

Bill as Introduced

HB 106 - AS INTRODUCED

2013 SESSION

13-0016
05/01

HOUSE BILL **106**

AN ACT relative to the demand for rent and other damages, and the repeal of the landlord-agent requirement.

SPONSORS: Rep. Warden, Hills 39; Rep. Pitre, Straf 2; Rep. LeBrun, Hills 32; Rep. Jones, Straf 24

COMMITTEE: Judiciary

ANALYSIS

This bill:

I. Provides that the demand for rent may include additional charges owed by the tenant.

II. Increases the amount of liquidated damages available in cases where the tenant pays the past due rent after receipt of an eviction notice and demand for rent.

III. Repeals the requirement that landlords of restricted residential property provide service of process information to the municipality in which the property is located.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the demand for rent and other damages, and the repeal of the landlord-agent requirement.

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

- 1 1 Time of Demand for Rent and Other Damages. Amend RSA 540:8 to read as follows:
2 540:8 Time of. Such demand may be made when the rent is due or while it is in arrears, but the
3 lessor shall not demand a greater sum than the whole rent in arrears **and any charges owed by**
4 **the tenant under the terms of the lease agreement, including but not limited to late fees**
5 **and utility costs**, when demand is made.
- 6 2 Payment After Notice; Liquidated Damages. Amend RSA 540:9 to read as follows:
7 540:9 Payment After Notice. No tenancy shall be terminated for nonpayment of rent, utility
8 charges, or any other lawful charge contained in a lease or an oral or written rental agreement if the
9 tenant, before the expiration of the notice, pays or tenders all arrearages plus ~~[\$15.00]~~ **\$160** as
10 liquidated damages; provided, however, that a tenant may not defeat an eviction for nonpayment by
11 use of this section more than 3 times within a 12-month period.
- 12 3 Repeal. RSA 540:1-b, relative to landlord-agents, is repealed.
- 13 4 Effective Date. This act shall take effect January 1, 2014.

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Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 106 Date 1-15-2013

Committee Judiciary

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
WSELA JONES	46 Elm St Lebanon	603 448 2900	self		X
Frances Gauthier	P.O. Box 162 Claremont	603 552 6655	Self	X	
Maggie Fogarty	AFSC-NH Concord NH		AFSC		X
Ted Robinson	17 Portage Rd Goffstown NH	03045			X
Nabil Migalli	37 Rochelle Ave	03102	NH AIR		X
Arlene Gauthier	Po Box 162 Claremont NH	03743	Self	X	
Debbie Valente	NHPOA	(603) 867-8465	NHPOA	X	
TIA PHILLIPS	RANH	(603) 881-3082	RANH	X	
Candice Redden	2 Hall Ave Salem	8945931	Self		X
Nick Newman	RPA				X
Hamparo McTia	49 Spit Brook Rd. apto 14 N. Nashua NH.	(603-8884245)			X
Rep. PAT LONG	Hills. District 42				X
THOMAS A. TOYE IV	31 SILVER ST	DOVER NH	LANDLORD	X	
John E. Cox	31 Silver St.	Dover NH		X	
Rep. Don LeBrun	333 Candlewood Pk	Nashua		X	
Sarah Jane Knay	GSOP	383 Bell St	Manchester		X
Ruth Heden	NH House	Milford			X
Bob Quinn	NH Assoc. Realtors	115 Airport Rd.	Concord	X	

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 106

BILL TITLE: relative to the demand for rent and other damages, and the repeal of the landlord-agent requirement.

DATE: January 15, 2013

LOB ROOM: 208 **Time Public Hearing Called to Order:** 1:00 p.m.

Time Adjourned: 1:50 p.m.

(please circle if present)

Committee Members: Reps. Marjorie Smith, Wall, P. Sullivan, Horrigan, Watrous, Hackel, Woodbury, Berch, Phillips, Gale, Heffron, Rowe, Luther, Sylvia, Hopper, Peterson, Takesian, D. Thompson, Kappler and Hagan

Bill Sponsors: Rep. Warden, Hills 39; Rep. Pitre, Straf 2; Rep. LeBrun, Hills 32; Rep. Jones, Straf 24

TESTIMONY

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

Rep. Mark Warden, Prime Sponsor – presented bill to Committee.

