharon M. Carson, D. 14: Thank you very much, Madam Chair.

Senator Jacalyn L. Cilley, D. 6: You waited a long time to introduce that bill, and so has Attorney Head. Who, have you been in that corner all that time?

Attorney Richard Head: Yes. Actually, it worked out very well because here I have a report I am supposed to be drafting and I've been back there without interruption editing it.

Senator Jacalyn L. Cilley, D. 6: You are amazing, Richard. Senator Bragdon, sorry we went so long.

Senator Peter E. Bragdon, D. 11: I would vote ought to pass on this if I am in time for that.

Senator Jacalyn L. Cilley, D. 6: I was just going to say, this one maybe we could get out of here.

Senator Peter E. Bragdon, D. 11: Senator Carson's gracious or...

Senator Jacalyn L. Cilley, D. 6: Thank you. As a favor to a colleague. Right?

Attorney Head: This is like the final survivors are here. This is nicely done. Congratulations.

For the record, my name is Richard Head, appearing on behalf of the Office of the Attorney General. What is being passed out is a proposed amendment to this bill. It was an amendment I had proposed over in the House. It seemed to be widely accepted as being a good idea. I heard lots of positive comments. And then, it did not make it into the bill, which demonstrates my skill as a lobbyist.

Please see attachment #1- amendment proposed by Attorney Richard Head, Office of the Attorney General.

Somewhere I failed, and I am not quite sure where. But, it seemed to be widely thought of as being a good idea and it didn't make it into the bill. So, I'm here again.

Senator Jacalyn L. Cilley, D. 6: Do you know if they simply forgot? I mean, I see this. You are only adding (b).

Attorney Head: I am only adding (b) that is correct. Thank you.

So, I am adding the language (b) as it relates to the Department of Justice's role in registering condominiums and subdivisions. It is a role that we think, which has been in effect since the early '70s, should be reevaluated. We spend an inordinate amount of time on these. It may or may not be deemed by the legislative body to be a valuable use of our time, and it is one that should be evaluated, I think, at this time to see if we should continue it, if it should be modified, or if it should simply be eliminated.

Senator Jacalyn L. Cilley, D. 6: Senator Reynolds.

Senator Deborah R. Reynolds, D. 2: Are you done with your testimony?

Attorney Head: I am done. Thank you.

Senator Deborah R. Reynolds, D. 2: Attorney Head, you know how much I admire and respect your work. I was opposed to undoing the AG's oversight of subdivisions and condominiums. I am not so sure I can support this in the sense that if that's the end, sort of the end game here, I think that the issue comes down to consumer protection. I understand your concern about the agency's ability to do the work that you need to do, and it may come down to the fact that the Legislature has not supported the Office to the extent that it should.

Senator Jacalyn L. Cilley, D. 6: But, this is only a study bill.

Senator Deborah R. Reynolds, D. 2: I understand that. But, I just want, to the extent that there is a vote on this, I am not so sure I can support this. But, I also want to be on the record that I would not be in support of taking the AG's Office, the Consumer Protection Division's jurisdiction over these two laws from oversight. So, we don't have to decide this today. I don't know if there's...

Senator Jacalyn L. Cilley, D. 6: I thought this was going to be a very simple thing to just get out of there, and...

Attorney Head: I can actually comment directly on Senator Reynolds' comment. And, I'll point out that this bill is being proposed as it is, or this amendment is being proposed as it is, in part, because of your vote and because of similar votes that there was a message sent that last year, when we did propose to eliminate our role in this field, it was rejected. So, rather than simply try again, and run it through another policy committee, we thought that it did make sense to hear the concerns of the people involved in this, the Senators, the Representatives who are not supportive of the idea last year, and to reevaluate that.

I don't disagree that the review has a consumer protection function. And, we do in fact catch and prevent consumer, not fraud, but consumer deception perhaps, or whatever the right phrase may be, that those are caught in our review, and I don't disagree with that. The question is, is that the best use of our time in the Consumer Protection Bureau? Or, based on the fact that we cannot do everything, is that how we should be spending our time? And, if the legislative body says, yes, then that's great at least we have made that as an affirmative decision. Whereas, this was presented and created as an idea of the 1970s when towns did not have planning boards, and the regulation of developers was much more limited in terms of escrow accounts, information

that was being provided to consumers. So, a lot has changed since the early '70s and we simply think that it should be reevaluated. If at the end of that study it is determined we should maintain and keep the current role, great. I have no problem with that. I just think it is time to look at it again.

