

Committee Report

CONSENT CALENDAR

May 4, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Judiciary to which was referred SB
126-FN,**

**AN ACT adopting omnibus legislation on landlord
tenant proceedings. Having considered the same,
report the same with the recommendation that the bill
OUGHT TO PASS.**

Rep. Charlotte DiLorenzo

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Judiciary
Bill Number:	SB 126-FN
Title:	adopting omnibus legislation on landlord tenant proceedings.
Date:	May 4, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

Part I of this bill permits tenants who have received a seven-day notice to quit for nonpayment of rent to make payments up to the date of the eviction hearing. This does not extend the time of the overall eviction process, but it does give the tenant time to apply for rental assistance through federal relief CARES Act funding for income eligible renters whose income was reduced due to the COVID-19 pandemic. Part II enables tenants to apply for and receive rental assistance payments and requires agencies who provide rental assistance to process payments for rent arrearages without a notice to quit for non-payment and without requiring a housing quality inspection of the tenant's apartment. This saves time, speeds up the process, and the agency makes a direct payment to the landlord. Part III was filed at the request of the New Hampshire Human Rights Commission. This part of the bill is a much-needed housekeeping measure that updates and replaces sections of the New Hampshire Fair Housing Statute to mirror language and definitions that are compliant with existing US Department of Housing and Urban Development (HUD) regulations. HUD's Fair Housing Law applies to the rental and sale of real estate. Under RSA 354- A, the New Hampshire Human Rights Commission has the power to receive, investigate, and pass upon complaints of illegal discrimination. Part III allows New Hampshire to have a work share agreement once again with HUD. The HUD funds will reimburse the Commission for expenses incurred for their work on fair housing and will leverage the commission's expenses. This will allow the New Hampshire Human Rights Commission to be reimbursed by HUD for the work the commission does.

Vote 20-0.

Rep. Charlotte DiLorenzo
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Judiciary

SB 126-FN, adopting omnibus legislation on landlord tenant proceedings. **OUGHT TO PASS.**

Rep. Charlotte DiLorenzo for Judiciary. Part I of this bill permits tenants who have received a seven-day notice to quit for nonpayment of rent to make payments up to the date of the eviction hearing. This does not extend the time of the overall eviction process, but it does give the tenant time to apply for rental assistance through federal relief CARES Act funding for income eligible renters whose income was reduced due to the COVID-19 pandemic. Part II enables tenants to apply for and receive rental assistance payments and requires agencies who provide rental assistance to process payments for rent arrearages without a notice to quit for non-payment and without requiring a housing quality inspection of the tenant's apartment. This saves time, speeds up the process, and the agency makes a direct payment to the landlord. Part III was filed at the request of the New Hampshire Human Rights Commission. This part of the bill is a much-needed housekeeping measure that updates and replaces sections of the New Hampshire Fair Housing Statute to mirror language and definitions that are compliant with existing US Department of Housing and Urban Development (HUD) regulations. HUD's Fair Housing Law applies to the rental and sale of real estate. Under RSA 354-A, the New Hampshire Human Rights Commission has the power to receive, investigate, and pass upon complaints of illegal discrimination. Part III allows New Hampshire to have a work share agreement once again with HUD. The HUD funds will reimburse the Commission for expenses incurred for their work on fair housing and will leverage the commission's expenses. This will allow the New Hampshire Human Rights Commission to be reimbursed by HUD for the work the commission does. **Vote 20-0.**

Original: House Clerk

Cc: Committee Bill File

Voting Sheets



2021 SESSION

Judiciary

 Bill #: SB ¹²⁶ ~~301~~ Motion: OTP AM #: _____ Exec Session Date: 5/4/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Gordon, Edward M. Chairman	20		
McLean, Mark Vice Chairman	1		
Sylvia, Michael J.	2		
Wuelper, Kurt F. Clerk	3		
Alexander, Joe H.	4		
Rice, Kimberly A. <i>NOTTER, JEANINE</i>	5		
Silber, Norman J. <i>MERNER, TROY</i>	6		
Greene, Bob J.	7		
Kelley, Diane E.	8		
Tausch, Lindsay			
Trottier, Douglas R. <i>MELVIN, CHARLES</i>	9		
Smith, Marjorie K.	10		
Berch, Paul S.	11		
Horrigan, Timothy O.	12		
DiLorenzo, Charlotte I.	13		
Chase, Wendy	14		
Kenney, Cam E.	15		
Langley, Diane M.	16		
McBeath, Rebecca Susan	17		
Paige, Mark	18		
Simpson, Alexis	19		
	20	0	

Public Hearing

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON SB126

BILL TITLE: adopting omnibus legislation on landlord tenant proceedings.

DATE:5/4/2021

LOB ROOM: 301/Remote **Time Public Hearing Called to Order:** 10:25 AM
Time Adjourned: 10:55 AM

Committee Members: Reps. Gordon, McLean, Wuelper, Sylvia, Alexander Jr., Rice, Silber, Greene, D. Kelley, Tausch, Trottier, M. Smith, Berch, Horrigan, DiLorenzo, Chase, Kenney, Langley, McBeath, Paige and Simpson

Bill Sponsors: Sen Perkins Kwoka,

TESTIMONY

Blue Sheet Support 56 Oppose 1

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

***Sen. Perkins Kwoka,** Dist. 21 Support Part I intends to add protections for tenants by allowing them to make payments up until the hearing date. It does not extend the time for an eviction. Part II allows tenants to apply for assistance before eviction has started. We should all want to help people stay in their homes. d

Sen Birdsell: Dist. 19 Support Pat III This was requested by the Commission on Human Rights. It brings NH inline with the Federal law. It will allow the Human Rights Commission to get Federal reimbursement.