***Maggie Fogarty, American Friends Service Committee (AFSC-NH)**, Housing Advocate – Opposes.

***NH Housing Action** – Opposes. Testimony submitted.

***Francis Gauthier** – Supports (landlord).

Eva Castillo-Turgeon – Opposes (landlord).

David Cline, NH Rental Property Owners Association – Supports.

Atty. Elliott Berry, NH Legal Assistance (NHLA) – Provided copies of eviction notice/demand for rent (available on court website). Opposes.

Debbie Valente, NH Property Owners Association – Supports. Raises issue of landlords attempting to register (as required by law) were unable to do so. (Property owner – Manchester).

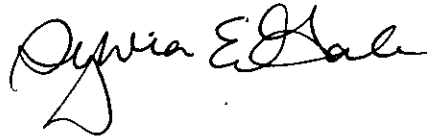
***Gisela Jones** – Opposes (landlord – Lebanon).

Nick Norman, Legal Director, NH Rental Property Owners Assn. - Supports (landlord 48+ units).

Alejandro Urrutia, Chair, NH Latinos Unidos – Opposes.

Respectfully submitted,

Rep. Sylvia Gale, Clerk

A handwritten signature in black ink that reads "Sylvia E. Gale". The signature is written in a cursive style with a large, stylized initial 'S'.

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 106

BILL TITLE: relative to the demand for rent and other damages, and the repeal of the landlord-agent requirement.

DATE: {Type HEARING DATE here} 1-15-13

LOB ROOM: 208 Time Public Hearing Called to Order: {Time} 1:00pm
Time Adjourned: {Time} 1:50pm

(please circle if present)

Committee Members: Reps. Marjorie Smith, Wall, P. Sullivan, Horrigan, Watrous, Hackel, Woodbury, Berch, Phillips, Gale, Heffron, Rowe, Luther, Sylvia, Hopper, Peterson, Stakesian, B. Thompson, Kappler and Hagan.

Bill Sponsors: Rep. Warden, Hills 39; Rep. Pitre, Straf 2; Rep. LeBrun, Hills 32; Rep. Jones, Straf 24

TESTIMONY

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

Rep. Warden prime sponsor - presented bill to Cmte.

* Maggie Fogarty - Opposed - AFSC-NH (American Friends Service Cmte) - Housing Advocate.

* - NH Housing Action - testimony submitted - Opposed

* - Francis Bauthier - opposed Supports (landlord)

* Eva Castillio - Turgeon - opposes (landlord)

David Cline - supports - (NH Rental Property Owners Assn)

Respectfully submitted,
Att. Elliot Berry, NTHA (NH Legal Assist.)
(provided copies of eviction notice)
Rep. Sylvia Gale, Clerk
demand for rent

(available on Court web-site)

- opposes -
Debbie Valente - supports - NH Property Owners
raises issue of landlords attempting
to register (as required by law) were unable

HB 106 1-15-13

Public Hearing (cont)

(Debbie Valente)

To do so. (property owner - Manch.)

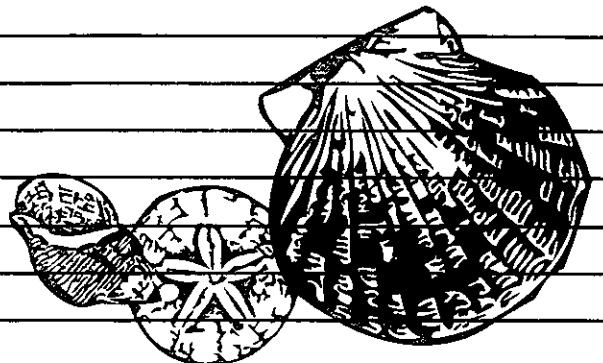
* Gisela Jones - Opposes - (landlord - Lebanon)

Nick Norman - supports - (landlord - 48+ units)

NH Rental Property Owners
Assn - leg. director -

Alexandro Crutia - opposes

Chair, NH Latinos Unidos



Testimony

Testimony on HB 106

SENATE JUDICIARY COMMITTEE

January 15, 2013

Gisela G Jones, Landlord
46 Elm Street, Apt 1
Lebanon, NH
603-448-6144
gisela1142@gmail.com

This writing is in opposition to HB 106.

