

**CONSENT CALENDAR**

**March 6, 2022**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Commerce and Consumer Affairs to  
which was referred HB 1146,**

**AN ACT relative to condominium instruments and  
condominium special assessments. Having considered  
the same, report the same with the following resolution:  
RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

**Rep. Joyce Weston**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>Commerce and Consumer Affairs</b>
Bill Number:	<b>HB 1146</b>
Title:	<b>relative to condominium instruments and condominium special assessments.</b>
Date:	<b>March 6, 2022</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### STATEMENT OF INTENT

If passed, this bill would have severely curtailed the board of a condominium from its ability to raise fees as needed by requiring a majority of the association to vote in favor of the assessment. There are times when a condominium board needs to move quickly to make special assessments due to unforeseen circumstances, such as a fire or roof collapse. Condominium boards also need the flexibility to keep up with inflation so they can accrue sufficient funds to properly maintain and repair common areas of the property. If this bill were to be passed, fewer and fewer residents would step forward in the future to serve on the board. Even the prime sponsor of the bill acknowledged that the concept was ill-conceived, and the committee unanimously agreed.

Vote 18-0.

Rep. Joyce Weston  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Commerce and Consumer Affairs

**HB 1146**, relative to condominium instruments and condominium special assessments.  
**INEXPEDIENT TO LEGISLATE.**

Rep. Joyce Weston for Commerce and Consumer Affairs. If passed, this bill would have severely curtailed the board of a condominium from its ability to raise fees as needed by requiring a majority of the association to vote in favor of the assessment. There are times when a condominium board needs to move quickly to make special assessments due to unforeseen circumstances, such as a fire or roof collapse. Condominium boards also need the flexibility to keep up with inflation so they can accrue sufficient funds to properly maintain and repair common areas of the property. If this bill were to be passed, fewer and fewer residents would step forward in the future to serve on the board. Even the prime sponsor of the bill acknowledged that the concept was ill-conceived, and the committee unanimously agreed. **Vote 18-0.**

**HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS**

**EXECUTIVE SESSION on HB 1146**

**BILL TITLE:** relative to condominium instruments and condominium special assessments.

**DATE:** March 3, 2022

**LOB ROOM:** 302-304

**MOTIONS: INEXPEDIENT TO LEGISLATE**

Moved by Rep. Weston

Seconded by Rep. Potucek

Vote: 18-0

**CONSENT CALENDAR: YES**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep Keith Ammon, Clerk



2022 SESSION

Commerce and Consumer Affairs

Bill #: HB1146 Motion: ITL AM #:      Exec Session Date: 3/3/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Hunt, John B. Chairman	10		
Potucek, John M. Vice Chairman	1		
Osborne, Jason M.	2		
Ammon, Keith M. Clerk	3		
Abramson, Max	4		
Ham, Bonnie D.	5		
<del>Depalma IV, Joseph</del> <i>Atton</i>	6		
Greeson, Jeffrey	7		
Johnson, Dawn M.	8		
Terry, Paul A.	9		
Bartlett, Christy D.	10		
Abel, Richard M.	11		
<del>Herbert, Christopher J.</del>			
Van Houten, Constance	12		
Fargo, Kristina M.	13		
Weston, Joyce	14		
<del>Beaulieu, Jane E.</del> <i>Tanner</i>	15		
Burroughs, Anita D.	16		
McAleer, Chris R.	17		
<b>TOTAL VOTE:</b>	<b>18</b>	<b>0</b>	

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

**SUBCOMMITTEE WORK SESSION** on HB 1146

**BILL TITLE:** relative to condominium instruments and condominium special assessments.

**DATE:** 2/24/22

**Subcommittee Members:**  
and McAleer

Reps. Hunt, Osborne, Ham, Johnson, Abel, Herbert, Fargo, Weston  
Potucek

**Comments and Recommendations:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**MOTIONS:** OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)  
(Please circle one)

Moved by Rep. \_\_\_\_\_ Secoded by Rep. \_\_\_\_\_ AM Vote: \_\_\_\_\_

Adoption of Amendment # \_\_\_\_\_

Moved by Rep. ~~Fargo~~ Weston Secoded by Rep. Potucek Vote: 8-0

\_\_\_\_\_ Amendment Adopted      \_\_\_\_\_ Amendment Failed

**MOTIONS:** OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)  
(Please circle one)

Moved by Rep. \_\_\_\_\_ Secoded by Rep. \_\_\_\_\_ AM Vote: \_\_\_\_\_

Adoption of Amendment # \_\_\_\_\_

Moved by Rep. \_\_\_\_\_ Secoded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

\_\_\_\_\_ Amendment Adopted      \_\_\_\_\_ Amendment Failed

Respectfully submitted,

Rep.   
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

**SUBCOMMITTEE WORK SESSION** on HB 1146

**BILL TITLE:** relative to condominium instruments and condominium special assessments.

**DATE:** February 24, 2022

**Subcommittee Members:** Reps. Hunt, Potucek, Ham, Johnson, Abel, Herbert, Fargo and Weston

**Comments and Recommendations:**

**MOTIONS:**

Moved by Rep. Rep. Weston

Seconded by Rep. Rep. Potucek

Vote: 8-0

Respectfully submitted,

Rep. John Hunt  
Subcommittee Chairman

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 1146

**BILL TITLE:** relative to condominium instruments and condominium special assessments.

**DATE:** February 9, 2022

**LOB ROOM:** 302-304                      **Time Public Hearing Called to Order:** 10:00 a.m.

**Time Adjourned:** 10:34 a.m.

**Committee Members:** Reps. Hunt, Potucek, Ammon, Ham, Greeson, Johnson, Terry, Bartlett, Abel, Herbert, Van Houten, Fargo, Weston, Beaulieu, Burroughs and McAleer

**Bill Sponsors:**  
Rep. DeLemus

TESTIMONY

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

Rep Delamus

- Wants 50% + 1

Burroughs

Q: Have you spoken to other stakeholders?

A: I have. The reason why I have introduced this bill is because we were wanting to turn it into a simple majority but I know that it does raise some problems. I read one email where from a friend of someone I went to school with, he said by having the 2/3 put in place and into law that prevents the association members from being able to override the board. So by putting the 2/3 in you completely take the voice away from the members.

Q: Isn't there a statewide association, and have you spoken to them?

A: They don't like it.

Rep Hunt: You have no other supporters for this bill. I am not currently a board member on the association board of directors. I have been president two terms so when this big raise came you were not on the board. I assume that the board made a big presentation of why the increase so large. There wasn't much of an explanation. Those of us who disagreed voiced our opinions. Our board doesn't like to communicate very well so there was not a whole lot of back and forth. That was just a kind of a shut up type of a deal so and we have heard this before. one of the resolutions of this problem would be that maybe the board needs to be replaced with people who are more communicative.

