

CONSENT CALENDAR

February 3, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Judiciary to which was referred HB
1042,**

**AN ACT requiring certain health advisory notices to be
provided to renters of vacation or recreational rental
units. Having considered the same, report the same
with the following resolution: RESOLVED, that it is
INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Judiciary
Bill Number:	HB 1042
Title:	requiring certain health advisory notices to be provided to renters of vacation or recreational rental units.
Date:	February 3, 2022
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would require advisory notices about the potential of cyanobacteria in NH waters be provided to renters of vacation or recreational rental units. The committee unanimously believes the warnings and alerts from the state are sufficient and even short-term renters should already be aware of the potential dangers of this common situation.

Vote 21-0.

Rep. Kurt Wuelper
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Judiciary

HB 1042, requiring certain health advisory notices to be provided to renters of vacation or recreational rental units. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill would require advisory notices about the potential of cyanobacteria in NH waters be provided to renters of vacation or recreational rental units. The committee unanimously believes the warnings and alerts from the state are sufficient and even short-term renters should already be aware of the potential dangers of this common situation.

Vote 21-0.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 1042

BILL TITLE: requiring certain health advisory notices to be provided to renters of vacation or recreational rental units.

DATE: February 3, 2022

LOB ROOM: 206-208

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Wuelper

Seconded by Rep. Alexander Jr.

Vote: 21-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Kurt Wuelper, Clerk



2021 SESSION

Judiciary

Bill #: HB1042 Motion: ITL AM #: _____ Exec Session Date: 2-3-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Gordon, Edward M. Chairman	✓		
McLean, Mark Vice Chairman	✓		
Sylvia, Michael J.	✓		
Wuelper, Kurt F. Clerk	✓		
Alexander, Joe H.	✓		
Rice, Kimberly A. EDWARDS	✓		
Silber, Norman J. MERNER	✓		
Greene, Bob J.	✓		
Kelley, Diane E.	✓		
Tausch, Lindsay ANDRUS	✓		
Trottier, Douglas R.	✓		
Smith, Marjorie K.	✓		
Berch, Paul S. woods	✓		
Horrigan, Timothy O.	✓		
DiLorenzo, Charlotte I.	✓		
Chase, Wendy	✓		
Kenney, Cam E.	✓		
Langley, Diane M.	✓		
McBeath, Rebecca Susan	✓		
Paige, Mark	✓		
Simpson, Alexis	✓		

21 0

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 1042

BILL TITLE: requiring certain health advisory notices to be provided to renters of vacation or recreational rental units

DATE: 1/13//2022

LOB ROOM: 206-208

Time Public Hearing Called to Order: 3:00 PM

Time Adjourned: 3:30 PM

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

Bill Sponsors: Rep Rung

TESTIMONY

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

***Rep. Rung: Hills 21 Sponsor** There has been a great increase in cyanobacteria blooms that release toxic bacteria for a variety of reasons in NH rivers and lakes. We are looking at studying a statewide solution to the problem of these blooms. Our lakes generate billions of dollars in revenue. Most people who enjoy our lakes do so through private means: renting, boating, etc. We have seen people who have spent thousands of dollars to come here and then find out they can't go into the water. In some, perhaps many, cases the property owner is expected to give some remuneration to the renter. This bill would ensure renters are aware that there could be and advisory and where that might be found.

Q Paige: Is the intent to give the renter notice before they sign the agreement?

Ans: Yes. Ideally people will know of the danger before they sign.

Q When does "agreed upon" mean?

Ans: I expect when the balance of payment is due. In that case the property manager can say the renter was forewarned.

Q Sylvia: Wouldn't this make NH look unsafe to visit? Ans: That's not the intent. Many states are dealing with this as well.

Q How long are the water bodies affected? Ans: Generally late Summer or Fall, but they may last for a long time.

Q This would apply to areas not near water?

Ans: Yes.

Q: Can you see these "blooms"?

Ans: It varies. Most blooms look like a film on the water. One of the most dangerous looks like a little cloud just under the water.