Elliot berry NHLA Supports The bill extends the time a tenant can cure non-payment issues and asks them to pay the filing costs as well. This bill will allow tenants and their advocates to have much more time to avoid actual eviction without making the process longer.

Nick Norman AANH Support Part I would have until the hearing to pay but they would have to make the landlord whole. The "4th Strike you are out" provision remains, protecting landlords. Timetable stays the same. Pat II allows welfare offices to start before eviction. We've had cases where we had to give eviction notice just to get the support process started. Part III simply adds language that brings NH law into compliance with HUD guidelines. This makes the entire process easier.

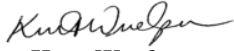
Ahni Malachi: Human Rights Commission Support Pat II is needed to become compliant with Hud and allow the commission to get Federal reimbursement.

Brandon Lemay Rights and Democracy NH Support Both tenants and landlords like making it easier for tenants to get assistance earlier and stay in their homes.

Martha Stoney Exec dir. crossroads house Supports Once one is evicted in becomes extraordinarily difficult to **Find new housing**. So, anything we can do to help tenants stay in housing is welcome. We may see a surge in evictions when the moratorium expires. This longer lead time will be a helpful policy. Housing Action Nh also supports Part II so aid can flow in a timelier manner. **Q McBeath:** What is negative about length-of-stay at a shelter? A It can take many months to find a new apartment. The longer one stays in a shelter the longer we can't offer that bed to another. We are always strapped for space. **Q DiLorenzo:** Do you have families at the shelter A Yes, we have families and children at the shelter at any given time.

Sara Holland: NH /Assoc of Relators Supports Part III Our industry has played a role in housing discrimination and this change will help correct that.

Lindsay Lincoln: NHLA Supports Everything has been said.
Natch Greyes NHMA Supports Everything has been said.



Rep. Kurt Wuelper

House Remote Testify

Judiciary Committee Testify List for Bill SB126 on 2021-05-04

Support: 64 Oppose: 1 Neutral: 1 Total to Testify: 10

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Malachi, Ahni	Concord, NH Ahni.N.Malachi@hrc.nh.gov	State Agency Staff	Myself	Support	Yes (5m)	No	5/3/2021 4:55 PM
Lemay, Brandon	Manchester, NH brandon@radnh.org	A Lobbyist	Rights & Democracy	Support	Yes (5m)	No	5/3/2021 5:37 PM
Stone, Martha	Portsmouth, NH martha@crossroadshouse.org	A Member of the Public	Cross Roads House	Support	Yes (3m)	No	5/2/2021 5:18 PM
Perkins Kwoka, Senator Rebecca	Portsmouth, NH rebecca.perkinskwoka@leg.state.nh.us	An Elected Official	Myself (SD 21)	Support	Yes (3m)	No	4/20/2021 10:42 AM
Norman, Nick	Derry, NH NickNorman@yahoo.com	A Member of the Public	Myself & AANH	Support	Yes (3m)	No	4/26/2021 8:40 AM
Berry, Elliott	Manchester, NH eberry@nhla.org	A Lobbyist	NH legal Assistance	Support	Yes (3m)	No	4/29/2021 2:16 PM
Greyes, Natch	Concord, NH ngreyes@nhmunicipal.org	A Lobbyist	New Hampshire Municipal Association	Neutral	Yes (2m)	No	4/30/2021 3:14 PM
Holland, Sara	Plymouth, NH sara@sarahollandco.com	A Member of the Public	NH Association of REALTORS	Support	Yes (2m)	No	5/3/2021 4:16 PM
Lincoln, Lindsay	Concord, NH lilcoln@nhla.org	A Member of the Public	New Hampshire Legal Assistance	Support	Yes (2m)	No	5/3/2021 4:00 PM
Birdsell, Senator Regina	Hampstead, NH regina.birdsell@leg.state.nh.us	An Elected Official	Senate District 19 Supporting Part III only PRIME	Support	Yes (0m)	No	4/22/2021 2:24 PM
Kudlik, Cindy	Grafton, NH cindykudlik@protonmail.com	An Elected Official	Myself	Oppose	No	No	4/25/2021 9:53 PM
Larson, Walter	Pembroke, NH chipandsarahlarson@hotmail.com	A Member of the Public	Myself	Support	No	No	4/26/2021 10:19 AM
Berry, Jake	Concord, NH jberry@new-futures.org	A Lobbyist	New Futures	Support	No	No	4/30/2021 10:18 AM

