

CONSENT CALENDAR

April 20, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Commerce and Consumer Affairs to
which was referred SB 324-FN,**

**AN ACT (New Title) relative to the resolution of
disputes for condominium unit owners, homeowners'
association unit owners, and tenant owned
manufactured housing parks. Having considered the
same, report the same with the following resolution:**

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. John Hunt

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Commerce and Consumer Affairs
Bill Number:	SB 324-FN
Title:	(New Title) relative to the resolution of disputes for condominium unit owners, homeowners' association unit owners, and tenant owned manufactured housing parks.
Date:	April 20, 2022
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill provides for the resolution of disputes for condominium unit owners, homeowners' association unit owners, and tenants in manufactured housing parks. The Commerce and Consumer Affairs Committee has seen this legislation almost every biennium. The Senate amendment has resolving of disputes by appealing the owner's decision to the owners themselves.

Vote 18-0.

Rep. John Hunt
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Commerce and Consumer Affairs

SB 324-FN, (New Title) relative to the resolution of disputes for condominium unit owners, homeowners' association unit owners, and tenant owned manufactured housing parks. **INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill provides for the resolution of disputes for condominium unit owners, homeowners' association unit owners, and tenants in manufactured housing parks. The Commerce and Consumer Affairs Committee has seen this legislation almost every biennium. The Senate amendment has resolving of disputes by appealing the owner's decision to the owners themselves. **Vote 18-0.**

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on SB 324-FN

BILL TITLE: (New Title) relative to the resolution of disputes for condominium unit owners, homeowners' association unit owners, and tenant owned manufactured housing parks.

DATE: April 20, 2022

LOB ROOM: 302-304

MOTIONS: **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Beaulieu

Seconded by Rep. Abel

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 #: SB 324 Motion: ITL AM #: _____ Exec Session Date: 4/29/22

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

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on SB 324-FN

BILL TITLE: (New Title) relative to the resolution of disputes for condominium unit owners, homeowners' association unit owners, and tenant owned manufactured housing parks.

DATE: April 14, 2022

Subcommittee Members: Reps. Hunt, Potucek, Greenson, Johnson, Terry, Bartlett, Abel, Van Houten and McAleer

Comments and Recommendations:

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Rep. Hunt

Seconded by Rep. Rep. Johnson

Vote: 9-0

Respectfully submitted,

Rep. John Hunt
Subcommittee Chairman

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on SB 324-FN

BILL TITLE: (New Title) relative to the resolution of disputes for condominium unit owners, homeowners' association unit owners, and tenant owned manufactured housing parks.

DATE: 4/14/22

Subcommittee Members: Reps. Hunt, Rotucek, Ammon, Osborne, Abramson, Ham, Depalma IV, Greeson, Johnson, Terry, Bartlett, Abel, Herbert, Van Houten, Fargo, Weston, Beaulieu, Burroughs and McAléer

Comments and Recommendations:

Three horizontal lines for writing comments and recommendations.

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

Moved by Rep. Hunt Seconded by Rep. Johnson AM Vote: 9-0 Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

Amendment Adopted Amendment Failed

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

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____ Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

Amendment Adopted Amendment Failed

Respectfully submitted,

Handwritten signature of Rep. [Name] Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON COMMERCE & CONSUMER AFFAIRS

PUBLIC HEARING on Bill # SB324

BILL TITLE:

DATE: 4/13/2022

ROOM: Zoom

Time Public Hearing Called to Order: 11:43 AM

Time Adjourned: 12:45 PM

(please bold if present)

