

Bill as
Introduced

HB 464 - AS INTRODUCED

2013 SESSION

13-0781

05/03

HOUSE BILL **464**
AN ACT establishing a procedure for removal of condominium board members.
SPONSORS: Rep. LeBrun, Hills 32
COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill establishes a procedure for removal of a condominium board member by a vote of the unit owners' association.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 establishing a procedure for removal of condominium board members.

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

1 1 New Section; Condominium Act; Removal of Board Member. Amend RSA 356-B:40 by
2 inserting after 40-a the following new section:

3 356-B:40-b Board Members; Procedure for Removal.

4 I. Notwithstanding any provision of the declaration or bylaws to the contrary, by a majority
5 vote of persons entitled to vote and voting on the matter at a special meeting of the unit owners
6 association, the unit owners may remove a member of the board of directors, with or without cause,
7 other than a member appointed by the declarant.

8 II. Upon receipt of a petition that calls for removal of a member of the board of directors that
9 is signed by either the number of persons who are entitled to cast at least 25 percent of the votes in
10 the association or 100 votes in the association, whichever is less, the board shall call and provide
11 written notice of a special meeting of the association as provided in RSA 356-B:37.

12 III. The special meeting shall be called, noticed, and held within 30 days after receipt of the
13 petition.

14 IV. For purposes of a special meeting called pursuant to this section, a quorum as provided
15 in RSA 356-B:38 shall be required.

16 V. A petition that calls for the removal of the same member of the board of directors shall
17 not be submitted more than once during each term of office for that member.

18 2 Effective Date. This act shall take effect January 1, 2014.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 464

BILL TITLE: establishing a procedure for removal of condominium board members.

DATE: 2-5-13

LOB ROOM: 302 **Time Public Hearing Called to Order:** 11:04 am

Time Adjourned: 11:10 am

(please circle if present)

Committee Members: Reps. Butler, Schlachman, Kopka, Hammond, Mulholland, Gidge, Muns, K. Williams, Heden, Scarlotto, McNamara, John Hunt, Flanders, Doolan, Keith Murphy, Sandblade, Jones, F. Rice, Tucker and R. Belanger.

Bill Sponsors: Rep. LeBrun

TESTIMONY

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

Rep. Kermit Williams – Introducing bill for the sponsor.

Bob Dabrowski, ??? - speaking in support. Financial Planner who has helped condo owners in the past. Difficult to get members off board, particularly if by-laws don't address that.

Q: Rep. Donna Schlachman - Line 6 says "without cause" – how do you feel about that?

A: Seems severe; uncomfortable with dismissing someone without cause.

Q: Rep. Chris Muns - What does Line 7 "other than a member appointed by the "declarant" mean?

A: Doesn't know. But also saw an issue with language in the bill that refers to 100 votes; perhaps slanted towards larger condo associations.

Q: Chairman Ed Butler - Are you aware of study commission?

A: Yes.

Q: Rep. Kermit Williams - Have you seen situations where one investor owns multiple units? Could that create a situation where they can vote people on or off themselves because of the number of units that they own?

A: Yes, saw it in the 90's when market collapsed and investors purchased units; creates an issue.

Subcommittee appointed: None

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "Chris Muns".

Chris Muns, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

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Bill Sponsors: Rep. LeBrun

TESTIMONY

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

HB 464
Hearing on February 5, 2013

Speaker

Rep Williams - introducing bill

Questions

None

Speaker

Bob Dabrowski- speaking in support. Financial Planner who has helped condo owners in the past. Difficult to get members off board, particularly if by-laws don't address that.

Questions

Q. Rep Schlachmann: Line 6 says "without cause" - how do you feel about that

A. Seems severe; uncomfortable with dismissing someone without cause.

Q. Rep Muns: What does Line 7 "other than a member appointed by the declarant" mean.

A. Doesn't know. But also saw an issue with language in the bill that refers to 100 votes; perhaps slanted towards larger condo associations.

Q. Rep Butler: Are you aware of study commission

A. Yes.

Q. Rep Williams: Have you seen situations where one investor owns multiple units? Could that create a situation where they can vote people on or off themselves because of the number of units that they own.

