

Bill as Introduced

SB 431 - AS INTRODUCED

2010 SESSION

10-2837

04/09

SENATE BILL **431**

AN ACT relative to housing and tenancy protections for victims of domestic violence, sexual assault, or stalking.

SPONSORS: Sen. Houde, Dist 5; Sen. Odell, Dist 8; Sen. Kelly, Dist 10; Sen. Merrill, Dist 21; Sen. Fuller Clark, Dist 24; Rep. Rodd, Merr 5; Rep. Shurtleff, Merr 10; Rep. Welch, Rock 8

COMMITTEE: Judiciary

ANALYSIS

This bill prohibits lessors and owners of restricted property from terminating a tenancy, refusing to renew a tenancy, or refusing to enter into a rental agreement based on the tenant, rental applicant, or household member of a tenant or a rental applicant having been a victim of domestic violence, sexual assault, or stalking.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to housing and tenancy protections for victims of domestic violence, sexual assault, or stalking.

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

1 1 New Paragraph; Termination of Tenancy. Amend RSA 540:2 by inserting after paragraph VI
2 the following new paragraph:

3 VII. No lessor or owner of restricted property shall terminate a tenancy, fail to renew a
4 tenancy, or refuse to enter into a rental agreement based on a tenant, rental applicant, or a
5 household member of a tenant or rental applicant having been a victim of domestic violence as
6 defined in RSA 173-B, sexual assault as defined in RSA 632-A, or stalking as defined in RSA 633:3-a
7 provided that:

8 (a) The tenant, rental applicant, or household member of a tenant or rental applicant
9 who is the victim has a valid protective order against the perpetrator of the domestic violence, sexual
10 assault, or stalking; or

11 (b) The tenant, rental applicant, or household member of a tenant or rental applicant
12 who is the victim:

13 (1) Initiates legal action to obtain a protective order and provides written verification
14 thereof to the lessor or owner; or

15 (2) Reports the domestic violence, sexual assault, or stalking to a law
16 enforcement agency or county attorney, and provides written verification thereof to the lessor or
17 owner; or

18 (3) Provides written verification from a third party including, but not limited to, a
19 law enforcement official, victim's advocate, attorney or healthcare provider that he or she is a victim
20 of domestic violence, sexual assault, or stalking.

21 (c) A tenant who has obtained a protective order from a court of competent jurisdiction
22 granting him or her possession of a dwelling unit to the exclusion of one or more other tenants or
23 household members may request that a lock be replaced or configured for a new key at the tenant's
24 expense. The lessor or owner shall, if provided a copy of the protective order, comply with the
25 request and shall not give copies of the new keys to the tenant or household member restrained or
26 excluded by the protective order.

27 (d) A lessor or owner who replaces a lock or configures a lock for a new key in accordance
28 with subparagraph (c) shall be not be liable for any damages that result directly from the lock
29 replacement or reconfiguration.

SB 431 - AS INTRODUCED

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1 (e) The district court may evict the tenant or household member accused of the domestic
2 violence, sexual assault, or stalking while allowing the tenancy of the remainder of the residents to
3 continue undisturbed.

4 (f) Nothing in this section shall preclude eviction on any grounds set forth in RSA 540:2,
5 II which are unrelated to domestic violence, sexual assault, or stalking.

6 2 Effective Date. This act shall take effect 90 days after its passage.

SB 431 - AS AMENDED BY THE SENATE

03/17/10 0962s

2010 SESSION

10-2837
04/09

SENATE BILL

431

AN ACT relative to housing and tenancy protections for victims of domestic violence, sexual assault, or stalking.

SPONSORS: Sen. Houde, Dist 5; Sen. Odell, Dist 8; Sen. Kelly, Dist 10; Sen. Merrill, Dist 21; Sen. Fuller Clark, Dist 24; Rep. Rodd, Merr 5; Rep. Shurtleff, Merr 10; Rep. Welch, Rock 8

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill prohibits lessors and owners of restricted property from terminating a tenancy or refusing to renew a tenancy based on the tenant or household member of a tenant having been a victim of domestic violence, sexual assault, or stalking.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

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

1 1 New Paragraph; Termination of Tenancy. Amend RSA 540:2 by inserting after paragraph VI
2 the following new paragraph:

3 VII.(a) No lessor or owner of restricted property shall terminate or fail to renew a tenancy
4 based on a tenant or a household member of a tenant having been a victim of domestic violence as
5 defined in RSA 173-B, sexual assault as defined in RSA 632-A, or stalking as defined in RSA 633:3-a
6 provided that:

7 (1) The tenant or household member of a tenant who is the victim has a valid
8 protective order against the perpetrator of the domestic violence, sexual assault, or stalking; or

9 (2) The tenant or household member of a tenant who is the victim:

10 (A) Initiates legal action to obtain a protective order and provides written
11 verification thereof to the lessor or owner; or

12 (B) Reports the domestic violence, sexual assault, or stalking to a law
13 enforcement agency or county attorney, and provides written verification thereof to the lessor or
14 owner.

15 (b) A tenant who has obtained a protective order from a court of competent jurisdiction
16 granting him or her possession of a dwelling to the exclusion of one or more other tenants or
17 household members may request that a lock be replaced or configured for a new key at the tenant's
18 expense. The lessor or owner shall, if provided a copy of the protective order, comply with the
19 request and shall not give copies of the new keys to the tenant or household member restrained or
20 excluded by the protective order.

21 (c) A lessor or owner who replaces a lock or configures a lock for a new key in accordance
22 with subparagraph (b) shall not be liable for any damages that result directly from the lock
23 replacement or reconfiguration.

24 (d) If, after a hearing on the possessory action, the court finds that there are grounds
25 under this section to evict the tenant or household member accused of the domestic violence, sexual
26 assault, or stalking, it may issue judgment in favor of the landlord against the person accused, and
27 allow the tenancy of the remainder of the residents to continue undisturbed.

28 (e) Nothing in this section shall preclude eviction on any grounds set forth in RSA 540:2,
29 II which are unrelated to domestic violence, sexual assault, or stalking.

SB 431 – AS AMENDED BY THE SENATE

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1 2 New Paragraph; Actions Against Tenants; Judgments. Amend RSA 540:14 by inserting after
2 paragraph III the following new paragraph:

3 IV. If the court renders judgment against any one tenant or member of a multiperson
4 household pursuant to RSA 540:2, VII(d), the court shall specify in its order that the writ of
5 possession shall only be used to remove the tenant or household member against whom the judgment
6 issued, and that the other tenants or household members may remain in residence.

7 3 Effective Date. This act shall take effect 90 days after its passage.

CHAPTER 285
SB 431 - FINAL VERSION

03/17/10 0962s
13May2010... 1746h

2010 SESSION

10-2837
04/09

SENATE BILL **431**

AN ACT relative to housing and tenancy protections for victims of domestic violence, sexual assault, or stalking.

SPONSORS: Sen. Houde, Dist 5; Sen. Odell, Dist 8; Sen. Kelly, Dist 10; Sen. Merrill, Dist 21; Sen. Fuller Clark, Dist 24; Rep. Rodd, Merr 5; Rep. Shurtleff, Merr 10; Rep. Welch, Rock 8

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill prohibits lessors and owners of restricted property from terminating a tenancy or refusing to renew a tenancy based on the tenant or household member of a tenant having been a victim of domestic violence, sexual assault, or stalking.

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CHAPTER 285
SB 431 - FINAL VERSION

03/17/10 0962s
13May2010... 1746h

10-2837
04/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to housing and tenancy protections for victims of domestic violence, sexual assault, or stalking.

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

1 285:1 New Paragraph; Termination of Tenancy. Amend RSA 540:2 by inserting after paragraph
2 VI the following new paragraph:

3 VII.(a) No lessor or owner of restricted property shall terminate a tenancy solely based on a
4 tenant or a household member of a tenant having been a victim of domestic violence as defined in
5 RSA 173-B, sexual assault as defined in RSA 632-A, or stalking as defined in RSA 633:3-a, provided
6 that the tenant or household member of a tenant who is the victim provides the lessor or owner with
7 written verification that the tenant or household member of a tenant who is the victim has obtained
8 a valid protective order against the perpetrator of the domestic violence, sexual assault, or stalking.

9 (b) A tenant who has obtained a protective order from a court of competent jurisdiction
10 granting him or her possession of a dwelling to the exclusion of one or more other tenants or
11 household members may request that a lock be replaced or configured for a new key at the tenant's
12 expense. The lessor or owner shall, if provided a copy of the protective order, comply with the
13 request and shall not give copies of the new keys to the tenant or household member restrained or
14 excluded by the protective order.

15 (c) A lessor or owner who replaces a lock or configures a lock for a new key in accordance
16 with subparagraph (b) shall not be liable for any damages that result directly from the lock
17 replacement or reconfiguration.

18 (d) If, after a hearing in the possessory action, the court finds that there are grounds
19 under this section to evict the tenant or household member accused of the domestic violence, sexual
20 assault, or stalking, it may issue a judgment in favor of the lessor or owner of the property against
21 the person accused, and allow the tenancy of the remainder of the residents to continue undisturbed.
22 The lessor or owner of the rental unit at issue in the possessory action shall have the right to bar the
23 person accused of the domestic violence, sexual assault, or stalking from the unit and from the
24 lessor's or owner's property once judgment in the possessory action becomes final against such
25 person. Thereafter, and notwithstanding RSA 635:2, the person's entry upon the lessor's or owner's
26 property after being notified in writing that he or she has been barred from the property shall
27 constitute a trespass.

