

Bill as  
Introduced

HB 360 - AS AMENDED BY THE HOUSE

7Apr2021... 0513h

2021 SESSION

21-0307  
10/05

HOUSE BILL

**360**

AN ACT

relative to the rental of shared living facilities.

SPONSORS:

Rep. Frost, Straf. 16

COMMITTEE:

Judiciary

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ANALYSIS

This bill clarifies the process for termination of a rental of a shared facility and the remedies for tenants.

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Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the rental of shared living facilities.

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

1       1 New Paragraph; Rental of Shared Facilities; Termination. Amend RSA 540-B:3 by inserting  
2 after paragraph III the following new paragraph:

3           IV. The process for termination of tenancy of a shared facility described by paragraphs I-III  
4 shall apply in place of the eviction process detailed in RSA 540. Shared facilities governed by this  
5 chapter shall not be subject to the eviction process of RSA 540.

6       2 Rental of Shared Facilities; Remedies. Amend RSA 540-B:7 to read as follows:  
7       540-B:7 Remedies.

8           I. Violations of this chapter shall be subject to the remedies set forth in RSA 540-A:4,  
9 *however, a tenant of a shared facility must identify in the petition, which may be by a*  
10 *checkbox on the circuit court's form petition, that their rental is governed by RSA 540-B.*

11           II. *A tenant shall not enjoy the remedies set forth in RSA 540-A:4 in regard to tenant*  
12 *lockout if the owner or agent of the owner of the shared facility has complied with the*  
13 *requirements of RSA 540-B:3.*

14       3 Effective Date. This act shall take effect January 1, 2022.

CHAPTER 63  
HB 360 - FINAL VERSION

7Apr2021... 0513h

2021 SESSION

21-0307  
10/05

HOUSE BILL           **360**

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COMMITTEE:          Judiciary

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CHAPTER 63  
HB 360 - FINAL VERSION

7Apr2021... 0513h

21-0307  
10/05

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7 540-B:7 Remedies.

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10 *checkbox on the circuit court's form petition, that their rental is governed by RSA 540-B.*

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12 *lockout if the owner or agent of the owner of the shared facility has complied with the*  
13 *requirements of RSA 540-B:3.*

63:3 Effective Date. This act shall take effect January 1, 2022.

Approved: June 04, 2021

Effective Date: January 01, 2022

# Committee Minutes

# SENATE CALENDAR NOTICE

## Judiciary

Sen Sharon Carson, Chair  
Sen Bill Gannon, Vice Chair  
Sen Harold French, Member  
Sen Rebecca Whitley, Member  
Sen Jay Kahn, Member

Date: April 7, 2021

### HEARINGS

Wednesday	04/14/2021	
(Day)	(Date)	
Judiciary	REMOTE 000	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m. <b>HB 83</b>	prohibiting non-disparagement clauses in settlement agreements involving a governmental unit.	
1:15 p.m. <b>HB 360</b>	relative to the rental of shared living facilities.	
1:30 p.m. <b>HB 436</b>	relative to eyewitness identification procedures.	
1:45 p.m. <b>HB 474</b>	prohibiting surveillance by the state on public ways or sidewalks.	
2:00 p.m. <b>HB 540</b>	relative to supported decision-making as an alternative to guardianship.	
2:15 p.m. <b>HB 630</b>	authorizing certain procedures for rulemaking.	

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/98477564267>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: +13126266799,,98477564267# or +16465588656,,98477564267#
4. Webinar ID: [984 7756 4267](https://www.zoom.us/j/98477564267)
5. To view/listen to this hearing on YouTube, use this link: <https://www.youtube.com/channel/UCjBZdtriRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link: <http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: [remotesenate@leg.state.nh.us](mailto:remotesenate@leg.state.nh.us) or call (603-271-6931).

### EXECUTIVE SESSION MAY FOLLOW

#### Sponsors:

**HB 83**

Rep. Berch

Rep. Schultz

Rep. M. Smith

Rep. Sylvia

Rep. Meuse  
Rep. DiLorenzo  
**HB 360**  
Rep. Frost  
**HB 436**  
Rep. Cushing  
**HB 474**  
Rep. Erf  
**HB 540**  
Rep. Chase  
Rep. Cannon  
Sen. Whitley  
**HB 630**  
Rep. McGuire  
Sen. Reagan

Rep. McGuire

Rep. Amanda Bouldin

Rep. Stevens

Rep. Harriott-Gathright

Rep. Welch

Rep. Warden

Rep. Langley

Rep. Marsh

Rep. Weber

Rep. Gordon

Rep. M. Pearson

Rep. Berch

Rep. McMahon

Sen. Rosenwald

Rep. P. Schmidt

Rep. Hatch

Rep. Schuett

Jennifer Horgan 271-7875

Sharon M Carson

Chairman

# Senate Judiciary Committee

*Sonja Caldwell 271-2117*

**HB 360**, relative to the rental of shared living facilities.

**Hearing Date:** April 14, 2021

**Members of the Committee Present:** Senators Carson, Gannon, French, Whitley and Kahn

**Members of the Committee Absent :** None

**Bill Analysis:** This bill clarifies the process for termination of a rental of a shared facility and the remedies for tenants.