A. Yes, saw it in the 90's when market collapsed and investors purchased units. Creates an issue.

Speaker

Questions

Q.

Subcommittee appointed: None

Respectfully submitted by:

Voting Sheets

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 464

BILL TITLE: establishing a procedure for removal of condominium board members.

DATE: 2-19-13

LOB ROOM: 302

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

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

Moved by Rep.

Seconded by Rep.

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

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

Moved by Rep. Heden

Seconded by Rep. Hunt

Vote: 19-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Consent or Regular (circle One)

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Chris Muns, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 464

BILL TITLE: establishing a procedure for removal of condominium board members.

DATE: 2/19/13

LOB ROOM: 302

Amendments:

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

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

Moved by Rep. HADEN

Seconded by Rep. HURT

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

194-0N

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE Consent or Regular (circle One)

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Chris Muns, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2013 11:26:06 AM
Roll Call Committee Registers
Report

2013 SESSION

COMMERCE AND CONSUMER AFFAIRS

Bill #: HB 464 Title: Est. a procedure for removal of condo board members

PH Date: 1 / 1

Exec Session Date: 2 / 19 / 13

Motion: ITL

Amendment #: _____

MEMBER

YEAS

NAYS

Butler, Edward A, Chairman	✓	
Schlachman, Donna L, V Chairman	✓	
Kopka, Angeline A	✓	
Gidge, Kenneth N	✓	
Hammond, Jill S,	✓	
Mulholland, Catherine	✓	
Heden, Ruth S	✓	
McNamara, Richard D	✓	
Muns, Chris , Clerk	✓	
Scarlotta, Joe W	✓	
Williams, Kermit R	✓	
Hunt, John B	✓	
Flanders, Donald H	✓	
Belanger, Ronald J	✓	
Rice, Frederick C	✓	
Tucker, Pamela Z	✓	
Jones, Laura M	✓	
Murphy, Keith	✓	
Doolan, Ralph J	✓	
Sandblade, Emily C	✓	
TOTAL VOTE:		

LAMBERT
MANLEY

✓
✓

19 0

Committee Report

CONSENT CALENDAR

February 27, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on COMMERCE AND CONSUMER

AFFAIRS to which was referred HB464,

AN ACT establishing a procedure for removal of
condominium board members. Having considered the
same, report the same with the following Resolution:

RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Ruth S Heden

FOR THE COMMITTEE

Original: House Clerk

Cc: Committee Bill File

COMMITTEE REPORT

Committee:	COMMERCE AND CONSUMER AFFAIRS
Bill Number:	HB464
Title:	establishing a procedure for removal of condominium board members.
Date:	February 21, 2013
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The accountability of condominium board members is one of the issues currently under review by the Committee to Study Laws Relating to Condos and Homeowner Associations, and they identified many interrelated issues. They plan further research before proposing new legislation.

Vote 19-0.

Rep. Ruth S Heden
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

COMMERCE AND CONSUMER AFFAIRS

HB464, establishing a procedure for removal of condominium board members. **INEXPEDIENT TO LEGISLATE.**

Rep. Ruth S Heden for COMMERCE AND CONSUMER AFFAIRS. The accountability of condominium board members is one of the issues currently under review by the Committee to Study Laws Relating to Condos and Homeowner Associations, and they identified many interrelated issues. They plan further research before proposing new legislation.

Vote 19-0.

Stapler, Carol

From: Ruth Heden [rsheden@aol.com]
Sent: Wednesday, February 20, 2013 11:12 PM
To: Stapler, Carol
Subject: HB464

HB 464, to establish a procedure for removal of condominium board members. INEXPEDIENT TO LEGISLATE.

Rep. Ruth Heden for Commerce and Consumer Affairs: The accountability of condominium board members is one of the issues currently under review by the Committee to Study Laws Relating to Condos and Homeowner Associations. This committee identified many interrelated issues, and plans further research before proposing new legislation. ~~Vote~~ *They*

I did not get the vote numbers. Thanks Carol, Ruth

, and they

OK
Stapler