A: Yes, I would

Gary Daddario



Gary Daddario attorney that practices Community Association law partner at the firm of Marcus Rico M Brooks but I'm here in my capacity as the chairperson of New Hampshire legislative action committee through the community associations institute. I do just want to convey some information to the committee regarding this bill so associations in this state are nonprofits and so the only financial resources they have are the assessments they collect from their unit owners. They have of course important business to take care of with that money insurance electricity landscaping snow removal things of this nature are and all that they have to work with is the budget that they establish and then the assessments they collect from the community and I mention that only to make clear that to the extent that the board ends up with their hands tied about the amount of money that they can collect there isn't an alternative resource it's not like they're gonna dip into profits or something like that because it doesn't exist for them just a few years ago in 2016 when there was a large amendment passed to 356 P the condominium act in the state one of the things that was included was an explicit fiduciary obligation that the board has to the associations and so I think it becomes that much more important when a board is saddled with a fiduciary obligation to do what's best for the property I think it becomes that much more important to allow them to do their job for them to be hamstringed with something as important as the financial resources that are gonna be collected over the course of the year and used for the property I think can put them in a very difficult position depending on what the needs of the property are and of course by way of reminder boards are elected by the community which means that in a community where the majority of people don't like what the board is doing they have the ability at the next election to replace all or some of their board that's what happens when the elections occur that maintenance the taken care of the property that the board does with the funds that they collect it goes well beyond aesthetics I think unfortunately some folks have wrongly believe that it's really just a matter of to what extent a community has curb appeal but it really it goes much deeper than that especially when a property starts to lose curb appeal and then problems sort of further develop we have all at this point heard of the tragedy that occurred in Florida the loss of human life and building I will tell you that community associations institute operates on a national level and in response to that incident they established three national committees to study what went wrong and how that might be avoided in the future I was asked to serve on two of those national committees and I did so and I will share with you that what came out of those committees were essentially 2 primary recommendations one that buildings get inspected more frequently by persons qualified to perform those inspections throughout the life of the building especially as it ages in two and this relates to the ability of associations to conduct that first aspect the second big recommendation was that communities have to do a better job of raising funds so that they have the money that they need to address problems when they're discovered it turns out that down there there's a lot of arguing that there there's no that work needed to be done and there was a lot of arguing about it based on the cost and unfortunately you know that's typical it's basic human nature for people to not wanna have to pay more money and I can tell you since working with boards is all that I do boards don't love raising condo fees they are owners as well and they pay those same fees so they're getting hit with whatever increase they apply to the community as well in addition the board members feel the ire of the community so they don't take it lightly and they don't want to do it but there are times when they need to do it and looking ahead unfortunately in the immediate future based on the increase in costs of everything based on inflation that's applying to everything in the years ahead boards are going to have to increase their budgets possibly substantially just to maintain the same level of services that they're getting now so the idea that there would be an inability on their part to raise the fees without having a majority of the community appear to say yes we want to pay more it is not workable and it's putting those board members in what I think is gonna be a really untenable situation and it's doing so it would do so if this bill passed for no good reason because as the sponsor just explained to you mechanisms already exist the communities in New Hampshire based on the existing law have the ability to override the board's budget yes it's by a 2/3 majority but that's the same standard that applies in most sets of condominium documents for other community decisions including amendments to their documents so it's not inappropriate to have that standard in fact I was here when it was being considered and I I said it then and I'll say it again now it's entirely appropriate that it takes a majority of the community to reject the board's budget because it's the board that has the obligation to create the budget in the first place and has a fiduciary obligation to make that budget suitable for what they know the needs of the property to be but again if a board came up with absolutely absurd budget the community does have a means to act already that's in place so I also just wanted to mention briefly because bankers were mentioned to you in the issue of associations getting bank loans it is somewhat of a popular thing right now because a lot of

associations have not set aside the money that they should have over the past you know 2030 years for water now major projects coming to the lending industry has responded they do offer products now loans that are specifically geared towards condominiums in New Hampshire they have already adapted since 2016 when they found out that the community could even by the 2/3 reject the board's budget they changed the closing documents to protect themselves and the bankers have told me that directly they're now additional papers required that the board needs to sign additional votes that need to happen and be documented specifically because the banks are now being asked to lend money to associations whose communities next year could show up at the annual meeting and reject the board's budget so even under existing law the bankers have already had to take account of the risk associated and they've already done that so I I would submit to you that that's not really an issue here so in closing I would just like to say that the New Hampshire legislative action committee of the community associations institute opposes the bill we oppose it for the reasons that I've stated and we hope that you will leave the law as it currently stands it is sufficient in this area and again in the immediate future it's really what is needed more so than than one pain

Rep Herbert

Q: Do condominiums put aside money for areas that might need work?

A: engineers that are capable of providing specific reports some of these engineers much like certain attorneys or accountants or other types of businesses actually specialize in working with condominiums and boards can get a study that tracks you know what their needs will be in the future the engineers that do a good job with this even project you know the rising costs overtime and things like that show that associations you know would be able to put them on this side unfortunately you know all this association's that are 2030 years old right now haven't necessarily done that to the extent they should and that's why the bank loans are becoming popular for those who have to face major projects

Bartlett

Conversely chemistry scenario welcome have you had a chance to run this bill that passed any of of your the kind of associations who represent yes and what could I just ask if other question thank you if you had a sense of what some of them feel certainly if I were to summarize overwhelmingly my clients feel that if changes like this are made to the law that being on the board will be no place to be in the future because if you pass a budget that accounts for the financial needs of the association but it involves an increase in the fee and then the community shows up to say we're not paying it then as a board member you don't wanna be there saddled with the responsibility of the consequences of what happens if the property isn't properly cared for and so most bold board members that I'm hearing from would leave the post and many of them have no idea who would step up to serve on these boards

Lou Gargiuo

In falls I'm the CEO and founder of Great North property management in Exeter NH my firm is responsible for the management of more than 25,000 condominium and homeowner association units that has approximately 75,000 people I'm here today to voice my strong opposition to each P11 46 as it currently stands it is hard enough to get unit owners to run for the board positions many condos that I represent have unfilled word positions and have to beg people to stand as a board member owner apathy is a struggle and participation sometimes is difficult this bill will create an untenable situation from that perspective it will make the ability to pass a budget much more complicated but beyond that it will have other replications and they came to me as I said here in this morning as an owner of a large management company we are requested to provide information to lending institutions regarding reserve levels regarding a whole array of different questions so a person can get along the standards have increased since the tragedy at surf side in Florida exponentially banks and mortgage companies are very hesitant to lend money to condominium associations if a bill like this comes to fruition not only will it create problems internally it will make it virtually impossible for condominium owners to sell their units because institutions will look at it and say the funding levels are not sufficient as Kearney Dario said there is an outcry when there is an increase in fees

but people have come to understand it and frankly they're going to have to understand it a lot more as time passes the whole the landscape of the condominium association from an operational perspective is changing and all of it is now being pointed to surf side in Florida the situation there has caused people to re look at the construction stability and operation of community associations and with that the only way they prosper is if there is sufficient funding to maintain them this bill will have a chilling effect on having that funding available with that said I ask you the current law is more than sufficient it gives the individuals involved in the association a voice I think it will was well crafted and I see at this point no reason to change it I ask you to find this bill inexpedient to legislate

