

LEGISLATIVE COMMITTEE MINUTES

SB217

Bill as Introduced

SB 217 - AS INTRODUCED

2022 SESSION

22-3044
11/05

SENATE BILL **217**

AN ACT relative to eviction notices.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Whitley, Dist 15; Sen. Watters, Dist 4; Sen. Cavanaugh, Dist 16; Sen. Prentiss, Dist 5; Sen. Sherman, Dist 24; Rep. Vann, Hills. 24; Rep. DiLorenzo, Rock. 17; Rep. Espitia, Hills. 31

COMMITTEE: Commerce

ANALYSIS

This bill modifies the circumstances under which a landlord may evict a tenant and modifies the requirements relating to eviction notices.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to eviction notices.

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

1 1 New Subparagraph; Termination of Tenancy. Amend RSA 540:2, II by inserting after
2 subparagraph (g) the following new subparagraph:

3 (h) The landlord desires to:

4 (1) Perform repairs to the dwelling unit which cannot be safely done while the
5 tenant resides in the premises;

6 (2) Perform substantial renovation of the premises; or

7 (3) Sell the property.

8 2 New Paragraphs; Eviction Notice. Amend RSA 540:3 by inserting after paragraph II the
9 following new paragraphs:

10 II-a. If the eviction is based on RSA 540:2, II(h), no less than 90 days' notice shall be
11 sufficient, except 30 days' notice shall be sufficient in the following circumstance:

12 (a) The landlord has been ordered to make repairs or remedy an unsafe condition by a
13 board, agency, or authority having powers of inspection, regulation or enforcement, for violations of a
14 housing code, building code, health code or other regulation pertaining to the health or safety of
15 residential dwelling units; and

16 (b) The owner has requested for extension of time for compliance with the order, and
17 such request has been denied.

18 II-b. Nothing in this section or RSA 540:2, II(h) shall be construed to:

19 (a) Permit a landlord to evict a tenant with a child who has tested positive for the
20 presence of lead in his or her bloodstream, in violation of RSA 130-A:6-a, and/or without complying
21 with the requirements of RSA 130-A:8-a; or

22 (b) Permit a landlord to evict a tenant who is entitled to protection from retaliation
23 pursuant to RSA 540:13-a and 540:13-b.

24 3 Effective Date. This act shall take effect January 1, 2023.

SB 217 - AS AMENDED BY THE SENATE

02/03/2022 0352s

2022 SESSION

22-3044

11/05

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SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Whitley, Dist 15; Sen. Watters, Dist 4; Sen. Cavanaugh, Dist 16; Sen. Prentiss, Dist 5; Sen. Sherman, Dist 24; Rep. Vann, Hills. 24; Rep. DiLorenzo, Rock. 17; Rep. Espitia, Hills. 31

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8 2 New Paragraphs; Eviction Notice. Amend RSA 540:3 by inserting after paragraph II the
9 following new paragraphs:

10 II-a. If the eviction is based on RSA 540:2, II(h), no less than 60 days' notice shall be
11 sufficient, except 30 days' notice shall be sufficient in the following circumstance:

12 (a) The landlord has been ordered to make repairs or remedy an unsafe condition by a
13 board, agency, or authority having powers of inspection, regulation or enforcement, for violations of a
14 housing code, building code, health code or other regulation pertaining to the health or safety of
15 residential dwelling units; and

16 (b) The owner has requested for extension of time for compliance with the order, and
17 such request has been denied; or

18 (c) The dwelling unit requires repairs which cannot be performed while the tenant
19 remains in residence, and which:

20 (1) Are required for the health and safety of the tenant or other tenants who reside
21 in the building; or

22 (2) Are required to prevent the deterioration of the dwelling unit or other dwelling
23 units in the building.

24 II-b. Nothing in this section or RSA 540:2, II(h) shall be construed to:

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26 presence of lead in his or her bloodstream, in violation of RSA 130-A:6-a, and/or without complying
27 with the requirements of RSA 130-A:8-a; or

28 (b) Permit a landlord to evict a tenant who is entitled to protection from retaliation
29 pursuant to RSA 540:13-a and 540:13-b.