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

TESTIMONY

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

Sen Harold French

So, there's a little history with this bill. When I sat in commerce every time in the house, every time we get a bill to address this, I said, no, two years in the house. I said, no. As chair of commerce in the Senate, every time something like this would come through, I would say no, this year I was listening to these people, and I realized this problem's not going to go away. So, I had drafted Senate bill 324 and the original bill, a no bill addressed, addressed homeowners, associations, it addressed condos and it, and it addressed. Oh co-ops. Now when that bill came out, it was the bill that would solve this problem. It set up a state board to overview disputes. It also brought out about 480 people against the bill in the women behind me for it. So, in other words, it didn't go over too well, shall we say so Senator Bradley using his wisdom said, let's address what we can address now that will make a difference. And therefore, we have the bill that you have before you. Now, this bill works on condo associations and homeowners' associations and the co-ops ho homeowner co-ops and this bill, just because there's so many disputes within these condo associations and homeowners' associations are these co-ops this bill requires these groups to have a dispute resolution board within their own unit. It's nothing run by the state, which is probably the way to do it, except it's not going to pass. And no one likes it except me and the people behind me. So, I would like you to listen to what these people have to say about it, why they need it and why you shouldn't listen to your chairman when he tries to kill this before this committee. So, thank you very much, Mr. Chair.

Q: Rep Johnson - And how did it <affirmative> and how did it come out to the Senate committee?

A: This one came out fairly well, actually looking here. Why do you ask these questions?

Q: Rep Johnson - You think you'd know by now

A: It came out.

Q: Rep Hunt - Just say, you'll get back to her later.

A: Thank you. I'll get back to you later, but if you look at the built docket sheet, it'll be on there. I just can't read it. It's too small print. All right.

Q: Rep Burroughs - Thank you for taking my question Senator over here. One concern I have is the makeup of the resolution board. Yep. Because with the exception of the person appointed by the bar, it's, it's, it's either the speaker of the house or the governor, which means that the majority party could have the entire, basically the entire board. And, and you know, let's just say that it's Governor Sherman, you're seeing that might be a problem to some people that governor SHR Sherman could appoint all these people and the speaker of the house. So that's my concern that the majority party is going to control that

A: Changes are available.

Q: Rep Hunt - Evidently, he's easy. Any other questions on the community members? Yeah. One there. So I have one question for you. I'll get, you I'll get them but I have a question for you. Yes. Did anybody consider that? Shouldn't we just require that any new condos or new homeowner association, anything going forward, any change in their bylaws, it should have a statement in there about what exactly is the grievance procedure of that particular association.

A: Mr. Chair, you know, as well as I do people don't read those what I know, and this was my argument, the same as yours all along for six, seven years, I had the same argument do your homework, but it doesn't work. So, this would settle it.

Q: Rep Ammon - Thank you. I sit here all day. I don't get to ask any questions. Thank you for your testimony, Senator French. I think I was on the condo commission with you. When we talked about the idea for this bill, we also talked about sun setting that commission, which I think has been in place 14 or 15 years. Would you be amenable to putting a sunset in this?

A: I would.

Q: Rep Burroughs - I like the way you phrase that. Another question? I'll make it quick. Okay. I don't understand. Item 22 to 23 in the event of a dispute between an association of between a homeowner and the association, the resolution shall favor the property owner. I don't understand that. Why is that? So, page four. I'm sorry. I should have said page four,

A: You, you don't have the new and improved.

A: Okay. The new one improved. So that was the original. Okay.

Q: Rep Van Houten - I do. I have a quick question. Isn't this essentially what exists now? If I have a dispute, don't I go to the board now? And if they say no, Connie, you're crazy. This is, I could not go. I could go to court as well.

A: This is a, I believe this will create a new board that just handles disputes within the communities.

Q: Rep Van Houten - Thank you. I didn't thank you for taking my question. Should that be more specified here that it's a separate dispute board, as opposed to the board of directors?

Sen Harold French

That would it's open. These are all conversations. These can be changed and, and made better with your, your thoughts.