CHAPTER 285
SB 431 - FINAL VERSION
- Page 2 -

1 (e) Nothing in this section shall preclude eviction for nonpayment of rent. A landlord
2 may evict on any grounds set forth in RSA 540:2, II which are unrelated to domestic violence, sexual
3 assault, or stalking.

4 (f) The defense set forth in subparagraph VII(a) shall be an affirmative defense to
5 possessory actions brought pursuant to subparagraph II(b), (c), (d), or (e) of this section.

6 285:2 New Paragraph; Actions Against Tenants; Judgments. Amend RSA 540:14 by inserting
7 after paragraph III the following new paragraph:

8 IV. If the court renders judgment against any one tenant or member of a multiperson
9 household pursuant to RSA 540:2, VII(d), the court shall specify in its order that the writ of
10 possession shall only be used to remove the tenant or household member against whom the judgment
11 issued, and that the other tenants or household members may remain in residence.

12 285:3 Effective Date. This act shall take effect 90 days after its passage.

13 Approved: July 8, 2010

14 Effective Date: October 6, 2010

Amendments

Amendment to SB 431

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

2
3 1 New Paragraph; Termination of Tenancy. Amend RSA 540:2 by inserting after paragraph VI
4 the following new paragraph:

5 VII.(a) No lessor or owner of restricted property shall terminate or fail to renew a tenancy
6 based on a tenant or a household member of a tenant having been a victim of domestic violence as
7 defined in RSA 173-B, sexual assault as defined in RSA 632-A, or stalking as defined in RSA 633:3-a
8 provided that:

9 (1) The tenant or household member of a tenant who is the victim has a valid
10 protective order against the perpetrator of the domestic violence, sexual assault, or stalking; or

11 (2) The tenant or household member of a tenant who is the victim:

12 (A) Initiates legal action to obtain a protective order and provides written
13 verification thereof to the lessor or owner; or

14 (B) Reports the domestic violence, sexual assault, or stalking to a law
15 enforcement agency or county attorney, and provides written verification thereof to the lessor or
16 owner.

17 (b) A tenant who has obtained a protective order from a court of competent jurisdiction
18 granting him or her possession of a dwelling to the exclusion of one or more other tenants or
19 household members may request that a lock be replaced or configured for a new key at the tenant's
20 expense. The lessor or owner shall, if provided a copy of the protective order, comply with the
21 request and shall not give copies of the new keys to the tenant or household member restrained or
22 excluded by the protective order.

23 (c) A lessor or owner who replaces a lock or configures a lock for a new key in accordance
24 with subparagraph (b) shall not be liable for any damages that result directly from the lock
25 replacement or reconfiguration.

26 (d) If, after a hearing on the possessory action, the court finds that there are grounds
27 under this section to evict the tenant or household member accused of the domestic violence, sexual
28 assault, or stalking, it may issue judgment in favor of the landlord against the person accused, and
29 allow the tenancy of the remainder of the residents to continue undisturbed.

30 (e) Nothing in this section shall preclude eviction on any grounds set forth in RSA 540:2,
31 II which are unrelated to domestic violence, sexual assault, or stalking.

32 2 New Paragraph; Actions Against Tenants; Judgments. Amend RSA 540:14 by inserting after

Amendment to SB 431

- Page 2 -

1 paragraph III the following new paragraph:

2 IV. If the court renders judgment against any one tenant or member of a multiperson
3 household pursuant to RSA 540:2, VII(d), the court shall specify in its order that the writ of
4 possession shall only be used to remove the tenant or household member against whom the judgment
5 issued, and that the other tenants or household members may remain in residence.

6 3 Effective Date. This act shall take effect 90 days after its passage.

Amendment to SB 431

- Page 3 -

2010-0962s

AMENDED ANALYSIS

This bill prohibits lessors and owners of restricted property from terminating a tenancy or refusing to renew a tenancy based on the tenant or household member of a tenant having been a victim of domestic violence, sexual assault, or stalking.

Committee Minutes

**SENATE CALENDAR NOTICE
JUDICIARY**

- ✓ Senator Deborah Reynolds Chairman
- ✓ Senator Bette Lasky V Chairman
- ✓ Senator Matthew Houde
- ✓ Senator Sheila Roberge
- ✓ Senator Robert Letourneau

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/> Bill Status	
<input type="checkbox"/> Docket	
<input type="checkbox"/> Calendar	
Proof: <input type="checkbox"/> Calendar	<input type="checkbox"/> Bill Status

Date: February 10, 2010

HEARINGS

Tuesday

3/2/2010

JUDICIARY

SH 103

2:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

- | | | |
|---------|-------|--|
| 2:00 PM | SB439 | making technical corrections and changes to court sites and names. |
| 2:15 PM | SB438 | relative to procedures in small claims actions. |
| 2:30 PM | SB341 | relative to remedies available in landlord-tenant actions. |
| 2:45 PM | SB415 | relative to remedies against landlords. |
| 3:00 PM | SB431 | relative to housing and tenancy protections for victims of domestic violence, sexual assault, or stalking. |

350

Sponsors:

SB439

Sen. Deborah Reynolds
Rep. David Cote

Sen. Bette Lasky

Sen. Robert Letourneau

Sen. Sheila Roberge

SB438

Sen. Deborah Reynolds
Rep. David Cote

Sen. Bette Lasky

Sen. Robert Letourneau

Sen. Sheila Roberge

SB341

Sen. Deborah Reynolds

SB415

Sen. John Gallus
Rep. Gene Chandler

Sen. Michael Downing

Sen. Sharon Carson

Rep. Eric Stohl

SB431

✓ Sen. Matthew Houde
Rep. Beth Rodd

Sen. Bob Odell
Rep. Stephen Shurtleff

Sen. Molly Kelly
Rep. David Welch

Sen. Amanda Merrill
Sen. Martha Fuller Clark

Gail Brown 271-3076

Sen. Deborah Reynolds

Chairman

Judiciary Committee

Hearing Report

TO: Members of the Senate

FROM: Susan Duncan, *Senior Legislative Aide*

RE: Hearing report on **SB 431** – *AN ACT relative to housing and tenancy protections for victims of domestic violence, sexual assault, or stalking.*

HEARING DATE: March 2, 2010

MEMBERS OF THE COMMITTEE PRESENT: Senators Reynolds, Lasky, Roberge, Letourneau and Houde

MEMBERS OF THE COMMITTEE ABSENT: No one

Sponsor(s): Senator Houde with Senators Odell, Kelly, Merrill and Fuller Clark and Representatives Rodd, Shurtleff and Welch

What the bill does: This bill prohibits lessors and owners of restricted property from terminating a tenancy, refusing to renew a tenancy, or refusing to enter into a rental agreement based on the tenant, rental applicant, or household member of a tenant or a rental applicant having been a victim of domestic violence, sexual assault, or stalking.

Who supports the bill: Senator Houde; Senator Merrill; Senator Fuller Clark; Senator Kelly; Attorney Sarah Mattson, NHLA; Maggie Fogarty of American Friends Service Committee; Representative Rodd; Attorney Elliott Berry of NHLA; Jennifer Durant, NHCADSV; Lara Rice, Bridges; Attorney Fred Mayer of Nashua; Sandra Matheson of the NH Attorney General's Office

Who opposes the bill: June Favazza, NHPOA; Debbie Valente, NHPOA; Francine Ryan, NHPOA; Christopher Bilodeau, NHPOA; Thomas Toye, RPOA; Nick Norman, Landlord Resources Network; Joe Nelson, NHPOA

Summary of testimony received:

- Senator Houde introduced the legislation and asked the Committee members to please recognize that this bill is moving into new territory from the previous two bills – that this legislation deals with protections of victims of domestic violence.

- He presented Amendment #0862s for consideration by the Committee members.
- This legislation, as amended, restricts termination of leases based on a tenant or household member having been a victim of domestic violence, sexual assault or stalking. The landlord can evict the abuser.
- The legislation provides that if requested, the landlord must change the locks at the expense of the tenant, and is prohibited from giving the abuser a copy of the key.
- Senator Houde asked the Committee members to please imagine the victims of domestic violence, in addition to trying to keep his or her life together, if they also have to find another dwelling place.
- Representative Rodd testified in support and said that this legislation is a tool that can be used to reduce the link between domestic violence and homelessness. A recent survey (2003) showed that of those surveyed who were victims of domestic violence, 36% said that this caused their homelessness.
- Attorney Mattson appeared in support and explained that this legislation is very narrowly tailored. She explained that too often victims of domestic violence who end up losing their homes, then this is an additional victimization.
- Federally subsidized housing already has protections based on a 2005 Violence Against Women Act which was enacted. However, this only protects individuals in these dwellings.
- The legislation allows a bifurcation of the lease in order to evict the perpetrator and allow the victim to remain in the dwelling.
- She said that non-payment of rent still will be a basis for eviction.
- She noted that the proposed amendment makes the legislation even narrower.
- She said that roughly half of the states now have domestic violence housing laws on their books.
- Senator Roberge asked about the use of the word "restricted" on page 1, line 5. Attorney Mattson responded that this would not be a single-family property, a property that is owner-occupied or a property owned by the banks and in foreclosure.
- Senator Roberge asked if this would prevent evicting a family if there was cause. Attorney Mattson responded that nothing prohibits criminal action clause, which is contained in many leases, as a basic provision – unless the grounds are unrelated to the domestic violence.
- Senator Letourneau asked how is this different. Attorney Mattson responded that the victim has to have sought a protective order.
- Tom Toye, on behalf of a number of property owners who were present, testified in opposition to the legislation. He said that he is a bit uncomfortable with this bill. He told of an experience he had a couple of years ago where the situation got completely out of control, causing him to have two apartments be vacated immediately. He said that other tenants were feeling unsafe and

therefore left because they were concerned for the safety of their children. He said that they ended up helping the victim find another place to live, but had this been on the books, he might not have been able to pay his bills.