Tom Tessier

Chester and I live in Nashua NH at the Hayden green condominiums I've served on two prior boards of condo associations one in Hebron NH and one in Bridgewater and now the one in Nashua and I echoed the sentiments of the two past speakers and their opposition and our association board is in strong opposition of this built for same reasons that we just talked about and I won't reiterate all of those items but I can tell you we are volunteers there were five of us and if we had to hire A management company to do the work for our association it would be thousands of dollars in extra expense and from what I've heard our own association we've been doing a great job we have a good reserve we've only had to raise our fees once from believe it or not 115 to \$125 and I do recall that when we did that \$10 increase we did have some people who are strongly opposed to but we had to do it to keep up with the expenses of our association if our volunteer board is restricted to what this bill is proposing that I can tell you right now that the five of us would probably resign because we wouldn't want to take on the liabilities that would be facing us and I don't know what would happen I don't know if anybody would step up to serve on the board because we haven't been able in seven years to get anyone to step up and it comes up every year as the board seats rotate nobody's come up so I don't think we'll be able to get anybody to do that we have 80 and 9 year old residents in our community who don't come to meetings don't wanna come to meetings sometimes they vote sometimes they don't so it would be very difficult for us to maintain what we've done in the past and we've done a good job so we are total opposition to this bill

Vincent Servello

Hello I'm from 335 fox run Rd and Hudson so I speak for myself as well as being the president of the village of Barrett hill association and I very much like the other gentleman before me and in opposition to this bill it serves no purpose because the ward curse has a difficult job in itself just to conduct business in a normal a normal cycle to add anything more to that you know we our board members are parsimonious and judicious in how we handle fees and we don't have any assessments because in our monthly programs or monthly fees we adjust for both the operating budget and the reserves who replace and unfortunately this year we've been faced with the we're replaced index at this association that's 30 years old and we've got Woods prices that have gone up 35 to 40% to cope difficult to cope with snow plowing the landscape and have gone up from 15 to 30% unseen escalations in prices you know we have five board members and we continually approach the community about providing you know more board members and volunteering and everything else and unfortunately the hard reality is that only a minuscule amount ever comes forward to provide those board is a representative governance of the association and we try to do it always in the best interest of all the residents on an ongoing basis so this bill should just be allowed to die quietly because it serves no purpose so i thank you for listening to me

Edward Colbert

Hi good morning Tom I lived in partridge berry hills it's a condominium association in Nashua NH it's a 304 units a it's a large property I also serve as vice president of the board there and we regularly have difficulty meeting the 33 and a third of quorum to just get the business of the annual meeting done and sometimes we have to take two or three passes at that that's the level of apathy and that's really what we're all struggling with here is the apathy so I believe owners do have a voice and if the impacts of this bill would be very damaging to boards trying to get business done if there's an emergency repair they have to go out and it's very hard to get I get participation from owners in

our association about 70% of the condos are rented so owners may not even be in this country very often it's just difficult to get people on board and I yeah I I I just strongly urge you all to consider the it's already difficult for volunteers to provide good fiscal governance I'm very lucky I've served on a board that's never had a special assessment in 40 years but the property is 40 years old and it does need constant repair and getting those things done is very difficult and it would not serve any member of the association have a boards hands tide here so i do urge you to oppose this bill accordingly thank you much





# House Remote Testify

## Commerce and Consumer Affairs Committee Testify List for Bill HB1146 on 2022-02-09

Support: 0 Oppose: 7 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>
Sheehan, Vanessa	Milford, NH vanessa@vanessa4nh.com	An Elected Official	Hillsborough 23(Milford)	Oppose	No	No	2/4/2022 12:19 PM
Clark, Wendy	Exeter, NH clarkwendyk@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/4/2022 8:07 PM
Frewert, Kevin and Susan	Bedford, NH frewert@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/6/2022 12:17 PM
SOLOMON, WENDY	Pembroke, NH wendysolomon47@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/6/2022 4:59 PM
Lambert, Sheila	Pembroke, NH clumberland@hotmail.com	A Member of the Public	Myself	Oppose	No	No	2/7/2022 12:26 PM
Malcolm, Terri	Hampstead, NH f.malcolm@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/8/2022 1:04 PM
Biron, Ruth Anne	Pembroke, NH rabiron@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/9/2022 8:36 AM

**Archived:** Thursday, May 19, 2022 12:44:37 PM  
**From:** [Robert Gosselin](#)  
**Sent:** Sunday, February 6, 2022 9:50:07 AM  
**To:** [~House Commerce Committee](#)  
**Subject:** HB 1146 and 1380  
**Importance:** Normal

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While it is important to have appropriate rules and regulations in place to protect Owners from Board's that don't act responsibly in the best interest of all Owners, HB 1146 and HB 1380 would make the already thankless/uncompensated job of being on the Board of a condominium association a living hell.

HB 1146: Boards need to be able to increase fees when circumstances to maintain the association's assets in accordance with their Declaration and Bylaws. When Owners buy (and own) a unit, they expect the condo to be maintained per the declaration and bylaws that are legally binding. Declarations / Bylaws define the requirements and what necessitates that Board's take actions when needed. To do so requires the ability to obtain those funds from Owners and be able to do so without needing to resort to a specific vote of Owners. Further, banks rely on the Board's ability to levy Special Assessments when needed as a condition for loans for projects. If Owners are unhappy with the Board's actions, all Condominium documents have provisions to remove Board members and/or they can be voted out during annual elections for the board. Further, the existing budgeting provisions of 356-B allows Owners to reject annual budgets by a vote of 2/3 opposed which is a reasonable hurdle level to give the Board some space to act responsibly.