Rep Susan Almy

Not 15. We put this together in 2010. We had six months before the O'Brien administration removed everybody who was on it, except one who got sidelined that we have had a lot of problem. This representative Almy. Grafton, 13 city of Lebanon, and also on for a lot more than 15 years chair of president of my homeowner's association by popular demand because they couldn't find anybody to replace me. When I've tried to retire the first time, I've still got interim after my name. It's a small homeowner's association and we the problem that we have with these associations condominium one and the homeowners association, one, which doesn't occur with the manufactured housing parks, there are already two bodies that take very good care of those in just about every situation that you can create. The first one was created by representative Senator, judge Gordon, who currently chairs the two small homeowners association representative Abramson, forgot to say he wanted to add an extra member to, to us so that we wouldn't have all of these perpetual quorum problems, the Senate having removed someone and made us for people <laugh>. But the the housing the manufactured housing parks are, are overseen by the manufactured housing board does a very good job of this. And most of the co-op manufactured housing parks, the tenant owned ones on are I think all of them probably have guidance from the community loan fund for the duration of their lives. So, and that guidance has a lot it's very heavily concentrated. I think in later years in making sure that boards properly represent the, the owners and that there is a de democratic elected board and that people know what's going on, that doesn't, hasn't worked everywhere. It didn't work in one place. And that was the Genesis of the opposition to this bill. But the opposition to the, to the original bill was aggravated by the fact that added to the bill were a lot of stipulations for homeowner associations. Uh the first of which in my mind is something that no homeowner association board and most of its membership would think was feasible at all. That is that every board see every board rotate the entire membership of the association through the board in two-year terms on almost all, a lot of the associations are partly or mostly second homeowners. They aren't around on in my small association, we have a number of people who are physically or mentally, or both incapable of doing that work on and won't and several others that are very very heavy workers. We have a lot of hospital people, and they find it very difficult to participate. So so there were a number of other stipulations, which a number of homeowner associations, because they vary a lot, would find quite difficult. And a lot of people came out to oppose the, the bill on the commission, got a chance to look at it for, I think it was 15 minutes while we were discussing at the same time. Uh and it was seven pages long, something like that. So on we, we only discussed the possibility of amending it in the house once it came over. So on, I am here to ask you to ITLs bill so that we can, can start with a clean slate again, next term on this. And the chair doesn't like this idea much, but the biggest problem we have with the condominium and the homeowner associations is when the board with or without the property manager goes bad, will not allow the owners to see the financial documents will not allow the owners to vote. There are a fair number of boards that are self-perpetuating over the years. And a number of these places run into major financial problems because of this kind of behavior too, because they aren't properly doing maintenance. And they get a reputation around town for, for discriminatory behavior. And the property values go down and then people are faced with, do I sell? I want to get out to here. Do I sell at a bargain price to somebody who doesn't know what's going on a lot? I've had people one couple that was in my association that a drunkard moved in next door that was very difficult for them. They waited to sell until he had died because they were honest, and they didn't want to sell to somebody that something that we couldn't do anything about. But on, or do or are they trapped? Some people walk away from these associations. They just crumble half the people have walked away because they, they can afford to do it. But a lot of other

people move into these places as retirees having calculated exactly how much they can afford to pay for their housing for the rest of their life and can't afford to move away. So we do need something. This is not it. This is what we are doing now, except that it adds an extra step, which is for the people that have decided that the board is doing wrong, to ask for a meeting with that board and have the board tell them they don't care because they've already been doing that for quite a while. And then they can, after that they can go to the superior court, which is the only place they can go now. And that takes at least two years of waiting. And I'm not talking about pandemic time, I'm talking about pre pandemic, and it used to be \$20,000. It's probably more than that now to get yourself through this. So it, it very rarely happens. Things just crumble or people and people move away, or they sell to, we've had a couple of people come to us because they'd bought something they thought was great. And then it wasn't. So also, section two the homeowners associations, there is no definition in the RSAs of a homeowner's association. So, you need to provide one if you pass this. And that's all I had to say. And I'm sorry, it took a bit more than two minutes.

Q: Rep Van Houten - Thank you. When welcome to commerce representative did you, when you read this or when you, I'm sure you followed this, I know that you've been involved in this very heavily for quite a while. Yeah. Do you read this as establishing a separate dispute board or having the person who has the dispute going to the existing condo board or homeowner's association board?

A: This does not this talks about the board governing board of the condominium or the homeowner's association or the tenants association? No, they, it actually, they aren't tenants they're owners in the manufactured housing parks that are co-ops. But if they own it, they aren't tenants <laugh>. But anyway, sorry. So, it it's the existing board that is supposed to hear the case about why there is a problem with the existing board.

Q: Rep Van Houten - Thank you. The Senator who introduced this indicated that there is a possibility of making change. Do you think that if it were a dispute board, as opposed to the board of directors of the association, that that would strengthen this bill?