- He said that it is his understanding that we currently have the right to evict one person. He said that he is concerned that there could be unintended consequences.
- Lara Rice of Bridges, an emergency shelter, appeared in support. She said that in 2008, they served over 14,000 victims. She said that since the 1980's, vital protections have been in place in 173-B. She noted that victims often face multiple barriers and that when they do leave, they often return to the batterer. She said that sometimes victims are told by the landlords that they cannot evict the abuser -- and that they will not change the locks.
- Attorney Meyer testified in support and noted for the record that he was agreeing with Elliott two times in the same day.
- He said that in advocating for his clients, this is a useful tool for landlords.
- He said that these perpetrators cause problems not only for the victim but for the rest of the renters. Unfortunately 540-A shields the perpetrators in these situations. He asked the Committee members to please consider adding language that would enable the landlord to bar the perpetrator from the premises, if needed.
- He said that he disagrees with the notion that the landlords have the right to bifurcate the lease. He has seen landlords having to evict both and then re-rent to the one party.
- Senator Reynolds noted that she is a little concerned with the requirements for landlords and the requirement to not give copies of the keys to the person being restrained. She said that this is now saying that the landlord is going to be involved and that she's a bit concerned over damages. Attorney Mayer said that his take is that the legislation mandates that the locks be changed at the renter's expense and at their request. This would enable the landlord to argue that he has not willfully violated the provisions (prior bill). He noted that landlords are already involved in these situations.
- Senator Letourneau asked about the situation when the victim brings the abuser back into the property -- and whether we need language that both could then be evicted. Attorney Meyer responded that this would give the landlord the right to have the perpetrator evicted after a Writ of Possession is filed. He said that you cannot have an unauthorized occupant living with you. He said that the tenant would now have violated a different provision of 540 and that the landlord would then have the ability to evict.
- Debbie Valente testified in opposition but said that there are some general circumstances where she would be in support. However, she noted that this brings the landlord into a situation where he or she would prefer not to go. She said that in the practical world, the

couple frequently makes up as Senator Letourneau noted – and now the landlord has become the aggressor. Then the tenants turn their anger onto the landlord and it looks as if he has chosen a side.

- She also noted that in some cases, the aggressor could be the breadwinner and that then leaving the victim behind, he or she may not have the ability to work and pay the rent.

Fiscal Impact: Not applicable

Future Action: The Committee took the bill under advisement.

sfd

[file: SB 431]

Date: March 8, 2010

Date: March 2, 2010
Time: 3:50 p.m.
Room: State House Room 103

RSB

The Senate Committee on Judiciary held a hearing on the following:

SB 431 relative to housing and tenancy protections for victims of domestic violence, sexual assault, or stalking.

Members of Committee present: Senator Reynolds
 Senator Lasky
 Senator Houde
 Senator Roberge
 Senator Letourneau

The Chair, Senator Deborah R. Reynolds, opened the hearing on SB 431 and invited the prime sponsor, Senator Houde, to introduce the legislation.

Senator Matthew Houde, D. 5: Thank you, Madam Chair and members of the Committee. It is a pleasure to be here. For the record, my name is Matthew Houde, representing Senate District 5 and I'm here to introduce SB 431 and actually there is an amendment that is being circulated that essentially replaces the bill in its entirety. So, others who are going to speak are going to perhaps talk to the changes that are made, but I just want to speak to the amendment that you will have in front of you.

Please see Attachment #1 – Amendment 2010-0862.

Senator Deborah R. Reynolds, D. 2: Thank you.

Senator Matthew Houde, D. 5: So, I will wait a moment while that makes its way around.

Senator Deborah R. Reynolds, D. 2: Go right ahead, Senator Houde.

Senator Matthew Houde, D. 5: Thank you, Madam Chair. Before doing so, I feel like it is incumbent upon me, as I introduce this bill, to just pause for a moment and recognize that we have moved onto new territory from the bills that we have just heard with respect to specific damages. This bill pertains

to protections for victims of domestic violence who happen to be in rental situations.

Unidentified speaker: Senator, could you please speak up. You're very hard to hear.

Senator Matthew Houde, D. 5: I can certainly try. Thank you. SB 431 is based on federal law in the context of subsidized housing arena. SB 431 would make similar protections available to tenants in restrictive properties; specifically SB 431 prohibits a lessor or owner from evicting a tenant based on having been the victim of domestic violence. Let me be really clear that that is the only reason that is being proposed here as not grounds for eviction. So, not paying rent and they are a victim of domestic violence, they can be evicted for not paying rent. A victim of domestic violence, but breaks other covenants, they can still be evicted. I just want to be very clear about that particular issue.

It also places the obligation on the tenant to evidence domestic violence in clear specific and limited ways and you will see that that is the tenant or household member of the tenant is a victim either initiates legal action to obtain a protective order and provides written clarification thereof to the lessor or owner or reports the domestic violence, sexual assault or stalking to a law enforcement agency or county attorney and provides written verification thereof as well.

Third, SB 431 allows the victim of domestic violence to remain as a tenant whereas the abuser can be evicted and the court can order that and make that clear that one former resident has to go and one can stay. It also provides... there is a part about lock changes and I am going to let the folks behind me speak to that issue. I appreciate the Committee's attention.

So, with that, I guess I will conclude there and say that, in closing, if we can imagine, and I can't, but if we can for a moment imagine someone who has been the victim of domestic violence and trying to keep their life together, how difficult it would be as part of that if an additional obstacle that they had to face was finding someplace else to live. This would allow them to continue their residence and would hopefully be a safe environment without the abuser.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Senator Houde. Any questions for Senator Houde? Seeing none, thank you very much, Senator.

JRB

I just want to note Senator Martha Fuller Clark has signed in in support of the bill, does not wish to speak. Senator Molly Kelly has signed in in favor of the bill, does not wish to speak. Senator Amanda Merrill has signed in in support, but does not wish to speak. And, we usually call our legislators first, so I note that Representative Bette Rood has signed in to speak. Why don't you come forward and would like to speak in favor of the bill. Thank you, Representative.

Representative Beth Rodd: Thank you, Madam Chair and members of the Committee. I'm Representative Beth Rodd. I represent the Towns of Henniker and Bradford in New Hampshire.

I stand in support of SB 431 because it is a tool that seeks to break the link between domestic violence and homelessness. Domestic violence, sexual assault and stalking often lead to homelessness for victims and their children at the very time when they most need stability and security. In 2003, 36% of U.S. cities surveyed reported that domestic violence was the primary cause of homelessness. The same year, a survey of one hundred homeless mothers in ten different locations revealed that 25% had experienced difficulties within the last year. Some of the points that the Senator proposed I will not reiterate, but this bill does support the balance between important landlord rights and the special needs of domestic violence victims.

I want to also, from my personal experience, I am a social worker by training and I do a lot of Guardian ad Litem work and, in just the last year, I have had two families who have been bounced from apartments to a neighbor's couch, to a homeless shelter because of domestic violence issues, when they had perfectly acceptable apartments. But, when the abuser was asked to leave, they said no, I'm on the lease, too. So, the children wound up sleeping on floors, having problems at school, acting out and a whole host of related problems came about for which I was called in to be a Guardian ad Litem. So, it is not just a theoretical problem; it is an issue that we see an awful lot.

So, I hope you will consider supporting this because I think it is very important and Lord knows they have enough problems getting an apartment. Affordable decent housing is very difficult to come by and once a family is able to secure it, they should be able to stay there and take care of their families.

I thank you all very much.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Representative. Any questions? Seeing none, thank you for your testimony.

LMB

Representative Rodd: Thank you.

Senator Deborah R. Reynolds, D. 2: Are there any other legislators here who would like to testify? If not, I am going to just go down my list. Sarah Mattson from New Hampshire Legal Assistance, who has signed in in support of the bill and does wish to speak.

Attorney Sarah Mattson: Good afternoon, Madam Chairman, members of the Committee. Thank you for hearing me. My name is Sarah Mattson. I am a staff attorney at New Hampshire Legal Assistance. I am the JV to Elliott's Varsity. We support this bill and ask you to recommend its passage.

As Representative Rodd mentioned, SB 431 is narrowly tailored to achieve its primary goal, which is to disrupt the link between domestic violence victimization and homelessness. Unfortunately, domestic violence victims often suffer the loss of their home as an additional layer of abuse on top of the physical and psychological violence that they have suffered at the hands of their batterers. At Legal Assistance, our work with low income clients has shown us that the ability to preserve safe and stable housing is critical to helping domestic violence victims be able to break the cycle of abuse and achieve long-term safety, not only for themselves, but also for their children.

The bill is based on the housing protections in a federal law, the 2005 Violence Against Women Act, usually referred to as VAWA. That law provides protections against eviction based on domestic violence for tenants who are living in federally subsidized housing. So, that is folks who are in apartments with Section 8 vouchers who are living in public housing. I actually have a letter, if I could submit it, from Curtis Hebert, who is the CEO of the Keene Housing Authority, in support of this bill based on their experience complying with VAWA.

