

Bill as Introduced

HB 1565 - AS INTRODUCED

2012 SESSION

12-2725

05/09

HOUSE BILL **1565**

AN ACT establishing a committee to study landlord-tenant law and practice.

SPONSORS: Rep. Fleck, Carr 5; Rep. Drisko, Hills 5

COMMITTEE: Judiciary

ANALYSIS

This bill establishes a committee to study landlord-tenant laws and practices.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT establishing a committee to study landlord-tenant law and practice.

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

1 1 Committee Established. There is established a committee to study landlord-tenant law and
2 practice.

3 2 Membership and Compensation.

4 I. The members of the committee shall be as follows:

5 (a) Three members of the house of representatives, appointed by the speaker of the
6 house of representatives.

7 (b) Two members of the senate, appointed by the senate president.

8 II. Members of the committee shall receive mileage at the legislative rate when attending to
9 the duties of the committee.

10 3 Duties. The committee shall study landlord-tenant laws and practices, including but not
11 limited to the enforcement of court orders and judgments. The committee may solicit information
12 from any person or entity the committee deems relevant to the study.

13 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
14 among the members. The first meeting of the committee shall be called by the first-named house
15 member. The first meeting of the committee shall be held within 45 days of the effective date of this
16 section. Three members of the committee shall constitute a quorum.

17 5 Report. The committee shall report its findings and any recommendations for proposed
18 legislation to the speaker of the house of representatives, the president of the senate, the house clerk,
19 the senate clerk, the governor, and the state library on or before November 1, 2012.

20 6 Effective Date. This act shall take effect upon its passage.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY
PUBLIC HEARING ON HOUSE BILL 1565

BILL TITLE: establishing a committee to study landlord-tenant law and practice.

DATE: January 10, 2012

LOB ROOM: 208 **Time Public Hearing Called to Order:** 3:32 pm

Time Adjourned: 4:00 pm

(please circle if present)

Committee Members: Reps. Rowe, Sorg, Sousa, Hagan, Silva, Hopper, Andolina, Giuda, LaCasse, McClarren, Murphy, Palmer, Peterson, Wall, Potter, Weber and Watrous.

Bill Sponsors: Rep. Fleck, Carr 5, Rep. Drisko, Hills 5

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Joseph Fleck, sponsor

Introduced the bill. Requested a subcommittee need was brought by constituent. Renters leaving with damage and owing money. When he tried collecting, they were claiming hardship and could not pay. Rep. Drisko (HB 128) has a bill that would have allowed the tenants to be located and to pay but it was killed. This study would review landlord/tenant laws and revise them as necessary.

Sarah Mattson, New Hampshire Legal Association

Questions the necessity of bill/RSA 540 and RSA 548 are two main landlord-tenants related. They have been revised. This issue has been investigated thoroughly. Commission to add property owners, management company, public housing, Section 8 --- all would be helpful on a commission.


Debbie Valente, NHPOA – New Hampshire Property Owners Association – supports

In favor of committee to get a better handle on collection of fees for damage and money owed. "Blood from a rock", yes, can be enforced to collect by prioritizing. Committee would help setting up better tenant screening and better collection of money.

Tom Toye, RPOA - supports

Concerned that no landlords would be on the committee. More private homes are being rented. Owners move due to job, now these homeowners are being affected like the property management companies. Would want a commission instead of a committee to broaden the investigation.

Respectfully submitted,



Lenette M. Peterson, Clerk

HOUSE COMMITTEE ON JUDICIARY
PUBLIC HEARING ON HOUSE BILL 1565

BILL TITLE: establishing a committee to study landlord-tenant law and practice.

DATE: {Type HEARING DATE here}

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Time Public Hearing Called to Order: {Time} 3:32

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Bill Sponsors: Rep. Fleck, Carr 5, Rep. Drisko, Hills 5

TESTIMONY

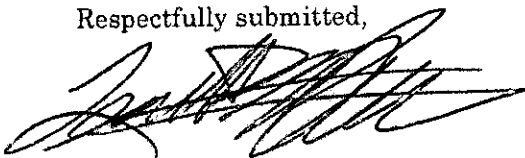
* Use asterisk if written testimony and/or amendments are submitted.