A: We have a lot of smaller homeowner associations and co and condo associations. I know one that's only four on you can't put fit two boards into those places, but and it's, it's difficult. I mean, you're talking about volunteers doing what town and city governments do and smaller towns have problems, getting volunteers to be clerk and things like that on. So do, and, but they have the New Hampshire municipal association to help them out. These associations don't have anybody above them to help them out. Except for the manufactured housing board and the community loan fund.

Lou Gargiulo - Great North Property Mgmt

Good afternoon, Mr. Chairman, and the committee. I'm happy to be before you today. My name is Lou Gargiulo. I reside in Hampton falls, New Hampshire, and I'm the CEO and founder of great north property management in Exeter, New Hampshire. My firm is responsible for the management of more than 25,000 condominium and homeowners association units. That house, approximately 75,000 people. I am also a member of the community association, legislative action committee. For those of you who don't know what CAI is, a community association Institute is a public interest group nationally that works for the betterment of unit owners in condominium and homeowners associations across the country. I'm here today to voice my support in the support of the CAI legislative action committee for the revised Senate bill 324. In my opinion, the bill as originally proposed was a solution in search of a problem that doesn't really exist to any great degree that would warrant creating another government board in more bureaucracy. It's important to note I regress to say there are 265,000 approximately residents who live in condominiums in New

Hampshire in approximately 107,000 homes. And in 2200 associations, please take note, I'm speaking in favor of it. Representative Al is speaking against it. That tells you the extent of the problem. There is a very limited problem. The amended bill provides additional protection for unit owners. If there is a runaway board, a runaway board president who refuses to meet with the unit owner who has a, an issue, this bill compels them to do it. If they fail to do it, then this gives that unit owner, if necessary, additional evidence to bring before a superior court judge to say, we have exhausted every effort and the association refuses to meet with us. I think this is a reasonable compromise. The unit owner has to be responded to with a meeting within 30 days. And the board has to be responded, respond to them in 30 days. So, it gives a clear trail for the unit owner. If in fact they're being abused. If the parties don't come to a mutually acceptable resolution, they can still bring the issue before a court of competent jurisdiction. I believe the amended bill is a reasonable compromise that will move the process of belong. If something does exist without the state's interference or expense. Keep in mind if there was as proposed before a board created people from all over the state would have to come, they would have to pay a fee. Either side in that dispute would end up appealing it to the superior court, and it would cost double the amount of money this provides local control over a locally elected board and provides the unit owner a relief. If they feel they're being abused and provides the material of that relief. If the matter has to be taken for it, I ask you to find this bill good to legislate and move it forward to the entire house. Thank you.

Q: Rep Van Houten - I'd just like to follow up in my earlier questioning is it your interpretation that there would be a separate dispute board separate from the board of directors to whom some would bring a concern?

A: No, that's not how the language is written in the board. And on that point, I agree with representative Almy. There are not huge. Some of these associations in New Hampshire are very small and to create an additional board would be a cumbersome issue. And I don't see any need. I think though this board forces the association and for some reason, a board member, or a board refuses to meet this compels them to do it. And it will be in the governing documents of the association that they have to amend their bylaws accordingly.

Q: Rep Van Houten - Just the same, the same line of questioning that I've asked the earlier. People who've testified. So in essence with this bill and I, I should clarify, I am a condominium owner and occupant, and I have served on boards in other states. But I'm not speaking for myself. I'm speaking about the experiences that I've seen based upon the idea that the complainant would go to the condominium board of I'm using condominium, but it's, I know it's more extensive. The claimant, the complainant would go to the condominium board that currently exists, that, that currently, if, if I have a concern and I, I don't get any kind of recourse from the condominium board of directors and I go to them, they're the same people that I have a complaint against. Can I expect to get a resolution that's fair? And just,

A: I think you can, I think most people on boards are there for the right reasons. I think there are very remote situations where that may not be the case. I deal with many boards. I serve on boards myself. And I think in most cases they will, I, I have heard of cases where a board refuses to meet and they say, we're just not doing it. And I think this bill corrects that issue because if they don't meet, they're violating both the letter and the spirit of the law. And I think that puts them in a very difficult position if the unit owner decides to bring it to the superior court. So, I think it serves a significant purpose without creating more laws and more infrastructure for people to pay more money to go to. So, I think this is a relief that wasn't there. That will be helpful.