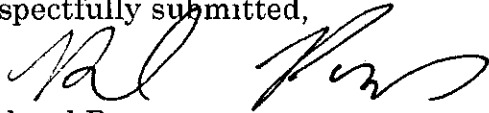
Senator Jacalyn L. Cilley, D. 6: Thank you.

Senator Deborah R. Reynolds, D. 2: Thank you, and as just a final follow up. I mean, I hear everything you are saying as a long-time practicing real estate attorney. I would never equate the role of a planning zoning board authority to oversight under these two laws. And, I don't believe that they are set up or established to do any of the review that the AG's office. But, I understand that you are just talking about introducing the concept into this study. So, I understand.

Senator Jacalyn L. Cilley, D. 6: Thank you, and thank you. Seeing no further question, we are going to close the hearing on House Bill 1470.

Hearing closed at 11:57 A.M.

Respectfully submitted,



Richard Parsons
Senate Committee Secretary

8/19/10

1 Attachment

1 New Section; Condominium Act; Committee to Study the Laws Relating to Condominium and Homeowners' Associations. Amend RSA 356-B by inserting after section 69 the following new section:

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2 Effective Date. This act shall take effect upon its passage.

Speakers

Testimony



State of New Hampshire

GENERAL COURT

CONCORD

MEMORANDUM

DATE: October 25, 2010

TO: Honorable John H. Lynch, Governor
Honorable Terie Norelli, Speaker of the House
Honorable Sylvia B. Larsen, President of the Senate
Honorable Karen O. Wadsworth, House Clerk
Tammy L. Wright, Senate Clerk
Michael York, State Librarian

FROM: Representative Susan W. Almy, Chair

SUBJECT: Annual Report on the Committee to Study the Laws Relating to Condominium and Homeowners' Associations (RSA 356-B:70)

Pursuant to Chapter 322:1, Laws of 2010, enclosed please find the Annual Report of the Committee to Study the Laws Relating to Condominium and Homeowners' Associations.

If you have any questions or comments regarding this report, please do not hesitate to contact me.

SWA:dm
Enclosures

Annual Report of the Committee to Study Laws Relating to Condos and Homeowner Associations
RSA 356-B:70, Chapter Law 322:1, Laws of 2010
October 25, 2010

The Committee to Study Laws Relating to Condos and Homeowner Associations, consisting of Representatives Susan Almy, Patricia Dowling, Paul Hackel, and Senator David Boutin, has met three times since it was appointed, on August 24, September 20, and October 19. The joint minutes from the first two meetings and the final minutes are attached. We recognize that RSA 356-B, the state's condominium law, requires considerable work, and propose to study the issues thoroughly before proposing new legislation. The Committee recommends an early, thorough review of the two versions of the Uniform Common Interest Ownership Act, which may offer some solutions.

The Committee is looking into many issues, and beginning to consider the benefits and drawbacks of possible changes. These are, not in priority order:

- A. monitoring the new law giving liens by condo/homeowner associations (CHAs) for unpaid dues higher priority than that of primary mortgages as to whether this harms the ability of potential purchasers to obtain mortgages;
- B. how to make CHA boards more transparent and therefore accountable to their members, without overloading the smaller associations with impossible tasks;
- C. whether some form of state-level grievance procedure for individual purchasers in new developments and/or members of established CHAs can be set up that will not be cost-prohibitive for either the CHAs or the state;
- D. whether the property management companies that advise and perform most of the membership services for most CHA boards need to be regulated in some way, or somehow made more accountable to the membership;
- E. whether there is a way to provide on-line training and/or reference materials for CHA board members, given their function as managers of roads, septic and water systems, public order, and other public services within their boundaries, and their often-rapid turnover;
- F. whether section 3 of RSA 356-B, dealing with the functions and responsibilities of boards, needs to be expanded to provide more guidance and flexibility and recognize modern technology;
- G. whether annual registration, or some other mechanism to allow public listing of CHA board members and contacts, should be pursued;
- H. whether there are ways to reduce incidences of developers leaving CHAs with less than the promised assets;
- I. whether there are better tools to help CHAs to ensure their members keep up their dues payments;
- J. how to provide clearly in statute for the right of CHA members to call for a special meeting and replace a board which is violating statute; and
- K. whether attorneys' fees as provided in RSA 356-B: 15 (II) should be collectible by either party.