On HB 1380, Owners purchase condo units with the legal provisions of the association's Declaration and Bylaws. Those documents contain what is common area and what an owner owns. In addition, most Declaration and Bylaws contain specifics regarding architectural changes and how to obtain approval for them. Board's need the ability to reject changes that aren't in keeping with the declaration/bylaws, owner expectations and existing aesthetics. This bill irradicates those legal provisions. Owners should be allowed the latitudes provided in the Declaration and Bylaws and expect the community, as a whole, will adhere to those provisions. Those provisions were what people purchased when they bought. This bill allows individual owners the right to ignore the legal Declaration/Bylaws provisions and ignores the legal rights of the rest of the Owners. If an owner wants to change the provisions of the declaration/bylaws those methods are already in the declaration/bylaws. This legislation should be struck down as a violation of Association's and the rest of the Owners legal rights.

Bob Gosselin



**Archived:** Thursday, May 19, 2022 12:44:38 PM  
**From:** [John Budron](#)  
**Sent:** Friday, February 4, 2022 5:57:12 PM  
**To:** [~House Commerce Committee](#)  
**Cc:** [sueleel@yahoo.com](mailto:sueleel@yahoo.com)  
**Subject:** HB 1146 and HB 1380  
**Importance:** Normal

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HB 1146 and HB 1380 are Bills that attempt to fix things that aren't broken. The authority to raise fees is needed to allow mindful fiscal management of the operation. And allowing condo owners the option of adding solar power panels would destroy the aesthetic of the complex and establish a harmful precedent. Please oppose these bills as they come before you.

Thank you,  
John Budron  
Sent from my iPhone



**Archived:** Thursday, May 19, 2022 12:44:39 PM  
**From:** [pbutterf61@comcast.net](mailto:pbutterf61@comcast.net)  
**Sent:** Friday, February 4, 2022 11:50:47 AM  
**To:** ~House Commerce Committee  
**Subject:** HB 1146 and HB 1380  
**Importance:** Normal

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I wish to voice my strong opposition to both above-mentioned bills. HB1146 would strip the ability of a condo association's board to determine appropriate condo fees based on their continued management experience. It places the decision in the hands of the owners – imagine if your grocery store allowed customers to vote on whether to raise prices. In fact, the owners DO have a say in condo fees – they elect members to serve on the board. I'm sure you agree that the persons viewing the bills (and the current inflation associated with providing services) are in a better position to determine the long-range effects on the cost of providing these services. This seems to me a feel-good bill with very little thought as to the actual management issues involved.

HB1130 is another bill that removes legal authority from association boards in that it allows individual owners the ability to place solar systems anywhere within the owners "control". Beyond the obvious argument that owners do not "control" their roofs – since that is part of exterior structure – it gives no consideration to the others in the community who will be forced to view the panels. If a community wants solar, let it be a collective and cooperative decision to benefit all community members. Keep the state out of this decision.

Sincerely,  
Peter Butterfield  
President  
Stonebridge Village Condo Association  
Plaistow, NH

**Archived:** Thursday, May 19, 2022 12:44:40 PM

**From:** [Sandra Allen](#)

**Sent:** Thursday, February 3, 2022 6:51:47 PM

**To:** ~[House Commerce Committee](#)

**Subject:** HB 1146 and HB 1380

**Importance:** Normal

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All

I am a long standing board member for an association in the lakes region and one of biggest problems is group participation from owners. Owners do not care to attend meetings and various other events throughout the year. The proposed bills will it make it very difficult for the board to function the property. I strongly oppose both bills.

Please support condo owners and do not let these bills pass.

Sandra Allen

Sent from my iPhone

**Archived:** Thursday, May 19, 2022 12:44:38 PM  
**From:** Patsy Thayer  
**Sent:** Saturday, February 5, 2022 7:33:38 AM  
**To:** ~House Commerce Committee  
**Subject:** HB 1146 and HB 1380  
**Importance:** Normal

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To: Committee Members

As a resident owner of a condominium, as well as a member of the Board of Directors, I am stunned by both of the above House Bills coming up for discussion on February 9th.

With respect to HB1146, stating that raising fees or having to assign a special assessment should be accomplished by a majority vote from the residents is not going to allow the board members to effectively manage the association. Between inflation, unexpected maintenance costs for several condo units, weather related issues, we need to make sure that we have the funds to maintain our structures, as well as our landscaping. No one wants to have assessments or a raise in condo fees, but when necessary, the board needs to explain the reasoning for the fee increases/assessment to the residents, then implement the changes. To arbitrarily let the residents vote on the increases could lead to compromising the maintenance of our residents' homes as well as our common land. OPPOSED

HB1380 with regard to solar panels is a bill which takes away the control of the residents as well as the board to make decisions about their homes and community. Each and every condo association is unique. The residents, our management company, along with the board need to make decisions without House Committee interference. We are governed by our By- Laws. We do not require, nor do we want, the intervention of the State of NH in the form of statutory mandates. Associations require the ability to determine what is best for their community. OPPOSED

Patricia Thayer  
Exeter, NH 03833

**Archived:** Thursday, May 19, 2022 12:44:39 PM  
**From:** [Dann Lewis](#)  
**Sent:** Friday, February 4, 2022 12:42:23 PM  
**To:** [~House Commerce Committee](#)  
**Cc:** [Dann Lewis](#)  
**Subject:** HB 1146 and HB1380  
**Importance:** Normal

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As a retired long-term resident of New Hampshire, I would like to register my strong opposition to the two bills referenced above. These bills would undermine the ability of condominium associations to serve their owners. Bill HB 1146 is particularly egregious in that it would make it impossible to raise funds for normal expenditures, specifically in a time of rapid inflation on a broad scale. It is manifestly unfair to both condominium owners and those businesses who provide services to them. This ill advised bill should not pass.

Bill HB 1380 is more narrowly targeted, but equally ill-advised. It would strip the authority granted by the duly established By-Laws of an organization and foster a breakdown in the very uniformity that owners depend upon to safeguard their investment in their residences. It ignores the very laws that form the basis for governance of the association itself. It should not pass.

Dann Lewis  
Freedom Village Condominium owner/resident.  
February 4, 2022.

**Archived:** Thursday, May 19, 2022 12:44:35 PM  
**From:** [Sue Maxfield](#)  
**Sent:** Tuesday, February 8, 2022 10:45:02 PM  
**To:** [~House Commerce Committee](#)  
**Subject:** HB 1146 and HB1380  
**Importance:** Normal

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My name is Susan Maxfield and I am on the Board for the Village at Mead Field Condominium Association in Northwood, NH. I am unable to attend the February 9th, 2022 hearing in person and wish to voice my opposition to HB1146 and HB1380.

These two bills would severely limit the board's ability to raise fees essential to properly maintain and repair and keep up with inflation or to make a special assessment due to an unforeseen circumstance and would strip associations of their ability to self-govern.

Thank you in advance for your consideration regarding opposing these bills.