I have owned and managed 14 apartments well over 20 years. I have always considered it my responsibility to provide decent and safe dwellings to my tenants. They know how to reach me if their places need repair or if they have questions regarding the buildings they live in.

I think it is essential that landlords register with municipalities in which they own property. After all, cities and towns provide services to these properties. I feel better knowing that my city can reach me if they have to respond to an emergency at one of my apartments. To register with my city is simple. It takes 5 minutes to fill out the form, and pay the small processing fee.

I believe another good reason to have landlords, especially out-of-state landlords, register with their municipalities is to discourage landlords to be negligent or worse take advantage of their tenants. I know many responsible landlords in my city but I also know of some who do not take care of their properties. I experienced this difference in landlords when I first came to this country, and I hear similar stories from my tenants. I just recently rented to a young couple who left their previous apartment because an out of state landlord did not respond to their many requests of needed repairs including removal of mold. Not everybody has the luxury to leave unsanitary conditions especially low income renters since most municipalities do not have enough affordable housing.

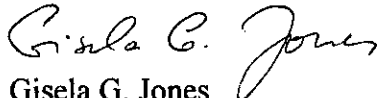
Since there is no law in NH requiring landlords to provide tenants with contact information for people authorized to make emergency repairs, the state should at least require landlords to register with municipalities. This way tenants have an avenue through which to hold landlords accountable to their contracted obligations.

I want to emphasize the basic human need for decent housing. For most of us our home is a refuge, a place where we can recuperate from stressful jobs, where we can be with family and friends, where we can grow roots, and become part of a community. If tenants have no way of contacting a landlord when maintenance is needed, and have to live in unsafe conditions, this basic human need is violated.

Some of my tenants, mainly single parents, struggle with timely rent payments. These are hard working people who struggle to make ends meet. To increase the amount of liquidated damages to over ten times is grossly out of proportion to the cost of serving an eviction notice and demand for rent, and therefore an injustice.

I think HB106 would allow irresponsible landlords to continue with their practices, and harm tenants. It is my hope that you will not allow this bill to move forward.

Thank you for your attention.



Gisela G. Jones
Bell House Properties
Lebanon, NH

Comments on HB106, Public Hearing, January 15, 2013

As property owners/landlords of four rental units in Claremont, New Hampshire, we support the proposed amendments to RSA 540:8 and RSA 540:9 under HB106.

I. Amendment to RSA 540:8

A tenant may be in arrears for more than just rent. The tenant may also owe the landlord for other charges that are part of the rental agreement, such as heat, electricity, late fees, and/or reimbursement for damages. Under the current law, the landlord can only include past due rent in the Demand for Rent and Eviction Notice. A tenant may pay the past due rent, plus the current \$15.00 liquidated damages, within 7 days and thereby defeat the eviction action. But the other charges due the landlord, which may amount to more than a month's rent, remain unpaid. This is unjust and unfair to the landlord.

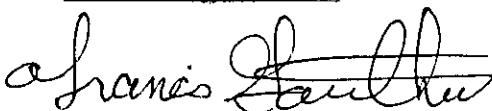
One dollar of utility payment and/or other financial obligation has the same value to a landlord as one dollar of rent payment. Both are financial obligations owed by the tenant pursuant to the rental agreement. Why should RSA 540:8 treat them differently?

In fairness to the landlord, all financial obligations due the landlord under the terms of the rental agreement should be treated as "rent" under RSA 540:8. A landlord should be authorized to give the tenant an Eviction Notice of 7 days for nonpayment of any financial obligation.

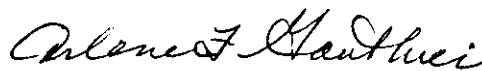
II. Amendment to RSA 540:9

Perhaps \$15.00 was sufficient 28 years ago to cover the cost of preparing and serving an Eviction Notice. However, today an Eviction Liquidated Damages fee of \$15.00 doesn't even begin to cover the costs incurred by a landlord to file the landlord-tenant writ and have the notice served. RSA 540:9 should be amended to increase the amount of the liquidated damages to at least \$160.00.