Oxenham, Evan	Plainfield, NH evan.oxenham@gmail.com	A Member of the Public	Myself	Support	No	No	5/2/2021 3:08 PM
Weston, Joyce	NH, NH jweston14@roadrunner.com	An Elected Official	Myself	Support	No	No	5/2/2021 3:09 PM
Vail, Suzanne	Nashua, NH Suzanne.vail@leg.state.nh.us	An Elected Official	Hillsborough County 30	Support	No	No	4/30/2021 9:26 PM
Casino, Joanne	Concord, NH joannecasino@comcast.net	A Member of the Public	Myself	Support	No	No	5/1/2021 9:27 AM
Hinebauch, Mel	Concord, NH melhinebauch@gmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 11:14 PM
Aronson, Laura	MANCHESTER, NH laura@mlans.net	A Member of the Public	Myself	Support	No	No	5/3/2021 11:20 PM
Harriott-Gathright, Linda	Nashua, NH linda.HarriottGathright@leg.state.nh.us	An Elected Official	Myself	Support	No	No	5/3/2021 4:34 PM
Maisttison, Maureen	Hollis, NH maisttisonm@outlook.com	A Member of the Public	Myself	Support	No	No	5/3/2021 10:17 PM
Brown, Joede	Manchester, NH Joede1123@yahoo.com	A Member of the Public	Myself	Support	No	No	5/3/2021 8:26 PM
Blais, Vanessa	Manchester, NH BessBlais@Gmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 8:27 PM
Rotini, Kathryn	Manchester, CT threesixes@protonmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 8:28 PM
Perez, Maria	Milford, NH mariaeli63@gmail.com	An Elected Official	District 23	Support	No	No	5/4/2021 6:05 AM
Smith, Suzanne	Hebron, NH zanne719@gmail.com	An Elected Official	Grafton 8	Support	No	No	5/4/2021 6:06 AM
Platt, Elizabeth-Anne	CONCORD, NH lizanneplatt09@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 6:38 AM
Koch, Helmut	Concord, NH helmut.koch.2001@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 8:26 AM
Findley, Sally	Grantham, NH findley.se@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 9:44 AM
Margolin, Elissa	Concord, NH elissa@housingactionnh.org	A Lobbyist	Housing Action NH	Support	No	No	5/4/2021 9:44 AM
Irwin, Virginia	Newport, NH biddy.irwin@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 11:10 AM

Garland, Ann	Lebanon, NH annhgarland@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 8:50 AM
Dolkart, Kenneth	Grantham, NH kenneth.dolkart@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 8:54 AM
Bruce, Susan	Concord, NH susanb.red@mac.com	A Member of the Public	Myself	Support	No	No	5/2/2021 7:06 PM
Weber, Jill	NH, NH jill@frajilfarms.com	A Member of the Public	Myself	Support	No	No	5/2/2021 10:35 PM
Grassie, Chuck	Rochester, NH chuck.grassie@leg.state.nh.us	An Elected Official	Strafford 11	Support	No	No	5/2/2021 11:01 PM
Wazir, Safiya	Merrimack, NH s.wazir@leg.state.nh.us	An Elected Official	My Constituents	Support	No	No	5/3/2021 7:26 AM
Hamblet, Joan	PORTSMOUTH, NH joan.hamblet@leg.state.nh.us	An Elected Official	Myself	Support	No	No	5/2/2021 8:16 PM
Rich, Cecilia	Not Hispanic or Latino, NH cecilia.rich@leg.state.nh.us	An Elected Official	Myself	Support	No	No	5/3/2021 7:44 AM
Falk, Cheri	Wilton, NH Falk.cj@gmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 7:51 AM
Hamer, Heidi	Manchester, NH hhamer59@aol.com	An Elected Official	Myself	Support	No	No	5/3/2021 8:17 AM
Zaenglein, Barbara	Amherst, NH bzaenglein@gmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 7:02 AM
Zaenglein, Eric	Amherst, NH henley11@comcast.net	A Member of the Public	Myself	Support	No	No	5/3/2021 7:03 AM
Booras, Hon. Efstathia	nashua, NH efstathiab73@gmail.com	An Elected Official	Constituents	Support	No	No	5/3/2021 10:51 AM
Tucker, Katherine	Wilmot, NH katherine.s.tucker@valley.net	A Member of the Public	Myself	Support	No	No	5/3/2021 1:39 PM
Hatcher, Phil	Dover, NH phil.hatcher@gmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 1:51 PM
Klee, Patricia	Nashua, NH Patricia.Klee@leg.state.nh.us	An Elected Official	Myself	Support	No	No	5/1/2021 9:37 AM
Reed, Barbara	N. Swanzey NH, NH BDRreed74@gmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 9:46 AM
Spencer, Louise	Concord, NH lpskentstreet@gmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 8:11 PM

Trisciani, June	Manchester, NH jtrisciani@me.com	A Member of the Public	Myself	Support	No	No	5/3/2021 8:20 PM
Oxenham, Lee	Plainfield, NH leeoxenham@comcast.net	An Elected Official	Sullivan Co., District 1	Support	No	No	5/2/2021 1:56 PM
Dontonville, Roger	Enfield, NH rdontonville@gmail.com	An Elected Official	Myself	Support	No	No	5/3/2021 9:02 AM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 9:05 AM
Bixby, Peter	Dover, NH peter.bixby@leg.state.nh.us	An Elected Official	Myself	Support	No	No	5/3/2021 9:32 AM
Almy, Susan	Lebanon, NH susan.almy@comcast.net	An Elected Official	Myself	Support	No	No	5/3/2021 9:00 PM
Jachim, Nancy	Newport, NH nancyjachim@gmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 9:26 PM
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Support	No	No	5/4/2021 5:45 AM
Greenwood, Nancy	Concord, NH nancgreenwood@yahoo.com	A Member of the Public	Myself	Support	No	No	5/4/2021 7:32 AM
Briggs, Ron	Concord, NH Rongb1950@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 7:34 AM
Robinson, Ellis	Grantham, NH ellismmrobinson@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 7:45 AM
Wild, Gail	Newport, NH gailwild@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 8:04 AM
Wiggins, Frank	Newport, NH frankwigginsconstruction@comcast.net	A Member of the Public	Myself	Support	No	No	5/4/2021 8:05 AM
Dolkart, Vivian	Grantham, NH viviandolkart@comcast.net	A Member of the Public	Myself	Support	No	No	5/4/2021 10:39 AM
Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Support	No	No	5/4/2021 11:35 AM
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Support	No	No	5/3/2021 11:58 AM
Staub, Kathy	MANCHESTER, NH kstaub@comcast.net	A Member of the Public	Myself	Support	No	No	5/3/2021 3:55 PM

Testimony

SB126 Testimony

Dear House Judiciary Committee:

I am writing to you to ask you to please pass SB126 without further changes. I am a NH landowner, rental property owner, and voter. Thank you for listening to my voice, and thank you for doing what I imagine is often a very thankless job, especially in these trying times.