Please see Attachment #2.

What SB 431 does is extend the VAWA style protections to tenants who are living in restricted property subject to RSA 540. I thought what I would do is point out a couple of key provisions about the bill as a whole and then, with your permission, just quickly talk through the changes that the amendment makes.

First of all, the most important thing about this bill is that it allows for what is called bifurcation of the lease. So, it allows the landlord to file an eviction action against the abuser while leaving the tenancy of the roommate or the occupant, in other words, the victim and any other household members intact.

RMB

The other really important point is that, as someone who spoke before me mentioned, it doesn't change the law for evictions unrelated to domestic violence. So, for example, a non-payment of rent, damage to the premises, etc.

Turning to the amendment, the changes that the amendment makes, I think, have made this bill even more narrowly tailored to its aim. The first thing that it does is remove what was included in the previous version, which is a prohibition on refusal to rent to someone who has been a victim of domestic violence. I don't, for a second, want to send the message that we wouldn't support that; we absolutely would. It probably is better suited to be in the housing discrimination law in RSA 354-A. So, this bill is purely about the eviction process.

The next important change is the previous bill allowed the victim to avail themselves of this defense to an eviction action if they provided verification of violence from a third party like a health care provider or attorney. That is out. There are only three ways now that a domestic violence victim could eventually verify their status as such. Number one, get a protective order from the district court or from the family division under RSA 173-B, attempt to do so, or report the violence to local law enforcement.

The third important change is to make it a little bit more clear how the bifurcation process would work. This bill doesn't create a new ground for eviction, so it doesn't, for example, give the landlord a new reason to be able to evict a tenant. The landlord would still have to file the possessory action based on a lease violation, would proceed to hearing potentially. What it gives the court discretion to do is to issue a judgment that is just against the abuser as opposed to all of the tenants who are in the property.

I think that about does it for the amendment. There is a provision that would allow for locks to be changed at the tenants' request if, for example, a tenant has won possession of the apartment in a 173-B case. The victim of domestic violence would be able to ask for the locks to be changed and provide the money for that to happen and there is a hold harmless clause in there for any damages that would result.

I think that about does it. This is very much a trend in housing law around the country. There are domestic violence related housing laws on the books in almost half of the states. During the 2009 legislative session, your colleagues around the country considered fifteen bills in this area. We think it is a very important step in broadening the social supports that are

RHB

available to domestic violence victims when they are in crisis and I hope that you will be able to support it.

I'm happy to take any questions if you have any and thank you very much.

Senator Deborah R. Reynolds, D. 2: Thank you very much. Senator Roberge?

Senator Sheila Roberge, D. 9: On line 5 on page 1, the word restricted. What does restricted mean?

Attorney Mattson: Restricted is defined in 540. Some of the earlier speakers probably would have been able to quote it. I have to find it. Restricted property is everything other than non-restricted property, which is defined in 540:1-a. Non-restricted property is single family homes if the owner doesn't own more than three at a time, rental units in which the owner is living if it is four units or fewer and single family homes that are owned by banks or other mortgagees in foreclosure. Everything that is not one of those is restricted.

Senator Deborah R. Reynolds, D. 2: Thank you. Further questions? Senator Roberge?

Senator Sheila Roberge, D. 9: Would this piece of legislation prevent a landlord from evicting a family if they wanted to?

Attorney Mattson: It would prevent the eviction of the domestic violence victim and people who are not the abuser if the eviction was based on a domestic violence. The typical scenario in which this arises if there is a clause in the lease, for example, which might be typical, prohibiting criminal activity by household members. So, in many, many cases, domestic violence is a criminal act and that could be, under current law, the basis for evicting the entire household. So, your question is a good one. It would allow for the splitting of the lease in two and judgment against the abuser, but not against the victim.

Senator Sheila Roberge, D. 9: But, it would, on the reverse, if the landlord wanted to get the whole family out, this would prevent that?

Attorney Mattson: Unless there were grounds unrelated to the domestic violence. Yes, Ma'am.

Senator Deborah R. Reynolds, D. 2: Thank you very much. Senator Letourneau?

Senator Robert J. Letourneau, D. 19: Thank you. Thank you for taking the question. How does this differ, the situation differ from a rental unit from a homeowner? For example, if there is a domestic problem in a home where the home is owned by the couple, generally the abuser has to leave by court order. Am I correct? How does this differ here? If there is a case of a domestic violence, doesn't the court order that person away from the home?

Attorney Mattson: It is an important question. What is happening in the situation that you described first is that the victim of the violence has sought a protective order under 173-B and then has been awarded possession of the dwelling. That can play out a lot of different ways, depending on the relationship that the parties have. If they are married, ultimately it is going to be decided by the divorce court when it is making a division of marital property.

In the situation of a landlord/tenant relationship, the court can award possession of an apartment and that can be made permanent in a permanent protective order. This is to deal with the situation where the person, let's say that they have gone and gotten the protective order, the victim has got possession of the apartment. That is a great thing. This is to protect that victim from then being evicted by the landlord in a completely separate case under completely separate law.

The protective order operates only between the parties, as opposed to between the tenants and landlords.

Senator Robert J. Letourneau, D. 19: So, basically, this would bring the landlord into the protective order?

Attorney Mattson: No. Only if the landlord wanted to evict would it bring them in, with the exception of the lock change.

Senator Robert J. Letourneau, D. 19: Thank you.

Senator Deborah R. Reynolds, D. 2: Any further questions? Thank you very much, Attorney Mattson, for your testimony.

I just want to note a number of people have signed in in opposition. I apologize; I can't read your name. I think it says Denise, but I'm not sure, signed in in opposition. June Favazza has signed in in opposition. Deb Valente, New Hampshire Property Owners Association, Francine Ryan, Mr. Bilodeau from New Hampshire Property Owners Association. What I would like to do is before Elliott Berry has signed in and would like to speak, but I

JMB

think we have someone from the Attorney General's Office, Sandra Matheson. She is not signed in to speak. So, why don't we hear from Attorney Berry? He is a very eloquent speaker. Thank you very much, Elliott. Is Mr. Thomas Toye here? Did you want to come in and testify?

Thomas Toye: I would like to speak briefly.

Senator Deborah R. Reynolds, D. 2: Why don't you come up here, Mr. Toye? That would be great. You have signed in in opposition and you would like to be heard. Thank you.

Thomas Toye: My name is Tom Toye and I'm a resident of Durham, New Hampshire. I am a landlord. I am a professional property manager and real estate broker licensed in New Hampshire with the Real Estate Commission. And, I also am President of the Rental Property Owners Association. So, I am speaking on behalf of a lot of landlords.

I find it a bit uncomfortable to speak on this particular topic because we are talking about victims. My testimony here today should not be taken to have any lack of compassion for the situations that the victims have endured. I would just like to offer a personal experience so you can see how this may affect landlords and perhaps some of the unintended consequences of what this might mean.

About two years ago, I have been a landlord for ten years and I do this for properties that I own as well as for other landlords. About two years ago, I have only had to deal with this once personally, and I had a situation that got out of control and we took steps to address it and it was a property that has twelve apartments. This is one apartment, happens to be a garden style apartment building, two floors. This apartment happened to be right in the middle right in front of everybody. I had two of the surrounding units vacate immediately just because of the situation that they were very uncomfortable having to live there. That was something that I had been in touch with, communicating with the tenants that were going through this problem.

Mostly, it was boyfriend/girlfriend. The boyfriend went to jail for a little bit. End up coming back and she got a restraining order against him. He came back. It was a very uncomfortable situation for everybody, including all of their neighbors. I had several other people tell me that if I didn't deal with the situation, that it was going to be something, that they would have to move because they were uncomfortable living there, felt that it was an unsafe environment for them and their families. These were families with kids that were neighbors of this person. I recognize that this was a victim and, in the end, it worked out. The gentleman ended up going to jail for, I shouldn't call

him gentleman, the aggressor went to jail and the young woman who was the victim was in the apartment. She was behind on her rent; we worked with her and we, out of goodwill, helped her to move on on her own, which was a choice that she made. She didn't want to remain in the apartment. So, that is my personal situation.

But, my point is this is a property that I own. I am a young man; I have made investments for my family. I have three children myself. In the event that other apartments are vacated and I were forced to... had this been on the books and had she wanted to stay and he had not gone to jail, and these are ifs. Who knows what would have happened?

But, in the event that I were forced to have this situation remain and have other people leave, I would have been unable to pay my bills. I wouldn't have had the rent; wouldn't have been able to collect the rent. I wouldn't have been able to pay my mortgage; I wouldn't have been able to pay my property taxes and insurance, pay to have it plowed, the guys that plow the driveway when it snows, have the lawns mowed. There were eleven other healthy hardworking families in that building that would have suffered as a result of that. So, I would like to just offer that as an unintended consequence that perhaps, had this been out there, that perhaps that would have adversely affected the other people in that building.

I would also like to say that New Hampshire has a pretty good set of landlord/tenant laws. It is very well defined. It is all right here. We, as landlords and our property owners association, take an active role in educating landlords so that they know what their responsibilities are and I have known many other landlords that have had similar situations in which they have worked with people to work it out amicably and a situation that didn't have to go to court and cause people any more discomfort.