Bonnie Gawrys

Good afternoon, gentlemen, as you know, my name is Bonnie Gawrys and I'm here today, representing myself, Louise Rideout, and John Murphy from Bayview cross and cooperative in Allentown. And he could not be here with us today. As you know, we are in favor of SB 3 24. We need a mechanism within each cooperative to handle complaints relative to the bylaw violations, whether the violations are tenants of the cooperative or members of the board, if a resolution cannot be reached at the cooperative level, the tenant still has the ability to challenge the issue at the superior court in our community. And many other complaints are not addressed by the boards, leaving us as residents without a voice. The bill is a step in the right direction to protect our rights and interest of the tenants in all resident owned communities. Thank you, Louise

Louise Rideout

Hi. My name is Louise Rideout and I live at Bayview crossing cooperative in Allentown and you're right. The last time was a lot of testimony this time, the revised edition. I understand that the concern of not having a separate board, but we really don't want it to be. We we're so like controlled by everything. It should be something that responsible adults can take care of, but unfortunately that doesn't always happen. So, some type of a guideline is, is very good. And it's important because you know, you, you might have a board that you can work with, or you might have a board that you can't work with. Like two months ago. One of our, I think it was two months ago at our meeting, one of our zoom meetings the community loan fund tech representative Allen Blake. He, he addressed the meeting by saying five people, which we have five members of the board can't run the park. So, in that regards, you have to understand that's happened sometimes. So, to have this in place for us, if we need it, it's important. It's not frivolous. It's, you know, it's important to have a separate resolution board would be nice, but if we can't do that, we're adults, we're homeowners, we're adults. We should be able to, you know, get things done. One thing I would really like to address is that this bill, as it states about the bylaws, our, when I, we became a co-op three years ago, in 2019, we used the templates of the community loan fund. We were, it was kind of like this is, would, would work best for you. And at some point, we tried to adopt different bylaws, which there was a lot of opposition against bylaws that would probably better suit our own community. So that didn't help a little bit. The one thing that I would hope that this would address too, is that you wouldn't have third party entities like community loan fund or anybody else that would want to, you know, sway the board, and have the board maybe adopt what they want instead of what is best for the community. And when that happens, it really causes a lot of problems for the homeowners, because now you have a board that could be influenced by outside people telling them that, you know, you should do it this way. You should do it that way. You know, get rid of this person, get rid of that person instead of us being able to have this. So, this is really something that can protect people who are being targeted and, you know, having the board, some boards in place being swayed by outside parties, which I don't think should be, it should be right in within our own community and our own. We should be adults and be able to handle it without any interference from any other sources. I thank you for listening.

Bonnie Gawrys

I just, I, I want to just say something about what you just said, and Louise is at Louise is absolutely right. We, we don't need anybody to sway the board that, that that's in place right now. You, you have people on the board who might not like Louise, who might not like me. And we have to bring something up to them. We're not going to get anything. Do you know what I'm trying to say? Yep. We, we had for instance, last, last year we had someone sitting on the board that was not following the bylaws and try to take five people out of the membership and then throw them out of the park. That, that, that was not right. They did not follow the bylaws. The people that were in place on that

board did absolutely nothing. A technical advisor didn't do anything to advise them that what they were doing was incorrect. So consequently, these, we had five tenants that were beside themselves because they said, well, where are we going to go? We own this house. Now we're going to get evicted because I've got a mophead sitting on my lawn. Do you know what I'm trying to say? So, we need, we need protection ourselves. You know, not everybody's personality matches not everybody's going to agree with everybody else, but when you have a board in place that has issues with people in the park you're not going to, you're not going to get fair decision from them.

New Speaker

Okay. as I read this, there is nothing to protect the owner from retribution for having sued. If it goes to that. So they can't get satisfaction at the, at the board level, at the park or the, or the condo association, they have to sue, but there's nothing to protect them against retribution against this against the owner. Even if it's, if it's satisfactory, regardless of, of the outcome of that suit for or against would you be amenable to something that would specify protection against retribution?

Louise Rideout

I would.