Very sincerely,

Michael J. Ortlieb, Esq.

Simmons & Ortlieb, PLLC

886 Lafayette Road

Hampton, NH 03842

603.929.9100 ph

603.929.9101 fax

michael@clearvictory.org

www.clearvictory.org

howdee House Judiciary Committee,

Attached, and included below, is my testimony regarding SB126. The short version is both the landlord and tenant communities have agreed on the version that came out of the Senate. Please feel free to contact me with any questions.

(we, the people, can end the pandemic by all wearing face masks in public indoor places or large gatherings of people,

following careful safety protocols with touched surfaces &

avoiding touching our face.

SB126 Testimony

Be Safe)

Love & Light,

Nick Norman

Director of Legislative Affairs

AANH Government Affairs Chair

603-432-5549

NickNorman@yahoo.com

=====

05/04/2021 at 09:30 AM SB126, Omnibus, Eviction Notice, Rental Assistance, Rewrite NH
Discrimination Law

Nick Norman

Legislative Initiative Landlord Tenant Law

AANH Government Affairs Chair

NickNorman@yahoo.com

603-432-5549

Property Owner Position:

Part I as AmendedBySenate: For

Part II as AmendedBySenate: For

Part III as AmendedBySenate: Neutral

Part I:

Part I provides for the **tenant to have until the court hearing to pay everything due at that time including any "lawful" charges this could include all new rent that became due, reasonable late fees, attorney fees, court fees, perhaps damages.**

This could be an advantage over present law. What would be lost is the ability to not accept rent after the initial 7 days and proceed with eviction if it was not cured in 7 days which is useful when you don't want that particular bad tenant to work it out and stay. Tying tenant winning with **making landlord whole** is good.

SB126 Testimony


The “4th strike you’re out” provision remains intact which means for the chronically late payer, on the 4th eviction, in 12 months, the tenant may not dismiss the eviction by paying up.

After carefully thinking this through, on the whole the **benefits of this change outweigh the losses** and landlords are For the change.

Part II of the bill regarding housing violations is acceptable. In this section, where an **eviction notice is not required to give rental assistance**, it does help tenants start the process of getting assistance before it gets to an eviction. This could be beneficial to both the landlord and the tenant. We would have **less needless eviction notices**.

Part III:

We met with our core team attorney expert on discrimination and the Director of the Human Rights commission. This resulted removal of a few major sections of the original bill before it passed the Senate. All that is left is just mirroring federal language in state law so that HUD will be satisfied and begin sending HUD monies back to the state. **There is no substantial change to NH state law** so we are neutral about this change to Part III


Rep. Kurt Wuelper

05/04/2021 at 09:30 AM SB126, Omnibus, Eviction Notice, Rental Assistance, Rewrite NH Discrimination Law
Nick Norman
Legislative Initiative Landlord Tenant Law
AANH Government Affairs Chair
NickNorman@yahoo.com
603-432-5549

Property Owner Position:

Part I as AmendedBySenate: For

Part II as AmendedBySenate: For

Part III as AmendedBySenate: Neutral

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Bill as
Introduced

SB 126-FN - AS INTRODUCED

2021 SESSION

21-0873
10/05

SENATE BILL **126-FN**

AN ACT adopting omnibus legislation on landlord tenant proceedings.

SPONSORS: Sen. Perkins Kwoka, Dist 21

COMMITTEE: Commerce

ANALYSIS

This bill adopts legislation relative to:

- I. Notice to quit for residential tenants.
- II. Prohibiting certain denials of rental assistance.
- III. Civil rights violations and discriminatory actions related to real estate transactions.

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.

21-0873
10/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT adopting omnibus legislation on landlord tenant proceedings.

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

1 Sponsorship. The parts of this act are proposed by the following sponsors:

Part I. LSR 21-0873, relative to a notice to quit for residential tenants, sponsored by Sen. Perkins Kwoka, Prime/Dist 21; Sen. Rosenwald, Dist 13; Sen. Watters, Dist 4; Sen. Prentiss, Dist 5; Sen. Soucy, Dist 18; Sen. Whitley, Dist 15; Rep. Griffith, Hills. 18; Rep. Vann, Hills 24; Rep. Espitia, Hills. 31; Rep. Conley, Straf. 13; Rep. DiLorenzo, Rock. 17.

Part II. LSR 21-0878, relative to prohibiting certain denials of rental assistance, sponsored by Sen. Perkins Kwoka, Prime/ Dist 21; Sen. Whitley, Dist15; Sen. Rosenwald, Dist 13; Rep. Conley, Straf.13.

Part III. LSR 21-0890, relative to civil rights violations and discriminatory actions related to real estate transactions, sponsored by Sen. Birdsell, Prime/Dist 19.

2 Legislation. The general court hereby enacts the following legislation:

PART I

Relative to a notice to quit for residential tenants

1 Actions Against Tenants; Residential; Notice. Amend RSA 540:3, II to read as follows:

II. For all residential tenancies, 30 days' notice shall be sufficient in all cases; provided, however, that 7 days' notice shall be sufficient if the reason for the termination is as set forth in RSA 540:2, [~~H(a), (b), or (d)~~] **II(b) or II(d)**.