For the Committee, Rep. Susan Almy, Chair

Committee to Study Laws Relating to Condos and Homeowner Associations Meetings
August 24 and Sept. 20, 2010

The Committee to Study Laws Relating to Condos and Homeowner Associations met on August 24 with Reps. Pat Dowling, Paul Hackel and Susan Almy, and Sen. David Boutin present, also researcher Pam Smarling, AAG David Rienzo, Jerry Little of the NH Banking Association, Tom Ducharme of Evergreen Management (which manages multiple condo associations, most of them large), and attorney Gary Brown from the NH Community Associations Institute. We discussed each of our experience with condo associations and general concerns with the law (or with changing it).

RSA 356-B was created in 1977 and consists of four sections, the first definitions and interaction with levels of government, the second the legal creation and sale of condominiums and alternative forms of growth or retraction of them, the third the form and powers of the unit owners' associations, and the fourth primarily the process of registration and approval of developers' plans to build condominiums with the AG's office, though it also includes the notice that must be given to buyers on re-sale. The AG's office feels strongly that they should continue to be involved in the manner specified in the fourth section, because it is the only oversight for a complex process that can leave many homeowners without recourse. We discussed a number of other issues that were specified more in the second meeting. Rep. Almy was elected Chair (with a possible agreement to switch with the Clerk next year), Rep. Dowling Clerk, and Sen. Boutin substitute Clerk.

The Committee met again on September 20, with Rep. Dowling and Sen. Boutin unable to attend. The session was taped and there will be CDs of it provided to them and in the record. In addition to the same non-legislators as before, we had present and contributing Ken Nielsen, vice chair of the Board of Manufactured Housing, Eric Newman, representing time-share/resort developments held in condominium, and Gary Green, a Dover condo owner and past president of several other condo associations.

The Manufactured Housing Board has only a limited numbers of issues they can deal with, and they have reduced the formal complaints they get to 10-12 a year, by posting their decisions on line, requiring complainants send a "good faith" letter about the issue to the owner 5 days before filing the complaint, and answering about 50-100 calls a month with a part-time staff. Their orders are legally enforceable by the AG's Office and they did that with the first ones and afterwards have had few problems. Since there has been a move by the NH Community Loan Fund to cooperativize failing trailer parks, they have had more complaints from tenant-owners in these parks than from normal commercial ones, due to the learning curve for condominium boards and the usual bad repair of the parks when transferred. Their budget is slightly over \$20,000 and comes from the General Fund, with the rare complaint fees of \$25 going into it.

Atty. Brown spoke to the major costs that could be involved for all concerned in replicating the MFB for condominiums - that unlike regular trailer park owners, condo boards have a fiduciary duty to represent their members fully, and this means they would have to hire lawyers for every complaint filed in a legal proceeding, which would vastly increase costs to members. Mr. Ducharme and others felt that the first order of business should be to require or encourage the condo boards to be as transparent as possible to the membership, perhaps require a website where certain items are routinely posted, require that if a member complains, he be invited to the next board meeting to present his case. Having some entity which would provide mediation between individual owners and their boards was considered a better alternative - particularly if it could operate like the MHB in

providing education on law and past resolutions through a website. It seems likely, however, that it would have to find a way to deal with many more complaints, continually, because one of the problems is that volunteer boards turn over faster than trailer park owners, and lose memory of how to deal with problems.