Francis A. Gauthier and Arlene F. Gauthier, Members
Pleasant Valley Properties, LLC
PO Box 162
Claremont, NH 03743
603-543-6575
franarlene@msn.com



Francis A. Gauthier



Arlene F. Gauthier

Housing Action NH

Building Alliances for Low Income Housing and Homelessness Advocacy

January 15, 2013

The Honorable Marjorie Smith
House Judiciary Committee
Legislative Office Building, Room 208
Concord, NH 03301

Subject: HB 106

Dear Representative Smith and Members of the House Judiciary Committee:

I am writing on behalf of the member organizations of Housing Action New Hampshire, a growing coalition of 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, and advocates for fair and functional landlord/tenant policies. With this in mind, Housing Action NH is in **strong opposition to HB 106**.

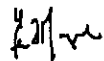
Our coalition has advocated in defense of the registration requirement for landlords for years. NH's landlords, tenants, neighbors and municipalities **need a structured system to keep properties safe and in good repair**. Repealing our current approach to property owner accountability threatens the safety of not only those residing within the property, but neighbors as well.

As you know, the current law requiring simple registration of a local authorized agent to receive service of legal process **is a simple step of accountability** for property owners. It is not an onerous request and provides a critical piece of information in order for local code enforcement to adequately function.

We are also **strongly opposed to the significant increase proposed to liquidated damages**. There are low-cost opportunities to generate a demand letter and protections for landlords are already in place for tenants who repeatedly pay late. In addition, late fees are negotiable and enforceable if they are part of an agreed upon lease. As we have learned from our homeless shelter members, it is just this type of unanticipated and significant expense that could lead a family into homelessness.

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

Sincerely,



Elissa Margolin, Director

Housing Action NH
Governing Council

Maureen Beauregard,
Families in Transition

Elliott Berry,
NH Legal Assistance

William Caselden,
Great Bridge Properties

Lisa Christie,
Nashua Soup Kitchen
and Shelter

Margaret Fogarty,
American Friends
Service Committee

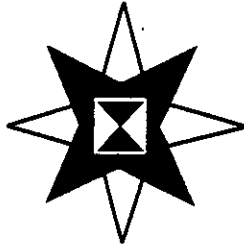
Ben Frost,
NH Housing
(non-voting)

Mike LaFontaine,
NH Community Loan
Fund

Keith Thibault,
Southwestern
Community Services

George Hunton,
NH Community
Development Finance
Authority (non-voting)

Dick Webster,
Manchester Housing
Authority



January 15, 2013

Representative Marjorie Smith, Chairperson
House Judiciary Committee
The State House
Concord, NH 03301

Dear Representative Smith and Members of the House Judiciary Committee,

I am writing to ask that you find **HB 106 'Inexpedient to Legislate.'**

The American Friends Service Committee (AFSC) recognizes that New Hampshire people need access to safe, decent affordable housing as an essential component of their wellbeing. As nearly a third of all New Hampshire households are renters, we have become increasingly involved in efforts to address the appalling conditions of some of our lower cost rental housing in cities around the state. In many cases, tenants are living with broken doors and windows, broken or missing smoke detectors, mold and leaking pipes, faulty electrical wiring, lead hazards, roach and bed bug infestations. These conditions carry real risks to the tenants' health and safety. As a weak economy has failed to lower rental rates in our cities, hardworking families are paying from \$800 to \$1,000/month for terrible housing because they lack the resources to move elsewhere.

As we work with these tenants to help them address unfair and unsafe conditions, we find that our existing systems for landlord accountability are weak and need to be strengthened. Code enforcement offices are understaffed; out of state landlords are hard to reach and landlords who neglect their properties experience insufficient pressure from authorities to bring their buildings into compliance with existing housing codes. The existence of one or more decaying properties negatively impacts the entire neighborhood, both its people and its other properties.

Current law offers a mechanism that enables municipal housing officers to hold bad landlords accountable, by requiring them to register a local authorized agent to receive service of legal process. **There is simply no good reason to eliminate this requirement.** No decent landlord would object to being reached

**American Friends Service Committee—New Hampshire Program
4 Park Street, Suite 209, Concord, NH 03301
(603)224-2407**

in a timely manner should a legal process require his or her notification. In fact, current law should be strengthened in this instance, both to require the posting of the local person authorized to make needed repairs to the property, and to include a fine for non-compliance.