Susan Maxfield  
617 First NH Turnpike Unit 13  
Northwood, NH 03261

**Archived:** Thursday, May 19, 2022 12:44:37 PM

**From:** [Sharon Machado](#)

**Sent:** Sunday, February 6, 2022 12:25:06 PM

**To:** [~House Commerce Committee](#)

**Subject:** HB 1146

**Importance:** Normal

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Members of the House Commerce Committee,

I oppose House Bill 1146 which is looking to severely curtail a board's ability to raise fees by requiring "a majority of votes in the association" in order to do so.

If the Board needs to raise fees to keep up with ever rising inflation, or to make a special assessment due to an unforeseen circumstance such as a roof collapse, under this bill, the Board cannot do so unless a majority of the association actually votes in favor first. There are times when fees must be raised in order to accrue sufficient funds to properly maintain and repair common area of the property or to pay for the replacement of a common element which unexpectedly fails.

Sharon Machado

8 Strawberry Bank Rd

Nashua, NH 03062

**Archived:** Thursday, May 19, 2022 12:44:39 PM  
**From:** [Dianne Humelsine](#)  
**Sent:** Friday, February 4, 2022 1:45:56 PM  
**To:** [~House Commerce Committee](#)  
**Subject:** HB1146 and HB1380  
**Importance:** Normal

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I would appreciate you reading my comments on the upcoming Bills to be presented on 2/9/22.  
Thank you, Dianne Humelsine, President, Webster Woods Condo Assoc.

Sent from [Mail](#) for Windows

**Archived:** Thursday, May 19, 2022 12:44:36 PM  
**From:** [Dave Imperato](#)  
**Sent:** Monday, February 7, 2022 12:32:45 PM  
**To:** [~House Commerce Committee](#)  
**Subject:** HB1146 and HB1380  
**Importance:** Normal

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Hello,

I'm writing to the committee in regards to HB1146 and HB1380. I will not be able to attend the public hearing on Feb 9 and wish to make my position known to you. I own a condo in Merrimack and am also an elected member of the condo board. I am against both of these bills. Our condo is governed by the articles that were put in place when the development was established in 1980. The board is active in the day to day management of the condo development and, since we are all residents, makes decisions based on the best interests of all our owners. We, not legislators in Concord, are in the best position to understand the needs of our association and act accordingly.

Thank you,

Dave Imperato

Dave Imperato  
603-391-2505



**Archived:** Thursday, May 19, 2022 12:44:40 PM  
**From:** [rita spence](#)  
**Sent:** Thursday, February 3, 2022 5:36:44 PM  
**To:** [~House Commerce Committee](#)  
**Subject:** HB1146 HB 1380  
**Importance:** Normal

---

I am on a board of a condo development in Amherst. I strongly oppose these bills . Please don't pass these bills

Thanks

Rita Spence

**Archived:** Thursday, May 19, 2022 12:44:38 PM  
**From:** [Wendy Solomon](#)  
**Sent:** Saturday, February 5, 2022 9:32:38 AM  
**To:** [~House Commerce Committee](#)  
**Cc:** 'Wendy Solomon'  
**Subject:** HB1146 Opposition  
**Importance:** Normal

---

Dear Commerce Committee member,

As a condo owner for 15 years and a board member, I am opposed to HB 1146.

This past year we had 3 vendor contracts that expired and to have sufficient services for our community for the current year, 2022, after receiving bids all the vendors had increased contract prices for a 3 year span. We try to have contracts that span multiple years to stabilize costs. There was no other option but to be fiscally responsible and raise the monthly condo fees. Boards have a fiduciary responsibility to the owners. No one desires fee increases but it is a fact of life that costs go up. Condo bylaws already have provisions for rejecting an association budget, additional legislation is not needed.

This bill would hinder the board from providing responsible management of a property.

Thank you for considering my comments

Wendy Solomon  
212 C Cardigan Drive  
Pembroke, NH 03275  
603-485-7262

**Archived:** Thursday, May 19, 2022 12:44:38 PM  
**From:** [Carol Samson](#)  
**Sent:** Saturday, February 5, 2022 11:12:23 AM  
**To:** [~House Commerce Committee](#)  
**Subject:** HB1146  
**Importance:** Normal

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Dear Commerce Committee,

My name is Carol Samson and I live in Chickering Meadows in Pembroke, NH. My Husband, James and I are opposed to HB1146.

Sincerely,

Carol Samson

**Archived:** Thursday, May 19, 2022 12:44:36 PM

**From:** David Stern

**Sent:** Monday, February 7, 2022 6:11:20 PM

**To:** Susan DeLemus; ~House Commerce Committee; Constance Van Houten; Ken Snow; Efstathia Booras; Jane Beaulieu; Joyce Weston; Heidi Hamer

**Subject:** House bill 1146 and House Bill 1380

**Importance:** Normal

---

Dear Representatives:

I am writing to ask you to oppose the implementation of the above referenced two bills:

HB 1146 requires a step that is impossible to attain. It is highly unlikely that ANY association could receive votes from a majority of the votes, let alone a majority voting in favor of raising their own costs. This despite the rate of inflation the country is experiencing in every phase of existence, including fuel, electricity, building materials and the mere cost of doing business with vendors. To even propose such a bill is indicative of near-sighted and foolish actions which shows clearly that those in favor of this bill are woefully ill-informed of the facts of our very existence.

HB1380, while an attempt at allowing residents to attempt to reduce our carbon footprint, serves mostly to change the character an association has chosen to adopt. Similar to the unsightly look of air conditioners sticking out of many windows and the plethora of TV antennas marring the landscape, this would only add to the flotsam which would appear and make the appearance of a complex look more like a slum than a pleasant place to live. Every resident within a complex or association is fully aware of the limitations regarding the addition of unsightly extraneous matter.

I am strongly opposed to both of these measures and urge an immediate negative vote.

Thank you very much.

David Stern

6 Strawberry Bank Rd, Unit 12

Nashua, NH 03062

(603) 930-4005

[davidlawrencestern@gmail.com](mailto:davidlawrencestern@gmail.com)

**Archived:** Thursday, May 19, 2022 12:44:37 PM

**From:** [The Lesters](#)

**Sent:** Sunday, February 6, 2022 10:31:04 AM

**To:** [~House Commerce Committee](#)

**Cc:** [Susan DeLemus](#)

**Subject:** House Bill 1146 Objection

**Importance:** Normal

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As a member of the Board of Directors for the Wright Estate Condominium Association in Keene NH, I strongly object to the language presented in House Bill 1146. The Board is elected by the owners/members to carry out the business of the Association for maintaining the buildings and grounds in order to provide a safe and desirable community and protect property values. We accomplish that by establishing an annual budget that includes every anticipated maintenance item for the upcoming year as well as requested projects from the members. The Board carefully manages costs associated to achieve these needs and has only increased fees in years where mandatory maintenance required it and our Association has yet to incur an assessment because all maintenance items are anticipated and included in the budget which is presented to the membership at the beginning of the year. At that time, there is already a process in place for members to object but have never found the need to do so. With all this in mind, I see no reason to pass HB 1146 because there is no existing need.