Other issues that we have discussed more briefly in the two meetings are:

- Licensing of property managers – Mr. Green brought us the Florida statute; about half the states do it but some only to collect money, and we would need to require proper training and continuing education, conflicting opinions even in the same person about whether it would help
- Adaptation of the very cursory section 3 (boards) to the needs of widely varying condos, coops, pud's and home owner associations of enormously different sizes and percentages of resident members - including increasing transparency to members from the boards – Mr. Little brought us copies of MA, CT and VT laws on this
- Whether giving condo association liens priority above mortgages in default (HB 1340 effective Jan 1, 2011) will stifle lending for condominiums so much that it needs modification
- Whether annual registration, in order to have the board members and their contact information on file somewhere public, should be tried again (bill lost 2001)
- Whether there can be law improvements to:
 - o give better surety the developers who build condominiums will perform as promised
 - o Find ways to get non-paying members to pay their dues

We have a report due on November 1, although there is no time limit on completing the work. If someone has a suggestion on material we ought to follow up by then, in order to file a bill (rather than wait to understand more of the whole), we can arrange a presentation then. I would like feedback on whether the banking issue is such especially from Commerce Committee members. Otherwise, the chair will boil these notes down into a paragraph or two for the November report and we can discuss whether we want to offer priorities for the 2011 committee to consider.

Respectfully submitted,

Rep. Susan Almy

**Committee to Study the Laws Relating to Condominium and Homeowners' Associations
RSA 356-B:70, Ch. 322:1, Laws of 2010**

**Meeting Minutes
October 19, 2010**

Members Present: Rep. Susan Almy, Rep. Paul Hackel, Rep. Patricia Dowling and Senator David Boutin

Discussion of the draft annual report

Rep. Almy presented a draft annual report and noted that the Committee had not had time to conduct a study but could assist the members of the 2011-2012 committee by identifying areas that need review. She expressed the hope that the Speaker and Senate President would appoint at least some of the same members to the committee in the upcoming biennium.

Discussed adding the consideration of adopting, in whole or in part, the 1994 or 2008 Uniform Common Interest Ownership Act. Adopted.

Rep. Pete Hinkle spoke to the committee re condo issues that have had adverse effects on the condo owners where he lives.

Mr. Green submitted letter from others relative to condominiums, plus provided materials.

Add to report Rep. Hinkle's recommendation to discuss how to provide clearly in statute for the right of CHA members to call for a special meeting and replace a board which is violating statute. Adopted.

Add to report the issue of whether attorneys' fees as provided in RSA 356-B: 15 (II) should be collectible by either party. Adopted.

Agreed that the list of issues for the 2011-2012 Committee to consider are not necessarily presented in priority.

Respectfully submitted,

Rep. Patricia Dowling, Clerk

Voting Sheets

Senate Commerce, Labor & Consumer Protection Committee EXECUTIVE SESSION

Bill # HB 1470

Hearing date: 5/4/10

Executive session date: 5/11/10

Motion of: GTP/A

VOTE: 5-1

<u>Made by</u>	Hassan <input checked="" type="checkbox"/>	<u>Seconded</u>	Hassan <input type="checkbox"/>	<u>Reported</u>	Hassan <input type="checkbox"/>
<u>Senator:</u>	DeVries <input type="checkbox"/>	<u>by Senator:</u>	DeVries <input type="checkbox"/>	<u>by Senator:</u>	DeVries <input type="checkbox"/>
	Reynolds <input type="checkbox"/>		Reynolds <input checked="" type="checkbox"/>		Reynolds <input type="checkbox"/>
	Cilley <input type="checkbox"/>		Cilley <input type="checkbox"/>		Cilley <input type="checkbox"/>
	Bragdon <input type="checkbox"/>		Bragdon <input type="checkbox"/>		Bragdon <input type="checkbox"/>
	Roberge <input type="checkbox"/>		Roberge <input type="checkbox"/>		Roberge <input type="checkbox"/>