Bonnie Gawrys

Yes, I would too. In fact, we need that right now. <Laugh> okay.

Q: Rep Hunt - Probably even more so

Louise Rideout

Can I just share something? I'm sorry to interrupt. But when I bought this home in 2018, it wasn't a co-op then Hines owned it, holiday acres. And when I bought it, I have four children and three grandchildren and my youngest son who's in the hospital right now. He was participating to help me in the process. And I tried to teach him a little bit about the process of home. I owned homes before mass, but this was a different situation. He was old enough to learn. And my two young grandchildren love coming up there and I am a responsible homeowner. I, you know, maintain my property. I care about my community. I care about my neighbors. And right now the bullseye on my back is so big that I feel like, you know, this is something it's better than nothing. That's right. But I do like the fact representative Greason that you would like to see about including some type of retribution. Yeah. Yeah. Thank you very much. I, I appreciate that. Thank you.

Bonnie Gawrys

Thank you for, for bringing that up, because that is thank you. That, and just to mirror what she said, I've only lived here for a year and a half. I took all the money that the VA gave me after fighting to make my husband a service related disability. I left my family and friends behind came up here to live a nice peaceful life. Let me tell you when I have to keep my curtains closed during the day and I have to buy security cameras because my people in my pocket are targeting me because people on the will just leave it like that. But I'm just going to end it right there. Pardon?

Q: Rep Beaulieu - Thank you, Mr chair. Thank you to take my question. Can you go to superior court now?

A: Bonnie Gawrys - No, we don't. Have you have any recourse right now?

A: Louise Rideout - I'm not sure.

Q: Rep Hunt - We can talk offline, but okay. Their issue was the way the transaction occurred,

Q: Rep Beaulieu - Because I just would, would you believe I've been to superior court with condo owners who have been targeted? It does happen often.

A: Bonnie Gawrys

Yes, it does often.

Q: Rep Beaulieu - Mm-Hmm <affirmative> and we went to superior court to challenge the board and they won, but they had to spend thousands of dollars.

A: Bonnie Gawrys - You know what, and, and, and I can understand that, but in some, in some instances, like for Louisa, myself who are targeted again to me it would be beneficial because somebody has to stand up for what's. Right.

A: Louise Rideout - But we, but the also, also it would cause a burden. If you are bringing, you know, to go to superior court, if you're bringing anything against the board, in your co-op, it would eventually cost money. And, and it would teach people like, Hey, you gotta do the right thing and the ethical, but on the other hand, you know, my name is, we're not, we're not wealthy people. We're all like regular people, but, but there has to be some accountability. I totally agree with accountability because if you don't have any and people,

A: Bonnie Gawrys - The boards run rogue.

A: Louise Rideout - Yeah. They do. And the issues that we have of people running rogue, and they're very, it's very right now, you're right about the money. Even if you go forward, we're missing so much money anyway. So if you go forward. Yeah. I mean, it, it might actually make people accountable. Thank you very much for sharing

A: Bonnie Gawrys - That. Thank you. Thank you. I appreciate that was very, yeah. Like Louis said, we're missing almost. We're missing a lot of money anyway.

Deborah Richardson

I just want to say that this bill, I mean, I haven't lived in a co-op. I've always owned my own property. So when we moved here, my husband and I, he wasn't feeling good. So we figured this would be a nice community to live in, but what I'm finding out and I was on the board for only eight months because I was the first person to be different from the man that's been running it for 11 years. And in the eight months, every month I had issues because he would stand outside because he wasn't on the board and tell everybody to come in and complain to us about what we were doing wrong. I've never been on the board before. And I said that right off the bat that I'm new at this I'm willing to learn, but it was constant every month. And finally, after every eight months they put a petition on me because in my whole board that they wanted us off the board because we weren't doing things their way. Now as of this day, pretty much four of them are still on the board as, and