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Amendments

Amendment to SB 217

1 Amend RSA 540:3, II-a as inserted by section 2 of the bill by replacing it with the following:

2

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4 sufficient, except 30 days' notice shall be sufficient in the following circumstance:

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7 housing code, building code, health code or other regulation pertaining to the health or safety of
8 residential dwelling units; and

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10 such request has been denied.

11 (c) The dwelling unit requires repairs which cannot be performed while the tenant
12 remains in residence, and which:

13 (1) Are required for the health and safety of the tenant or other tenants who reside
14 in the building; or

15 (2) Are required to prevent the deterioration of the dwelling unit or other dwelling
16 units in the building.

UNAPPROVED

Commerce
January 27, 2022
2022-0352s
05/04

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16 units in the building.

Committee Minutes

SENATE CALENDAR NOTICE
Commerce

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

Date: January 11, 2022

HEARINGS

Tuesday	01/25/2022	
(Day)	(Date)	
Commerce	State House 100	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	SB 216	establishing a commission to study the landlord and tenant mediation program in circuit courts.
9:15 a.m.	SB 217	relative to eviction notices.
9:30 a.m.	SB 249	prohibiting planning and zoning ordinances that prohibit short-term rentals.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 216

Sen. Perkins Kwoka
Sen. Soucy
Sen. Kahn
Rep. Conley

Sen. Watters
Sen. Sherman
Sen. D'Allesandro
Rep. Vann

Sen. Whitley
Sen. Cavanaugh
Rep. DiLorenzo

Sen. Rosenwald
Sen. Prentiss
Rep. Espitia

SB 217

Sen. Perkins Kwoka
Sen. Prentiss
Rep. Espitia

Sen. Whitley
Sen. Sherman

Sen. Watters
Rep. Vann

Sen. Cavanaugh
Rep. DiLorenzo

SB 249

Sen. French
Sen. Giuda
Sen. Bradley
Rep. DiSilvestro

Sen. Hennessey
Sen. Soucy
Sen. Prentiss

Sen. Gannon
Sen. Reagan
Rep. Hunt

Sen. Cavanaugh
Sen. D'Allesandro
Rep. Potucek

Aaron Jones 271-4063

Harold F. French
Chairman

Senate Commerce Committee

Aaron Jones 271-4063

SB 217, relative to eviction notices.

Hearing Date: January 25, 2022

Time Opened: 9:17 a.m.

Time Closed: 10:22 a.m.

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

Members of the Committee Absent : None

Bill Analysis: This bill modifies the circumstances under which a landlord may evict a tenant and modifies the requirements relating to eviction notices.

Sponsors:

Sen. Perkins Kwoka

Sen. Whitley

Sen. Watters

Sen. Cavanaugh

Sen. Prentiss

Sen. Sherman

Rep. Vann

Rep. DiLorenzo

Rep. Espitia

Who supports the bill: 62 people signed up in support of the bill. Full sign in sheets available upon request.

Who opposes the bill: Representative John Potucek, Chris Norwood (NH Association of Realtors), Nick Norman (Apartment Association of NH), David Cline, Jack Cohen, Jon Kelly, Lisa Nicholson, Robert Neal, Curtis Howland, Ellen Hackeman, Kit Lord, Mark Lord, George Colby

Who is neutral on the bill: No one

Summary of testimony presented in support:

Senator Rebecca Perkins Kwoka

- NH Legal Assistance helped work on this legislation.
- This bill would expand the minimum amount of notice needed for certain evictions from 30 days to 90 days. Specifically, it would provide additional notice to tenants that are being evicted by a landlord before the end of their lease so that a property can be substantially renovated or sold.
- The tight housing market and low vacancy rates, which are between .5% and 1%, have made it almost impossible for someone to find housing in 30 days with the threat of an eviction.