HB 106 goes much further than repealing a common sense provision, however. With the provision to increase—from \$15 to \$160—the penalty for nonpayment of rent, this bill will likely prompt a significant increase in evictions and even homelessness. A tenant who is even one day behind on her rent would have only seven days from receipt of the demand for rent to not only pay her rent in full but to come up with an additional \$160 to avoid eviction.

Is this penalty necessary to cover the costs of serving a demand for rent? No, the documents are found on the state's court website, can be printed for free and served by anyone over the age of 18.

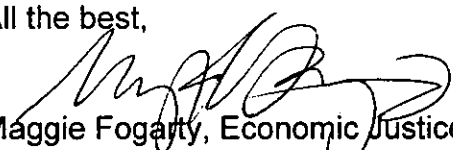
Is this penalty necessary to discourage late payment of rent? No, the landlord can write into the lease and enforce a fee for late payment of rent.

This penalty serves no value in a balanced, fair, workable relationship between landlords and tenants. In addition to the hardship it will impose on low-income tenants, most of whom are low-wage workers, it will likely increase the financial burden on local welfare offices, which will either have to pay an additional amount for their residents to resolve the nonpayment issue and avoid eviction, or worse, provide resources to house a newly homeless individual or family.

For the sake of quality affordable rental housing in New Hampshire, the effectiveness of municipal officers seeking to ensure compliance with existing laws and ordinances, and the maintenance of landlord tenant policies which are balanced and fair, please determine that HB 106 is inexpedient to legislate.

Thank you for your attention to this matter.

All the best,



Maggie Fogarty, Economic Justice Project Coordinator
American Friends Service Committee
4 Park Street, #209
Concord, NH 03301
mfogarty@afsc.org

American Friends Service Committee—New Hampshire Program
4 Park Street, Suite 209, Concord, NH 03301
(603)224-2407

EVICTION NOTICE

TO: _____
(Tenant Name)

(Street)

(City, State, Zip Code)

Pursuant to the provisions of RSA 540:2, you are hereby given an eviction notice and notice to vacate, on or before _____, 20____, the premises and appurtenances owned by _____ of the City of _____, in the County of _____, New Hampshire, which premises are now occupied by you.

The reason for this eviction notice is:

/ ___ / Your failure to pay rent due and in arrears when demanded pursuant to RSA 540:2 II (a). A demand to pay rent was served upon you on _____, 20____ and you have refused and neglected to pay rent due for the period _____, 20____, to _____, 20____.

You are hereby notified of your right to avoid this eviction by payment, prior to the expiration of this notice of all the arrearages plus fifteen dollars (\$15.00) as liquidated damages, in accordance with RSA 540:9, provided however that you may not defeat an eviction for non-payment of rent by paying the arrearages plus \$15.00 after an Eviction Notice is given more than three (3) times in a twelve-month period.

/ ___ / Substantial damage done to the premises pursuant to RSA 540:2 II (b) as follows:

/ ___ / Your failure to comply with a material term of the lease pursuant to RSA 540:2 II (c) as follows:

/____/ Behavior by you or members of your family which adversely affects the health or safety of the other tenants or the landlord pursuant to RSA 540:2 II (d), or your failure to accept suitable temporary relocation due to lead-based paint hazard abatement, as set forth in RSA 130-A:8-a, I, as follows:

/____/ For other good cause pursuant to RSA 540:2 II (e), RSA 540:2 III, RSA 540:2 IV, or RSA 540:2 V as follows: _____

Dated: _____, 20____

(Landlord/Agent Name)

(Street)

(City, State, Zip Code)

(Signature)

I hereby certify that on the _____ day of _____, 20____, at _____ am/pm I gave in hand to/left at the abode of _____, above named, a true copy of the above original notice.

(Signature)

DEMAND FOR RENT

TO: _____
(Tenant Name)

(Street)

(City, State, Zip Code)

Pursuant to the provisions of RSA 540, I hereby make demand upon you for rent in arrears in the amount of _____ Dollars (\$ _____) to date, for the period from _____, 20__ to _____, 20__, for the premises owned by _____ and located at _____ in the City of _____, in the County of _____, New Hampshire, and which premises are now occupied by you.

