

LEGISLATIVE COMMITTEE MINUTES

SB126

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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:

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

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

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

11 2 Legislation. The general court hereby enacts the following legislation:

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PART I

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Relative to a notice to quit for residential tenants

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

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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
18 540:2, [~~II(a), (b), or (d)~~] **II(b) or II(d)**.

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

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PART II.

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Relative to prohibiting certain denials of rental assistance.

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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:

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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:

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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.

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

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

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

8 (b) Secured by residential real estate.

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

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

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

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

21 354-A:10 Civil Rights Violations; Real Estate Transactions. It shall be an unlawful
22 discriminatory practice to:

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

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

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

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

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

33 VI. Make, print, circulate, post, mail, publish or cause to be made, printed, circulated,
34 posted, mailed, or published any notice, statement, advertisement or sign, or use a form of
35 application for a real estate transaction, or make a record or inquiry in connection with a prospective
36 real estate transaction, that indicates any preference, limitation, or discrimination based on

1 unlawful discrimination or unlawful discrimination based on familial status or an arrest record, or
2 an intention to make any such preference, limitation, or discrimination; or

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

6 354-A:11 Disability.

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

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

16 III. It is a civil rights violation:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 354-A:12 Unlawful Activity. The prohibition against the use of an arrest record under RSA 354-
5 A:10 shall not preclude an owner or any other person engaging in a real estate transaction, or a real
6 estate broker or salesman, from prohibiting the tenant, a member of the tenant's household, or a
7 guest of the tenant from engaging in unlawful activity on the premises.

8 354-A:13 Blockbusting. It is a civil rights violation for any person to:

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

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

18 III. Intentionally create alarm, among residents of any community, by transmitting
19 communications in any manner, including a telephone call whether or not conversation thereby
20 ensues, with a design to induce any owner of residential real estate in this state to sell or lease his or
21 her property because of any present or prospective entry into the vicinity of the property involved of
22 any person or persons of any particular race, color, religion, national origin, ancestry, age, sex,
23 sexual orientation, gender identity, marital status, familial status or disability.

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

26 354-A:14 Refusal to Sell or Rent Because a Person Has a Guide, Hearing, or Support Dog. It is a
27 civil rights violation for the owner or agent of any housing accommodation to:

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

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

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

1 354-A:15 Restrictive Covenants.

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

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

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

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

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

19 354-A:15-b Exemptions. Nothing contained in RSA 354-A:10 shall prohibit:

20 I. Private sales of single family homes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 354-A:15-c Complaint Procedures.

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

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

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

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

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

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

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

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

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

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

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

11 (a) If a timely election is made by either party, the commission shall immediately notify
12 the office of the attorney general, who shall file a civil action on behalf of the aggrieved person
13 within 30 days after a timely election is made. Any complainant may intervene as of right in said
14 civil action. The commission shall administratively close the case, without prejudice.

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

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

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

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

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

33 354-A:15-d. Remedies; Relief Sought and Granted.

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

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

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

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

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

11 (b) Assess to the respondent civil penalties not to exceed \$16,000 for the first offense,
12 \$42,000 for the second offense within a 5-year period ending at the time of filing the complaint;
13 \$70,000 for a third or subsequent offense within a 7-year period ending at the time of filing the
14 complaint. In a proceeding involving 2 or more respondents, the hearing commissioners may assess
15 a civil penalty against each respondent that the hearing commissioners determine has been engaged
16 or is about to engage in a discriminatory housing practice.

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

19 354-A:15-e Review of Commission's Final Administrative Decision; Enforcement of Order of
20 Commission.

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

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

28 2 Effective Date. Part III of this act shall take effect January 1, 2022.

**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

SB 126-FN - AS AMENDED BY THE SENATE

03/18/2021 0733s

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.

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

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

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

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

11 2 Legislation. The general court hereby enacts the following legislation:

12

13

PART I

14

Relative to a notice to quit for residential tenants.

15

1 1 Actions Against Tenants; Payment After Notice. RSA 540:9 is repealed and reenacted to read
16 as follows:

17

540:9 Payment After Notice.

18

1 I. Any possessory action based solely on nonpayment of rent shall be dismissed if both of the
19 following occur:

20

(a) The tenant, at any time prior to the hearing on the merits, pays to the landlord, in
21 cash, certified check, prepaid money order, electronic transfer, or other guaranteed or immediately
22 drawable funds, including any form of payment specified in 540:9-a, I, all rent due and owing
23 through the time of such payment plus other lawful charges contained in the lease, \$15 liquidated
24 damages, and any filing fee and service charges incurred by the landlord in connection with the
25 possessory action; and

26

(b) The landlord also submits prior to the hearing date a receipt of such payment to
27 court and states in writing that a copy of same receipt has also been forwarded to the tenant prior to
28 the time and date of the hearing on the merits. If the landlord fails to file such receipt the hearing
29 on the merits shall proceed, and if the tenant proves that payment has been made in accordance
30 with subparagraph (a), the case shall be dismissed.

1 II. Notwithstanding the provisions of paragraph I, a tenant may not defeat an eviction for
2 nonpayment of rent by use of this section more than 3 times within a 12-month period.

3 2 Rent; Payment by Voucher. Amend RSA 540:9-a, I to read as follows:

4 I. Any rental payment or partial rental payment tendered by the tenant in the form of a
5 written promise to pay on behalf of the tenant by the state, a county or a municipality of this state,
6 or a payment by any organization which disburses federal or state funds, and any application by a
7 municipality of amounts owed to it by a landlord pursuant to RSA 165:4-a, shall constitute payment
8 by the tenant of the amount represented in the voucher, and of any amount applied by a
9 municipality to delinquent balances of the landlord; provided, that this section shall not be construed
10 to obligate a landlord to accept partial rental payments [~~or payments tendered after the expiration of~~
11 ~~the eviction notice~~].

12 3 Effective Date. Part I of this act shall take effect upon its passage.

13 PART II

14 Relative to prohibiting certain denials of rental assistance.

15 1 New Section; Aid to Assisted Persons. Amend RSA 165 by inserting after section 4-b the
16 following new section:

17 165:4-c Eviction Notice Not Required. The governing body and overseers of public welfare shall
18 not require the issuance of an eviction notice before providing rental assistance. An eviction notice
19 may be required to assist the applicant in documenting emergency needs for emergency assistance,
20 timely application and decision making, and referrals to other agencies with eviction notice
21 requirements for consideration of additional rent arrearage assistance.

22 2 Effective Date. Part II of this act shall take effect upon its passage.

23
24 PART III

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

26 1 Law Against Discrimination; Fair Housing; Real Estate Transactions. RSA 354-A:8 through
27 354-A:15 are repealed and reenacted to read as follows:

28 354-A:8 Equal Housing Opportunity Without Discrimination a Civil Right. The opportunity to
29 obtain housing without discrimination because of age, sex, gender identity, race, creed, color, marital
30 status, familial status, physical or mental disability or national origin is hereby recognized and
31 declared a civil right. In addition, no person shall be denied the benefit of the rights afforded by this
32 section on account of that person's sexual orientation.

33 354-A:9 Definitions. In this subdivision:

34 I. "Aggrieved person" includes any person who:

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

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

1 II. "Discriminatory housing practice" means an act that is unlawful under section 804, 805,
2 806, or 818 of the Fair Housing Act, 42 U.S.C. section 3601, et seq.

3 III. "Family" includes a single individual.

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

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

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

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

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

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

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

20 (b) Secured by residential real estate.

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

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

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

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

33 354-A:10 Civil Rights Violations; Real Estate Transactions. It shall be an unlawful
34 discriminatory practice because of age, sex, gender identity, race, religion, color, marital status,
35 familial status, physical or mental disability or national origin to:

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

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

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

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

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

9 VI. Make, print, or publish, or cause to be made, printed, or published, any notice,
10 statement, advertisement, or sign, with respect to the sale or rental of a dwelling, or commercial
11 structure; that indicates any preference, limitation, or discrimination based on race, color, religion,
12 sex, marital status, familial status, physical or mental disability, sexual orientation, or national
13 origin, or an intention to make any such preference, limitation, or discrimination.

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

17 354-A:11 Disability.

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

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

27 III. It is a civil rights violation:

28 (a) To refuse to permit, at the expense of the person with a disability, reasonable
29 modifications of existing premises occupied or to be occupied by such person if such modifications
30 may be necessary to afford such person full enjoyment of the premises; except that, in the case of a
31 rental, the landlord may, where it is reasonable to do so, condition permission for a modification on
32 the renter agreeing to restore the interior of the premises to the condition that existed before
33 modifications, reasonable wear and tear excepted. The landlord may not increase for persons with a
34 disability any customarily required security deposit. However, where it is necessary in order to
35 ensure with reasonable certainty that funds will be available to pay for the restorations at the end of
36 the tenancy, the landlord may negotiate as part of such a restoration agreement a provision
37 requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a

1 reasonable amount of money not to exceed the cost of the restorations. The interest in any such
2 account shall accrue to the benefit of the tenant. A landlord may condition permission for a
3 modification on the renter providing a reasonable description of the proposed modifications as well
4 as reasonable assurances that the work will be done in a workmanlike manner and that any
5 required building permits will be obtained;

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

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

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

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

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

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

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

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

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

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

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

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

34 VII. The commission shall encourage, but may not require, units of local government to
35 include in their existing procedures for the review and approval of newly constructed covered
36 multifamily dwellings, determinations as to whether the design and construction of such dwellings

1 are consistent with subparagraph III(c), and shall provide technical assistance to units of local
2 government and other persons to implement the requirements of subparagraph III(c).

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

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

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

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

16 354-A:12 Blockbusting. It is a civil rights violation for any person to:

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

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

26 III. Intentionally create alarm, among residents of any community, by transmitting
27 communications in any manner, including a telephone call whether or not conversation thereby
28 ensues, with a design to induce any owner of residential real estate in this state to sell or lease his or
29 her property because of any present or prospective entry into the vicinity of the property involved of
30 any person or persons of any particular race, color, religion, national origin, ancestry, age, sex,
31 sexual orientation, gender identity, marital status, familial status or disability.

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

34 354-A:13 Restrictive Covenants.

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

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

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

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

11 354-A:14 Interference, Coercion, or Intimidation. It is a civil rights violation to coerce,
12 intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of
13 his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any
14 other person in the exercise or enjoyment of, any right granted or protected by this subdivision.

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

16 I. Private sales of single family homes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 2 Effective Date. Part III of this act shall take effect January 1, 2022.

**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

CHAPTER 152
SB 126-FN - FINAL VERSION

03/18/2021 0733s

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

CHAPTER 152
SB 126-FN - FINAL VERSION

- Page 2 -

1 II. Notwithstanding the provisions of paragraph I, a tenant may not defeat an eviction for
2 nonpayment of rent by use of this section more than 3 times within a 12-month period.