- Senator Perkins Kwoka said we are lucky to have small local landlords in this state, which everyone is interested in preserving.
- This bill is narrowly tailored to balance the needs of landlords, while ensuring tenants are able to relocate their lives, homes, and their commutes.
- Senator Perkins Kwoka hoped this bill would give individuals and families additional time to receive assistance to catch up on payments or find another avenue to allow them to stay in their home or find another place to live.
- The real underlying problem has been a lack of supply in long-term housing. Senator Perkins Kwoka said she has worked with Senator Bradley and the governor's office on SB 400, which would address this problem.
- In the short-term, over 50% of renters have already experienced job loss related to the pandemic.
- Some new buyers do not have the same relationship with their tenants as small landlords do; thus, requiring the legal protections that this bill would provide.
- Senator Perkins Kwoka agreed to work with all stakeholders, including Senator Bradley, to draft a compromise amendment.
- **Senator French** asked if this effected any other 30-day notices beyond performing repairs, renovations, or the sale of a property.
 - **Senator Perkins Kwoka** replied that it did not. This bill would extend the notice period in limited circumstances where complete and substantial renovations are occurring or a property is sold.
- **Senator French** asked what other reasons were not extended beyond the 30-day notice period.
 - **Senator Perkins Kwoka** said a tenant creating a nuisance would fall under the 30-day notice period. The proposed amendment would protect tenants who are required to move out quickly if there are hazardous situations.
- **Senator French** asked about the nonpayment of rent.
 - **Senator Perkins Kwoka** stated that SB 126 addressed nonpayment of rent. In that bill, the 7-day notice period remained, but tenants were allowed to make overdue payments up to the date of an eviction hearing.

Elliott Berry, Co-Director of Housing Justice, NH Legal Assistance

- Currently, the median rent for a 2-bedroom apartment is \$1,498 a month in a market where the vacancy rate is less than 1%.
- Legal Aid has witnessed a spike in evictions related to rehabbing or the sale of property.
- Over 40 years, Attorney Berry said there have been only two periods of healthy vacancies: in the 1980s and during the Great Recession.
- The market has never produced enough housing for people of lower income to have a reasonable chance of finding another place in a relatively short period of time.

- For the most part, Attorney Berry said this bill is not about bad actors, even though some have used the sale of a property as a pretext for an eviction.
- This bill would have no effect on an owner of a single-family home, an owner who did not have more than 3 properties at a time, or an owner-occupied unit with 4 units or less that a bank has foreclosed.
- Landlords can evict a tenant with a 30 days' notice for good cause. Renovating or selling a property in a vacant condition is commonly used. This bill would extend the notice under these circumstances from 30 days to 90 days. Attorney Berry stated his clients, who are lower income tenants, have no reasonable likelihood to rent an alternative place in 30 days.
- In most cases, when there is a compelling need to sell, a property is non-restrictive; thus, it would not be affected by this bill.
- If someone sold a multi-unit building, Attorney Berry wondered why tenants would be evicted since the new buyer would need tenants.
- Attorney Berry has seen elderly tenants, who have lived in their apartments for decades, be told to find a new place in 30 days because the new owners of a property want to renovate it. Under these circumstances, a tenant has been evicted due to no fault of their own.
- Attorney Berry addressed various concerns made by opponents of the legislation.
 - First, some eviction processes will be dragged out longer; however, some might not need to happen at all if a person were able to find a place prior to the end of the 90-day notice.
 - Second, tenants would not pay double rent.
 - Finally, tenants with leases might receive an eviction notice, which would specify the date they must leave on or before. Since a tenant has been directed to leave before the expiration of their lease, they are not responsible for the last couple of months of rent.
- After speaking with Nick Norman, Attorney Berry suggested amending the bill to recognize situations where the 30 days' notice would be necessary.
 - Under the amendment, a 30 days' notice to evict a tenant would be kept if a dwelling unit does require repairs that cannot be performed while a tenant remains in the residence. These repairs would be required if they are for the health and safety of the tenant or other tenants in the building, or if they are required to prevent the deterioration of the dwelling unit or units in the building.
- Attorney Berry clarified that Lines 19 through 23 of the original bill are provisions that already exist in statute.
 - Landlords cannot evict because of lead without complying with RSA 139-A, and landlords are prohibited from retaliating against tenants for making good faith complaints.
- **Senator French** asked if a landlord would give a notice saying they wanted a tenant out of a unit.