2 Effective Date. Part I of this act shall take effect January 1, 2022.

PART II.

Relative to prohibiting certain denials of rental assistance.

1 New Section; Aid to Assisted Persons; Denial of Rental Assistance Due to Hazardous Conditions. Amend RSA 165 by inserting after section 1-e the following new section:

165:1-f Denial of Rental Assistance Due to Hazardous Conditions. No person, who is otherwise eligible for rental assistance from a municipality pursuant to this chapter, shall be denied such assistance due to the existence of substandard housing conditions in the dwelling unit in which the applicant resides unless:

I. The municipality has ordered the owner to repair the dwelling unit pursuant to RSA 147:16-a, or RSA 155-B:2 and 3.

II. Prior to the tenant's application for general assistance, a municipal official has found that the dwelling unit contains one or more of the defects set forth in RSA 48-A:14.

2 New Section; Aid to Assisted Persons. Amend RSA 165 by inserting after section 4-b the following new section:

165:4-c Eviction Notice Not Required. The governing body and overseers of public welfare shall not require the issuance of an eviction notice before providing rental assistance. An eviction notice may be required to assist the applicant in documenting emergency needs for emergency assistance, timely application and decision making, and referrals to other agencies with eviction notice requirements for consideration of additional rent arrearage assistance.

3 Effective Date. Part II of this act shall take effect 60 days after its passage.

PART III.

Relative to civil rights violations and discriminatory actions related to real estate transactions.

1 Law Against Discrimination; Fair Housing; Real Estate Transactions. RSA 354-A:8 through 354-A:15 are repealed and reenacted to read as follows:

354-A:8 Equal Housing Opportunity Without Discrimination a Civil Right. The opportunity to obtain housing without discrimination because of age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability or national origin is hereby recognized and declared a civil right. In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person's sexual orientation.

354-A:9 Definitions. In this subdivision:

I. "Aggrieved person" includes any person who:

(a) Claims to have been injured by a discriminatory housing practice; or

(b) Believes that such person will be injured by a discriminatory housing practice that is about to occur.

II. "Discriminatory housing practice" means an act that is unlawful under section 804, 805, 806, or 818 of the Fair Housing Act, 42 U.S.C. section 3601, et seq.

III. "Family" includes a single individual.

IV. "Familial status" means one or more individuals who have not attained the age of 18 years and who are domiciled with:

(a) A parent or another person having legal custody of such individual or individuals; or

(b) The designee of such parent or other person having such custody, with the written permission of such parent or other person.

V. "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy cases under Title 11 of the United States Code, receivers, and fiduciaries.

VI. "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

VII. "Real estate transaction" includes the sale, exchange, rental or lease of real property. "Real estate transaction" also includes the brokering or appraising of residential real property and the making or purchasing of loans or providing other financial assistance:

(a) For purchasing, constructing, improving, repairing or maintaining a dwelling; or

(b) Secured by residential real estate.

VIII. "Housing accommodation" includes any improved or unimproved real property, or part thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home or residence of one or more individuals.

IX. "Real estate broker or salesman" means a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself or herself out as engaged in these.

X. "Conciliation" means the attempted resolution of issues raised by a charge, or by the investigation of such charge, through informal negotiations involving the aggrieved party, the respondent, and the commission.

XI. "Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.

354-A:10 Civil Rights Violations; Real Estate Transactions. It shall be an unlawful discriminatory practice to:

I. Refuse to engage in a real estate transaction with a person or to discriminate in making available such a transaction;

II. Alter the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

III. Refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;

IV. Refuse to negotiate for a real estate transaction with a person;

V. Represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his or her attention, or to refuse to permit him or her to inspect real property;

VI. Make, print, circulate, post, mail, publish or cause to be made, printed, circulated, posted, mailed, or published any notice, statement, advertisement or sign, or use a form of application for a real estate transaction, or make a record or inquiry in connection with a prospective real estate transaction, that indicates any preference, limitation, or discrimination based on unlawful discrimination or unlawful discrimination based on familial status or an arrest record, or an intention to make any such preference, limitation, or discrimination; or

VII. Offer, solicit, accept, use or retain a listing of real property with knowledge that unlawful discrimination or discrimination on the basis of familial status or an arrest record in a real estate transaction is intended.

354-A:11 Disability.

I. It is a civil rights violation to refuse to sell or rent or to otherwise make unavailable or deny a dwelling to any buyer or renter because of a disability of that buyer or renter, a disability of a person residing or intending to reside in that dwelling after it is sold, rented, or made available, or a disability of any person associated with the buyer or renter.

II. It is a civil rights violation to alter the terms, conditions, or privileges of sale or rental of a dwelling or the provision of services or facilities in connection with such dwelling because of a disability of a person with a disability or a disability of any person residing or intending to reside in that dwelling after it is sold, rented, or made available, or a disability of any person associated with that person.

III. It is a civil rights violation:

(a) To refuse to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before modifications, reasonable wear and tear excepted. The landlord may not increase for persons with a disability any customarily required security deposit. However, where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of such a restoration agreement a provision requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant. A landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modifications as well as reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained;

(b) To refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(c) In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, to fail to design and construct those dwellings in such a manner that:

(1) The public use and common use portions of such dwellings are readily accessible to and usable by persons with a disability;

(2) All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons with a disability in wheelchairs; and

(3) All premises within such dwellings contain the following features of adaptive design:

(A) An accessible route into and through the dwelling;

(B) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(C) Reinforcements in bathroom walls to allow later installation of grab bars; and

(D) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

IV. Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically disabled people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of subparagraph III(c)(3).