I would also like to say that it is my understanding, and I may be corrected by the attorneys in the audience here today, my understanding that we currently have the right or statutorily have the option to evict one person already. If there's two people on a lease and one person is the problem and the other person wants to remain, we can initiate an eviction against that one person, so long as everybody else is in agreement. I don't see that this is really gaining a lot in that regard.

Senator Deborah R. Reynolds, D. 2: Thank you very much. Any questions for Mr. Toye? Thank you. Senator Houde?

Senator Matthew Houde, D. 5: Thank you, Madam Chair. Just a quick question. Would you believe that I wouldn't necessarily think in the scenario

LHB

that you described that under the law, as you say, that you couldn't have evicted the gentleman who was the abuser? So, would you believe that I don't know how that would cause damage to those people who were the neighbors?

Mr. Toye: Well, I believe, had he not gone to jail and had the situation not worked itself out and she wanted to remain, which she didn't because she was uncomfortable at that location. He knew where she lived and that was uncomfortable for her. She wanted to move because she didn't want him coming around any more once he got out of jail. But, had that not worked out and I had to evict just him.

First of all, I would like to say that landlords in general, landlords are in the business to rent apartments; we don't want to evict people for unnecessary reasons. If we have an otherwise good tenant, we want to keep those tenants, so there is no reason to pursue an action if that is a problem.

Senator Deborah R. Reynolds, D. 2: Follow up?

Mr. Toye: Did I answer your question?

Senator Matthew Houde, D. 5: Yes.

Senator Deborah R. Reynolds, D. 2: Thank you very much. Any further questions? Thank you for your testimony.

Mr. Toye: Thank you.

Senator Deborah R. Reynolds, D. 2: I would like to note that Nick Norman is here and I think it is the Landlord Resources Network, has signed in in support, does not wish to speak. Joe Nelson on behalf of himself and the New Hampshire Property Owners Association is signed in in opposition. And, Joe Nelson is signed in in opposition, does not wish to speak. Jennifer Durant from the New Hampshire Coalition Against Domestic and Sexual Violence is signed in in support of the bill and the next person I have is Lara Rice from Bridges who would like to testify in support of the bill.

Lara Rice: Thank you. I'm Lara Rice and I'm with Bridges. I am the Emergency Shelter Manager. Bridges is a crisis center providing support services to victims of domestic and sexual violence and stalking in Nashua, New Hampshire. I am here today to speak in support of SB 431 on behalf of my organization, as well as the other thirteen member programs within the New Hampshire Coalition.

JRB

In 2008, the Coalition served over 14,000 victims of domestic and sexual violence and stalking. Bridges alone served nearly 2,100 victims during this period. Since the 1980s, New Hampshire legislators and activists alike have focused on the immediate needs of victims of domestic violence by advocating for change at the national level, while creating vital protections in New Hampshire's 173-B. This important statute provides relief for victims of domestic violence by giving them protection from abuse, while holding batterers accountable for their acts.

However, victims often face multiple barriers in their lifetimes and there is a recognized need to start addressing the long-term effects of abuse. Securing safe and affordable housing, for instance, is a barrier that domestic violence victims often face. When victims do leave, they often return to their batterers when a viable option for permanent housing cannot be found. Furthermore, victims often face housing discrimination in an effort to attain self sufficiency and live a life free from abuse. In this respect, landlords frequently turn away women who have protective orders or other indications of domestic violence.

Our agency also works with many survivors who have been penalized rather than protected by their landlords when abuse has occurred. When a temporary restraining order is furnished to a landlord, victims are often told that they are not permitted to change the locks to their residence or that the landlord cannot legally remove the abuser from the lease, causing victims to feel unprotected and revictimized in their own homes. The choice is often a simple one – flee for safety or risk further abuse.

SB 431 is designed to reduce the risk of homelessness for domestic violence victims and to protect them from housing discrimination on the basis of their victimization. I respectfully ask for the Committee's support of SB 431 and vote ought to pass because this is a step in the right direction for securing a safe, adequate and affordable housing option for survivors which may ultimately lead to independence and to help break that cycle of violence.

Please see Attachment #3.

Senator Deborah R. Reynolds, D. 2: Thank you very much for your testimony. Any questions? Seeing none, thank you very much for coming, Lara.

Finally, the last person we have is Attorney Fred Mayer. Attorney Mayer, if you could come forward. You are signed in in support of the bill.

JMB

Deb Valente: Madam Chair, may I mention that I signed as well and I would like to speak.

Senator Deborah R. Reynolds, D. 2: You signed in, Deb, opposed to the bill, but you didn't indicate you wanted to speak. So, let's hear from Attorney Mayer. If you want to speak briefly, I will let you because we are going to have to close the hearing pretty quick. Okay? Attorney Mayer?

Attorney Fred Mayer: For the record, Fred Mayer. I have spent most of my professional life representing landlords. So, today, I find myself in the unprecedented situation of agreeing with Elliott Berry twice on the same day. For the past decade or so, I don't think that has ever happened.

I come at this bill as an advocate for my landlord clientele, although speaking solely for myself, I think this bill has some very useful tools for landlords because I think the perpetrators of domestic violence cause problems, not just for the victim, but also for the rest of the building. I believe that this bill and the amendment would serve to enable landlords to deal with that problem. I believe that the woman from Bridges is absolutely accurate when she says that a landlord or an attorney will tell a victim of abuse that the landlord can't change the locks or take other action against the perpetrator because my old nemesis, RSA 540-A:4 shields, talk about unintended consequences, shields the perpetrator of the violence in these situations. I know you are very short on time, so I am going to make two final points.

The first is I would request that the proponents of the legislation consider adding something that would make it clear that landlords would have the right to bar the perpetrator from the premises after a writ of possession is served. If you go to district courts, often you see victims withdrawing their petitions, withdrawing their restraining orders. I think there is a legal issue. Even if you evict the perpetrator, can the victim invite the perpetrator back? Once the landlord has gone through the process of evicting the perpetrator, I think you ought to be able to bar the perpetrator from the premises.

Finally, I would disagree with the suggestion earlier that landlords now have the right to bifurcate the tenancy. I think this law is necessary to accomplish that. You can do it with regard to public housing in Section 8 and things of that nature because it is federal law that allows for bifurcation. It doesn't exist, I believe, in the current New Hampshire law. In the past, I have advised landlords that the only to do it is evict both and then enter into a separate lease with the new tenant.

I know you are very short on time, so I'm happy to answer questions.

JRB

Senator Deborah R. Reynolds, D. 2: I really appreciate your testimony and here's my question. I think that there is a lot of merit in this bill and the amendment does go a long ways clarifying some of the issues that I had.

What causes me a little bit of concern is the issue that is set forth in terms of the landlord being required to, for example, not give copies of new keys to the tenant or household member restrained. The issue for me is not that that doesn't make perfect sense, but I guess my concern is, given some of the things that we've heard and that you testified about in 540-A, it seems to me that we're now saying to the landlords, well, you're going to be involved in somebody else's RSA 173-B proceeding now and you're going to be required to rekey as the tenant requests, the victim's request, and if there is this release of liability, but I guess I'm just speaking from the concern over the damages issue. I know we're not supposed to be complaining about this issue, but I am concerned about it.

Attorney Mayer: My take on it is here we have a statute that expressly authorizes a landlord to evict the perpetrator of the violence and specifically mandate that, at the tenant's expense, the victim's expense, locks be changed and other locks not be given. I think, given the statutory, frankly, cover that you are about to put into place, then I think the landlord would be able to very effectively argue that he has not willfully violated 540-A:2 or 3 because he is complying with this very statute. Although I certainly wouldn't object to have a specific reference in this bill to make it clear that a landlord shall not be held liable under 540-A:3 to the extent he takes action in compliance with this particular bill.

Senator Deborah R. Reynolds, D. 2: Just as a follow up to that, I mean, again a lot of the 540-A violations are done on an ex parte basis and somebody could, in June's case, the tenant goes in and says this person is preventing me from getting into my property, not disclosing to the court maybe that they are in... So, all of a sudden now, the tenant is in a position so now the landlord has to, at his or her own expense, maybe, go in and defend that. That's my concern.

Attorney Mayer: And, I think that it is a legitimate concern. What I would offer for your consideration is, I think, right now, the problem already exists. Within the past thirty days, I had not less than two landlords who were complaining that they had tenants who were trying to drag the landlord into the tenant dispute. In one case, the tenant who had left the unit filed some kind of crazy third party action against the landlord. So, I guess my take on it is landlords are actually being involved anyway and it is precisely, because I had the other situations within the past month, that I said, if 431 was on

JRB

the books, then my landlords in these two situations would be better protected.

Senator Deborah R. Reynolds, D. 2: Okay. Thank you. That is very helpful. Senator Letourneau?

Senator Robert J. Letourneau, D. 19: Thank you. We know that oftentimes these disputes or these issues, these women, sometimes it is men, too, bring their abuser back. There is nothing in this bill that protects the landlord who has already evicted that person against being sued by that person. There should be something in here that says, if the person comes back at the invitation of the other party, that they both could be evicted.

Attorney Mayer: That is actually how I would interpret this bill; however, as was previously stated, I would welcome and urge the proponents of this legislation to give the landlords the right to bar the tenant from the premises, from the building after the landlord has gone through the trouble of obtaining a writ of possession. Now, because the statute contemplates that the landlord would obtain and serve a writ of possession to evict the perpetrator of the violence, I don't think RSA 540-A:3 and 4 are problems because those statutes make it a violation if you bar the tenant from the premises without judicial process. The one thing that the Supreme Court has embraced is once you get your writ and serve it, you have complied with judicial process and you are insulated from the statute. So, I don't think a landlord could be sued successfully.