- **Attorney Berry** responded that they would give an eviction notice.
- **Senator French** asked if a landlord had to go through the courts to get a notice or if they could give a notice to quit.
 - On the court website, **Attorney Berry** said there is a standard form for any landlord to use. If the standard form is not used, then a landlord must use a notice that contains substantially similar information. When an eviction notice has expired, then the court process would begin.
- **Senator French** asked how long it would take to start the court process if a tenant has not left after 30 days.
 - **Attorney Berry** replied that it could take 4 weeks or longer for a renovation or a sale related eviction.
- **Senator French** asked if it took that long to get into court.
 - **Attorney Berry** clarified that it would be 3 weeks for a court hearing, then a landlord would receive a writ of concession 7 days after a ruling has been made in their favor. Courts have the opportunity to grant a discretionary stay, so cases could take longer.
- **Senator French** asked if there were an appeals process.
 - **Attorney Berry** responded that appeals are extremely difficult because they can only be made to the state supreme court. A majority of tenants and landlords are not represented in cases.
- **Senator French** wondered if it could take another 6 to 8 weeks to have a tenant vacate a unit after a 30 days' notice has been given.
 - **Attorney Berry** said that could be; however, many tenants will do things to leave before then.
- **Senator French** wanted to clarify that the process would not start for 90 days.
 - **Attorney Berry** responded that was correct.
- **Senator Gannon** asked **Attorney Berry** if he believed this bill were needed because landlords are more sophisticated and they have a stronger contractual bargaining power.
 - **Attorney Berry** said they are overwhelmingly stronger. In his experience, he has never seen a tenant with a multi-year lease.
- **Senator Gannon** wondered if **Attorney Berry** were stating that a tenant would not know enough to contractually do this on their own, so once they are given 90 days, then they move on.
 - **Attorney Berry** said that a landlord may have no interest because a 2-to-3-year lease, for example, would lock rent into place. From the perspective of a landlord, this would not be the best idea given the current market.

Jane Haigh

- Over the past year, the environment has favored landlords.
- Given increased housing prices and an increase in the value of multi-family buildings, landlords have an incentive to fix their property or sell it.

- Ms. Haigh said it is ideal for landlords to fix older or deficient properties to make them cleaner, safer, affordable, and energy efficient; however, given the low vacancy rate, tenants have nowhere to move.
- The 90 days' notice would level the playing field, especially if a landlord is seeking to monetize their property to get higher rents.

Elissa Margolin, Director, Housing Action NH

- Ms. Margolin said they would review the amendment offered by Attorney Berry.
- In NH, 29% of people rent their home.
- Relocation can represent a major family event; therefore, many of their members are held to federal standards established by the Relocation Act. This Act is applicable to affordable housing properties that are financed with federal resources. Since 1970, these properties have had to comply with the 90 days' notice in cases of renovations or the sale of a property.
- A report from the Joint Center for Housing Studies found that NH lost between 30% and 39% of affordable units over the past 5 years. This represented the largest loss of any state in New England. Significantly, however, NH has had better eviction prevention programs, especially throughout the pandemic.
- Ms. Margolin urged the Committee to pass this bill to avoid an eviction tsunami.

Sofia Hyatt, Attorney, NH Legal Assistance

- In her 7 months at NH Legal Assistance, she has had 5 renovation related eviction cases.
- One client, for example, saw a post three days later on Craigslist of his former property. The only update made was that it had been painted.
- Attorney Hyatt said she had never heard of a renovation or the sale of a property where materials did not need to be found and a contractor or realtor did not need to be hired; thus, she did not see this as an undue burden for a landlord to give a notice of 60 days or 90 days.
- If enacted, this bill would disincentive bad actors from manipulating the law and circumventing legal processes. Further, landlords would still be allowed to renovate or sell their property in a reasonable way.
- Only a 30 days' notice is needed for a behavior-related eviction, such as drug use.
- If a tenant does not pay rent, even if they have a 90 days' notice, then an eviction can be filed for nonpayment; thus, only a 7-day notice is required.
- Attorney Hyatt emphasized that this bill would not remove any of these options; instead, it would provide a balance to enable tenants to know their rights.
- An individual does not need to stay the full 90 days; instead, they can move out as soon as they find new housing.
- Ultimately, this bill would provide protections to those who would like to renovate and have their tenant move out, while also allowing a tenant to find a new place to prevent going through the court process.