V. If a unit of local government has incorporated into its building code the requirements set forth in subparagraph III(c), compliance with the local building code shall be deemed to satisfy the requirements of that subparagraph.

VI. A unit of local government may review and approve newly constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements of subparagraph III(c) are met.

VII. The commission shall encourage, but may not require, units of local government to include in their existing procedures for the review and approval of newly constructed covered multifamily dwellings, determinations as to whether the design and construction of such dwellings are consistent with subparagraph III(c), and shall provide technical assistance to units of local government and other persons to implement the requirements of subparagraph III(c).

VIII. Nothing in this subdivision shall be construed to require the commission to review or approve the plans, designs or construction of all covered multifamily dwellings to determine whether the design and construction of such dwellings are consistent with the requirements of subparagraph III(c).

IX. Nothing in paragraph IV, V, VI, or VII shall be construed to affect the authority and responsibility of the commission to receive and process complaints or otherwise engage in enforcement activities under state law.

X. Determinations by a unit of local government under paragraphs IV and V shall not be conclusive in enforcement proceedings under this chapter if those determinations are not in accord with the terms of this chapter.

XI. Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of others or would result in substantial physical damage to the property of others.

354-A:12 Unlawful Activity. The prohibition against the use of an arrest record under RSA 354-A:10 shall not preclude an owner or any other person engaging in a real estate transaction, or a real estate broker or salesman, from prohibiting the tenant, a member of the tenant's household, or a guest of the tenant from engaging in unlawful activity on the premises.

354-A:13 Blockbusting. It is a civil rights violation for any person to:

I. Solicit for sale, lease, listing or purchase any residential real estate within this state, on the grounds of loss of value due to the present or prospective entry into the vicinity of the property involved of any person or persons of any particular race, color, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, marital status, familial status or disability.

II. Distribute or cause to be distributed, written material or statements designed to induce any owner of residential real estate in this state to sell or lease his or her property because of any present or prospective changes in the race, color, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, marital status, familial status or disability of residents in the vicinity of the property involved.

III. Intentionally create alarm, among residents of any community, by transmitting communications in any manner, including a telephone call whether or not conversation thereby ensues, with a design to induce any owner of

residential real estate in this state to sell or lease his or her property because of any present or prospective entry into the vicinity of the property involved of any person or persons of any particular race, color, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, marital status, familial status or disability.

IV. Evict a tenant solely on the grounds that the person has acquired immune deficiency syndrome (AIDS) or is regarded to have acquired immune deficiency syndrome.

354-A:14 Refusal to Sell or Rent Because a Person Has a Guide, Hearing, or Support Dog. It is a civil rights violation for the owner or agent of any housing accommodation to:

I. Refuse to sell or rent after the making of a bonafide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny property to any blind or hearing impaired person or person with a physical disability because he has a guide, hearing or support dog; or

II. Discriminate against any blind or hearing impaired person or person with a physical disability in the terms, conditions, or privileges of sale or rental property, or in the provision of services or facilities in connection therewith, because the person has a guide, hearing or support dog; or

III. Require, because a blind or hearing impaired person or person with a physical disability has a guide, hearing or support dog, an extra charge in a lease, rental agreement, or contract of purchase or sale, other than for actual damage done to the premises by the dog.

354-A:15 Restrictive Covenants.

I. Every provision in an oral agreement or a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof on the basis of race, color, religion, or national origin is void.

II.(a) Every condition, restriction or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of race, color, religion, or national origin is void.

(b) This section shall not apply to a limitation of use on the basis of religion of real property held by a religious institution or organization or by a religious or charitable organization operated, supervised, or controlled by a religious institution or organization, and used for religious or charitable purposes.

III. It is a civil rights violation to insert in a written instrument relating to real property a provision that is void under this section or to honor or attempt to honor such a provision in the chain of title.

354-A:15-a Interference, Coercion, or Intimidation. It is a civil rights violation to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this subdivision.

354-A:15-b Exemptions. Nothing contained in RSA 354-A:10 shall prohibit:

I. Private sales of single family homes.

(a) Any sale of a single family home by its owner so long as the following criteria are met:

(1) The owner does not own or have a beneficial interest in more than three single family homes at the time of the sale;

(2) The owner or a member of his or her family was the last current resident of the home;

(3) The home is sold without the use in any manner of the sales or rental facilities or services of any real estate broker or salesman, or of any employee or agent of any real estate broker or salesman;

(4) The home is sold without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of RSA 354-A:10, VII.

(b) This exemption shall not apply to RSA 354-A:10, VII.

II. Rental of a housing accommodation in a building which contains housing accommodations for not more than 4 families living independently of each other, if the owner resides in one of the housing accommodations. This exemption does not apply to RSA 354-A:10, VII.

III. Rental of a room or rooms in a private home by an owner if he or she or a member of his or her family resides therein or, while absent for a period of not more than 12 months, if he or she or a member of his or her family intends to return to reside therein.

IV. Reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

V. A religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of a dwelling which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.

VI. Restricting the rental of rooms in a housing accommodation to persons of one sex.

VII. Conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in the federal Controlled Substances Act, 21 U.S.C. section 802(6).

VIII. Persons engaged in the business of furnishing appraisals of real property from taking into consideration factors other than those based on unlawful discrimination or familial status in furnishing appraisals.

IX. The owner of an owner-occupied residential building with 4 or fewer units, including the unit in which the owner resides, from making decisions regarding whether to rent to a person based upon that person's sexual orientation or gender identity.