this was three years ago. So they're all back on the board, what they want. But what I'm saying is the board, our board anyway is if I like you, you can do this. But if you, I don't like you, it can be the same thing as my friend and you're not going to do it. And it's constant constant, you know? I mean the one of the man that I talk about a lot of times he asks for a lot of our issues with our people in the park, you know, with neighborly issues because he, he tells one neighbor, one thing and he tells the other neighbor the same, you know, a different thing. And so that causes conflict from neighbor to neighbor. I'm just saying, I think that the board needs more accountability because they don't follow the bylaws or our rules. They, they make up their own. They, they feel that that's and half of them don't know what the bylaws and rules are. So they don't even read them before they go in. So I think this will help if they, they need accountability and we need be able to have a voice because you go to them and they just shrug it off. Like, you're just, I mean, we've been my husband and I, anybody that speaks with us is targeted. They won't talk to them. I've had a new neighbor that moved in across the street. They will not associate because they, they talk to my husband and I, because they call us the troublemakers because we did put up, we started with Karen and SU and, and Senator French. And I mean, so we had the biggest troublemakers in the park because we went hit and Sylvia, cause she, she made headlines in our little paper. So she is a big target <laugh> okay. So thank you very much. But I, I approve, I wish this bill would go through some kind of help for us.

Sylvia Dion

Thank you. I agree. Everything Debbie said was true. The only thing I have to add is that we did try to get a lawyer because of all the conflicts and that, and they didn't want any part of us. And I think it's because of this gentleman, this he's done a gentleman, this person that's causing, he's been a, a president and everything else for ye 11 years and sadly he's my neighbor. <Laugh> so that doesn't tell that is. But what I want to say is we do need help someplace. We couldn't get it from rock. We couldn't get it from lawyers. We didn't know where to turn until we called Harold fr French and Karen. And that's where we got started to get some help. But it's, it's a shame that you live in a place that you have four or five people dominate and everything they won lately. This last existent board will not tell, tell you anything. And they, they didn't have meetings for four months in a row. And one, one said to me and from another board, if you don't like it, leave, which is very nice. And she was the same as the, this fellow on the board that just gives you trouble after trouble. He doesn't like me because I will answer him back. And most people are afraid to answer him. And so naturally being neighbors, we have conflicts. So the other day I get a phone call and it's for the president of the board telling me if I don't stop harassing a lot of people. I didn't know. I knew that many people <laugh>, but he she said you will be disciplined and you will be worn. I warn you right now. You'll be losing your membership. Yep. So I'm not afraid of it because I have gotten a hold of the local paper and they will be hearing about this. And she's the, the writer is an agree with me to have another article in the paper. And the president of our board absolutely will be mad as heck because she left the board the, the same day, the first article article came out. So I mean, what does that say? You know, but another thing we don't trust this man at all, as far as our money goes with the park, he is charging 20 to 25% for every contract he makes. So that's costing us the members more money, but he denies well, he's a perpetual liar anyways. And he denies everything. So you can't win with them, but I just, we need help. That's what we need.

Q: Rep Burroughs - This is really quick. Would you believe that you said that your troublemaker, you are good kind of trouble?

A: Thank you. We're vigilantes soon.

Respectfully submitted,

Rep. Keith Ammon, Clerk

House Remote Testify

Commerce and Consumer Affairs Committee Testify List for Bill SB324 on 2022-04-13

Support: 2 Oppose: 3 Neutral: 0 Total to Testify: 0

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<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>
Carson, Senator Sharon	SD 14, NH sharon.carson@leg.state.nh.us	An Elected Official	Myself	Support	No	No	4/5/2022 2:42 PM
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Oppose	No	No	4/11/2022 1:10 PM
Osborne, Rep Jason	Auburn, NH HouseRepOffice@leg.state.nh.us	An Elected Official	House Majority Office	Oppose	No	No	4/12/2022 1:15 PM
Reagan, Senator John	Deerfield, NH kathryn.cummings@leg.state.nh.us	An Elected Official	Senate District 17	Support	No	No	4/13/2022 8:03 AM
Worsowicz, Paul	Bow, NH worsowicz@gcglaw.com	A Lobbyist	American Resort Development Association	Oppose	No	No	4/13/2022 8:23 AM

SB 324-FN - AS AMENDED BY THE SENATE

03/17/2022 1021s

2022 SESSION

22-3059
11/08

SENATE BILL **324-FN**

AN ACT relative to the resolution of disputes for condominium unit owners, homeowners' association unit owners, and tenant owned manufactured housing parks.