Rep Fleck - request subcommittee need was brought by constituent. Renters leaving w/ damage & owing money. When he tried collecting, they were claiming hardship and could not pay. Rep. Drisko had a bill that would have allowed the tenants to be located to pay but it was ITLD. HB128 This study would review land-ten. laws and revise as necessary

Sarah Mattson (?) question the necessity of Bill/RSA 540, NH Legal Assist. RSA 548 are 2 main land/ten related.

They have been revised. This issue has been investigated thoroughly. Commission to add property owners, Management Co., public housing, Sec. 8, all would be helpful on a commission

Respectfully submitted,



Lenette M. Peterson, Clerk

Debbie Valente - (S) in favor of committee to get a better
NHPOA handle on collect the fees for damage and
money owed. "Blood from Rock", yes can be
in forced to collect by prioritizing. Committee
would help be setting up better tenant screening
& better collection of money.

Tom Teye - (S) concern that no landlords would be on
RPOA the committee. More private homes
are being rented, owners move due to job,
now these home owners are being effected
like the property management com would
want a commission instead of committee
to broaden the investigation.

Testimony

New Hampshire State Representative
Vice Chair Resources, Recreation, & Development Committee
and
House Assistant Majority Whip
L. Mike Kappler

January 10, 2012

HB-1565

Good afternoon Committee Chair and members,

The organization of a study committee or commission is very important to make the success of the committee possible. I am currently on 4, and have attended many others for various reasons.

As part of leadership, I support the establishment of this committee and would like to a suggestion, recommending:

- 1. Amend the committee membership to 5 representatives and 2 senators. This will give you: (a) An odd number for voting, if all attend meeting, no ties. (b) 7 will make a quorem of 4. With 4, one representative and both senators could be absent, and you would still have a quorem to conduct business. One committee, I was on last year, had 3 & 1, with a quorem of 3. This required all three of us representatives to be present at all meetings to have the quorem, as the senator never attended one.**
- 2. In the organization paragraph of the bill, amend the 3 quorem quantity to 4.**

These changes will make it easier for everyone involved.

Thank you for listening, and I again ask the committee to make these changes.


L. Mike Kappler

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY
EXECUTIVE SESSION ON HOUSE BILL 1565

BILL TITLE: establishing a committee to study landlord-tenant law and practice.

DATE: January 19, 2012

LOB ROOM: 208

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP(A, ITL, Interim Study (Please circle one.)

Moved by Rep. Sorg

Seconded by Rep. Wall

Vote: 13-4 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

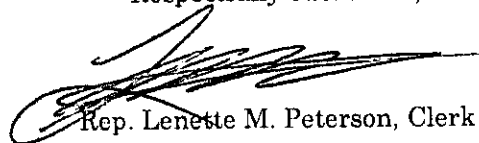
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,


Rep. Lenette M. Peterson, Clerk

HOUSE COMMITTEE ON JUDICIARY
EXECUTIVE SESSION ON HOUSE BILL 1565

BILL TITLE: establishing a committee to study landlord-tenant law and practice.

DATE: {Type DATE} 1/19/12

LOB ROOM: 208

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Sorg

Seconded by Rep. Wall

Vote: (Please attach record of roll call vote.) 13-4

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

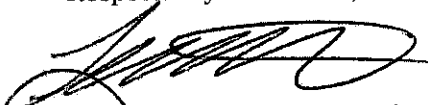
Vote: (Please attach record of roll call vote.) Sorg

CONSENT CALENDAR VOTE: YES NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,