Q DiLorenzo: Why shouldn't renter be advised about sharks in the water?

Ans: Blooms end to be temporary and many don't get to DES attention. All we can do is make people aware that these blooms can occur.

Q Chase: Is this something the State should be doing instead of individual rental owners? Ans: there could be many ways to make people aware. Q Wuelper: What if the renter and the owner have no agreement as in the Timeshare industry? Ans: There will be many people who will end up using others' property without getting this information.

Q Kenney: Is there anyway aside from the website for people to find out about them?

Ans: Some local lake organizations post signs and some public bodies do.

Q Is water checked without reports?

Ans: they only investigate reports as there is only one person in the state dealing with this.



Rep Kurt Wuelper

House Remote Testify

Judiciary Committee Testify List for Bill HB1042 on 2022-01-13

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

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Gould, Rep. Linda	Bedford, NH lgouldr@myfairpoint.net	An Elected Official	Myself	Oppose	No	No	1/11/2022 11:26 AM
Davis, Michelle	Concord, NH mdavis@nhlakes.org	A Lobbyist	NH LAKES	Support	No	No	1/12/2022 12:31 PM

Archived: Wednesday, March 16, 2022 11:00:19 AM

From: William Peirce

Sent: Tuesday, January 11, 2022 10:54:16 AM

To: ~House Judiciary Committee

Subject: HB 1042 testimony

Importance: Normal

Chairman Gordon and members of the Judiciary Committee,

As a landlord and property owner in New Hampshire, I hope that you do not require landlords to inform renters of water quality in adjacent bodies of water. The water quality changes from day to day. Having landlords responsible for keeping track of this is an unreasonable burden. The state has a website that people can check for themselves.

I have two properties adjacent to water bodies and I like to swim in lakes and the ocean. The ocean condition reports are broadcast over the radio. I have to check the state website if I want to swim in a lake. Personal experience has taught me that if you don't want to get sick, you have to check the state website.

Thank you for your consideration,

William Peirce

53 Rogers Road

Kittery ME 03904

Archived: Wednesday, March 16, 2022 10:39:05 AM
From: Colette NH
Sent: Monday, January 17, 2022 11:17:26 AM
To: ~House Judiciary Committee
Subject: Several Bills- Please vote against.
Importance: Normal

Good morning,

This session your committee will be discussing and voting on several bills that will tie the hands of landlords who are trying to provide good, fair and safe housing. Please do not support the following bills:

- HB 1042 Health Advisories to Vacation Home Renters. This bill would require the landlord/home owner to notify any renters of the presence of fecal bacteria or cyanobacteria in bodies of water. Often times these types of contaminations occur overnight. It is unrealistic for anyone to know of the presence of these contaminants on a daily basis. It only open the door for unnecessary litigation.
- HB 1200 45 Day notice of rent increase. It is difficult enough for landlords to try to pay the current bills. Our cost of real estate taxes, heat, electricity and especially labor are going up astronomically. We need to be able to pay our bills and delaying rent increases will dramatically effect this. As a landlord if I have to wait 45 days for rent increases my only option would be to make rent increase larger due to the increase waiting time.
- HB 1133 Prohibiting Termination of Lease on Sale. This is already in current law.
- SB 217 90 day Eviction Notice for Repairs or Renovations. - Most often if a unit needs repairs or renovations waiting 90 days will likely place the unit in an inhabitable position. This in and of itself is not in the best interest of tenants.
- HB 1408 Application Fees Refund – It takes a lot of time and effort to process an application. Refunding this every time a tenant is not chosen to rent a particular unit will again raise the costs to landlords who will necessarily need to raise rents.
- HB 1291 Section 8 Becoming a Protected Class This is insane. I believe your objective is to increase rental units not decrease them. Passing this would have the would take housing units off the market.

In summary, your vote to make it harder to be a landlord will only serve to decrease the number of rental units. Landlords are not bad people needing to be punished for the service we provide. We are small business owners trying to provide as affordable housing as possible and make a reasonable living for our families.