(Landlord/Agent Name)

(Street)

(City, State, Zip Code)

(Signature)

Dated: _____, 20__

I hereby certify that on the _____ day of _____, 20__, at _____ am/pm, I gave in hand to/left at the last and usual place of abode of _____, above named, a true copy of the above original notice.

(Signature)



NeighborWorks® Southern New Hampshire
801 Elm Street, Manchester, NH 03101
Mailing Address: P.O. Box 3968, Manchester, NH 03105
T: 603.626.4663 F: 603.623.8011 www.nwsnh.org

New Hampshire House of Representatives
Attention: Chairman Marjorie Smith; Judiciary Committee
107 North Main Street
Concord, New Hampshire 03301

January 15, 2013

RE: HB 106

File

Dear Chairman Marjorie Smith:

I am writing to oppose HB 106 to repeal RSA540:1-b, a law requiring landlords of restricted residential property to register with municipalities in which their property is located. NeighborWorks® Southern New Hampshire is a private non-profit organization dedicated to the affordable housing and neighborhood revitalization needs of the Southern New Hampshire region. We develop quality affordable rental units for individuals and families.

Properties that are consistently in violation of housing codes reduce property values and contribute to the deterioration of neighborhoods. Out of state and/or irresponsible landlords often fail to make timely repairs to their properties and local code enforcement agencies cannot enforce orders against them. RSA 540:1-b requires landlords to identify an agent living in the state of New Hampshire to make, or authorize, necessary repairs to the property. Thus, the property will be up to local code, safe for tenants, and no longer reduce the property value and safety of the neighborhood.

RSA540:1-b is an important tool for municipalities, tenants, and neighboring owners. This tool does not harm responsible owners of restricted properties and should not be repealed. Responsible owners should want the town or city to know how to reach him or her in case of an emergency or code violation in relation to their property.

Revitalizing neighborhoods is one of our goals at NeighborWorks® Southern New Hampshire and we believe that when property owners are responsible for, and take ownership of their property, it leads to safer and more vibrant neighborhoods. The requirement for out-of-state landlords to have an authorized agent supports our efforts to encourage responsible property ownership and the revitalization of neighborhoods. RSA 540:1-b is a very simple, common sense requirement that is standard practice in some communities. In the interest of individuals, families and neighborhoods, I ask for your support by opposing HB 106.

Thank you for your consideration.

Sincerely,

Robert Tourigny
Executive Director

TRUSTEES R. Scott Bacon Robert Dastin, Esq. Claira Monier
Ron Boufford Sylvio Dupuis Joseph B. Reilly
Barry Brensinger Fred B. Kfoury, Jr. Cathleen Schmidt
Dean Christon Mike Lopez Arthur Sullivan



Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 106

BILL TITLE: relative to the demand for rent and other damages, and the repeal of the landlord-agent requirement.

DATE: January 23, 2013

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. Berch

Seconded by Rep. Wall

Vote: 15-5 (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.)

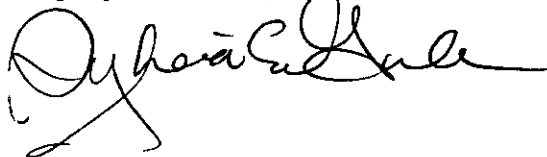
CONSENT CALENDAR VOTE: {Type VOTE}

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Sylvia E. Gale, Clerk



HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 106

BILL TITLE: relative to the demand for rent and other damages, and the repeal of the landlord-agent requirement.

DATE: {Type DATE} 1-23-13

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. Berch

Seconded by Rep. Wall

Vote: (Please attach record of roll call vote.) 15-5

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: {Type VOTE}

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Sylvia E. Gale, Clerk



2013 SESSION

JUDICIARY

Bill #: 106 Title: relative to demand for rent & other damages
PH Date: 1/15/13 Exec Session Date: 1/23/13
Motion: YTL Amendment #: _____

MEMBER	YEAS	NAYS
Smith, Marjorie K, Chairman	✓	
Wall, Janet G, V Chairman	✓	
Hackel, Paul L	✓	
Watrous, Rick H	✓	
Sullivan, Peter M	✓	
Horrigan, Timothy O	✓	
Berch, Paul S	✓	
Gale, Sylvia E, Clerk	✓	
Heffron, Frank H	✓	
Phillips, Larry R	✓	
Woodbury, David	✓	
Rowe, Robert H. <u>David Hess</u>		✓
Hagan, Joseph M		✓
Peterson, Lenette M,	✓	
Hopper, Gary S	✓	
Kappler, Lawrence M		✓
Luther, Robert A	✓	
Sylvia, Michael J		✓
Takesian, Charlene F	✓	
Thompson, David H		✓
TOTAL VOTE:	<u>15</u>	<u>5</u>