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**Sponsors:**  
Rep. Frost

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**Who supports the bill:** Nick Norman (AANH), Eric Pauer

**Who opposes the bill:** No one

**Who is neutral on the bill:** No one

**Summary of testimony presented:**

**Sen. Carson** introduced the bill on behalf of Rep. Frost, which is relative to the rental of shared living facilities. The bill clarifies the process for termination of a rental of a shared facility and the remedies for tenants.

**Nick Norman**

- He is an advocate for landlords. They have a readership of 4,000 landlords across the state.
- There is agreement between landlord and tenant advocates on this bill.
- The bill only affects shared facilities. It does not affect common landlord tenant situation.
- This applies to a situation where someone is renting a bedroom in an owner-occupied home or apartment.
- RSA540 handles rental real estate. This bill is related to RSA540B, which is about shared facilities.
- Sometimes if someone in a shared facility becomes involved in a court case, it is confusing for the court because there are different rules for RSA540B. This bill says the tenant will notify the court that they are in a shared facility so the court can follow the right rules.
- The bill requires the court to prepare a form with a box to check so the tenant can make that notice to the court.

sc

Date Hearing Report completed: April 15, 2021

# Speakers

# Senate Remote Testify

## Judiciary Committee Testify List for Bill HB360 on 2021-04-14

Support: 2 Oppose: 0 Neutral: 0 Total to Testify: 1

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Norman, Nick	NickNorman@yahoo.com	603.432.5549	A Member of the Public	AANH, Advocate for property owners	Support	Yes	4/11/2021 9:08 PM
Pauer, Eric	secretary@BrooklineGOP.org	603.732.8489	A Member of the Public	Myself	Support	No	4/12/2021 12:55 PM

# Testimony

## Jennifer Horgan

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**From:** Michael Ortlieb <michael@clearvictory.org>  
**Sent:** Monday, April 12, 2021 2:02 PM  
**To:** Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan  
**Subject:** HB 360

Dears Senate Judiciary Committee:

I am writing to you to ask you to please pass HB360, Lease Expiration as ground for eviction, as amended by the House. 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](mailto:michael@clearvictory.org)  
[www.clearvictory.org](http://www.clearvictory.org)

**Notice: Unless you have a prior, written agreement to exchange documents with us via email, please mail all correspondence (e.g., discovery requests, pleadings, settlement offers, etc.) to the address in the signature block above.**  
NOTICE: This e-mail (including any attachment(s)) is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510 et seq. and is CONFIDENTIAL. The legal advice and work product are PRIVILEGED and intended only for disclosure to or use by the person(s) listed above. If you are neither the intended recipient(s), nor a person responsible for the delivery of this e-mail to the intended recipient(s), you are hereby notified that any retention, dissemination, distribution or copying of this communication is strictly prohibited. If you believe you have received this e-mail in error, please immediately notify Simmons & Ortlieb, PLLC by telephone at 603-929-9100.

Nick Norman  
Legislative Initiative Landlord Tenant Law  
AANH Government Affairs Chair  
[NickNorman@yahoo.com](mailto:NickNorman@yahoo.com)  
603-432-5549

Property Owner Position: For, Vote to Pass this bill.

HB360, Shared Facility Termination Of Rental  
Property Owner Position: For, **Vote to Pass this bill as amended by House 2021-0513h**

**All sides, landlord organization & tenant organization cooperated on amendment and are in agreement with the bill & amendment 2021-513h. the House Judiciary Committee voted OTPA 21-0, the full House passed the bill on their consent calendar.  
Please pass House version of the bill.**

Summary: This bill clarifies that a tenant of shared facilities as defined by RSA 540-B, who seeks remedies for an alleged violation of the statute, cannot use the remedies in RSA 540-A unless the tenant identifies in any court filing that the tenancy is governed by RSA 540-B.  
The bill further states that the tenant of a shared facility may not "enjoy the remedies of RSA 540-A" in a lockout situation if the landlord has complied with the requirements of RSA 540-B.

**This bill simply provides more clarity for the court by identifying which set of laws govern the case, RSA 540-A or RSA 540-B. This will simplify and make more expedient any RSA 540-B cases.**

This bill only **applies to Shared Facilities** meaning the tenant resides in a shared residential space with the actual owner occupant.

Here is the definition in RSA 540-B:

“

**540-B:1 Definition; Shared Facility. –**

I. A "shared facility" means real property rented for residential purposes which has separate sleeping areas for each occupant and in which each occupant has access to and shares with the owner of the facility one or more significant portions of the facility in common, such as kitchen, dining area, bathroom, or bathing area, for which the occupant has no rented right of sole personal use.

II. A shared facility shall not include:

(a) Facilities rented to transient guests intended for use of less than 90 days.

(b) Rooms in hotels, motels, inns, tourist homes, and other dwellings rented for recreational or vacationing use.

(c) Rooms provided ancillary to other primary purposes such as jails, student dormitories, nursing homes, hospitals, group homes, and emergency shelters.