Thank you for your consideration and service.
Sincerely

Sincerely
Colette Worsman
62 Black Brook Road
Meredith, NH 03253

LEGAL NOTICE

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Archived: Wednesday, March 16, 2022 11:06:58 AM
From: [Michelle Davis](#)
Sent: Wednesday, January 12, 2022 12:36:28 PM
To: ~House Judiciary Committee
Cc: [Rosemarie Rung](#)
Subject: Testimony in support of HB 1042
Importance: Normal
Attachments:
HB 1042 Health Advisories Testimony.pdf ;

Chair Gordon and Members of the Committee,

Please see attached testimony on behalf of NH LAKES in support of HB 1042. NH LAKES supports HB 1042, requiring certain health advisory notices to be provided to renters of vacation or recreational rental units. As a publicly-supported, statewide, nonprofit organization dedicated to keeping New Hampshire's lakes clean and healthy, NH LAKES advocates for laws and other public policies and programs designed to achieve this mission.

Thank you for the opportunity to comment.

Sincerely,

Michelle Davis (she/her)

Policy and Advocacy Program Manager, NH LAKES

p: 603.226.0299 | 17 Chenell Drive, Suite One | Concord, NH 03301

www.nhlakes.org

Working for clean and healthy lakes



Archived: Wednesday, March 16, 2022 10:39:08 AM
From: Nick Norman
Sent: Thursday, January 13, 2022 1:29:26 PM
To: ~House Judiciary Committee
Subject: Vote against HB1042
Importance: Normal

howdee House Judiciary Committee,

I will not be attending today's hearing on HB1042. Here is the testimony I would have presented and submitted.

1/13/2022 at 3:00 p.m.
HB1042, Health Advisories To Vacation Home Renters
Nick Norman
Legislative Initiative Landlord Tenant Law
AANH Government Affairs Chair
NickNorman@yahoo.com
603-432-5549

Property Owner Position: Against, vote to kill this bill.

Summary: Owners of recreational and vacation property must notify renter of fecal bacteria or cyanobacteria in bodies of water.

Unnecessary law as DES already tests and notifies the public. Also, common sense would suggest animals and humans might defecate in the water. This has been a problem for all time. This bill adds to a landlord's work and duplicates the work because the state has a website that renters can go to. The state can advertise the site. Is there requirement of this for hotels and motels. If not, why rentals?

Please vote Inexpedient To Legislate.

Love & Light,
Nick Norman
Director of Legislative Affairs
AANH Government Affairs Chair
603-432-5549
NickNorman@yahoo.com

HB 1042 - AS INTRODUCED

2022 SESSION

22-2020

11/05

HOUSE BILL **1042**

AN ACT requiring certain health advisory notices to be provided to renters of vacation or recreational rental units.

SPONSORS: Rep. Rung, Hills. 21; Rep. Bartlett, Merr. 19; Rep. Crawford, Carr. 4; Rep. Gottling, Sull. 2; Rep. J. MacDonald, Carr. 6

COMMITTEE: Judiciary

ANALYSIS

This bill requires that certain health advisory notices be provided to renters of vacation or recreational rental units.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT requiring certain health advisory notices to be provided to renters of vacation or recreational rental units.

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

1 1 New Section; Vacation or Recreational Rental Units; Public Health Notice Required. Amend
2 RSA 540-C by inserting after section 2 the following new section:

3 540-C:2-a Public Health Notice Required. At the time a rental agreement is agreed upon, the
4 owner or owner's agent of a vacation or recreational rental unit shall provide the renter with written
5 notice containing at least the following information:

6 I. All water bodies, including lakes, ponds, rivers, and oceans, may experience fecal bacteria
7 or cyanobacteria counts at a level that risks the health of humans and animals.

8 II. The New Hampshire department of environmental services issues a health advisory
9 when fecal bacteria or cyanobacteria counts at designated public beaches and water bodies are
10 higher than the state standards. Such advisories are issued approximately 24 hours after sampling.

11 III. Current health advisories may be found on the department of environmental services
12 Internet website.

13 2 Effective Date. This act shall take effect 60 days after its passage.