3 152:2 Rent; Payment by Voucher. Amend RSA 540:9-a, I to read as follows:

4 I. Any rental payment or partial rental payment tendered by the tenant in the form of a
5 written promise to pay on behalf of the tenant by the state, a county or a municipality of this state,
6 or a payment by any organization which disburses federal or state funds, and any application by a
7 municipality of amounts owed to it by a landlord pursuant to RSA 165:4-a, shall constitute payment
8 by the tenant of the amount represented in the voucher, and of any amount applied by a
9 municipality to delinquent balances of the landlord; provided, that this section shall not be construed
10 to obligate a landlord to accept partial rental payments [~~or payments tendered after the expiration of~~
11 ~~the eviction notice~~].

12 152:3 Effective Date. Part I of this act shall take effect upon its passage.

13 PART II

14 Relative to prohibiting certain denials of rental assistance.

15 152:1 New Section; Aid to Assisted Persons. Amend RSA 165 by inserting after section 4-b the
16 following new section:

17 165:4-c Eviction Notice Not Required. The governing body and overseers of public welfare shall
18 not require the issuance of an eviction notice before providing rental assistance. An eviction notice
19 may be required to assist the applicant in documenting emergency needs for emergency assistance,
20 timely application and decision making, and referrals to other agencies with eviction notice
21 requirements for consideration of additional rent arrearage assistance.

22 152:2 Effective Date. Part II of this act shall take effect upon its passage.

23 PART III

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

25 152:1 Law Against Discrimination; Fair Housing; Real Estate Transactions. RSA 354-A:8
26 through 354-A:15 are repealed and reenacted to read as follows:

27 354-A:8 Equal Housing Opportunity Without Discrimination a Civil Right. The opportunity to
28 obtain housing without discrimination because of age, sex, gender identity, race, creed, color, marital
29 status, familial status, physical or mental disability or national origin is hereby recognized and
30 declared a civil right. In addition, no person shall be denied the benefit of the rights afforded by this
31 section on account of that person's sexual orientation.

32 354-A:9 Definitions. In this subdivision:

33 I. "Aggrieved person" includes any person who:

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

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

CHAPTER 152
SB 126-FN - FINAL VERSION
- Page 3 -

1 II. "Discriminatory housing practice" means an act that is unlawful under section 804, 805,
2 806, or 818 of the Fair Housing Act, 42 U.S.C. section 3601, et seq.

3 III. "Family" includes a single individual.

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

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

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

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

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

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

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

20 (b) Secured by residential real estate.

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

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

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

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

33 354-A:10 Civil Rights Violations; Real Estate Transactions. It shall be an unlawful
34 discriminatory practice because of age, sex, gender identity, race, religion, color, marital status,
35 familial status, physical or mental disability or national origin to:

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

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

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

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

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

9 VI. Make, print, or publish, or cause to be made, printed, or published, any notice,
10 statement, advertisement, or sign, with respect to the sale or rental of a dwelling, or commercial
11 structure, that indicates any preference, limitation, or discrimination based on race, color, religion,
12 sex, marital status, familial status, physical or mental disability, sexual orientation, or national
13 origin, or an intention to make any such preference, limitation, or discrimination.

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

17 354-A:11 Disability.

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

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

27 III. It is a civil rights violation:

28 (a) To refuse to permit, at the expense of the person with a disability, reasonable
29 modifications of existing premises occupied or to be occupied by such person if such modifications
30 may be necessary to afford such person full enjoyment of the premises; except that, in the case of a
31 rental, the landlord may, where it is reasonable to do so, condition permission for a modification on
32 the renter agreeing to restore the interior of the premises to the condition that existed before
33 modifications, reasonable wear and tear excepted. The landlord may not increase for persons with a
34 disability any customarily required security deposit. However, where it is necessary in order to
35 ensure with reasonable certainty that funds will be available to pay for the restorations at the end of
36 the tenancy, the landlord may negotiate as part of such a restoration agreement a provision
37 requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a

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1 reasonable amount of money not to exceed the cost of the restorations. The interest in any such
2 account shall accrue to the benefit of the tenant. A landlord may condition permission for a
3 modification on the renter providing a reasonable description of the proposed modifications as well
4 as reasonable assurances that the work will be done in a workmanlike manner and that any
5 required building permits will be obtained;

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

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

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

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

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

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

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

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

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

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

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

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

34 VII. The commission shall encourage, but may not require, units of local government to
35 include in their existing procedures for the review and approval of newly constructed covered
36 multifamily dwellings, determinations as to whether the design and construction of such dwellings

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1 are consistent with subparagraph III(c), and shall provide technical assistance to units of local
2 government and other persons to implement the requirements of subparagraph III(c).

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

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

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

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

16 354-A:12 Blockbusting. It is a civil rights violation for any person to:

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

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

26 III. Intentionally create alarm, among residents of any community, by transmitting
27 communications in any manner, including a telephone call whether or not conversation thereby
28 ensues, with a design to induce any owner of residential real estate in this state to sell or lease his or
29 her property because of any present or prospective entry into the vicinity of the property involved of
30 any person or persons of any particular race, color, religion, national origin, ancestry, age, sex,
31 sexual orientation, gender identity, marital status, familial status or disability.

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

34 354-A:13 Restrictive Covenants.

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

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

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

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

11 354-A:14 Interference, Coercion, or Intimidation. It is a civil rights violation to coerce,
12 intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of
13 his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any
14 other person in the exercise or enjoyment of, any right granted or protected by this subdivision.

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

16 I. Private sales of single family homes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 152:2 Effective Date. Part III of this act shall take effect January 1, 2022.

Approved: July 23, 2021

Effective Date:

Part I shall take effect July 23, 2021.

Part II shall take effect July 23, 2021.

Part III shall take effect January 1, 2022.

Amendments

Sen. Perkins Kwoka, Dist 21
February 10, 2021
2021-0324s
10/05

Amendment to SB 126-FN

1 Amend the bill by replacing section 1 of Part I with the following:

2

3 1 Actions Against Tenants; Payment After Notice. RSA 540:9 is repealed and reenacted to read
4 as follows:

5 540:9 Payment After Notice.

6 I. Any possessory action based solely on nonpayment of rent shall be dismissed if the tenant,
7 at any time prior to the hearing on the merits, tenders payment to the landlord of all rent due and
8 owing through the time of the tender plus other lawful charges contained in the lease, \$15 liquidated
9 damages, and any filing fee and service charges incurred by the landlord in connection with the
10 possessory action.

11 II. Notwithstanding the provisions of paragraph I, a tenant may not defeat an eviction for
12 nonpayment of rent by use of this section more than 3 times within a 12-month period.

13

14 Amend Part II of the bill by deleting section 1 and renumbering the original sections 2 and 3 to read
15 as 1 and 2, respectively.

UNAPPROVED

Amendment to SB 126-FN

1 Amend the bill by replacing PART III with the following:

2

3

PART III.

4

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

5

1 Law Against Discrimination; Fair Housing; Real Estate Transactions. RSA 354-A:8 through
6 354-A:15 are repealed and reenacted to read as follows:

7

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

12

354-A:9 Definitions. In this subdivision:

13

I. "Aggrieved person" includes any person who:

14

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

15

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

17

II. "Discriminatory housing practice" means an act that is unlawful under section 804, 805,
18 806, or 818 of the Fair Housing Act, 42 U.S.C. section 3601, et seq.

19

III. "Family" includes a single individual.

20

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

22

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

23

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

25

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

29

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

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

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

5 (b) Secured by residential real estate.

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

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

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

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

18 354-A:10 Civil Rights Violations, Real Estate Transactions. It shall be an unlawful
19 discriminatory practice because of age, sex, gender identity, race, religion, color, marital status,
20 familial status, physical or mental disability or national origin to:

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

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

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

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

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

31 VI. Make, print, or publish, or cause to be made, printed, or published, any notice,
32 statement, advertisement, or sign, with respect to the sale or rental of a dwelling, or commercial
33 structure, that indicates any preference, limitation, or discrimination based on race, color, religion,
34 sex, marital status, familial status, physical or mental disability, sexual orientation, or national
35 origin, or an intention to make any such preference, limitation, or discrimination.

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

4 354-A:11 Disability.

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

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

14 III. It is a civil rights violation:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 354-A:12 Blockbusting. It is a civil rights violation for any person to:

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

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

14 III. Intentionally create alarm, among residents of any community, by transmitting
15 communications in any manner, including a telephone call whether or not conversation thereby
16 ensues, with a design to induce any owner of residential real estate in this state to sell or lease his or
17 her property because of any present or prospective entry into the vicinity of the property involved of
18 any person or persons of any particular race, color, religion, national origin, ancestry, age, sex,
19 sexual orientation, gender identity, marital status, familial status or disability.

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

22 354-A:13 Restrictive Covenants.

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

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

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

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

36 354-A:14 Interference, Coercion, or Intimidation. It is a civil rights violation to coerce,
37 intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of

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1 his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any
2 other person in the exercise or enjoyment of, any right granted or protected by this subdivision.

3 354-A:15 Exemptions. Nothing contained in RSA 354-A:10 shall prohibit:

4 I. Private sales of single family homes.

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

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

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

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

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

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

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19 in one of the housing accommodations. This exemption does not apply to RSA 354-A:10, VII.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 354-A:15-a Complaint Procedures.

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

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

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

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

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

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

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- Page 9 -

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

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

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

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

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

22 (a) If a timely election is made by either party, the commission shall immediately notify
23 the office of the attorney general, who shall file a civil action on behalf of the aggrieved person
24 within 30 days after a timely election is made. Any complainant may intervene as of right in said
25 civil action. The commission shall administratively close the case, without prejudice.

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

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

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

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

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

7 354-A:15-b Remedies; Relief Sought and Granted.

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

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

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

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

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

21 (b) Assess to the respondent civil penalties not to exceed \$10,000 for the first offense,
22 \$25,000 for the second offense within a 5-year period ending at the time of filing the complaint;
23 \$50,000 for a third or subsequent offense within a 7-year period ending at the time of filing the
24 complaint. In a proceeding involving 2 or more respondents, the hearing commissioners may assess
25 a civil penalty against each respondent that the hearing commissioners determine has been engaged
26 or is about to engage in a discriminatory housing practice.

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

29 354-A:15-c Review of Commission's Final Administrative Decision; Enforcement of Order of
30 Commission.

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

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

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

UNAPPROVED

Amendment to SB 126-FN

1 Amend the bill by replacing Parts I and II with the following:

2

3

PART I

4

Relative to a notice to quit for residential tenants.

5

1 Actions Against Tenants; Payment After Notice. RSA 540:9 is repealed and reenacted to read
6 as follows:

7

540:9 Payment After Notice.

8

I. Any possessory action based solely on nonpayment of rent shall be dismissed if both of the
9 following occur:

10

(a) The tenant, at any time prior to the hearing on the merits, pays to the landlord, in
11 cash, certified check, prepaid money order, electronic transfer, or other guaranteed or immediately
12 drawable funds, including any form of payment specified in 540:9-a, I, all rent due and owing
13 through the time of such payment plus other lawful charges contained in the lease, \$15 liquidated
14 damages, and any filing fee and service charges incurred by the landlord in connection with the
15 possessory action; and

16

(b) The landlord also submits prior to the hearing date a receipt of such payment to
17 court and states in writing that a copy of same receipt has also been forwarded to the tenant prior to
18 the time and date of the hearing on the merits. If the landlord fails to file such receipt the hearing
19 on the merits shall proceed, and if the tenant proves that payment has been made in accordance
20 with subparagraph (a), the case shall be dismissed.