Motion of: _____

VOTE: _____

<u>Made by</u>	Hassan <input type="checkbox"/>	<u>Seconded</u>	Hassan <input type="checkbox"/>	<u>Reported</u>	Hassan <input type="checkbox"/>
<u>Senator:</u>	DeVries <input type="checkbox"/>	<u>by Senator:</u>	DeVries <input type="checkbox"/>	<u>by Senator:</u>	DeVries <input type="checkbox"/>
	Reynolds <input type="checkbox"/>		Reynolds <input type="checkbox"/>		Reynolds <input type="checkbox"/>
	Cilley <input type="checkbox"/>		Cilley <input type="checkbox"/>		Cilley <input type="checkbox"/>
	Bragdon <input type="checkbox"/>		Bragdon <input type="checkbox"/>		Bragdon <input type="checkbox"/>
	Roberge <input type="checkbox"/>		Roberge <input type="checkbox"/>		Roberge <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Hassan, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator DeVries, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Reynolds	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cilley	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Bragdon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Roberge	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Amendments: LANGUAGE SUBMITTED BY ATTORNEY HEAD

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: May 11, 2010

THE COMMITTEE ON Commerce, Labor and Consumer Protection
to which was referred House Bill 1470

AN ACT establishing a committee to study laws relating to
condominium and homeowners' associations.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-1

AMENDMENT # 2023s

Senator Sheila Roberge
For the Committee

Danielle Barker 271-3093

New Hampshire General Court - Bill Status System

Docket of HB1470

Docket Abbreviations

Bill Title: establishing a committee to study laws relating to condominium and homeowners' associations.*Official Docket of HB1470:*

Date	Body	Description
01/06/2010	H	Introduced and Referred to Commerce and Consumer Affairs; HJ 6 , PG.241
01/06/2010	H	Public Hearing: 1/7/2010 1:30 PM LOB 302
01/22/2010	H	Subcommittee Work Session: 1/26/2010 9:20 AM LOB 302
01/26/2010	H	Subcommittee Work Session: 2/4/2010 9:00 AM LOB 302
01/27/2010	H	==CANCELLED== Executive Session: 2/4/2010 10:00 AM LOB 302
02/08/2010	H	Subcommittee Work Session: 2/11/2010 8:30 AM LOB 302
02/08/2010	H	Executive Session: 2/11/2010 10:00 AM LOB 302
02/16/2010	H	Committee Report: Ought to Pass with Amendment #0541h for Mar 3 CC (Vote 16-0); HC 17 , PG.795
02/16/2010	H	Proposed Committee Amendment #0541h; HC 17 , PG.892
03/03/2010	H	Amendment #0541h Adopted, VV; HJ 20 PG.1121-1122
03/03/2010	H	Ought to Pass with Amendment #0541h: MA VV; HJ 20 PG.1121-1122
03/24/2010	S	Introduced and Referred to Commerce, Labor and Consumer Protection; SJ 11 , Pg.263
04/06/2010	S	Hearing: May 4, 2010, Room 102, LOB, 9:30 a.m.; SC15
04/09/2010	S	Hearing: === TIME CHANGE === May 4, 2010, Room 102, LOB, 9:45 a.m.; SC16
05/11/2010	S	Committee Report: Ought to Pass with Amendment 2023s, 5/12/10; SC19A
05/12/2010	S	Committee Amendment 2023s, AA, VV; SJ 18 , Pg.422
05/12/2010	S	Ought to Pass with Amendment 2023s, MA, VV; OT3rdg; SJ 18 , Pg.422
05/12/2010	S	Passed by Third Reading Resolution; SJ 18 , Pg.498
05/19/2010	H	House Concurs with Senate AM #2023s (Rep Butler): MA VV; HJ 46 , PG.2224
06/02/2010	H	Enrolled; HJ 51 , PG.2322
06/02/2010	S	Enrolled; SJ 21 , Pg.778
07/21/2010	H	Signed by the Governor 7/20/2010; Effective: 07/20/2010; Chapter 0322

NH House

NH Senate

Contact Us

New Hampshire General Court Information Systems
107 North Main Street - State House Room 31, Concord NH 03301

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB1470 ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE on which you have taken attendance
- HEARING REPORT (written summary of hearing testimony)
- HEARING TRANSCRIPT (verbatim transcript of hearing)
List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: 1
- SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 19855 - AMENDMENT # _____
 - AMENDMENT # 20235 - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

- AS INTRODUCED AS AMENDED BY THE HOUSE
 FINAL VERSION _____ AS AMENDED BY THE SENATE

PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: _____

EXECUTIVE SESSION REPORT

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK 9/21/10


COMMITTEE SECRETARY