Robert Lester, Secretary/Treasurer  
Wright Estate Condominium Association

**Archived:** Thursday, May 19, 2022 12:44:37 PM  
**From:** [Mary Tedeschi](#)  
**Sent:** Sunday, February 6, 2022 10:57:37 AM  
**To:** [~House Commerce Committee](#)  
**Cc:** [Susan DeLemus](#)  
**Subject:** House Bill 1146 Objection  
**Importance:** Normal

---

As a member of the Board of Directors for the Wright Estate Condominium Association in Keene NH, I strongly object to the language presented in House Bill 1146. The Board is elected by the owners/members to carry out the business of the Association for maintaining the buildings and grounds in order to provide a safe and desirable community and protect property values. We accomplish that by establishing an annual budget that includes every anticipated maintenance item for the upcoming year as well as requested projects from the members. The Board carefully manages costs associated to achieve these needs and has only increased fees in years where mandatory maintenance required it and our Association has yet to incur an assessment because all maintenance items are anticipated and included in the budget which is presented to the membership at the beginning of the year. At that time, there was already a process in place for members to object but have never found the need to do so. With all this in mind, I see no reason to pass HB 1146 because there is no existing need.

Mary Tedeschi, Member  
Wright Estate Condominium Association

**Archived:** Tuesday, April 5, 2022 2:37:44 PM  
**From:** RONALD MOSHER  
**Sent:** Wednesday, February 9, 2022 8:39:11 AM  
**To:** ~House Commerce Committee  
**Cc:** Susan DeLemus  
**Subject:** House Bill 1146  
**Importance:** Normal

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House Commerce Committee,

My name is Ronald Mosher. I am a condominium owner and board member at Westbrook Condominiums on Old Hackett Hill Rd in Manchester., NH.

I am writing to oppose House Bill 1146. It is the responsibility of the board to protect the investment and safety of the property owner in the condominium community. I also want to state that we do not have a majority of participation in meeting and budget reviews. There are times when fees must be raised in order to accrue sufficient funds to properly maintain and repair common areas of the property or to pay for the replacement of a common element which unexpectedly fails. All homeowners, regardless of the type of property they own, would agree that the cost of goods and services increases over time. Condominium associations are also subject to these increases. This impacts all areas of maintaining property including snow removal, landscaping, pools, repair and maintenance provided by trades people such as plumbers, electricians, carpenters, etc. We have all seen residences in which the owner has decided not to maintain their property. These properties negatively impact the appearance of the neighborhood and property values. The board is responsible for the community as a whole. Often times individual owners don't see the broad spectrum and their perspective is from their individual feelings, beliefs. Again, it is important for the board to maintain the investment and safety of the property owners in the condominium community.

Thank you for considering the above information.

Sincerely,

Ronald E. Mosher  
Westbrook Condominiums  
Old Hackett Hill Rd  
Manchester, NH 03102

E-mail: remosher2@comcast.net

**Archived:** Thursday, May 19, 2022 12:44:32 PM

**From:** Charlotte M Potak

**Sent:** Tuesday, February 8, 2022 11:14:58 AM

**To:** ~House Commerce Committee; Susan DeLemus; Constance Van Houten; Ken Snow; Efstathia Booras; Jane Beaulieu; Joyce Weston; Heidi Hamer

**Subject:** In opposition of House Bill 1146 and House Bill 1380

**Importance:** Normal

**Digitally Signed:** Yes

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Dear all,

I write to express my strong opposition to House Bill 1146 and House Bill 1380.

House Bill 1146, which proposes to limit Condominium Boards from raising monthly condo fees without a majority vote of Association members, is an extreme measure that could very likely be detrimental to the community as a whole, and is also redundant in that current NH statute addresses the issue of transparency of financial information.

Current NH Statute (356-B:35-II) imposes a fiduciary duty on Directors, to put our members interests above all others. This legislation is not in the best interest of Association members. Additionally, current NH Condominium Statute (356-B:37-e) mandates that the Board present financial information to owners in a timely manner. Lastly, current Statute (356-B:40-c) provides a mechanism for 2/3 majority to reject a proposed budget, which, by necessity, would contain any proposed increase in fees. Thus, I feel that there are means already in place for members' voices to be heard with regard to any increase in monthly condo fees.

I am a member of the Board of Directors, and Association Secretary of The Cottages at White Rock, in Bow, NH. Our community is a small senior community and, as in most developments, maintaining, repairing, and replacing the common areas are the responsibility of the Board. This is accomplished with a lot of planning and using monies collected from monthly dues. This legislation, if enacted, has the potential to result in insufficient funds being available to properly manage and care for Association property.

I also voice strong opposition to House Bill 1380, which would permit members to erect solar panels on the roofs of their respective units irrespective of any prohibitions contained in governing documents. Our documents, as I suspect those of most other condominium associations, consider roofs to be common areas, and as such are "owned" and maintained by the Association Board. While I am not averse to solar power panels, having one or two owners decide to install such panels would be detrimental to other Association members. As an example, if during or following installation of solar panels the roof is damaged - who repairs the damage? Is it proper to make all members pay a pro rata share for repairs necessitated by one or two owners installing solar panels? Further, once the solar panels are installed, who owns and maintains them? Remember, generally, roofs are considered common area property, owned and maintained by the Association! There are also property value issues to consider; having solar panels on some condos could certainly detract from the value of the properties in the community as a whole.

There are many considerations one has to take into account when choosing to live in a condominium; the governing documents and the rules and regulations predominant among them. For the State (any State) to be able to arbitrarily override governing documents – for solar power panels – or any other reason, is tantamount to authoritarian rule.



I urge you to vote against HB1146 and HB 1380.

Respectfully,

Charlotte Potak, Board Member, Secretary  
The Cottages at White Rock CA

**Archived:** Thursday, May 19, 2022 12:44:39 PM

**From:** [Julie Hamilton](#)

**Sent:** Friday, February 4, 2022 2:07:53 PM

**To:** [~House Commerce Committee](#)

**Subject:** OPPOSE HB 1146 and HB 1380

**Importance:** Normal

---

Dear House Committee Member,

I am writing to voice my strong opposition to House Bill 1146 which will severely curtail the board's ability to raise fees by requiring a majority of votes in the association. I am also writing to voice my strong opposition to House Bill 1380 which would strip associations and board the ability to self-govern. Please do not hesitate to reach out if you have any questions.