21

II. Notwithstanding the provisions of paragraph I, a tenant may not defeat an eviction for
22 nonpayment of rent by use of this section more than 3 times within a 12-month period.

23

2 Rent; Payment by Voucher. Amend RSA 540:9-a, I to read as follows:

24

I. Any rental payment or partial rental payment tendered by the tenant in the form of a
25 written promise to pay on behalf of the tenant by the state, a county or a municipality of this state,
26 or a payment by any organization which disburses federal or state funds, and any application by a
27 municipality of amounts owed to it by a landlord pursuant to RSA 165:4-a, shall constitute payment
28 by the tenant of the amount represented in the voucher, and of any amount applied by a
29 municipality to delinquent balances of the landlord; provided, that this section shall not be construed
30 to obligate a landlord to accept partial rental payments [~~or payments tendered after the expiration of~~
31 ~~the eviction notice~~].

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3 Effective Date. Part I of this act shall take effect upon its passage.

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PART II

Relative to prohibiting certain denials of rental assistance.

1 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.

2 Effective Date. Part II of this act shall take effect upon its passage.

UNAPPROVED

Amendment to SB 126-FN

1 Amend the bill by replacing Parts I, II and III with the following:

2

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PART I

4

Relative to a notice to quit for residential tenants.

5

1 Actions Against Tenants; Payment After Notice. RSA 540:9 is repealed and reenacted to read as follows:

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7

540:9 Payment After Notice.

8

I. Any possessory action based solely on nonpayment of rent shall be dismissed if both of the following occur:

9

10

(a) The tenant, at any time prior to the hearing on the merits, pays to the landlord, in cash, certified check, prepaid money order, electronic transfer, or other guaranteed or immediately drawable funds, including any form of payment specified in 540:9-a, I, all rent due and owing through the time of such payment plus other lawful charges contained in the lease, \$15 liquidated damages, and any filing fee and service charges incurred by the landlord in connection with the possessory action; and

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(b) The landlord also submits prior to the hearing date a receipt of such payment to court and states in writing that a copy of same receipt has also been forwarded to the tenant prior to the time and date of the hearing on the merits. If the landlord fails to file such receipt the hearing on the merits shall proceed, and if the tenant proves that payment has been made in accordance with subparagraph (a), the case shall be dismissed.

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II. Notwithstanding the provisions of paragraph I, a tenant may not defeat an eviction for nonpayment of rent by use of this section more than 3 times within a 12-month period.

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23

2 Rent; Payment by Voucher. Amend RSA 540:9-a, I to read as follows:

24

I. Any rental payment or partial rental payment tendered by the tenant in the form of a written promise to pay on behalf of the tenant by the state, a county or a municipality of this state, or a payment by any organization which disburses federal or state funds, and any application by a municipality of amounts owed to it by a landlord pursuant to RSA 165:4-a, shall constitute payment by the tenant of the amount represented in the voucher, and of any amount applied by a municipality to delinquent balances of the landlord; provided, that this section shall not be construed to obligate a landlord to accept partial rental payments [~~or payments tendered after the expiration of the eviction notice~~].

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3 Effective Date. Part I of this act shall take effect upon its passage.

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PART II

Relative to prohibiting certain denials of rental assistance.

1 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.

2 Effective Date. Part II of this act shall take effect upon 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.

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

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

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

8 (b) Secured by residential real estate.

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

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

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

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

21 354-A:10 Civil Rights Violations; Real Estate Transactions. It shall be an unlawful
22 discriminatory practice because of age, sex, gender identity, race, religion, color, marital status,
23 familial status, physical or mental disability or national origin to:

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

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

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

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

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

34 VI. Make, print, or publish, or cause to be made, printed, or published, any notice,
35 statement, advertisement, or sign, with respect to the sale or rental of a dwelling, or commercial
36 structure, that indicates any preference, limitation, or discrimination based on race, color, religion,

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1 sex, marital status, familial status, physical or mental disability, sexual orientation, or national
2 origin, or an intention to make any such preference, limitation, or discrimination.

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

6 354-A:11 Disability.

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

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

16 III. It is a civil rights violation:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 354-A:12 Blockbusting. It is a civil rights violation for any person to:

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

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

14 III. Intentionally create alarm, among residents of any community, by transmitting
15 communications in any manner, including a telephone call whether or not conversation thereby
16 ensues, with a design to induce any owner of residential real estate in this state to sell or lease his or
17 her property because of any present or prospective entry into the vicinity of the property involved of
18 any person or persons of any particular race, color, religion, national origin, ancestry, age, sex,
19 sexual orientation, gender identity, marital status, familial status or disability.

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

22 354-A:13 Restrictive Covenants.

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

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

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

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

36 354-A:14 Interference, Coercion, or Intimidation. It is a civil rights violation to coerce,
37 intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of

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1 his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any
2 other person in the exercise or enjoyment of, any right granted or protected by this subdivision.

3 354-A:15 Exemptions. Nothing contained in RSA 354-A:10 shall prohibit:

4 I. Private sales of single family homes.

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

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

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

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

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

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

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

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

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

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

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

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

Amendment to SB 126-FN

- Page 8 -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amendment to SB 126-FN

- Page 9 -

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

Committee Minutes

SENATE CALENDAR NOTICE

Commerce

Sen Harold French, Chair
Sen Bill Gannon, Vice Chair
Sen Jeb Bradley, Member
Sen Donna Soucy, Member
Sen Kevin Cavanaugh, Member

Date: February 18, 2021

HEARINGS

Tuesday	03/02/2021	
(Day)	(Date)	
Commerce	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	SB 107	relative to financial assistance for businesses affected by the COVID-19 pandemic.
9:15 a.m.	SB 126-FN	adopting omnibus legislation on landlord tenant proceedings.
9:30 a.m.	SB 160-FN	relative to multiple employer welfare arrangements.

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/98120126504>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-312-626-6799, or 1-646-558-8656, or 1-301-715-8592, or 1-346-248-7799, or 1-669-900-9128, or 1-253-215-8782
3. Or iPhone one-tap: 13126266799,,98120126504# or 16465588656,,98120126504#
4. Webinar ID: 981 2012 6504
5. To view/listen to this hearing on YouTube, use this link: <https://www.youtube.com/channel/UCiBZdtriRnQdmg-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 or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 107

Sen. Perkins Kwoka
Sen. Sherman
Rep. McBeath
Rep. Wilhelm

Sen. D'Allesandro
Sen. Cavanaugh
Rep. Griffith

Sen. Rosenwald
Sen. Prentiss
Rep. Kenney

Sen. Watters
Sen. Soucy
Rep. DiLorenzo

SB 126-FN

Sen. Perkins Kwoka

SB 160-FN

Sen. Bradley

Aaron Jones 271-4063

Harold F. French
Chairman

Senate Commerce Committee
Aaron Jones 271-4063

SB 126-FN, adopting omnibus legislation on landlord tenant proceedings.

Hearing Date: March 2, 2021

Time Opened: 9:53 a.m. **Time Closed:** 10:52 a.m.

Members of the Committee Present: Senators French, Gannon, Bradley, Soucy and Cavanaugh

Members of the Committee Absent : None

Bill 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.
-

Sponsors:
Sen. Perkins Kwoka

Who supports the bill: Please refer to sign-in sheet

Who opposes the bill: Representative Mark Warden, Jeff Keeler (NH Association of Realtors), Tonda Groetzinger, Sheridan Lloyd, David Canada, Cathryn Baird, Kathleen Lord, Mark Lord

Who is neutral on the bill: Gregory Carson (US Department of Housing & Urban Development), Nick Norman (Apartment Association of NH)

Part I - LSR 21-0873, relative to a notice to quit for residential tenants, sponsored by Sen. Perkins Kwoka, Prime/Dist. 21.

Summary of testimony presented in support:

Senator Rebecca Perkins Kwoka

- As drafted, Part I would extend the 7 day eviction notice to 30 days to provide tenants with extra protections and time to pay their rent especially given the prevalence of COVID-related job losses.

- Under existing statute, tenants are given a 7 day notice period for non-payment. After the 7 days, landlords can commence the eviction process if they feel the circumstances warrant it.
- Given stakeholder feedback, Senator Perkins Kwoka introduced Amendment 21-0324s, which would replace the entirety of Part I.
- As amended, Part I would permit tenants to make payments up to the date of the eviction hearing. Part I would no longer extend the time of the overall eviction process.

Jessica Margeson, Volunteer, Granite State Organizing Project

- Regardless of the outcome, every court action taken against a tenant reflects poorly on them.
- For example, if a tenant has been taken to court three times, then they will have to defend themselves against the next landlord when they apply for housing.
- Part I would help tenants avoid extra court hearings as well as possible homelessness.
- While there are always a few bad apples, extending the eviction notice period would provide families with extra time to apply for rental assistance funds. Currently, there are funds available through the CARES Act. However, those funds are provided on a first come, first serve basis without consideration of any extenuating circumstances.
- Ms. Margeson said Part I only would hurt the highly litigious landlords.

Elliott Berry, Director of Housing Justice, New Hampshire Legal Assistance

- Mr. Berry agreed that the original language of Part I shouldn't go forward; however, he supported the amendment.
- Currently, a tenant has the right to pay and stay within their dwelling until the 7 day eviction notice has been reached. If a tenant pays everything, including the landlords court costs, then an eviction doesn't occur.
- As amended, Part I would extend the right to pay and stay until the time of the court date. As Senator Perkins Kwoka stated, it wouldn't extend the eviction process at all.
- Recently, in response to the pandemic, New Hampshire received \$200 million dollars in federal relief to help tenants pay their rent.
 - Mr. Berry estimated that it would take a minimum of 30 days for tenants to go through the application process and to receive a decision on their application.
- Under existing law, welfare administrators are the last resort for tenants who cannot pay their rent. This places extreme pressure on welfare administrators to make decisions quickly.
- If passed, Part I would allow tenants and administrators the time they need to work through a complicated new program that will allow tenants to fully reimburse their landlords.

Elissa Margolin, Director, Housing Action NH

- Ms. Margolin said that Housing Action NH supported the proposed amendment.
- Housing Action NH utilizes a fair and functional litmus test to determine whether they will support landlord-tenant policy.
- According to Ms. Margolin, the proposed amendment would create fairness as well as improve the exchange between renters and landlords during a challenging time.
- In January, Moody's Analytics found that New Hampshire was at the most risk of an eviction crisis.
- As Mr. Berry mentioned, New Hampshire will have a rental assistance program that will be launched through New Hampshire Housing on March 15.
- Part I, according to Ms. Margolin, made sense for housing stabilization and it made sense for landlords to allow tenants to pay in full up to the date of the eviction hearing.