I also believe, by my reading of the statute, that if I have a provision that says you can't have an unauthorized occupant, take a lease, can't have an unauthorized occupant living with you, you can't sublet, etc., etc. If I have evicted somebody and then the victim, for whatever reason, brings that person who has been evicted into their unit and wants that person to stay, I would take the position under the leases I draft that the victim has now violated a different provision of the statute and, given that the statute that you're considering would preserve all the grounds for eviction that currently exist under 540:2, I think the landlord would have the ability to evict the victim if the victim insisted upon allowing the perpetrator to stay in the unit post-eviction of the perpetrator.

Senator Deborah R. Reynolds, D. 2: Thank you.

Senator Robert J. Letourneau, D. 19: Thank you.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Attorney Mayer. Deb Valente from New Hampshire Property Owners Association.

RUB

You're going to be our final person to testify because we've got some bills that we have to exec today. So, go right ahead, Deb.

Deb Valente: Thank you. I will be brief. I have three issues that I would like to raise for consideration. I just want to state that I again speak from Property Owners and I would say that normally, as a property owner, I also speak as a woman that I despise domestic violence, sexual abuse and any kind of form of intimidation.

Under general circumstances, I would say that we would be in support of this bill, but under the conditions, the terms that have been written here, we have marked the box that we are not in support of this bill for three of the reasons I'm about to list.

What this bill basically does is bring landlords into situations where they would prefer not to go. Yes, tenants may not be successful in suing the landlord, but at the end of the day, what you're doing is asking a landlord to spend money to defend himself in matters that should not really concern him or her. Speaking directly to the bill that has been proposed, my first item that I would like to address is (a) (3), which states that provides written verification from a third party. That is, in our opinion, very vague because...

Senator Deborah R. Reynolds, D. 2: Deb, if I can interrupt you, I think what the amendment is, it may have changed some of that.

Ms. Valente: Thank you. So, if that has changed, I won't waste the time and I will move on from there.

My second point is that in what you have addressed, the passage forces a landlord to accept a tenant at will. Now, given...

Senator Deborah R. Reynolds, D. 2: Deb. Just to interrupt you. I apologize. I think old (e) is out of the statute. So, the new (e) is, as I understand it, Senator Houde, nothing in this section shall preclude.

Senator Matthew Houde, D. 5: Right. Correct.

Senator Deborah R. Reynolds, D. 2: So, I think that other provision is out. Okay?

Ms. Valente: Great. So, then my last point is it is common place in the practical world that when two parties have a domestic dispute, they make up and they get back together again. As Senator Letourneau has addressed, I don't see in this bill where it covers the landlord from when the couple get

RUB

back together again. Now, the landlord becomes the aggressor. He is the one that everybody is mad at. It gets to a point where, if it is he or she, they love each other, laddy da and what happens is they actually turn their anger onto the landlord because now he is the bad guy and hasn't given them the keys. He has chosen a side. He has done everything that the law requires him to do, but in the real world, it looks like he has chosen a side and it makes him in a position where he now becomes a victim of verbal abuse and, in one case where one man was attacked with an axe, one landlord, we don't want that to happen. So, clarification on that issue would be lovely.

Finally, if and correct me again if I am off, which are unrelated. Nothing in this section precludes evictions which are unrelated to domestic violence, sexual assault or stalking. Now, as far as that is concerned, again, it is open to interpretation as to what unrelated means.

Senator Deborah R. Reynolds, D. 2: I think that has been taken out. No, it isn't. But, you object to that language.

Ms. Valente: If a person, for argument's sake, is a victim of abuse and you have got rid of the breadwinner, let's say, he or she, for this example men are usually the bad guys. The man has been evicted from the premises. You have got the lady left behind and she suffers depression, physical harm and she is going through a crisis. Okay? And what she does then is she is unable to meet the commitments of paying her rent. This cause, which is unrelated, a judge now, in his interpretation, may view the issue as hang on a minute, the depression, unable to go to work, unable to pay rent is now a direct result of what this person has suffered and therefore by leaving that clause in, you have allowed a tenant, assuming now that they haven't made up, what if they do make up and now she's got this case where she is a victim of domestic violence and they can't pay the rent and now they use that as a claim to say they can't pay rent. There is no limitation on what a landlord must do. How long does the landlord wait? They can go on ad infinitum living in the premises without paying rent.

Senator Deborah R. Reynolds, D. 2: Thank you for your testimony.

Ms. Valente: Thank you.

Senator Deborah R. Reynolds, D. 2: I'm very sorry that we don't have more time today, but I do appreciate everyone's testimony. At this point, does anybody have any questions? I'm gong to close the hearing on SB 431. Thank you very much.

Hearing concluded at 4:35 p.m.

Respectfully submitted,



L. Gail Brown

Senate Secretarial Supervisor

6/21/10

3 Attachments



Sen. Houde, Dist. 5
March 2, 2010
2010-0862s
04/09

Amendment to SB 431

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

2

3 1 New Paragraph; Termination of Tenancy. Amend RSA 540:2 by inserting after paragraph VI
4 the following new paragraph:

5 VII.(a) No lessor or owner of restricted property shall terminate or fail to renew a tenancy
6 based on a tenant or a household member of a tenant having been a victim of domestic violence as
7 defined in RSA 173-B, sexual assault as defined in RSA 632-A, or stalking as defined in RSA 633:3-a
8 provided that:

9 (1) The tenant or household member of a tenant who is the victim has a valid
10 protective order against the perpetrator of the domestic violence, sexual assault, or stalking; or

11 (2) The tenant or household member of a tenant who is the victim:

12 (A) Initiates legal action to obtain a protective order and provides written
13 verification thereof to the lessor or owner; or

14 (B) Reports the domestic violence, sexual assault, or stalking to a law
15 enforcement agency or county attorney, and provides written verification thereof to the lessor or
16 owner.

17 (b) A tenant who has obtained a protective order from a court of competent jurisdiction
18 granting him or her possession of a dwelling to the exclusion of one or more other tenants or
19 household members may request that a lock be replaced or configured for a new key at the tenant's
20 expense. The lessor or owner shall, if provided a copy of the protective order, comply with the
21 request and shall not give copies of the new keys to the tenant or household member restrained or
22 excluded by the protective order.

23 (c) A lessor or owner who replaces a lock or configures a lock for a new key in accordance
24 with subparagraph (b) shall not be liable for any damages that result directly from the lock
25 replacement or reconfiguration.

26 (d) If, after a hearing on the possessory action, the court finds that there are grounds
27 under this section to evict the tenant or household member accused of the domestic violence, sexual
28 assault, or stalking, it may issue judgment in favor of the landlord against the person accused, and
29 allow the tenancy of the remainder of the residents to continue undisturbed.

30 (e) Nothing in this section shall preclude eviction on any grounds set forth in RSA 540:2,
31 II which are unrelated to domestic violence, sexual assault, or stalking.

32 2 New Paragraph; Actions Against Tenants; Judgments. Amend RSA 540:14 by inserting after

Amendment to SB 431

- Page 2 -

1 paragraph III the following new paragraph:

2 IV. If the court renders judgment against any one tenant or member of a multiperson
3 household pursuant to RSA 540:2, VII(d), the court shall specify in its order that the writ of
4 possession shall only be used to remove the tenant or household member against whom the judgment
5 issued, and that the other tenants or household members may remain in residence.

6 3 Effective Date. This act shall take effect 90 days after its passage.

Amendment to SB 431

- Page 3 -

2010-0862s

AMENDED ANALYSIS

This bill prohibits lessors and owners of restricted property from terminating a tenancy or refusing to renew a tenancy based on the tenant or household member of a tenant having been a victim of domestic violence, sexual assault, or stalking.

Attachment #2



Keene Housing Authority

Providing affordable housing in the Monadnock Region.

831 Court Street Keene NH 03431

Phone & TDD: (603) 352-6161

Fax: (603) 352-6845

P. Curtis Hiebert
Chief Executive Officer

To: Senate Judiciary Committee
From: P. Curtis Hiebert
Re: Amendment to SB431
Date: 3/2/2010

Honorable Chair and Committee Members:

The Keene Housing Authority is in support of the Amendment to SB431. The Amendment is consistent with our mission and our practices, and also conforms with the national Violence Against Women Act (VAWA) under which we administer our federally subsidized housing units.

The KHA and indeed all housing authorities place the safety of our families as one of our highest priorities, and this amendment will provide another tool for us and other responsible caring landlords to assure that safety.

I urge the passage of this Amendment, and would be glad to answer any questions you may have.



Housing Action NH

Building Alliances for Low Income Housing Advocacy

March 2, 2010

The Honorable Deborah R. Reynolds, Chairperson
Senate Judiciary Committee
State House, Room 302
Concord, NH 03301

**Subject: SB 341—relative to remedies available in landlord-tenant actions,
and
SB 415—relative to remedies against landlords**

Dear Chairman Reynolds and Members of the Senate Judiciary Committee:

I am writing on behalf of the member organizations of Housing Action New Hampshire, a coalition of non-profit developers, human service providers, public housing authorities and housing advocates seeking to address the critical shortage of affordable rental housing in New Hampshire. We count among our membership: landlords; property managers; and tenant advocacy organizations. I write to express our **strong opposition to SB 341, and our support for SB 415**, both of which will be considered by your committee in public hearings today.