Thank you,

Julie Hamilton

**Archived:** Tuesday, April 5, 2022 2:17:15 PM  
**From:** [Robyn Cote](#)  
**Sent:** Thursday, February 3, 2022 3:32:48 PM  
**To:** ~House Commerce Committee  
**Subject:** Opposition of Condo Bills  
**Importance:** Normal

---

Hi,  
I am in opposition to these bills House Bill 1146 & House Bill 1380.  
Thank you

---





## Robyn Cote, CMCA

Property Manager

e: [robyn.cote@greatnorth.net](mailto:robyn.cote@greatnorth.net)

o: 603.436.4100

f: 603.766.6275

w: [www.greatnorth.net](http://www.greatnorth.net)



P.S. Don't forget about the Great North referral program. We pay 10% of the first year's management fee if you bring us a lead on a new association that's looking for management which results in new business for the company.

CONFIDENTIAL NOTICE: The email and any documents accompanying contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the addresses(s) named above. If you, the reader of this message, are not the addressee, you are hereby notified that any disclosure, copying, dissemination, or use of the contents of this faxed information is strictly prohibited. If you have received this email in error, please notify us immediately at the number above and you are instructed to delete the email contents.

**Archived:** Thursday, May 19, 2022 12:44:38 PM  
**From:** [Veronique ludington](#)  
**Sent:** Friday, February 4, 2022 3:26:24 PM  
**To:** ~House Commerce Committee  
**Subject:** Opposition to HB1146 and HB1380  
**Importance:** Normal

---

Dear Committee Member,

As a board member of Turnberry Condominium in Stratham, NH. I am writing to voice my strong opposition to House Bill 1146 which will severely curtail the board's ability to raise fees by requiring a majority of votes in the association. I am also writing to voice my strong opposition to House Bill 1380 which would strip associations and board the ability to self-govern. Please don't hesitate to reach out if you have any questions.

Veronique Ludington  
7 Marybank Dr  
Stratham, NH 03885  
[Vludington@comcast.net](mailto:Vludington@comcast.net)

Dear House Commerce Committee,

My name is Kevin Pucci. I am the President of Sunview Condo Association in Derry, NH. Sunview consists of 48 garden style units and 164 town houses. I am writing to you today to voice our opposition to the two proposed Senate Bills. House Bill 1146 and House Bill 1380. The proposed new regulations will have a severe negative effect on all condo associations, and will make it impossible for the boards to properly run the association. House Bill 1146 would limit a board from being able to raise fees when needed, unless it got approval from a majority vote of the association. If a board can't properly fund it's association, it won't be able to properly maintain it. This would lead to repairs not being done in a timely manner, lower quality of life in the community, and cause safety issues. I'm sure the people that wrote and sponsored this bill think they are helping condo associations. In reality they are hurting them by trying to regulate something that isn't in need of additional regulations. If this bill were to be enacted the proposed changes would be very costly to the unit owners, it would lower the value of their home, lower the services and amenities, and make it even more difficult to get people to be on the board of directors. Board members are not financially compensated for the work we do for the condo association. We volunteer because we care about our

community and we want to protect our investment in it. Board members live in the communities they serve and see and hear the needs of the residents on a daily basis. We also pay the same condo fee as everyone else. No one wants to see fees increase but from time to time they need to due to a number of factors. Look at what covid has done to the supply chain. Prices on lumber have doubled and even tripled from what the costs were just a year or so ago. The Labor market has also tightened up and the cost of skilled labor has increased dramatically. Boards need the ability to adapt and adjust to these market cost increases just as any other home owner would. Costs have increased for everyone. Why should a Condo association be treated differently? Condo associations have bylaws in place that already address the role of the board, and clearly state what the board is entrusted to do. That is why people come to live in condo communities. They like the structure and cost sharing of the community. If the Senators of New Hampshire really want to help the unit owners of condo associations they will not support Bill 1146.

Bill 1380 is also bad for condo associations. If there is new technology that will benefit our unit owners the board will gather the information and present it to the unit owners. If the unit owners want what we have presented then we develop a standard operating procedure with step by step instructions on how to do it properly and protect that unit



owner, as well as all the other unit owners. Our job is to treat everyone fairly and with respect. We help them protect their biggest investment, their home. We are always looking for ways to improve our associations and save unit owners money. As an association of 212 units, we have much greater buying power and the ability to negotiate cost savings than a single homeowner would have. Bill 1380 would take that away from us. If the Senators of New Hampshire really want to help the unit owners of condo associations they will not support Bill 1380 either. Lastly, I would like to say that I find it very troubling that these Bills are being written without input from condo associations, their management companies and legal counsel that specialize in the operations of these types of communities. We would all love to be part of the process. We all bring an abundance of knowledge that we would like to share. Thank you for your time and I truly hope you take me up on my offer to discuss this further.

Sincerely,

Kevin Pucci  
President  
Sunview Condo Assoc

I am writing regarding **HB1146** as the President of Webster Woods Condo Assoc. in Hooksett.

Why in heaven's name would you want to take the authority away from condo Boards? With prices rising for everything, it is up to the Board to juggle the figures within the budget to take care of upkeep on the property. We are voted in to be the fiduciaries of the Assoc. In our community, an over-55, 40-unit complex, most residents are happy to not have to participate in the daily running of the business of the Assoc. Also, the turnover of residents is quite high due to the age of our population. So what you propose would mean that owners could vote to raise the monthly fee (or vote it down) then move out and we are left with their decisions.

Naturally most residents do not want their fees or assessments to rise each year. But they also want all the amenities that condo living promises. As it is now, our Assoc. has to pay rental fees for our fire hydrants when everyone else living in Hooksett gets them for free. Everyone in Hooksett gets rubbish pick-up paid for through their taxes, but we must pay for ours to be picked up even though we have the same tax rate as all other residents in Hooksett. This bill, if passed, would force all Associations to rewrite their By-Laws and Docs at another added cost to be paid by the owners for legal fees.

It sounds to me like you want to punish people for choosing to live in a condo. What we need is smaller government, not more rules and regulations that fit the fancy of the sitting officials.

Regarding **HB1380**:

Again, you are stripping the Boards of their fiduciary responsibilities. Again, you are forcing residents to pay legal fees to change their Docs and By-Laws. Each complex is unique in size and landscape. There cannot be one rule that fits all through State mandates.

In one bill you want to require residents to vote on money matters of the Assoc. In the second bill you want the State to mandate how Assoc. must spend their money for solar energy. Has this been written because one resident in one condo complex wants solar panels? Then what, he moves out in a year? When a person buys a condo, they know the rules and regulations, the By-Laws and the Docs. If they do not like them, they can choose to move elsewhere.

Smaller government!