X. No provision in this subdivision regarding familial status shall apply with respect to housing for older persons.

(a) As used in this paragraph, "housing for older persons" means housing:

(1) Provided under any state or federal program that the Secretary of the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program; or

(2) Intended for, and solely occupied by, persons 62 years of age or older; or

(3) Intended and operated for occupancy by persons 55 years of age or older and:

(A) At least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older;

(B) The housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subparagraph; and

(C) The housing facility or community complies with rules adopted by the commission for verification of occupancy, which shall:

(i) Provide for verification by reliable surveys and affidavits; and

(ii) Include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of subparagraph X(a)(3)(B). These surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.

(b) Housing shall not fail to meet the requirements for housing for older persons by reason of:

(1) Persons residing in such housing as of the effective date of this amendatory Act of 1988 who do not meet the age requirements of subparagraph X(a)(2) or X(a)(3); provided, that new occupants of such housing meet the age requirements of subparagraph X(a)(2) or X(a)(3); or

(2) Unoccupied units; provided, that such units are reserved for occupancy by persons who meet the age requirements of subparagraph X(a)(2) or X(a)(3).

(c)(1) A person shall not be held personally liable for monetary damages for a violation of this subdivision if the person reasonably relied, in good faith, on the application of the exemption under this paragraph relating to housing for older persons.

(2) For the purposes of this subparagraph, a person may show good faith reliance on the application of the exemption only by showing that:

(A) The person has no actual knowledge that the facility or community is not, or will not be, eligible for the exemption; and

(B) The facility or community has stated formally, in writing, that the facility or community complies with the requirements for the exemption.

XI. Refusal of a child sex offender who owns and resides at residential real estate to rent any residential unit within the same building in which he or she resides to a person who is the parent or guardian of a child or children under 18 years of age.

XII. Inquiry into or the use of an arrest record if the inquiry or use is otherwise authorized by state or federal law.

354-A:15-c Complaint Procedures.

I Any person aggrieved by a violation of this subdivision may make, sign, and file with the commission a verified complaint in writing which shall state the name and address of the person alleged to have committed a violation of this subdivision and the particulars and other information as may be required by the commission. The commission may, in like manner, make, sign, and file such a complaint whenever it has reason to believe that any person has engaged in, or is engaging in an unlawful practice.

II. No complaint shall be considered unless it is filed within one year after the occurrence of the alleged unlawful practice, or in the case of continuing unlawful practices, within one year after the termination of the unlawful practices. A complaint may be reasonably and fairly amended at any time.

III. The filing of a complaint, the failure to file a complaint, or the dismissal of a complaint by the commission shall not bar an aggrieved person from filing a civil action in the superior court within 2 years after the occurrence or termination of an alleged discriminatory practice; provided, that the aggrieved person may not initiate an action with respect to an alleged discriminatory practice that forms the basis of a charge issued by the commission, if a commission's hearing has begun with respect to the charge. The court shall be empowered to award the plaintiff actual and punitive damages; grant as relief, as it deems appropriate, any temporary or permanent injunction, temporary restraining order or other order; and allow reasonable attorney's fees and costs. The plaintiff shall be liable for reasonable attorney's fees and costs only to the extent that the plaintiff's participation in the proceeding was frivolous or vexatious or was for the purpose of harassment; to the extent that the plaintiff is the prevailing party, the respondent shall be liable for reasonable attorney's fees and costs, unless special circumstances make recovery of such fees and costs unjust.

IV. Upon the filing of the complaint, the commission shall, by certified mail, return receipt requested, serve notice upon the complainant acknowledging the filing and advising the complainant of the time limits and choice of forum under the law. At any time after the filing of the complaint, the commission, by its attorneys, may seek temporary or preliminary injunctive relief in the superior court, pending final disposition of the complaint, if the commission concludes such action is necessary to carry out the purposes of this subdivision.

V. The commission shall promptly serve a copy of the complaint and a notice upon the respondent advising him or her of his procedural rights and obligations under the law, by certified mail, return receipt requested. The respondent may, in response to said notice, file a verified answer with the commission not later than 10 days after receipt of the notice of the complaint.

VI. The chairperson of the commission shall designate the executive director or one or more of the commissioners to make, with the assistance of the staff of the commission, a prompt investigation of the alleged discriminatory act. The investigation shall be commenced within 30 days after receipt of the complaint.

VII. The commission shall complete its investigation and issue a final investigative report within 100 days after receipt of the complaint unless impracticable, and if impracticable, shall notify the complainant and the respondent in writing and state the reasons for the delay.

VIII. Any conciliation agreement arising out of conciliation efforts by the commission shall be an agreement between the respondent and the complainant and shall be approved by the commission and shall be made public unless the complainant and the respondent otherwise agree and the commission determines disclosure is not necessary to further the purposes of this subdivision.

IX. At the close of the investigation, the commission shall issue a final investigative report. The report shall conclude whether or not probable cause exists for crediting the allegations of the complaint.

X. If lack of probable cause is found, the commission shall dismiss the complaint, notify the parties of its finding, and inform the complainant of his or her right to commence a private civil action in the superior court. Said action shall be commenced within 90 days from the date of the dismissal or within 2 years from the date of the violation alleged, whichever occurs later. The court shall be empowered to award the plaintiff actual and punitive damages; grant as relief, as it deems appropriate, any temporary or permanent injunction, temporary restraining order or other order and allow reasonable attorney's fees and costs.

XI. If probable cause is found, both the complainant and respondent shall be notified in writing. Either party may elect, within 20 days from receipt of the commission's finding, to file a civil action in the superior court.