Summary of testimony presented in opposition:

Jeff Keeler, on behalf of the New Hampshire Association of Realtors

- The New Hampshire Association of Realtors is strongly opposed to Part I.
- Mr. Keeler owns a 24-unit apartment and there have been tenants who have experienced issues caused by the pandemic. For those who have fallen behind, Mr. Keeler has worked with them to establish payment plans or helped reduce their rent until they're caught up. There have been some tenants who gotten behind and they have moved out in the middle of the night.
- Under the existing statute, landlords already experience up to 2 to 3 months of rent loses as a result of the eviction process.
- A landlord can try to recoup losses in small claims court; however, Mr. Keeler said that's unproductive because most tenants stop paying after a while.
- Mr. Keeler believed the existing system provides tenants with adequate time to state their case, catch up on their rent if they're able to, or to work out a payment plan with their landlord.
- Throughout the pandemic, landlords have suffered greatly because mortgage companies still want to get paid despite landlords not receiving money from their tenants.
- **Senator Soucy** asked if Mr. Keeler could comment on Senator Perkins Kwoka's proposed amendment. In the amendment, the date of the eviction process wouldn't be changed. Instead, it would allow for tenants to make payments up until their court date.
 - **Mr. Keeler** wasn't sure if Senator Soucy was suggesting that a tenant might be able to work out a payment plan with a landlord while they were still in the unit or after they had already left.

- **Senator Soucy** said from her understanding it would be while the tenant is still in the unit. Senator Soucy emphasized that the amendment would allow for payments up until an eviction hearing.
 - **Mr. Keeler** replied that current law already allows tenants to pay past rent at any time. Further, a tenant cannot be evicted for failure to pay unless they've done it three or more times in a 12-month period. From his personal experience, Mr. Keeler said it would be foolish to lose a good tenant, especially if a payment plan could be established. Mr. Keeler concluded this change wasn't necessary because it's only seeking to fix a short-term problem.

Nick Norman, Government Chair, Apartment Association of New Hampshire

- **Mr. Norman** said the Association is opposed to Part I; however, they're neutral on the amendment.
- ~~As previously stated, an eviction can take between 2 and 3 months to be finalized.~~
- As Mr. Keeler mentioned, existing laws provide many remedies that a tenant can use to stay in their home.
- **Mr. Norman** said it makes the most sense from a business and human perspective for landlords to work with their tenants to establish payment plans. After a payment plan has been established, an eviction can be stayed.
- **Mr. Norman** felt it was unconscionable for landlords to lose an additional 23 days of rent on a bad tenant, especially given that the existing law has worked since 1978.
- As drafted, Part I would increase the risk property owners take on. As a result of increased risk, landlords are likely to raise rents to cover any losses.
- Also, increased risk would result in more stringent rental requirements. Consequently, more people might not qualify for an apartment, which would worsen homelessness and the affordability of housing throughout the state.
- **Senator French** asked **Mr. Norman** if he had seen the amendment.
 - **Mr. Norman** replied that he did.
- **Senator French** asked if it changed anything.
 - **Mr. Norman** said it did change things.
- **Senator French** asked **Mr. Norman** if he could explain the changes.
 - **Mr. Norman** responded that if a tenant pays outstanding rent by the end of the 7 days, then their eviction is nulled. A tenant can only do this 3 times within a 12-month period. The amendment would allow a tenant to pay their rent as well as any other costs incurred. **Mr. Norman** felt that would be fair because it would make landlords hold while a tenant gets caught up before an eviction hearing. Under existing law, a tenant only pays rent that's past due, not any additional rent accrued in the interim or other associated costs.

Neutral Information Presented: None

Part II - LSR 21-0878, relative to prohibiting certain denials of rental assistance, sponsored by Sen. Perkins Kwoka, Prime/ Dist. 21.

Summary of testimony presented in support:

Senator Rebecca Perkins Kwoka

- Part II would enable tenants to apply for and receive rental assistance prior to an eviction notice being issued.
- Currently, the inspection process often adds an additional step before a tenant can receive assistance.
- When repairs are needed, a landlord might take time to decide whether they want to make an investment in the repairs or not. Meanwhile, a tenant can be left without potential assistance and/or housing.
- Senator Perkins Kwoka said that everyone wants tenants to have excellent housing. However, given New Hampshire's tight housing market and housing crisis, the Legislature needed to acknowledge processes that could provide people with a little bit of breathing room.
- While there's support for Part I and Part II, Senator Perkins Kwoka said she would be willing to make any changes to both parts if necessary.

Elliott Berry, Director of Housing Justice, New Hampshire Legal Assistance

- Part II was included into an omnibus bill last session, but it was vetoed.
- Mr. Berry supported Amendment 21-0324s. He wanted to clarify that the inspection language had been removed in that amendment.
- The amendment would simply clarify the current practice of most welfare administrators.
- In most instances, a tenant doesn't have to go to the welfare office with an eviction notice before they can receive rental assistance. This is important because it helps to ensure the relationship between tenants and landlords doesn't deteriorate.
- Mr. Berry encouraged the Committee to adopt the amendment because it was a win-win for everyone.

Nick Norman, Government Chair, Apartment Association of New Hampshire

- The original bill had two sections.
 - First, assistance couldn't be denied if a property was determined to be substandard.
 - Mr. Norman said he had never seen anything like this before, and the amendment removed this language from the bill.
 - Second, an agency providing rental assistance can't deny assistance if a tenant hasn't received an eviction notice.
 - Last year, the Association found that some welfare departments have that restriction in place.

- The Association supported Section 2 of the amendment because they didn't see a reason for any welfare department to require an eviction notice in order for a tenant to receive assistance.

Jessica Margeson, Volunteer, Granite State Organizing Project

- Ms. Margeson supported Part II.
- She also hadn't come across anyone needing an inspection done before receiving assistance.
- However, when Section 8 is used, then a certificate of compliance must be obtained from the city.

Summary of testimony presented in opposition: None

Neutral Information Presented: None

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.

Summary of testimony presented in support:

Senator Regina Birdsell

- Part III was filed at the request of the New Hampshire Human Rights Commission.
- New Hampshire used to have an agreement with HUD, but the state has since fallen out of compliance with them. Consequently, the Commission isn't reimbursed for its work.
- Part III would update or replace sections of the Fair Housing statute to mirror language and definitions that are contained within existing HUD regulations.
- Senator Birdsell offered Amendment 21-0562s, which would remove Sections 12, 13, 14 as well as Romans VI, IX, and XI from Section 15.
- **Senator French** asked if Section 14 would be taken out completely.
 - **Senator Birdsell** said she believed it would, but Executive Director Ahni Malachi would be able to go over the changes made.

Ahni Malachi, Executive Director, New Hampshire Human Rights Commission

- As Senator Birdsell stated, the intention of Part III is for the Commission to be in alignment with the federal Housing Act.
- The Commission was created in 1965 to enforce discrimination laws. Currently, the Commission pursues discrimination cases related to employment, public accommodations, housing, and education.
- In 2000, HUD updated their rules and statutes, which led to a lot of states falling out of compliance.
- If passed, Part III would allow New Hampshire to reobtain a workshare agreement with HUD. This would allow the Commission to be reimbursed for the work they currently do.

- The Commission has a similar workshare agreement with the Equal Employment Opportunity Commission (EEOC), which reimburses the Commission for employment discrimination cases.
- Over the past 20 years, there have been attempts made to pass similar legislation, but they have been unsuccessful.
- New Hampshire is the only state east of the Mississippi River that doesn't have a contract with HUD.
- Executive Director Malachi reiterated that the changes would enable the Commission to be substantially equivalent with the federal Housing Act.
- **Senator Soucy** asked if Executive Director Malachi could review the amendment.
 - **Executive Director Malachi** said she met with stakeholders, including HUD, to discuss changes that needed to be made. Many of the changes were minor language tweaks or removals.
 - Section 354-A:10, Roman VI included protected classes that weren't previously listed in the original bill. This helped assuage the concerns of the Realtors Association that the language in the original bill was too vague.
 - The following sections were removed – Sections 354-A:12, 354-A:14, and 354-A:15-b, Romans VI, IX, and XI. While some of these issues had merit, Executive Director Malachi said the Commission felt it would be unreasonable to include them without gathering community input. These sections were also removed because:
 - Section 354-A:14 contained language that didn't align with HUD.
 - Section 354-A:15-b, Roman VI made changes that were more restrictive than existing law.
 - Section 354-A:15-b, Roman IX contained language pertaining to protected classes that were already in Section 354-A:10, Roman VI.
 - Section 354-A:15-b, Roman XI would have inadvertently provided class protections to child sex offenders.
- Executive Director Malachi concluded that she would keep everyone, including the stakeholders, informed of the additional changes being proposed by HUD.

Joe Haas

- Many years ago, Representative Brewster tried to include civil liberties in the chain of title.
- At that time, the Commission was opposed to that measure because it would have placed more work on their volunteer staff.
- Mr. Haas encouraged the Committee to include civil liberties alongside civil rights. He said that these phrases aren't the same, and that civil liberties would include the right to privacy and guarantee Fourth Amendment protections.

Jeff Keeler, on behalf of the New Hampshire Association of Realtors

- Mr. Keeler said the Association supported the intent behind Part III.

- Currently, the Realtor Code of Ethics goes beyond state statute. In fact, members are responsible for their words and actions on social media, even outside of a real estate transaction.
 - The Association did have prior concerns with the language of Part III; however, while he hadn't seen the final version of the amendment, he was satisfied with the previous changes submitted to them by Executive Director Malachi.
 - **Senator French** wanted clarification if Mr. Keeler had seen the final amendment.
 - **Mr. Keeler** replied that they had received a version of the amendment, but he wasn't sure if it was the same version the Committee had. He said there might have been tweaks made since they last discussed it with Executive Director Malachi, but he couldn't say for certain.
 - **Senator French** asked if Mr. Keeler could reach back out to the Committee once he had seen the amendment to confirm he approved of the language.
 - **Mr. Keeler** said absolutely.
-

Summary of testimony presented in opposition: None

Neutral Information Presented:

Nick Norman, Government Chair, Apartment Association of New Hampshire

- Mr. Norman requested the Committee hold the amendment for one or two weeks to allow the Association to examine its impacts.
- Also, Mr. Norman provided the Committee with his contact information and requested that Executive Director Malachi reach out to him.
 - In response to Mr. Norman's request, Executive Director Malachi said she would connect with him to go through any questions he had.