SPONSORS: Sen. French, Dist 7; Sen. Carson, Dist 14; Sen. Reagan, Dist 17; Sen. Gannon, Dist 23; Sen. Sherman, Dist 24; Sen. Soucy, Dist 18; Rep. Gordon, Graf. 9; Rep. Almy, Graf. 13

COMMITTEE: Commerce

AMENDED ANALYSIS

This bill provides for the resolution of disputes for condominium unit owners, homeowners' association unit owners, and tenants in manufactured housing parks.

.....

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 the resolution of disputes for condominium unit owners, homeowners' association unit owners, and tenant owned manufactured housing parks.

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

1 1 New Paragraph; Condominium Act; Dispute Resolution Procedure. Amend RSA 356-B by
2 inserting after paragraph VIII the following new paragraph:

3 VIII-a. The bylaws shall contain a dispute resolution procedure for unit owners who wish to
4 appeal the assessment of a fine for a violation of the governing instruments or who wish to discuss
5 an alleged failure by the governing board to abide by the governing instruments. The process shall
6 allow the unit owner to request a meeting with the board and provide the unit owner with an
7 opportunity to speak at said meeting. Meetings may take place via video technology. Meetings shall
8 be scheduled within 30 days of receipt of a written request and decisions by the board shall issue
9 within 30 days of such meeting. Board decisions issued as a result of the dispute resolution process
10 shall be final, with the exception of the unit owner's right to file a claim in a court of competent
11 jurisdiction.

12 2 New Subdivision; Condominium Act; Dispute Resolution Procedure for Homeowners'
13 Associations. Amend RSA 356-B by inserting after section 70 the following new subdivision:

14 V. Dispute Resolution Procedure for Homeowners' Associations.

15 356-B:71 Homeowners' Associations; Dispute Resolution. A homeowners' association shall
16 create and adopt bylaws which contain a dispute resolution procedure for unit owners who wish to
17 appeal the assessment of a fine for a violation of the governing instruments or who wish to address
18 an alleged failure by the governing board to abide by the governing instruments. The process shall
19 allow the unit owner to request a meeting with the governing board and provide the unit owner with
20 an opportunity to speak at such meeting. The meeting may take place via video technology. The
21 meeting shall be scheduled within 30 days of receipt of a unit owner's written request and the
22 governing board shall issue a decision within 30 days of such meeting. The governing board's
23 decision issued as a result of the dispute resolution process shall be final. However, an aggrieved
24 unit owner may file an action to challenge the governing board's decision in the superior court of the
25 county in which the unit owner resides.

26 3 New Section; Regulation of Tenant Owned Manufactured Housing Parks; Dispute Resolution
27 Procedure. Amend RSA 205-A by inserting after section 13-c the following new section:

28 205-A:13-d Dispute Resolution Procedure. The tenants' association of a tenant-owned
29 manufactured housing park shall create and adopt bylaws which contain a dispute resolution
30 procedure for a tenant who wishes to appeal the assessment of a fine for a violation of the bylaws or

1 who wish to address an alleged failure by the tenants' association to abide by the bylaws. The
2 process shall allow the tenant to request a meeting with the tenants' association and provide the
3 tenant with an opportunity to speak at such meeting. The meeting may take place via video
4 technology. The meeting shall be scheduled within 30 days of receipt of a tenant's written request
5 and the tenants' association shall issue a decision within 30 days of such meeting. The tenants'
6 association's decision issued as a result of the dispute resolution process shall be final. However, an
7 aggrieved tenant may file an action to challenge the tenants' association's decision in the superior
8 court of the county in which the tenant resides.

9 4 Effective Date.

10 I. Section 3 of this act shall take effect July 1, 2023.

11 II. The remainder of this act shall take effect January 1, 2023.

LBA
22-3059
Amended 3/21/22

**SB 324-FN FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2022-1021s)**

AN ACT relative to the resolution of disputes for condominium unit owners, homeowners' association unit owners, and tenant owned manufactured housing parks.

FISCAL IMPACT: State County Local None

METHODOLOGY:

The Office of Legislative Budget Assistant states this bill, as amended, has no fiscal impact on state, county and local expenditures or revenue.

AGENCIES CONTACTED:

None