Thank You, Dianne Humelsine

**Archived:** Thursday, May 19, 2022 12:44:36 PM

**From:** Dick Swett

**Sent:** Tuesday, February 8, 2022 6:43:31 PM

**To:** ~House Commerce Committee; Susan DeLemus; swettucs@comcast.net

**Subject:** HB 1146 amendment to RSA 356-B

**Importance:** Normal

---

My name is Richard Swett, president of The Vineyards at Stratham Condominium Association. I have served on the Board since October 2017 and have served as Board President since September 2019.

This amendment “relative to the condominium instruments and condominium special assessments” should be rejected by the Commerce & Consumer Affairs Committee.

1. Condominium Fees – RSA 356-B:40-c directs the board to adopt a budget for the unit owner’s association for consideration by the unit owners, usually presented and accepted by the unit owners at the association’s annual meeting. The budget is comprised of the operating expenses estimated for the year and additions to the condominium reserve account for future capital expenditures (roofs, siding, infrastructure investments). The condominium fees are determined by the requirements of the operating and capital reserve needs. The need to increase condominium fees either annually or periodically is a reality in condominium budgets as in household budgets. The Vineyards Board believes that their fiduciary responsibility mandates the preparation of a budget that accounts for annual cost increases to avoid surprise special assessments resulting from unrealistic budgets that are designed to keep condominium fees unrealistically low. Prospective buyers in a condominium association view special assessments as a negative in the buying decision. Refer to Question 17 of the CondoCerts Condominium Questionnaire – “Are there any special assessment pending of levied with the Association?”. There is no question asking how frequently condominium fees have been raised.
2. RSA 356-B:40-c has the following requirement for adopting an annual budget- “Unless at that meeting 2/3 of all unit owners or any larger number specified in the declaration reject the budget, the budget is ratified, whether a quorum is present.” This adoption threshold ensures that the budget presented by the board will be adopted. Why? Because unit owner participation in condominium governance is low and the probability of 2/3’s unit owner attendance is very unlikely. The proposed amendment will restrict condominium boards from adopting responsible budgets to meet the standard of fiduciary responsibility. How is the present budget adoption threshold reconciled with the proposed amendment?
3. Unit owner participation in condominium annual meetings, committees and affairs is low. Willingness to serve as a condominium board member is even lower given the job description: countless hours of volunteer hours, the ratio of complaint calls to thank you atta boys is 100 to 1, there is no compensation, and no benefits whatsoever. This amendment will have the unintended consequences of restricting the condominium boards fiduciary responsibilities and willingness to participate in condominium governance.

This bill does not promote responsible fiscal condominium governance and should be rejected by the Committee.

This email should be made part of the public hearing records.

Richard W. Swett

Sent from [Mail](#) for Windows

**Archived:** Tuesday, April 5, 2022 2:17:15 PM

**From:** [Melissa Barnes](#)

**Sent:** Friday, February 4, 2022 3:05:40 PM

**To:** [Susan DeLemus](#); [~House Commerce Committee](#); [Constance Van Houten](#); [Ken Snow](#); [Efstathia Booras](#); [Jane Beaulieu](#); [Joyce Weston](#); [Heidi Hamer](#)

**Subject:** HB 1146 and 1130

**Importance:** Normal

---

My name is Melissa Barnes, I am a Property Manager in NH with 18 years' experience. I am writing with opposition to HB 1146 and 1380.

Regarding HB 1146, I find this concerning for many reasons, but one of the primary issues is that this coincides with a time that FNMA lending requirements are getting tighter. There has been an emphasis and push for Condo associations to performing reserve/engineering studies and structural assessments of the property. Then, based on these assessments, take any corrective action immediately necessary and develop a plan for the long-term sustainability of the community. On one hand we have this emphasis on engineering, structural integrity, and proper upkeep etc., and on the other the legislature proposing to make it near impossible to raise fees to do this.

A perfect example, I manage a complex of 212 units and a meeting was called in November to ratify of the 2022 budget. The turnout was only 20 owners, of which 5 were board members. The budget included a fee increase based on a reserve study and engineers' assessment of funding needs. In passing this bill, you would be taking away the Board's duty to ensure that the community is on a solid financial footing moving forward, as the reality is many unit owners do not participate. Alternatively if they do participate but opt not to pass a necessary increase, that has dire consequences for the financial health and upkeep of the community.

Regarding HB 1380, while I am all for alternative energy like solar power, it should be up to each individual association to vote on. By enacting this bill would take away the owners' rights to govern their own communities.

I strongly urge you to oppose HB 1146 and 1130.

Regards,

---

**Melissa Barnes**

Senior Property Manager

e: [melissa.barnes@greatnorth.net](mailto:melissa.barnes@greatnorth.net)  
o: 603-436-4100 x5412  
f: 978.478.5065  
w: [www.greatnorth.net](http://www.greatnorth.net)



P.S. Don't forget about the Great North referral program. We pay 10% of the first year's management fee if you bring us a lead on a new association that's looking for management which results in new business for the company.

HB 1146 - AS INTRODUCED

2022 SESSION

22-2450

11/05

HOUSE BILL

**1146**

AN ACT relative to condominium instruments and condominium special assessments.

SPONSORS: Rep. DeLemus, Straf. 24

COMMITTEE: Commerce and Consumer Affairs

---

ANALYSIS

This bill modifies the method by which condominium instruments may be modified, and provides that condominium associations cannot override special assessments levied by the condominium board of directors.

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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 Two*

AN ACT relative to condominium instruments and condominium special assessments.

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

1       1 Condominium Instruments; Amendment of Instruments. Amend RSA 356-B:34, II to read as  
2 follows:

3           II. If there is any unit owner other than the declarant, then the condominium instruments  
4 shall be amended only by agreement of unit owners of units to which 2/3 of the votes in the unit  
5 owners' association appertain, or such larger majority as the condominium instruments may specify,  
6 except in cases for which this chapter provides different methods of amendment. The procedures  
7 established in RSA 356-B:54, V shall be followed for amendments to extend the time limits for  
8 conversion, expansion, or contraction of a condominium. ***Notwithstanding the foregoing,***  
9 ***condominium fees shall be amended only by agreement of unit owners of units to which a***  
10 ***majority of the votes in the unit owners' association appertain.***

11       2 Condominium Act; Adoption of Special Assessments. Amend RSA 356-B:40-c, II to read as  
12 follows:

13           II. The board of directors, at any time, may propose a special assessment. [~~Except as~~  
14 ~~otherwise provided in paragraph III, the assessment is effective only if the board of directors follows~~  
15 ~~the procedures for ratification of a budget described in paragraph I and the unit owners do not reject~~  
16 ~~the proposed assessment.]~~

17       3 Effective Date. This act shall take effect 60 days after its passage.