AJ

Date Hearing Report completed: March 5, 2021

Speakers

Commerce Committee Testify List for Bill SB126 on 2021-03-02

Support: 100 Oppose: 8 Neutral: 2 Total to Testify: 12

<u>Name</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>
Norman Nick	Apartment Association of NH advocate for landlords. Part I original Against Part I amendment Neutral; Part II original For; Part III undetermined	Neutral	Yes
Margolin Elissa	Housing Action NH	Support	Yes
Barnes Ken	Myself	Support	Yes
Spencer Donnie	Myself	Support	Yes
Birdsell Senator Regina	Senate District 19 (Supporting Part III)	Support	Yes
Perkins Kwoka Senator Rebecca	Myself (SD 21)	Support	Yes
Berry Elliott	NH Legal Assistance	Support	Yes
Malachi Ahni	Myself	Support	Yes
Margeson Jessica	Myself	Support	Yes
Carson ESQ. Gregory	US Dept of Housing & Urban Dev (HUD)	Neutral	Yes
Haas Joe	Myself	Support	Yes
Keeler Jeff	NH Association of REALTORS	Oppose	Yes
Atkinson Matthew	Myself	Support	No
Smith Megan	Myself	Support	No
Faltus Eugene	Myself	Support	No
Cote Lois	Myself	Support	No
Groetzinger Tonda	Myself	Oppose	No
Frost Sherry	Myself	Support	No
Glass Jonathan	Myself	Support	No
Crandell Jane	Myself	Support	No
Koch Helmut	Myself	Support	No
Irwin Virginia	Myself	Support	No
Oscadal Joanne	Myself	Support	No
Dahme Pat	Myself	Support	No
Perez Maria	District 24	Support	No
Clark Denise	Myself	Support	No
Necol Barbara	Myself	Support	No

Commerce Committee Testify List for Bill SB126 on 2021-03-02

Support: 100 Oppose: 8 Neutral: 2 Total to Testify: 12

Name	Representing	Position	Testifying
Raspiller Cindy	Myself	Support	No
Brown Howard	Myself	Support	No
Brown William	Myself	Support	No
Brown Morgan	Myself	Support	No
Beaulieu Rebecca	Myself	Support	No
Dean Shawn	Myself	Support	No
Rosemary Affeldt	Myself	Support	No
Blais Vanessa	Myself	Support	No
Watters Senator David	Myself (SD 4)	Support	No
Lloyd Sheridan	Myself	Oppose	No
Taylor Stephen	Myself	Support	No
Hinebauch Mel	Myself	Support	No
Canada David	Myself	Oppose	No
Berry Jake	New Futures	Support	No
Keeler Margaret	Myself	Support	No
Lynch Laura	Myself	Support	No
Hackmann Kent	Myself	Support	No
jakubowski dennis	Myself	Support	No
McCarthy Dian	Myself	Support	No
Gillis Kimberly	Myself	Support	No
Dewey Karen	Myself	Support	No
FRIEDRICH ED	Myself	Support	No
Jachim Nancy	Myself	Support	No
Maisttison Maureen	Myself	Support	No
Arnold Neil	Myself	Support	No
Downing George	Myself	Support	No
Weber Jill	Myself	Support	No
Richman Susan	Myself	Support	No
Manseau Joline	Myself	Support	No

Commerce Committee Testify List for Bill SB126 on 2021-03-02

Support: 100 Oppose: 8 Neutral: 2 Total to Testify: 12

<u>Name</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>
Oldak Peter	Myself	Support	No
Casino Joanne	Myself	Support	No
Istel Claudia	Myself	Support	No
ellermann maureen	Myself	Support	No
Baird Cathryn	Myself	Oppose	No
McNamee Brigid	Myself	Support	No
St Germain Diane	Myself	Support	No
Spielman Kathy	Myself	Support	No
Spielman James	Myself	Support	No
Newton Jay	Myself	Support	No
Cunningham Shela	Myself	Support	No
Greenwood Nancy	Myself	Support	No
Stinson Benjamin	Myself	Support	No
Long Julian	Myself	Support	No
Pedersen Michael	Hillsborough 32	Support	No
Garen June	Myself	Support	No
Briggs Ronald	Myself	Support	No
House Don	Myself	Support	No
Warden Mark	Myself	Oppose	No
hatch sally	Myself	Support	No
Straiton Marie	Myself	Support	No
Carter Lilian	Myself	Support	No
Reed Barbara	Myself	Support	No
Brookmeyer Janet	Myself	Support	No
Lucas Janet	Myself	Support	No
Blanchard Sandra	Myself	Support	No
Garber Marcia	Myself	Support	No
Leach Kyle	Myself	Support	No
Smith-Lopez Maria	Myself	Support	No

Commerce Committee Testify List for Bill SB126 on 2021-03-02

Support: 100 Oppose: 8 Neutral: 2 Total to Testify: 12

<u>Name</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>
Jones Andrew	Myself	Support	No
DeMark Richard	Myself	Support	No
Bruce Susan	Myself	Support	No
Katusiime Viola	Granite State Organizing Project	Support	No
Rettew Annie	Myself	Support	No
Jakubowski Deborah	Myself	Support	No
Lord Kathleen	Part I original= Against; Part I amendment= split; Part II original= For; Part III =Kill this part	Oppose	No
Lord Mark	Part I original= Against; Part I amendment= split; Part II original= For; Part III =Kill this part	Oppose	No
Wazir Safiya	My constituents	Support	No
Hope Lucinda	Myself	Support	No
Nelson Elizabeth	Myself	Support	No
Larson Ruth	Myself	Support	No
Fordey Nicole	Myself	Support	No
st.martin tom	Myself (from NH)	Support	No
Quincy Abramson	Myself	Support	No
Torpey Jeanne	Myself	Support	No
Gordon Laurie	Myself	Support	No
Stevens Representative Deb	My 10K constituents	Support	No
Hayes Randy	Myself	Support	No
Perencevich Ruth	Myself	Support	No
Spencer Louise	Myself	Support	No
Spencer Rob	Myself	Support	No
Falk Cheri	Myself	Support	No
Damon Claudia	Myself	Support	No
Corell Elizabeth	Myself	Support	No

Testimony

Aaron Jones

From: Don Cummings <DCummings@acacia-inc.com>
Sent: Monday, February 8, 2021 1:35 PM
To: Harold French; William Gannon; Kevin Cavanaugh; Jeb Bradley; Donna Soucy; Aaron Jones
Subject: SB126 - please vote against this bill

Dear esteemed committee members,

Please vote against this bill.

I provide a highly needed, high demand service in the state of NH...single family home rentals. I own 5 single family homes that I rent out affordably in Portsmouth, Bedford, Manchester and Londonderry. These are not multilevel or duplex homes.

When one of these is available, the demand is extremely high. I have people practically begging me to rent them. The rents range from \$1,725-\$2,250.

Under the current laws, I'm at risk for \$5,000 to more than \$6,000 when I need to evict someone. That doesn't include legal fees or property damage incurred. Insurance won't pay me if a tenant intentionally damage my property. All of that risk is on me.

I'm sure you've heard of unintended consequences...if this bill passes, it may force me sell these single family rentals. The risk will be too great, the business model won't make sense and property values are way up. Why not sell, right?

While the spirit of this bill is to be kind to tenants, in the long run the result may be fewer properties available to rent, pushing rents up even higher than they are now. Not good for tenants.

Please don't persecute "good-guy" landlords. My tenants love me (I'll be happy to let you speak to any one of them). I don't overcharge on rent. I don't charge late fees and I fix anything wrong immediately.

Please vote against this bill.

Thank you for reading this email and for your service.

Kind regards,
Don

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Acacia Communications Inc.

Aaron Jones

From: Sheridan A. Lloyd <Sheridan.Lloyd@myfairpoint.net>
Sent: Wednesday, February 24, 2021 6:43 PM
To: Aaron Jones
Subject: SB126 Omnibus, Permanently Change 7 day to 30 day Eviction Notice, Rental assistance, rewrite NH Discrimination Law

I am against this bill, and ask you to please kill it.
There are numerous unrelated components, that don't allow for individual agreement or disagreement.

Part I
AGAINST.

The bill give tenants who do not pay rent 21 additional days of free rent. There is no reason for this. The 7 day initial notice for non-payment has been the law since before 1978.

It already takes 45-60 days to remove a tenant. That can equate to \$3000 or more. Some evictions in present day law can last 90 days or longer. This is crippling to many landlords and harmful to all, including other tenants on the property if the unfortunate tenant gets unruly.

There are avenues available for tenants who need time to address arrearages, including seeking rental assistance from Community Action, negotiating with the landlord before court, or using the fairly new agreements to stay evictions in a proceeding based upon a negotiated arrangement. Bad tenants will clearly stay in the apartment as long as the law allows, and not pay rent. A landlord will not be able to get the rent after the tenant leaves.

To add almost a month to this is financially crippling to a small landlord, and can be another incident that will make good landlords quit. Landlords, like all business people, want customers- tenants to pay their bills- their rent. None are viciously trying to put people on the streets. The current time line allows the tenant time to get financial assistance, and the eviction can be stopped at any time along the way. A judge already has the authority to grant up to 90 days relief to the tenant which allows ample time for social services to fully assist needy families without devastating small landlords who are the primary provider of housing to renting families in NH.

Removal of 7 day notice will put more small Landlords out of business and increase the homeless population because landlord will move more to never take a chance on a less qualified applicant knowing it would take months to recover. Losses will have to passed to other tenants, costing them more per month. Higher standards on tenants ability to pay Debt To Income ratio would have to be perhaps 35-40%. This will squeeze more marginal tenants into homelessness due to the extra cost and risk to property owners.

What other business are, by law, force to give away free services for 90 days? This would hurt lower income people the most as landlord's qualifications for a tenant would be higher, knowing that there may be 3 months of lost rent for non-payment instead of the current 2. Consider loss of 3 month's rent \$4,500 divided by 12 = \$375 a month increase passed to other tenants plus court cost and utilities.

This is another bill that will add to the overall cost of housing, since, if enacted, landlords must account for longer drawn-out non-paying eviction proceedings- no rent, lost time and eviction costs. In the end, everyone else's rent will go higher to make up the difference.

Part II
FOR

165:4c The attachment of an eviction notice to rental assistance is NOT in the best interest in the tenant, as tenants may not want to get to that point with their landlord, before getting assistance. An example is a tenant that got laid off from their job, in a tough economy, or during a world pandemic. They may know that they won't be able to find a job quickly, and will request emergency rent assistance from the town or city in which they reside. Requiring a tenant to wait for an eviction notice, could put the otherwise great tenant in a bad position with the landlord. Landlords don't want to evict tenants, and allowing a tenant to apply for assistance, before the landlord is aware of financial difficulties, helps the tenant maintain dignity.

Part III

Too long and important to be included with the other two sections.

For these reasons, this bill, SB126, should be killed.

Regards,
Sheridan Lloyd

Aaron Jones

From: Kit <blue2skyproperties@gmail.com>
Sent: Monday, March 1, 2021 5:14 PM
To: Harold French; William Gannon; Kevin Cavanaugh; Jeb Bradley; Donna Soucy; Aaron Jones
Cc: rpkwoka@gmail.com
Subject: Re: Fw: Omnibus SB126 split opinions

Dear Judiciary Committee,

Overall, I feel this bill should be voted down, but at least the amendment is a little better.

Part 1 original text: AGAINST, kill this bill.

Part 1 Amendment 2021-0324s has good and bad in it.

FOR: dropping the 30day period and that rental assistance could be denied due to the existence of substandard housing.

AGAINST: loss of not accepting rent after the initial 7 days and proceeding with eviction if not paid up in 7 days.

Part 2 original bill: FOR no eviction notice required for municipality assistance.

Part 3: Landlords already are required to follow federal Fair Housing Anti-discrimination statutes. This section of the bill should be deleted, NH doesn't need to copycat this.