(a) If a timely election is made by either party, the commission shall immediately notify the office of the attorney general, who shall file a civil action on behalf of the aggrieved person within 30 days after a timely election is made.

Any complainant may intervene as of right in said civil action. The commission shall administratively close the case, without prejudice.

(b) If a timely election is not made, the case shall proceed to a public hearing. No commissioner participating in the aforementioned hearing shall have been involved in the prior investigation. The New Hampshire rules of evidence shall apply at the hearing. At any such hearing before the commission, all parties and witnesses shall have the right to be advised and represented by counsel at their own expense. The complainant shall be represented by the executive director of the commission as prescribed by the commission's rules of procedure.

(c) Hearings shall be conducted in accordance with the administrative hearing procedures under RSA 541-A which shall ensure that all parties are afforded due process of law.

XII. The hearing commissioners shall issue a report which lists findings of fact and conclusions of law within 60 days after the conclusion of the hearing. If the hearing commissioners conclude that the charges of discriminatory conduct by the respondent cannot be substantiated, the case shall be dismissed with prejudice.

XIII. The decision of the hearing commissioners is subject to review by the entire commission. The review must be initiated within 35 days from the date of the decision or said decision becomes the final administrative decision.

XIV. The commission shall make a final administrative disposition of the complaint within one year from the date of the receipt of the complaint, unless impracticable. If impracticable, it must notify the complainant and the respondent in writing and list the reasons for not doing so.

354-A:15-d Remedies; Relief Sought and Granted.

I. After a finding of probable cause is made, the commission may file a petition in the superior court seeking injunctive relief against the respondent. If justice so requires, the court shall be authorized to grant relief including:

(a) Orders or decrees restraining the respondent from selling, renting, or otherwise making the real estate transaction unavailable to the complainant;

(b) Any appropriate injunctive relief the court deems necessary to protect the rights of the complainant.

II. If the commission, in the final administrative report of its decision, finds that any respondent committed any unlawful practice under this subdivision, the commission may:

(a) Award to the complainant damages to reimburse the complainant for expenses incurred including, but not limited to, moving, storage of furniture and personal effects, and alternative housing or space because of the respondent's unlawful acts. Damages for emotional distress may also be awarded to the complainant.

(b) Assess to the respondent civil penalties not to exceed \$16,000 for the first offense, \$42,000 for the second offense within a 5-year period ending at the time of filing the complaint; \$70,000 for a third or subsequent offense within a 7-year period ending at the time of filing the complaint. In a proceeding involving 2 or more respondents, the hearing commissioners may assess a civil penalty against each respondent that the hearing commissioners determine has been engaged or is about to engage in a discriminatory housing practice.

(c) Seek relief from the superior court including any temporary or permanent injunction, temporary restraining order or other order it deems appropriate.

354-A:15-e Review of Commission's Final Administrative Decision; Enforcement of Order of Commission.

I. Any party aggrieved by the commission's final administrative decision may seek judicial review within 30 days from the date of service of said decision in the superior court.

II. The commission's final administrative decision may be enforced by the commission, or any person entitled to relief, by filing a petition in the superior court seeking compliance with the decision. The commission may obtain a decree of the court for enforcement of its order upon a showing that a copy of the petition for enforcement was served upon the party subject to the dictates of the decision.

2 Effective Date. Part III of this act shall take effect January 1, 2022.

LBA
21-0873
2/2/21

**SB 126-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT adopting omnibus legislation on landlord tenant proceedings.

PART I Relative to notice to quit for residential tenants

This section of the bill has no fiscal impact.

PART II Relative to prohibiting certain denials of rental assistance.

FISCAL IMPACT: State County Local None

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This section of the bill adopts legislation relative to notice to quit for residential tenants, prohibiting certain denials of rental assistance, and civil rights violations and discriminatory actions related to real estate transactions. The New Hampshire Municipal Association indicates this section of the bill would prohibit a municipality from denying rental assistance to a person under RSA 165 due to the existence of substandard housing conditions in the dwelling where the person resides, subject to certain exceptions, and would prohibit the municipality from requiring the issuance of an eviction notice before providing rental assistance. The Association has no information about whether municipalities currently engage in practices that would be prohibited. To the extent that they do, the legislation may result in some increased municipal expenditures for local welfare assistance. The Association is not able to determine the amount of any such increases. There will be no impact on municipal revenues.

AGENCIES CONTACTED:

New Hampshire Municipal Association

PART III Relative to prohibiting civil rights violations and discriminatory actions related to real estate transactions.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This section recodifies New Hampshire's fair housing law in RSA 354-A and revises the administrative and judicial procedures for complaints of housing discrimination. The Judicial Branch indicates this bill would provide multiple pathways for litigation to occur in superior court. These include:

- Filing of an action by the parties after dismissal following a finding of no probable cause by the Commission;
- Filing by the parties following a finding of probable cause by the Commission;

- Filing by the Attorney General following a finding of probable cause and an election to seek superior court review by the parties; and
- Filing by the Commission seeking injunctive relief.

The Branch assumes the additional pathways to litigation in the superior court will result in more cases filed, but cannot predict the number of additional cases, if any, that may be filed. The Judicial Branch assumes there could also be a minor increase in revenue from filing fees.

The Commission for Human Rights states the fiscal impact is indeterminable because it is uncertain how many new cases relative to unlawful forms of housing discrimination will be handled. The Commission indicates it may need additional staff to process housing cases should there be an increase in the number of charges submitted for investigation. The Commission assumes the fiscal impact of this bill may not occur until FY 2023.

AGENCIES CONTACTED:

Judicial Branch and Human Rights Commission