Rep. Lenette M. Peterson Clerk

JUDICIARY

Bill #: HB1565 Title: establish committee Landlord v. Tenant

PH Date: 1/10/12

Exec Session Date: 1/19/12

Motion: ITL

Amendment #: _____

MEMBER	YEAS	NAYS
Rowe, Robert H, Chairman	✓	
Sorg, Gregory M, V Chairman	✓	
Souza, Kathleen F	✓	
Hagan, Joseph M		✓
Silva, Peter L <u>Kappler</u>	✓	
Hopper, Gary S	✓	
Andolina, Donald C	✓	
Giuda, J. Brandon		✓
LaCasse, Paul D		✓
McClarren, Donald B		✓
Murphy, Brian JX	✓	
Palmer, Barry J	✓	
Peterson, Lenette M, Clerk	✓	
Wall, Janet G	✓	
Potter, Frances D	✓	
Weber, Lucy M	✓	
Watrous, Rick H	✓	
	13	4
TOTAL VOTE:		

Committee Report

REGULAR CALENDAR

January 25, 2012

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on JUDICIARY to which was referred HB 1565,

AN ACT establishing a committee to study landlord-tenant law and

practice. Having considered the same, report the same with the

following Resolution: RESOLVED, That it is INEXPEDIENT TO

LEGISLATE.

Rep. Gregory M. Sorg

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	JUDICIARY
Bill Number:	HB 1565
Title:	establishing a committee to study landlord-tenant law and practice.
Date:	January 25, 2012
Consent Calendar:	NO
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The primary motivation for this bill appears to be the frustration that landlords feel with their inability to enforce collection through the courts of judgments obtained against former tenants for unpaid rent, damage to rental units, and the like. Landlord-tenant law, including the area of judgment enforcement, has been the subject of many bills over the tenure of veteran members of the Judiciary Committee. The relevant chapters of the statutes (primarily RSA 540 and 540-A) have been amended from time to time to address landlord-tenant law in the context of a Committee whose members' views have reflected those of the people generally as to the perceived relative bias of that law. In the opinion of the majority, this bill-by-bill approach has been and is sufficient. Any individual or association of either landlords or tenants has the wherewithal to bring about the drafting of proposed statutory amendments for sponsorship by sympathetic legislators. The majority believes that creation of a committee with a roving commission over the entire subject is not necessary or advisable

Vote 13-4.

Rep. Gregory M. Sorg
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

JUDICIARY

HB 1565, establishing a committee to study landlord-tenant law and practice. **INEXPEDIENT TO LEGISLATE.** Rep. Gregory M. Sorg for JUDICIARY. The primary motivation for this bill appears to be the frustration that landlords feel with their inability to enforce collection through the courts of judgments obtained against former tenants for unpaid rent, damage to rental units, and the like. Landlord-tenant law, including the area of judgment enforcement, has been the subject of many bills over the tenure of veteran members of the Judiciary Committee. The relevant chapters of the statutes (primarily RSA 540 and 540-A) have been amended from time to time to address landlord-tenant law in the context of a Committee whose members' views have reflected those of the people generally as to the perceived relative bias of that law. In the opinion of the majority, this bill-by-bill approach has been and is sufficient. Any individual or association of either landlords or tenants has the wherewithal to bring about the drafting of proposed statutory amendments for sponsorship by sympathetic legislators. The majority believes that creation of a committee with a roving commission over the entire subject is not necessary or advisable **Vote 13-4.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: Judiciary

BILL NUMBER: HB 1565

TITLE: _____

DATE: 1-19-12 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

HB 1565 Inexpedient to Legislate

Rep Gregory M. Sorg for the Majority of Judiciary:

The primary motivation for this bill appears to be the frustration that landlords feel with their inability to enforce collection through the courts of judgments obtained against former tenants for unpaid rent, damage to rental units, and the like. Landlord-tenant law, including the area of judgment enforcement, has been the subject of many bills over the tenure of veteran members of the Judiciary Committee. The relevant chapters of the statutes (primarily RSA 540 and 540-A) have been amended from time to time to address landlord-tenant law in the context of a Committee whose members' views have reflected those of the people generally as to the perceived relative bias of that law. In the opinion of the majority, this bill-by-bill approach has been and is sufficient. Any individual or association of either landlords or tenants has the wherewithal to bring about the drafting of proposed statutory amendments for sponsorship by sympathetic legislators. The majority believes that creation of a committee with a roving commission over the entire subject is not necessary or advisable.

COMMITTEE VOTE: 13-4

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. _____
For the Committee
G. Sorg