Thank you,

Mark Lord,Northwood

On Mon, Mar 1, 2021 at 5:04 PM Kit Lord <kitlord@yahoo.com> wrote:

----- Forwarded Message -----

From: Kit Lord <kitlord@yahoo.com>
To: Harold.French@leg.state.nh.us <harold.french@leg.state.nh.us>; William.Gannon@leg.state.nh.us <william.gannon@leg.state.nh.us>; Kevin.Cavanaugh@leg.state.nh.us <kevin.cavanaugh@leg.state.nh.us>; Jeb.Bradley@leg.state.nh.us <jeb.bradley@leg.state.nh.us>; Donna.Soucy@leg.state.nh.us <donna.soucy@leg.state.nh.us>; aaron.jones@leg.state.nh.us <aaron.jones@leg.state.nh.us>
Cc: rpkwoka@gmail.com <rpkwoka@gmail.com>
Sent: Monday, March 1, 2021, 4:44:40 PM EST
Subject: Omnibus SB126 split opinions

Dear legislators,

I now have different opinions on various parts of SB126 as follows.

Part 1 original version: AGAINST, kill this bill.

Part 1 Amendment 2021-0324s is split-

definitely FOR the idea of dropping the 30day period (sticking with 7day process) & FOR "no rental assistance shall be denied due to the existence of substandard housing";

but AGAINST the loss of the ability to not accept rent after the initial 7 days and proceed with eviction if it was not cured in 7 days.

Part 2 original: FOR the idea of "no eviction notice required for municipality assistance".

Part 3: This is too massive right now, I don't see a hot timeline is needed here. It may be totally unnecessary if all it does is take Federal statutes and copy them into State statutes. Landlords already have to follow the federal Fair Housing Anti-discrimination statutes! However, if this section manipulates this information and throws us a curve-ball at State level, it's going to need a lot more study. I'd say get rid of this section so the good parts of the rest of the omnibus get put into place first.

Sincerely,
Kit Lord
Northwood

--
Kit Lord
Blue Sky Properties
603.608.6894

Aaron Jones

From: Kit Lord <kitlord@yahoo.com>
Sent: Monday, March 1, 2021 4:45 PM
To: Harold French; William Gannon; Kevin Cavanaugh; Jeb Bradley; Donna Soucy; Aaron Jones
Cc: rpkwoka@gmail.com
Subject: Omnibus SB126 split opinions

Dear legislators,

I now have different opinions on various parts of SB126 as follows.

Part 1 original version: AGAINST, kill this bill.

Part 1 Amendment 2021-0324s is split-
definitely FOR the idea of dropping the 30day period (sticking with 7day process) & FOR "no rental assistance shall be denied due to the existence of substandard housing";
but AGAINST the loss of the ability to not accept rent after the initial 7 days and proceed with eviction if it was not cured in 7 days.

Part 2 original: FOR the idea of "no eviction notice required for municipality assistance".

Part 3: This is too massive right now, I don't see a hot timeline is needed here. It may be totally unnecessary if all it does is take Federal statutes and copy them into State statutes. Landlords already have to follow the federal Fair Housing Anti-discrimination statutes! However, if this section manipulates this information and throws us a curve-ball at State level, it's going to need a lot more study. I'd say get rid of this section so the good parts of the rest of the omnibus get put into place first.

Sincerely,
Kit Lord
Northwood

Aaron Jones

From: Jennifer Sweet <jenniferl.sweet81@gmail.com>
Sent: Monday, March 1, 2021 10:15 AM
To: Harold French; William Gannon; Kevin Cavanaugh; Jeb Bradley; Donna Soucy; Aaron Jones
Subject: Upcomming Bills

I would like to voice my concerns over some of the upcoming House and senate bills. My first area of concern is SB126: I am strongly against this.

Part I The bill gives tenants who do not pay rent 21 additional days of free rent. There is no reason for this. The 7 day initial notice for non-payment has been the law since before 1978. With all the remaining built in time required to evict it is fare with no need to change it now.

There are avenues available for tenants who need time to address arrearages, including seeking rental assistance from Community Action, negotiating with the landlord before court, or using the fairly new agreements to stay evictions in a proceeding based upon a negotiated arrangement. Bad tenants will clearly stay in the apartment as long as the law allows, and not pay rent. Collection of the rent after the tenant moves is very unlikely. Further, during that period, many non-paying tenants, who think have nothing to lose, damage the apartment and cause problems for the other tenants in the building. The longer they are there, the more damage & disturbance they cause.

It already takes 45-60 days to remove a tenant. That can equate to \$3000 or more. Some evictions in present day law can last 90 days or longer. This is crippling to many landlords and harmful to all. To add another (close to) a month to this is unconscionable. All any landlord wants is for good tenants to pay their rent. None are viciously trying to put people on the streets. The current time line allows the tenant time to get services as the eviction can be stopped at any time along the way up to and including the time the sheriff is at the door. A judge already has the authority to grant up to 90 days relief to the tenant which allows ample time for social services to fully assist needy families without devastating small landlords who are the primary provider of housing to renting families in NH.

Adding another 23 days to the process will not increase the likelihood that the tenant is able to stay in the apartment, since they have so much time and opportunity already under current law to figure out the situation. All this means is that landlords will go a longer time without rent in a non-payment of rent scenario.

Removal of the 7 day notice will put more small Landlords out of business and increase the homeless population because landlord will move more to never take a chance on a less qualified applicant knowing it would take months to recover.

Losses will have to pass to other tenants, costing them more per month. Higher standards on tenants ability to pay Debt To Income ratio of 50% now it would have to be perhaps 35-40%. This will squeeze more marginal tenants into homelessness due to the extra cost and risk to property owners. What other business do you (Politicians) force to give away free services for 90 days? This would hurt lower income people the most as landlord's qualifications for a tenant would be higher. Consider loss of 3 month's rent \$4,500 divided by 12 = \$375 a month increase passed to other tenants plus court cost and utilities

Material term of lease is a well established requirement. If it's okay for one person to work on their car the next one will be changing an engine. Who's then responsible for the potential hazardous waste?

Moving from 7 day to 30 day notice would mean more landlords start their evictions like clockwork on the day after rent is due resulting in many more eviction notices.

Under this bill, most landlords would go 2.5 months or more without rent. This is another bill that will add to the overall cost of housing, since, if enacted, landlords must account for higher vacancies. In the end, everyone else's rent will go higher to make up the difference.

To encourage new housing, affordable housing, and good housing, barriers need to be kept as low as possible to make developers and landlords want to do business in New Hampshire.

My second area of concern is HB160. I would like to see this bill killed. This is rent control.

This bill is an unnecessary burden and a form of rent control and should immediately be killed for the rent control camel's nose under tent reasons alone. Don't be fooled, this is the beginning of rent control.

Rent Control comes in many varieties from small to large. Any restriction on free enterprise, specifically rents is a form of rent control. Rent control has over and over proven to be a failed policy.

Rent control warps markets and leads to poorly maintained properties. These new requirements do not account for significant expenses a landlord might incur, such as a massive property tax increase or a major capital expense such as an expensive roof or paved driveway or updated heating systems. We do not want to discourage property owners from making improvements to their properties; how they recoup those investments should be determined by them, not by legislation.

Real estate value is determined by income vs. expenses. In a free market it doesn't work to limit income without limiting the expenses. Also, in order to sell a building many buyers look to increase the income from tenants (that know they've been getting a good deal for years) in order to pay for the mortgage. To limit or stifle the sale of buildings will lead to many problems. Automatic rent increases, deferred maintenance etc.

If a 60 or 90 day notice is kept for rent increase and tenant's notice of terminating lease is 30 days then entire intention of the bill won't work.

If tenants are looking for apartments 60 to 90 days out but nothing like that is available because present tenants are only giving 30 days notice then landlords are going to be receiving lots of calls from people looking for apartments while they don't have an inventory of apartments turning over because most of the potential rentals for the tenant moving are not even on the market yet. So effectively, the tenant that is moving really only gets the last 30 days of real-time finding something. There will become waiting lists. This will naturally drive prices up and only the best applicants accepted leaving others with out housing. If tenants are only required to give 30 days notice why should 90 days be required on the landlord? It also makes landlords speculate on what the market will be, especially if the rent increase notice has to be given before the rental season.

In short, this will further increase demand of a limited supply, which will result in more rent increases.

When property taxes, water bills, heating bills, and other costs to the landlord increase he needs to be able to pass these on in a timely manner.

Rents are increasing in New Hampshire largely because there is a housing shortage. This has occurred for a number of reasons, including that it is very expensive and requires a lot of capital to build housing. Only high end multi-family units or subsidized multifamily housing can be built. This bill does nothing at all to help address the housing shortage.

The entire bill is unnecessary, as the goal can be entirely accomplished by existing contract law.

At any time, a tenant can seek a fixed lease term from a landlord. Rent may not be increased during this period, per the lease agreement. If a tenant wants to insure against the shock of a possible rent increase, they can:

ask for a 3 month notice clause in their lease;

before lease renewal ask for a 3 month extension at an agreed upon price;

ask for a 3 month auto renewing lease either from the beginning or from end of first term;

at any time during their 12 month lease, seek to extend and/or negotiate a lease extension even 12 months at an agreed new rental amount.

These existing remedies are fair as it also obligates the tenant to abide by whatever notice is required when the extension or new agreement is reached.

Regarding HB 360, I would like to see this pass.

Clarification of tenant in short term 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

Finally I would like to discuss HB 227. I do think that this bill should pass

It only makes sense that when a contract is up then the contract is actually up.

The bill creates an actual end date to the lease should the owner of the property decide to go in a different direction with the investment or it has become obvious the tenant is not a good match for the property.

There are instances where a landlord does need to have an existing tenant vacate a unit where the landlord may have difficulty proving other grounds for eviction that are specified in RSA 540:2. Some of those instances are, unapproved roommates, smoking in the apartment, noise complaints where other tenants do not want to testify in court, drug use or dealing, and many guests coming and going from the apartment which is disturbing other tenants.

Instead of having to find witnesses, who many times do not want to appear in court, this would give a clear ground for eviction. It would avoid any retribution against other tenants who told the landlord about the problem tenant, It would not require a long hearing with testimony, which is a problem given limited judicial resources.

Finally I would like to see HB473 Killed

This bill will not prevent the harm that it is intended to preclude. It does not address the situations where there are no rental agreements. Just because there is a line in the lease, does not mean a tenant is going to read the lease, or understand it. It is also unclear what happens if a landlord does not include such a paragraph in the rental agreement. Truly the reason for this bill is because we do not teach life skills in high school. The burden of teaching people about insurance coverage belongs to the schools and not the landlords. Schools should be required to teach personal economics, especially in a state that does not have mandatory automobile insurance.

It is a trap for the small, uninformed landlord. It is unclear what liability the small landlord would be subject to if there is a loss and the required language is not in the rental agreement.

Tenants are adults, and we should not have to hold their hands. No insurance is required for automobiles, nor do car dealers have to go through these hoops, why should landlords?

What happens if the landlord doesn't know to put this clause in their lease?

What happens if the landlord doesn't put this clause in their lease and the tenant does not get renter's insurance and does sustain a loss? Is the landlord now responsible for tenant's loss even though it is tenant's responsibility to protect themselves?

Lastly it is not the government's place to dictate what should be in a private business contract.

There are way too many far reaching unintended consequences in this bill. It should be killed from the very start.