“

The bill is simply a **clarification of existing law** and will serve to **reduce actions that should not even be litigated as well as reduce case loads and facilitate quicker comprehension of the issues before judge.**

With this bill a tenant in a shared facility will not enjoy benefits of RSA540-A:4 if LL has completed requirements of RSA540-B:7.

The bill simply requires the tenant of a shared facility to include in any filing under RSA 540-A that the tenancy is governed by RSA 540-B. This gives both the Court and the Landlord-Defendant, notice of the basis of the tenants claim.

The second part of the bill also makes it clear that if the Landlord complied with RSA 540-B, the landlord will not be subject to the damage provisions and injunctive relief of RSA 540-A. Complying with the law should never subject any landlord to penalties of RSA 540-A.

2021-0513h, now passed by the House, simply makes clear that the tenants notice requirement to court may be accomplished by a check box on the court form.

**Please vote Ought to Pass on the House version.**

# Voting Sheets

**Senate Judiciary Committee**  
**EXECUTIVE SESSION RECORD**  
*2021-2022 Session*

Bill # HB360

Hearing date: \_\_\_\_\_

Executive Session date: \_\_\_\_\_

Motion of: OTP Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: consent Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Gannon

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Thursday, April 22, 2021

THE COMMITTEE ON Judiciary

to which was referred **HB 360**

AN ACT relative to the rental of shared living facilities.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Bill Gannon  
For the Committee

This bill clarifies the process for termination of a rental of a shared facility and the remedies for tenants. Landlord and tenant advocates came together to develop this language in order to remove confusion surrounding what laws govern rentals within shared facilities.

Jennifer Horgan 271-7875

FOR THE CONSENT CALENDAR

**JUDICIARY**

**HB 360**, relative to the rental of shared living facilities.

Ought to Pass, Vote 5-0.

Senator Bill Gannon for the committee.

This bill clarifies the process for termination of a rental of a shared facility and the remedies for tenants. Landlord and tenant advocates came together to develop this language in order to remove confusion surrounding what laws govern rentals within shared facilities.

## General Court of New Hampshire - Bill Status System

**Docket of HB360**

Docket Abbreviations

**Bill Title:** relative to the rental of shared living facilities.**Official Docket of HB360.:**

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/9/2021	H	<b>Introduced</b> (in recess of) 01/06/2021 and referred to Judiciary <b>HJ 2 P. 45</b>
1/27/2021	H	Public Hearing: 02/02/2021 10:45 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/91233802944">https://www.zoom.us/j/91233802944</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/2/2021	H	Executive Session: 03/02/2021 09:00 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/95501229688">https://www.zoom.us/j/95501229688</a>
3/9/2021	H	Committee Report: Ought to Pass with Amendment <b>#2021-0513h</b> (Vote 21-0; CC) <b>HC 18 P. 17</b>
4/7/2021	H	Amendment <b>#2021-0513h</b> : AA VV 04/07/2021 <b>HJ 5 P. 38</b>
4/7/2021	H	<b>Ought to Pass with Amendment</b> 2021-0513h: MA VV 04/07/2021 <b>HJ 5 P. 38</b>
4/7/2021	H	Reconsider (Rep. Osborne): MF VV 04/07/2021 <b>HJ 5 P. 50</b>
4/7/2021	S	Introduced 04/01/2021 and Referred to Judiciary; <b>SJ 11</b>
4/7/2021	S	Remote <b>Hearing</b> : 04/14/2021, 01:15 pm; Links to join the hearing can be found in the Senate Calendar; <b>SC 19</b>
4/22/2021	S	Committee Report: Ought to Pass, 04/29/2021; Vote 5-0; CC; <b>SC 21</b>
4/29/2021	S	<b>Ought to Pass</b> : RC 24Y-0N, MA; OT3rdg; 04/29/2021; <b>SJ 13</b>
5/26/2021	S	Enrolled Adopted, VV, (In recess 05/20/2021); <b>SJ 17</b>
5/26/2021	H	Enrolled (in recess of) 04/09/2021 <b>HJ 7 P. 104</b>
6/9/2021	H	Signed by Governor Sununu 06/04/2021; Chapter 63; Eff: 01/01/2022

NH House

NH Senate

# Other Referrals

# Senate Inventory Checklist for Archives

Bill Number: HB360

Senate Committee: Jud

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

### Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

### Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

\_\_\_ - amendment # \_\_\_      \_\_\_ - amendment # \_\_\_

\_\_\_ - amendment # \_\_\_      \_\_\_ - amendment # \_\_\_

Executive Session Sheet

Committee Report

### Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

\_\_\_ - amendment # \_\_\_      \_\_\_ - amendment # \_\_\_

\_\_\_ - amendment # \_\_\_      \_\_\_ - amendment # \_\_\_

### Post Floor Action: (if applicable) {Clerk's Office}

\_\_\_ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

\_\_\_ Enrolled Bill Amendment(s)

\_\_\_ Governor's Veto Message

### All available versions of the bill: {Clerk's Office}

\_\_\_ as amended by the senate      \_\_\_ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Jennifer Horgan  
Committee Aide

8/16/21  
Date

Senate Clerk's Office AK