Removing statutory damages for “self help eviction” as proposed in SB 341 will increase tenant lock outs and increase homelessness. With no potential statutory damages, landlords would be more likely to circumvent the legal eviction process and simply lock out a tenant or shut off her utilities without prior notice. When this happens, as it does, to low-income tenants, they become immediately homeless, often living on the street, in a homeless shelter or doubled up on a friend’s floor.

By removing the *statutory damages*, the tenant would have to prove *actual damages* in order to receive any compensation for having been unlawfully evicted. It would be practically impossible for a court to determine actual damages for the consequences suffered by a locked out tenant. How does a court assess out-of-pocket costs for staying in a homeless shelter or on a friend’s floor? Even to assess emotional damage would require the testimony of a psychiatrist, which the tenant will seldom be able to get. And since NH law does not allow the court to award punitive damages, there would simply be no compensation paid to the tenant for the extreme hardship endured by having been thrown out of her home.

While SB 341 is problematic, **we believe that SB 415 is a fair response to problems posed by RSA 540-A in its current form, because**

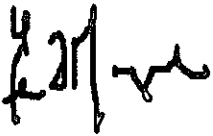
- it retains a strong incentive for the landlord not to engage in self-help eviction,

- it avoids the build up of huge damage awards against landlords by having no further damages accrue until the landlord is served with the court order *and* he fails to comply with it,
- it prevents tenants from building up large damages awards by not seeking a court order until they have been denied access to the premises for several days or more.

Landlords are an essential element of any solution to the current low income housing crisis. In the long term, we want to work with landlords to develop policies and programs that support viable landlord-tenant relationships. **SB 341 would severely undermine the important tenant protections in current law. SB 415, on the other hand, would protect the rights of tenants while achieving greater fairness for landlords.**

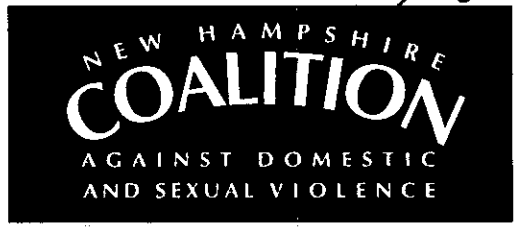
Thank you for your attention to this matter and for your ongoing service.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elissa Margolin', with a stylized flourish at the end.

Elissa Margolin, Director

P.O. Box 353
Concord, NH 03302-0353
Phone: (603)-224-8893
fax: (603)-228-6096
www.nhcadsv.org
www.reachoutnh.com



Statewide Toll Free Hotlines
Domestic Violence:
1-866-644-3574
Sexual Assault:
1-800-277-5570

SB 431, Relative to housing and tenancy protections for victims of domestic violence

March 2, 2010

MEMBERS:

RESPONSE to Sexual & Domestic Violence
Berlin
Colebrook
Lancaster

Turning Points Network
Claremont
Newport

Rape and Domestic Violence Crisis Center
Concord

Starting Point
Conway
Ossipee

Sexual Harassment and Rape Prevention Program (SHARPP)
University of New Hampshire
Durham

Monadnock Center for Violence Prevention
Keene
Jaffrey
Peterborough

New Beginnings:
Laconia

WISE
Lebanon

The Support Center at Burch House
Littleton

YWCA Crisis Service
Manchester
Derry

Bridges: Domestic & Sexual Violence Support
Nashua
Milford

Voices Against Violence
Plymouth

A Safe Place
Portsmouth
Rochester
Salem

Sexual Assault Support Services
Portsmouth
Rochester

Good afternoon Madam Chair and Members of the Senate Judiciary Committee:

My name is Lara Rice and I am the Emergency Shelter Manager at Bridges, a crisis center that provides support services to victims of domestic and sexual violence and stalking in Nashua, NH. I am here today to speak in **support of SB 431** on behalf of my organization as well as the other 13 members programs within the NH Coalition Against Domestic and Sexual Violence (NHCASDV). In 2008, the Coalition served over 14,000 victims of domestic and sexual violence and stalking. Bridges, alone, served nearly 2,100 victims during this period.

Domestic Violence and Homelessness

- Because a victim of domestic violence will often leave their abuser multiple times before she finally escapes the violence, she and her children may experience multiple periods of homelessness.¹
- 92% of homeless victims experienced severe physical and/or sexual assault at some point in their lifetime.²
- In some regions of the country, approximately one-third of all homeless women are homeless due to domestic violence.³

Since the 1980's New Hampshire Legislators and Activists alike have focused on the immediate needs of victims of domestic violence by advocating for change at the national level, while creating vital protections in NH's RSA 173-B. This important statute provides relief for victims of domestic violence by giving them protection from abuse, while holding batterers accountable for their actions.

¹ A. Browne & S. Bassuk, *Intimate Violence in the Lives of Homeless and Poor Housed Women*, American Journal of Orthopsychiatry, 67(2) 261-278 (April 1997)

² National Low Income Housing Coalition, <http://www.nlihc.org/advocates/vawa.htm>

³ Wilder Research Center, *Homeless in Minnesota* 2003, 22 (February 2004)

However, victims often face multiple barriers in their lifetimes and there is a recognized need to start addressing the long term effects of abuse. Securing safe and affordable housing, for instance, is a barrier domestic violence victims commonly face. When victims do leave, they often return to their batterers when a viable option for permanent housing cannot be found.¹ Furthermore, victims often face housing discrimination in an effort to attain self sufficiency and live a life free from abuse. In this respect, landlords frequently turn away women who have protection orders or other indications of domestic violence.²

Our agency also works with many survivors who have been penalized, rather than protected, by their landlords when abuse has occurred. When a temporary restraining order is furnished to a landlord, victims are often told that they are not permitted to change the locks to the residence or that the landlord cannot legally remove the abuser from the lease, causing victims to feel unprotected and revictimized in their own homes. The choice is often a simple one – flee for safety or risk further abuse.

SB 431 is designed to reduce the risk of homelessness for domestic violence survivors and to protect them from housing discrimination on the basis of their victimization.

I respectfully ask for the Committee's support of SB 431 and vote Ought to Pass (OTP) because this bill is a step in the right direction toward securing safe, adequate, and affordable housing for survivors, which may ultimately lead to independence and permanently ending the cycle of abuse.

Sincerely,

Lara Rice, Emergency Shelter Manager
Bridges: Domestic & Sexual Violence Support
33 E. Pearl Street
Nashua, NH 03060
603-889-0858 ext. 212
shelter@bridgesnh.org
www.bridgesnh.org

¹ A. Correia, *Housing and Battered Women*, National Resource Center on Domestic Violence (March 1999)

² *Interviews with State Coalitions and Local Shelter Programs*, National Coalition Against Domestic Violence (2003)

Speakers

SENATE JUDICIARY COMMITTEE

Date: 3/2/10

Time: 3:00 p.m. Public Hearing on SB 431

SB 431 – relative to housing and tenancy protections for victims of domestic violence, sexual assault, or stalking.

Please check box(es) that apply:

SPEAKING	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
✓	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sen Fuller Clark	29
✓	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Senator Kelly	Dist 10
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Sarah Mattson	NHLA
✓	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Maggie Fogarty	AFSC
✓	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sen. Amanda Merritt	
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Peter Rod	
	<input type="checkbox"/>	<input type="checkbox"/>	Jim Sun	
	<input type="checkbox"/>	<input type="checkbox"/>	Jane Fawcett	NHPOA
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	ELLIOTT BERRY	NH Legal Assistance
✓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	D Valente	NHPOA
	<input type="checkbox"/>	<input type="checkbox"/>	Francine Ryan	NHPOA
	<input type="checkbox"/>	<input type="checkbox"/>	Clayton Bileau	NHPOA
✓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	THOMAS TOYE	RPOA
	<input type="checkbox"/>	<input type="checkbox"/>	Nick Norman	Long Term Resources Network RPOA
	<input type="checkbox"/>	<input type="checkbox"/>	Joe Nelson	NHPOA
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Jennifer Durant	NHCA/DSV
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Lara Rice	Bridges
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Fred Mayer	self
✓	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sandra Matheson	Attorney General's Office

Testimony



New Hampshire District Court

Edwin W. Kelly
Administrative Judge

District Court Administrators
Pamela G. Kozlowski, Esq.
Paula J. Hurley, Esq.
Patrick W. Ryan, Esq.
Permanency Planning Coordinator
Kristin A. Lamont, Esq.
Domestic Violence Specialist
Elizabeth Paine, Esq.

MEMORANDUM

TO: Governor John Lynch, Speaker of the House Terie T. Norelli, Senate President Sylvia B. Larsen, House Judiciary Committee Chair David Cote, Senate Judiciary Committee Chair Deborah Reynolds and Chief Justice John T. Broderick

FROM: Edwin W. Kelly, Administrative Judge

DATED: July 1, 2009

RE: **Report on the District Courts' Experience with the Notice Requirement under RSA 503:6**

This Report is submitted pursuant to Chapter 86 of the Laws of 2007. Since July 1, 2007, the district courts have been using the procedure outlined in RSA 503:6 (special emphasis added in bold):

503:6 Notice to Defendant.