Thank you

Jennifer Sweet

Re: SB126

Members of Senate Commerce:

This bill is unneeded and worse, will lead to unintended consequences.

As a landlord, I know that the current L-T laws are relatively well balanced. Don't tinker with them. The protections in place for tenants as well as for property rights are fine for now.

Everyone has been affected terribly by the covid shutdowns and business reductions, including landlords and tenants. Get government off our backs and let us sort things out.

Mark Warden
Manchester

03/02/2021 at 09:15 AM SB126, Omnibus, Permanently Change 7 day to 30 day 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 original Against, Part I amendment Neutral; Part II original For; Part III undetermined

.....
Summary: This is a three part omnibus bill.

Original bill:

Part I Permanently changes 7 day to 30 days eviction notice for non-payment of rent and failure to comply with material term of the lease

Part II Prohibits the denial of rental assistance due to the existence of substandard housing conditions unless the municipality has ordered the unit be repaired under other specified statutes or found the unit has one or more defects under RSA 48-A:14 (Minimum Housing Standards. It also stops municipalities from requiring an eviction notice prior to giving assistance, but it can be required to give emergency rental assistance.

Part III The longest part of the bill is a rewrite of the Fair Housing anti-discrimination statute.

First, it changes gender to gender identification.

Second, it adds definitions not in the current law, including aggrieved person who believes to be injured or someone who will be injured by a discriminator practice about to occur.

Discriminatory housing practices is defined by using the Federal Fair Housing law. The provisions of the bill do not appear to change the existing requirements regarding discrimination, including making reasonable modifications or accommodations for people with disabilities.

The bill contains a new prohibition against block busting, either soliciting sales, distributing materials or intentionally causing alarm based upon prospective changes in the neighborhood with anyone of the protected classes moving in. Discrimination against people with AIDS or evicting them based upon the illness is prohibited. People with service animals are specified as a protected group.

Restrictive covenants in deeds that are discriminator are declared void, as well as rights of reverter for violation of such void restrictive covenants. However, this does not apply to religious organizations who uses the property for their religious purposes or charitable purposes. It will be a violation to coerce, intimidate, threaten, or interfere with any person who helped someone protected under this bill. There are exemptions - single family home owner who does not own more than three houses and the house is used by the seller or members of seller's family, provided no discriminatory advertisements and no broker is involved. This exemption does not apply if the transaction will result in planned or intended discrimination. An owner occupied 4 unit or less is also exempt as long as no intended discrimination. Rooms rented in an owner or owner's family occupy the home within the last 12 months and intend to return. There are a number of other exemptions, one being housing for older persons, with detailed qualifications.

Complaints for violations will be to the Human Rights Commission, and must be filed with in one year of the discriminatory practice. The bill also allows filings in the Superior Court, even if the Commission finds no probable cause. Sections of the procedure are not summarized here because they are so long.

Amendment 2021-0324s

The amendment completely drops the idea of changing non-payment from 7 day to 30 day eviction notice and instead it provides for the tenant to have until the court hearing to pay everything due at that time including any "lawful" charges which we believe could include late fees, attorney fees, court fees, perhaps damages.

Also dropped is the part about no rental assistance shall be denied due to the existence of substandard housing. Didn't make sense to us anyway.

.....
Talking Points

Part I The bill give tenants who do not pay rent 21 additional days of free rent. There is no reason for this. **The 7 day initial notice for non-payment has been the law since before 1978. With all the remaining built in time required to evict it is fare with no need to change it now.**

There are avenues available for tenants who need time to address arrearages, including seeking rental assistance from Community Action, negotiating with the landlord before court, or using the fairly new agreements to stay evictions in a proceeding based upon a negotiated arrangement. **Bad tenants will clearly stay in the apartment as long as the law allows, and not pay rent. Collection of the rent after the tenant moves is very unlikely.** Further, during that period, many non-paying tenants, who think have nothing to lose, damage the apartment and cause problems for the other tenants in the building. **The longer they are there, the more damage & disturbance they cause.**

It already takes 45-60 days to remove a tenant (with a 7-day initial notice). That can equate to \$3000 or more. Some evictions in present day law can last 90 days or longer. This is crippling to many landlords and harmful to all. **To add another (close to) a month to this is unconscionable.** All any landlord wants is for good tenants to pay their rent. None are viciously trying to put people on the streets. **The current time line allows the tenant time to get services as the eviction can be stopped at any time along the way up to and including the time the sheriff is at the door.** A judge already has the authority to grant up to 90 days relief to stay in the apartment to the tenant which allows ample time for social services to fully assist needy families without devastating small landlords who are the primary provider of housing to renting families in NH.

Adding another 23 days to the process will not increase the likelihood that the tenant is able to stay in the apartment, since they have so much time and opportunity already under current law to figure out the situation. **All this means is that landlords will go a longer time without rent in a bad tenant non-payment of rent scenario.**

Removal of 7 day notice will put more small Landlords out of business and increase the homeless population because landlord will move more to never take a chance on a less qualified applicant knowing it would take months to recover.

Losses will have to passed to other tenants, costing them more per month. **Higher standards on tenants ability to pay Debt To Income ratio of 50% now it would have to be perhaps 35-40%.** This will squeeze more marginal tenants into homelessness due to the extra cost and risk to property owners. What other business do you (Politicians) force to give away free services for 90 days? This would hurt lower income people the most as landlord's qualifications for a tenant would be higher. Consider loss of 3 month's rent \$4,500 divided by 12 = \$375 a month increase passed to other tenants plus court cost and utilities

Material term of lease is a well established requirement. If it's okay for one person to work on their car the next one will be changing an engine. Who's then responsible for the potential hazardous waste?

Moving from 7 day to 30 day notice would mean more landlords start their evictions like clockwork on the day after rent is due resulting in many more eviction notices.

Under this bill, most landlords would go 2.5 months or more without rent. This is another bill that will add to the overall cost of housing, since, if enacted, landlords must account for higher vacancies. In the end, **everyone else's rent will go higher to make up the difference.**

To encourage new housing, affordable housing, and good housing, barriers need to be kept as low as possible to make developers and landlords want to do business in New Hampshire.

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 before they get to an eviction**. This could be beneficial to both the landlord and the tenant. We would have **less needless eviction notices**.

Part III The third part of the bill is complicated, and long. This bill **will take time to study and fully comprehend** the changes, some of which, including filing in the Commission and the Superior Court, with heavy damages - \$16,000 for the first offense, are unfair to the defendant.

We are working on a more thorough analysis.

Amendment 2021-0324s

This amendment provides for the tenant to have until the court hearing to pay everything due at that time including any "lawful" charges which we believe 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 paying landlord is good. The original bill has no consequence if not paying.**

The large Part III on discrimination remains untouched. We have an attorney expert on discrimination reviewed this section and will likely have a more thorough analysis soon. So far, generally, Discrimination Part III, seems to be an effort to bring NH Discrimination law to be more aligned Federal discrimination law, which it already largely is.

Please vote Part I original Against, Part I amendment Neutral; Part II original For; Part III give us more time to analyze this enormous section..

3/5/21 AANH SB126 Part I Amendment

1. 540:9 Payment After Notice.

I. Any possessory action based solely on nonpayment of rent shall be dismissed if subsection a., and b. both occur:

- a. the tenant, at any time prior to the hearing on the merits, pays to the landlord, in cash, certified check, *prepaid money order, electronic transfer or other guaranteed or immediately drawable funds, including any form of payment specified in 540:9-a I*, all rent due and owing through the time of such payment plus other lawful charges contained in the lease, \$15 liquidated damages, and any filing fee and service charges incurred by the landlord in connection with the possessory action.
- b. the landlord also submits prior to the hearing date a receipt of such payment to court and states in writing that a copy of same receipt has also been forwarded to the tenant prior to the time and date of the hearing on the merits. *If the landlord fails to file such receipt the hearing on the merits shall proceed, and if the tenant proves that payment has been made in accordance with sub-paragraph I-a of this section the case shall be dismissed.*

II. Notwithstanding the provisions of paragraph I, a tenant may not defeat an eviction for nonpayment of rent by use of this section more than 3 times within a 12-month period.

2. Amend RSA 540:9-a by replacing paragraph I with the following:

I. Any rental payment or partial rental payment tendered by the tenant in the form of a written promise to pay on behalf of the tenant by the state, a county or a municipality of this state, or a payment by any organization which disburses federal or state funds, and any application by a municipality of amounts owed to it by a landlord pursuant to RSA 165:4-a, shall constitute payment by the tenant of the amount represented in the voucher, and of any amount applied by a municipality to delinquent balances of the landlord; provided, that this section shall not be construed to obligate a landlord to accept partial rental payments. ~~[or payments tendered after the expiration of the eviction notice.]~~

3. Effective Date: Part 1 of this bill shall take effect upon passage.

Aaron Jones

From: Nick Norman <nicknorman@yahoo.com>
Sent: Saturday, March 6, 2021 6:22 PM
To: Harold French; William Gannon; Kevin Cavanaugh; Jeb Bradley; Donna Soucy; Aaron Jones; Bill Graham; Rebecca Perkins Kwoka
Subject: critical change needed to SB126 Part I
Attachments: 210305 AANH SB126 Part I Amendment.docx

howdee Senate Commerce committee & Sponsor Senator Perkins-Kwoka,

After more deliberation and review with attorneys on our core team we realized we need to tighten up the amendment on SB126.

There are **two issues** with SB126 amendment 2021-03324s Part I.

- A. with this amendment the **tenant could give** a bad check or other form of **bad payment** and have the **eviction dismissed**.
- B. there is **nothing** that **provides the court** with the **ability to determine** if the **correct amount** has been paid by the tenant.

attached and below is, 3/5/21 AANH SB126 Part I Amendment, that would take care of these two issues and keep the same essential language and intent of SB126 amendment 2021-03324s Part I.

(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.

Be Safe)

Love & Light,

Nick Norman

Director of Legislative Affairs

AANH Government Affairs Chair

603-432-5549

3/5/21 AANH SB126 Part I Amendment

540:9 Payment After Notice.

- I. Any possessory action based solely on nonpayment of rent shall be dismissed if subsection a., and b. both occur:
 - a. the tenant, at any time prior to the hearing on the merits, pays to the landlord, in cash, certified check, other guaranteed or immediately drawable funds, all rent due and owing through the time of such payment plus other lawful charges contained in the lease, \$15 liquidated damages, and any filing fee and service charges incurred by the landlord in connection with the possessory action.
 - b. the landlord also submits prior to the hearing date a receipt of such payment to court and states in writing that a copy of same receipt has also been forwarded to the tenant prior to the time and date of the hearing on the merits.

II. Notwithstanding the provisions of paragraph I, a tenant may not defeat an eviction for nonpayment of rent by use of this section more than 3 times within a 12-month period.

Aaron Jones

From: Don Cummings <dcummings@aptusearch.com>
Sent: Sunday, March 7, 2021 7:58 AM
To: Harold French; William Gannon; Kevin Cavanaugh; Jeb Bradley; Donna Soucy; Aaron Jones
Subject: SB126 - please vote to kill the bill

Dear esteemed Senator,

Please vote to kill bill SB126

I own 5 single family rentals and 4 condo rentals (Londonderry, Bedford, Manchester and Portsmouth).