Committee Report

REGULAR CALENDAR

January 24, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on JUDICIARY to which was referred
HB 106,**

**AN ACT relative to the demand for rent and other
damages, and the repeal of the landlord-agent
requirement. Having considered the same, report the
same with the following Resolution: RESOLVED, That it
is INEXPEDIENT TO LEGISLATE.**

Rep. Paul S Berch

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	JUDICIARY
Bill Number:	HB106
Title:	relative to the demand for rent and other damages, and the repeal of the landlord-agent requirement.
Date:	January 24, 2013
Consent Calendar:	NO
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

Current law allows only for rent and not other charges to be demanded when in arrears or due. This bill would add late fees, utility costs and any other charges the landlord may feel is due. The bill would increase liquidated damages from \$15 to \$160 and further, remove the duty of landlords of certain residential properties from providing service of process information to the municipality where the property is located.

The Committee was concerned that the charges other than rent are not easily ascertained and subject to litigation, that there was no relationship between the proposed fee of \$160 and the actual amount of liquidated damages incurred. As to the requirement of providing service of process information, the Committee felt this provision has materially assisted the ability to serve out-of-state landlords or landlords operating through agents and therefore should remain in place.

Vote 15-5.

Rep. Paul S Berch
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

JUDICIARY

HB106, relative to the demand for rent and other damages, and the repeal of the landlord-agent requirement. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul S Berch for JUDICIARY. Current law allows only for rent and not other charges to be demanded when in arrears or due. This bill would add late fees, utility costs and any other charges the landlord may feel is due. The bill would increase liquidated damages from \$15 to \$160 and further, remove the duty of landlords of certain residential properties from providing service of process information to the municipality where the property is located.

The Committee was concerned that the charges other than rent are not easily ascertained and subject to litigation, that there was no relationship between the proposed fee of \$160 and the actual amount of liquidated damages incurred.

As to the requirement of providing service of process information, the Committee felt this provision has materially assisted the ability to serve out-of-state landlords or landlords operating through agents and therefore should remain in place. **Vote 15-5.**

Original: House Clerk
Cc: Committee Bill File

BLURB - HB 106

CURRENT LAW ALLOWS ONLY FOR RENT, ^{AND NOT OTHER CHARGES} TO BE DEMANDED WHEN IN ~~A~~ ARREARS OR DUE. THIS BILL WOULD ADD LATE FEES, UTILITY COSTS AND ANY OTHER CHARGES THE LANDLORD MAY FEEL IS DUE. THE BILL WOULD INCREASE LIQUIDATED DAMAGES FROM \$15 TO \$160 AND FURTHER REMOVE THE DUTY OF ~~THE~~ LANDLORDS OF CERTAIN ~~PROPERTIES~~ RESIDENTIAL PROPERTIES FROM PROVIDING SERVICE OF PROCESS INFORMATION TO THE MUNICIPALITY WHERE THE PROPERTY IS LOCATED.

THE COMMITTEE WAS CONCERNED THAT THE CHARGES OTHER THAN RENT ARE NOT EASILY ASCERTAINED AND SUBJECT TO LITIGATION, THAT THERE WAS NO RELATIONSHIP BETWEEN THE PROPOSED FEE OF \$160 AND THE ACTUAL AMOUNT OF LIQUIDATED DAMAGES INCURRED, ~~AND THE ACTUAL AMOUNT OF DAMAGES INCURRED~~

AS TO THE REQUIREMENT OF PROVIDING SERVICE OF PROCESS INFORMATION, THE COMMITTEE FELT THIS PROVISION HAS MATERIALLY ASSISTED THE ABILITY TO SERVE OUT-OF-STATE LANDLORDS OR LANDLORDS OPERATING THROUGH AGENTS and therefore should remain in place

PAUL BERCH

OK
MKS
11/23/13