I. The court shall cause notice of the claim and the substance thereof to be given to the defendant, whether or not the defendant is a resident of this state, by sending a written statement to the defendant by postpaid first class mail, addressed to the defendant at the defendant's last known post office address and directing the defendant to indicate, in writing within 30 days from the date said notice is mailed, the defendant's desire to be heard. The notice shall inform the defendant that failure to respond in writing shall result in the service of the claim on the defendant by the sheriff, or in such other manner as the court shall order, the cost of which shall be the responsibility of the defendant if the plaintiff prevails.

II. If the notice is returned as undelivered, or the defendant does not respond in writing within 30 days, then the court shall direct the plaintiff to complete service on the defendant, at the expense of the plaintiff, as in all other actions at law.

III. If the defendant responds to the notice indicating a desire to be heard, the case shall be scheduled for hearing shortly thereafter. Both parties shall be notified by mail of the date and time of the hearing at least 14 days in advance of the hearing.

The district courts' experience with the notice requirement under RSA 503:6 as inserted by section 1 of Chapter 86 of the Laws of 2007 has been as follows:

1. There has been a substantial savings in postage to the Judicial Branch since going from certified mail service to first class mail service in small claim matters;
2. While there is a savings in postage, there has been an increase in staff workload in preparing the subsequent packets for the plaintiffs to effect personal service when the notice by first class mail is returned as undelivered or the defendant does not respond in writing within 30 days. This has created an additional burden on staff and delays in process as noted below;
3. In addition to the increase in staff time, there is also an increase in printing, paper usage, photocopying and postage associated with preparing the packets;
4. In cases where personal service on the defendant has been required, delays have occurred of up to an additional 90 days in securing judgment or having a hearing scheduled before the court;
5. The change in statute allowing notice by first class mail has been effective in roughly 50% of the small claim cases filed and;
6. In the remaining cases, where personal service is required, up to 50% or more of the defendants default. In other words, even where personal service is required by the statute, it is unsuccessful due to the defendant's failure to respond.

Based on this experience, it is our recommendation that legislation be proposed that will amend RSA 503:6 as outlined in the attached draft. This proposal will continue to provide for notice by first class mail in all small claims cases but will allow the court to enter a default judgment when the first class mail notice is not returned as undelivered and the defendant does not respond within 30 days. In those cases where the notice is returned as undelivered, personal service would be required. As a further safeguard to small claim defendants, if after default judgment is entered a motion to vacate that judgment is filed, a rebuttable presumption is created that the first class mail notice was not received.

Report on District Courts' Experience with the Notice Requirement under RSA 503-6
July 1, 2009

Page Three

This proposal would allow the district court to retain the benefit of a substantial savings in postage while removing most of the extra cost in labor and supplies that has been incurred in preparation of the personal service packets, afford the plaintiffs a timely decision and/or hearing, and protect the defendant's right to be heard if a default was entered incorrectly. Our experience to date demonstrates that only a small share of the cases filed will fall within that exception.

Respectfully submitted,

Edwin W. Kelly
District Court Administrative Judge

EWK:lc

Attachment

c: Howard Zibel, Esq.

PROPOSED FIRST CLASS MAIL NOTICE

IN SMALL CLAIMS ACTIONS

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT providing for first class mail notice to defendants in small claims actions.

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

1. Amend RSA 503:6 to read as follows:

503:6 Notice to Defendant.

I. The court shall cause notice of the claim and the substance thereof to be given to the defendant, whether or not the defendant is a resident of this state, by sending a written statement to the defendant by postpaid first class mail, addressed to the defendant at the defendant's last known post office address and directing the defendant to indicate, in writing within 30 days from the date said notice is mailed, the defendant's desire to be heard. ~~The notice shall inform the defendant that failure to respond in writing shall result in the service of the claim on the defendant by the sheriff, or in such other manner as the court shall order, the cost of which shall be the responsibility of the defendant if the plaintiff prevails.~~

II. If the defendant fails to respond to the notice but the notice is not returned as undelivered, a default judgment will be entered in favor of the plaintiff, who will be notified by the court. Where a default judgment has been entered pursuant to this subparagraph and if the defendant subsequently files a motion to vacate that default, there shall be a rebuttable presumption that the first class mail notice was not received.

~~III.~~ ***III.*** If the notice is returned as undelivered, then the court shall direct the plaintiff to complete service on the defendant, at the expense of the plaintiff, as in all other actions at law.

~~IV.~~ ***IV.*** If the defendant responds to the notice indicating a desire to be heard, the case shall be scheduled for hearing shortly thereafter. Both parties shall be notified by mail of the date and time of the hearing at least 14 days in advance of the hearing.

2. Effective Date. This act shall take effect with respect to small claims actions filed on or after July 1, 2010.

Voting Sheets

Senate Judiciary Committee

EXECUTIVE SESSION

Bill # SB 431

Hearing date: 3/2/10

Executive session date: 3/10/10

Motion of: OTP *amendment* VOTE: 5-0

<u>Made by</u> Reynolds <input type="checkbox"/>	<u>Seconded</u> Reynolds <input type="checkbox"/>	<u>Reported</u> Reynolds <input type="checkbox"/>
<u>Senator:</u> Lasky <input checked="" type="checkbox"/>	<u>by Senator:</u> Lasky <input checked="" type="checkbox"/>	<u>by Senator:</u> Lasky <input type="checkbox"/>
Houde <input checked="" type="checkbox"/>	Houde <input checked="" type="checkbox"/>	Houde <input type="checkbox"/>
Letourneau <input type="checkbox"/>	Letourneau <input type="checkbox"/>	Letourneau <input type="checkbox"/>
Roberge <input type="checkbox"/>	Roberge <input type="checkbox"/>	Roberge <input type="checkbox"/>

Motion of: OTP/A VOTE: 5-0

<u>Made by</u> Reynolds <input type="checkbox"/>	<u>Seconded</u> Reynolds <input type="checkbox"/>	<u>Reported</u> Reynolds <input type="checkbox"/>
<u>Senator:</u> Lasky <input type="checkbox"/>	<u>by Senator:</u> Lasky <input type="checkbox"/>	<u>by Senator:</u> Lasky <input type="checkbox"/>
Houde <input checked="" type="checkbox"/>	Houde <input type="checkbox"/>	Houde <input checked="" type="checkbox"/>
Letourneau <input type="checkbox"/>	Letourneau <input type="checkbox"/>	Letourneau <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 Reynolds, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lasky, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Houde	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Letourneau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Roberge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: March 11, 2010

THE COMMITTEE ON Judiciary

to which was referred Senate Bill 431

AN ACT relative to housing and tenancy protections for victims of
domestic violence, sexual assault, or stalking.

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

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0962s

Senator Matthew Houde
For the Committee

L. Gail Brown 271-3076

New Hampshire General Court - Bill Status System

Docket of SB431

Docket Abbreviations

Bill Title: relative to housing and tenancy protections for victims of domestic violence, sexual assault, or stalking.

Official Docket of SB431:

Date	Body	Description
01/06/2010	S	Introduced and Referred to Judiciary; SJ 1 , Pg.15
02/10/2010	S	Hearing: March 2, 2010, Room 103, State House, 3:00 p.m.; SC7
03/11/2010	S	Committee Report: Ought to Pass with Amendment 0962s, 3/17/10; SC11
03/17/2010	S	Committee Amendment 0962s, AA, VV; SJ 10 , Pg.167
03/17/2010	S	Ought to Pass with Amendment 0962s, MA, VV; OT3rdg; SJ 10 , Pg.167
03/17/2010	S	Passed by Third Reading Resolution; SJ 10 , Pg.169
03/18/2010	H	Introduced and Referred to Judiciary; HJ 27 , PG.1441
03/24/2010	H	Public Hearing: 3/30/2010 1:30 PM LOB 208
04/07/2010	H	Subcommittee Work Session: 4/13/2010 10:00 AM LOB 208
04/14/2010	H	Subcommittee Work Session: 4/22/2010 10:00 AM LOB 208
04/20/2010	H	Executive Session: 4/29/2010 10:00 AM LOB 208
05/06/2010	H	Majority Comm Report: Ought to Pass with AM #1746h for May 12 (Vote 11-7; RC); HJ 37 , PG.1744-1745
05/06/2010	H	Proposed Majority Committee Amendment #1746h; HJ 37 , PG.1768
05/06/2010	H	Minority Committee Report: Ought to Pass with Amendment #1938h; HJ 37 , PG.1744-1745
05/06/2010	H	Proposed Minority Committee Amendment #1938h; HJ 37 , PG.1768-1769
05/12/2010	H	Special Order to Next Session Day, Without Objection; HJ 41 , PG.2097
05/13/2010	H	Majority Committee Amendment #1746h Adopted, VV; HJ 42 , PG.2104-2105
05/13/2010	H	Minority Committee Amendment #1938h (Rep W.O'Brien) Failed, DIV 149-170; HJ 42 , PG.2105
05/13/2010	H	Ought to Pass with AM #1746h: MA DIV 185-134; HJ 42 , PG.2104-2105
05/19/2010	S	Sen. Reynolds Concurs with House Amendment 1746h, MA, VV
06/02/2010	H	Enrolled
06/02/2010	S	Enrolled
07/08/2010	S	Signed by the Governor on 07/08/2010; Effective 10/06/2010; Chapter 0285

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

SB 43/ 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: _____
- SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 0962 _____ - AMENDMENT # _____
- _____ - AMENDMENT # _____ _____ - 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: Submission A
- 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 7/12/10 Blaine Brown
COMMITTEE SECRETARY