Single family home rentals are in high demand, and they really don't make you much profit. The longer it will take to evict someone who stops paying rent, the more likely I'll be to sell these properties.

While the "spirit" of the bill is to help tenants, the unintended consequence will be to decrease the number of rental properties available in NH.

Why, because the risk becomes too great. My rent for 3-4 bedroom homes is about \$2,300. I could get more, but I'm not someone who only cares about profit. I actually care about the families I rent to and try to provide them with reasonable, safe and relatively affordable housing.

I just can't risk 4-6 months worth of non-payment (\$9,000-\$13,000). Add to that cleaning costs, possible damages and then the 2-4 weeks it will take to get a new tenant, and my loss will likely be more than \$15,000.

That's just too much risk for the small profits made on rental property. That's why there's not more available. The profits are mediocre and the risks are high. Making the risk to the landlord higher will absolutely decrease available units to rent in NH.

Thank you for your service,
Don Cummings
18 Premier Dr.
Londonderry, NH

Aaron Jones

From: Nick Norman <nicknorman@yahoo.com>
Sent: Monday, March 8, 2021 8:53 PM
To: Harold French; William Gannon; Kevin Cavanaugh; Jeb Bradley; Donna Soucy; Aaron Jones
Cc: Rebecca Perkins Kwoka; Elliott Berry
Subject: SB126 Negotiated change to Part I (210305 AANH SB126 Part I Amendment Rev03)
Attachments: 210305 AANH SB126 Part I Amendment rev03.docx

howdee Senate Commerce Committee,

You received some communications from me today regarding issues with SB126 Amendment 2021-0324s. The landlord and tenant advocates have produced language that satisfies solutions to those issues with the attached amendment file:

210305 AANH SB126 Part I Amendment Rev03.docx

Senator Rebecca Perkins-Kwoka is working that through Legislative Services now.

Please be sure to include 210305 AANH SB126 Part I Amendment Rev03.docx with the final version you release from executive session tomorrow morning 3/9/21. I plan to be on the executive session so you can call on me for any clarification if needed.

==

The **two issues** with SB126 amendment 2021-03324s Part I are

A. with this amendment the **tenant could give** a bad check or other form of **bad payment** and have the **eviction dismissed**.

B. there is **nothing** that **provides** the **court** with the **ability to determine** if the **correct amount** has been paid by the tenant.

==

These above 2 issues are resolved with 210305 AANH SB126 Part I Amendment Rev03.docx .

(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.

Be Safe)

Love & Light,

Nick Norman

Director of Legislative Affairs

AANH Government Affairs Chair

603-432-5549

On Monday, March 8, 2021, 08:35:36 PM EST, Elliott Berry <eberry@nhla.org> wrote:

Nick and Rebecca,

This is excellent. Rebecca, I'm sorry that we're asking you to submit this instead of the earlier version. I wouldn't ask if it wasn't very important.

Thanks to you both.

Elliott Berry

Managing Attorney

Manchester Office

NH Legal Assistance

1850 Elm St., Suite 7

Manchester, NH 03104

(603) 668-2900 ext 2908

eberry@nhla.org

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Aaron Jones

From: Penny Dean <penny@pennydean.com>
Sent: Thursday, March 4, 2021 1:04 PM
To: Aaron Jones
Subject: RE: SB 126 Please vote ITL

Dear Mr. Jones,

I made a typographical error in my testimony below. I meant to say eighty not eight percent. Please pass this correction on to the committee

. Of those calls, eighty plus percent lie to my face in the first five minutes (some stop by unannounced, I say no smokers, and men with cigarettes visible in their shirt pocket will tell me they do not smoke with a straight face, etc.).

Respectfully submitted, Penny Dean

Good Morning Penny,

Thank you for providing written testimony on SB 126-FN. I will ensure it's included in the permanent record. Please don't hesitate to reach out with any questions or concerns.

Best,

Aaron Jones
Legislative Aide to Senator Kevin Cavanaugh
Legislative Aide for the Commerce Committee
Phone Number: (603) 271-4063
Office: LOB, Room 101-A

From: Penny Dean <penny@pennydean.com>
Sent: Thursday, March 4, 2021 5:10 AM
To: Harold French <Harold.French@leg.state.nh.us>; William Gannon <William.Gannon@leg.state.nh.us>; Kevin Cavanaugh <Kevin.Cavanaugh@leg.state.nh.us>; Jeb Bradley <Jeb.Bradley@leg.state.nh.us>; Donna Soucy <Donna.Soucy@leg.state.nh.us>; Aaron Jones <Aaron.Jones@leg.state.nh.us>
Subject: SB 126 Please vote ITL

Dear Committee Members:

This is a rental destroying bill. This state has a shortage of rental property, and if this bill were to pass, I would strongly consider (despite the financial hardship) leaving my property vacant. Anyone who rents property will tell you that those who rent have far, far more rights and manipulate the system, and those rights are far superior to those who own the property. I do not now, nor would I ever accept Section 8, and I typically receive about 100 calls every time I list my apartment. Of those calls, eight plus percent lie to my face in the first five minutes (some stop by

unannounced, I say no smokers, and men with cigarettes visible in their shirt pocket will tell me they do not smoke with a straight face, etc.). I have rented out apartments in this state for around twenty years and in short, weeding out those who will not be honorable and keep their word, pay their rent and not destroy property (or at least minimize the destruction) takes much time and effort.

Redefining "III. It is a civil rights violation:" to include

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.

I can tell you that I certainly review criminal records, and I will not rent to people with certain types of convictions (and arrests). Only if you have had to deal with the financial devastation and destruction of a tenant and the neighborhood disruption from certain individuals with excess cars parking in the area, loud music and "strange smelling smoke" coming from their unit, would one understand why one should be free to refuse to rent to someone based on arrest record. I can tell you that I typically by some standards get the "crema of the crop" of tenants, but they still are not always good, and I cannot imagine what it would be like not being allowed to refuse to rent to those with certain arrest records.

My last tenant was a professional, earned about 100k a year, had a Masters (again perfect references and relatively speaking 'a good' tenant) , and when she left, it cost me \$900.00 for a cleaning bill, about \$500.00 to replace blinds that could not be cleaned, I have yet to get the bill for repairs of the fairly new double hung double pane, vinyl windows (yes, she put 3" screws through beautiful vinyl double hung windows, who knows why, and broke some sashes-how she did that is beyond me), remove curtain rods and brackets and filled holes, sand and repaint damaged areas, etc.. Not allowing a person to refuse to rent to those with criminal records simply destroys property rights and I believe many will chose not to build and expand knowing that a tough business will become tougher.

I follow the ADA and a blind or otherwise disabled person would absolutely be allowed a service animal, however that term has become highly abused. The term "support dog" or "support animal" is used whenever someone wants to have pets in a building or apartment that does not allow pets. Enacting 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 will simply mean no one can ever refuse to rent to those with pets as they will claim protection under the law claiming they have a "support animal" (or three or more). I have had people try to rent from me claiming their pets were "support" animals, and when I told then I would research the ADA and if their animals (note the plural) qualified, I would most certainly comply with the law. Never heard from them again. However, others have convinced their doctor to write them a letter (and many doctors do so, not for those with documented, genuine PTSD, but simply because the animal "calms them" or makes them "feel better"). In short, forcing those who rent to comply with such a nebulous law will allow tenants to claim any per as a "support animal". Please vote ITL on this property rights destroying heavily laden Christmas Tree wish list of tenants, or I predict the rental market will get smaller than it is now. Penny Dean 603-230-9999

STATEMENT OF CONFIDENTIALITY

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The price that good men pay for indifference to public affairs is to be ruled by evil men.

Plato

Aaron Jones

From: William Peirce <wf5@yahoo.com>
Sent: Tuesday, March 2, 2021 9:13 AM
To: Harold French; William Gannon; Kevin Cavanaugh; Jeb Bradley; Donna Soucy; Aaron Jones
Subject: SB 128 and concern about the 7-30 pay rent notice change

Chairman French and honorable members of the Senate Commerce Committee,

As a landlord in New Hampshire I have a concern about SB 128. It changes the 7 day pay rent notice to 30 days. Many times people need a reminder to pay rent. As a practical matter, that's all the 7 day notice paperwork does. Technically, I could start an eviction process soon after 7 days, but I would be quickly out of business paying court fees for evictions that never happen.

A 30 notice simply gives tenants who have no intention to pay rent another month of free rent. It is not fair to the property owner.

Sincerely,

William Peirce

Voting Sheets

Senate Commerce Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # SB 176-FN

Hearing date: 3/2/21

Executive Session date: 3/9/21

Motion of: Amendment (0719s) Vote: 5-0

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

Motion of: Amendment (0562s) Vote: 5-0

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

Motion of: OTP-A Vote: 5-0

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

Reported out by: SEN. SOUCY

Notes: _____

Committee Report

COMMERCE

SB 126-FN, adopting omnibus legislation on landlord tenant proceedings.

Ought to Pass with Amendment, Vote 5-0.

Senator Donna Soucy for the committee.

General Court of New Hampshire - Bill Status System

Docket of SB126

Docket Abbreviations

Bill Title: adopting omnibus legislation on landlord tenant proceedings.**Official Docket of SB126.:**

Date	Body	Description
2/3/2021	S	Introduced 01/06/2021 and Referred to Commerce; SJ 3
2/18/2021	S	Remote Hearing: 03/02/2021, 09:15 am; Links to join the hearing can be found in the Senate Calendar; SC 12
3/10/2021	S	Committee Report: Ought to Pass with Amendment #2021-0733s , 03/18/2021; SC 15
3/18/2021	S	Committee Amendment #2021-0733s , RC 24Y-0N, AA; 03/18/2021; SJ 8
3/18/2021	S	Ought to Pass with Amendment 2021-0733s, RC 24Y-0N, MA; OT3rdg; 03/18/2021; SJ 8
3/31/2021	H	Introduced (in recess of) 02/25/2021 and referred to Judiciary HJ 4 P. 50
4/13/2021	H	==CANCELLED== Public Hearing: 04/22/2021 09:30 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/92981703093 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
4/20/2021	H	Public Hearing: 05/04/2021 09:30 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/95312058132 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
5/24/2021	H	Committee Report: Ought to Pass (Vote 20-0; CC) HC 26 P. 9
6/3/2021	H	Ought to Pass: MA VV 06/03/2021 HJ 8 P. 73
7/12/2021	H	Enrolled (in recess of) 06/24/2021
7/12/2021	S	Enrolled Adopted, VV, (In recess 06/24/2021); SJ 20
7/26/2021	S	Signed by the Governor on 07/23/2021; Chapter 0152
7/26/2021	S	Part I and II Effective 07/23/2021
7/26/2021	S	Part III Effective 01/01/2022

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 176-FN

Senate Committee: COMMERCE

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 # 21-0324s - amendment # 21-0719s

- amendment # 21-0567s - amendment # 21-0733s

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:

AARON JONES
Committee Aide

7/21/21
Date

Senate Clerk's Office [Signature]