Jessica Margeson, Volunteer, Granite State Organizing Project

- Throughout the pandemic, Ms. Margeson said some landlords got inventive by evicting tenants for renovations or other good cause reasons.
- She has seen multiple tenants go through the court system to try to get additional time for their eviction.
- If passed, this bill would “free up” courts. Currently, they must grant a discretionary stay of up to 90 days.
- In the period of a 30 days’ notice, a tenant must still work, bring their children to school, look for a rental at a time when vacancy rates are low and costs have skyrocketed, navigate the NH ERAP application process for rental assistance, and learn their rights on whether they need to relocate or not.
- As a result of the number of renovation and sold property evictions, the NH ERAP has a 7-to-8-week waitlist once an individual has been evicted and while they wait in a shelter. An individual can wait for months in a hotel while trying to find an apartment, even if they have Section 8 vouchers or the resources to pay a rent.
- As others have stated, there is a huge demand and a huge lack of supply.
- Tenants are more vulnerable to homelessness as a result of strained services. While an individual is waiting in a shelter, it can take 8 to 19 weeks to get through the application process to become qualified.
- Every apartment posting receives between 500 to 1,200 inquiries.
- Ms. Margeson shared that she had been evicted after her landlord decided to renovate. She created a deal with her landlord that if she got through the NH ERAP, then the 3 months’ worth of funds would be given to him in exchange for 90 days to find an apartment without going to court.
- Ms. Margeson urged the Committee to consider Attorney Berry’s amendment.

Brandon Lemay, Rights & Democracy

- Mr. Lemay said that he and many others have received a phone call from their landlord that they only have 30 days to leave.
 - In his circumstance, his landlord thought it would be easier to sell the property without tenants inside. With 10 days left, he was able to find a unit, which had not been properly winterized. Consequently, it cost \$200 per person per month to pay for heating.
- Author Matthew Desmond found in his book, *Evicted*, that 25% of individuals who have been involuntarily forced out of their last residence found trouble with getting future rentals.
- People need housing to function; thus, Mr. Lemay said that a 90 days’ notice is reasonable to help find a suitable place and it would lead to fewer evictions being delayed.
- Mr. Lemay shared the story of William O’Connor from Manchester who had been given a 30-day notice after living in an apartment that had a ceiling that was collapsing. He applied to over 50 places before one would take his voucher.

Prior to finding a place, he had to go to court for an injunction to get a stay on his eviction.

Summary of testimony presented in opposition:

Chris Norwood, 2022 Public Policy Chair, NH Association of Realtors

- Mr. Norwood believed Line 7, which is relative to the inability of a landlord to evict a tenant if they desire to sell a property, would cause confusion.
 - From his experience, he has rarely seen a landlord proactively evict their tenants to put a property on the market or seen a prospective buyer desire to evict tenants while a property is actively under an agreement.
 - It is unknown if a property will transfer until it has made it to the registry. In the meantime, a prospective buyer may back out of an agreement. Consequently, the seller is left with an empty building, while still having to pay a mortgage and taxes.
- Mr. Norwood was concerned about the impact 90 days would have on a new buyer and a lender.
 - Typically, a buyer who has been asked to renovate a property for code violations or an upgrade has a renovation loan. Those loans have time constraints wherein they have an interest only period that is subsequently converted into a fully amortizing loan.
- While infrequent, code issues found in the discovery process of due diligence could impact insurance. It also may require tenants to be evicted while a remedy is undertaken.
- Finally, a longer-term lease could remedy concerns of a property selling and there are benefits to having tenancy at will for both landlords and tenants.
- Mr. Norwood felt this bill would create an asymmetry where landlords have to provide 90 days, but the tenants would still be able to get out in 30 days.
- **Senator French** asked if this would cover single family and two-family homes for tenancy.
 - **Mr. Norwood** said he would have to refer back to RSA 540:2, II.
 - **Senator Perkins Kwoka** confirmed that it would be for 4 units or more.

Nick Norman, Government Affairs Chair, Apartment Association of NH

- Mr. Norman had numerous concerns about this bill and felt it would worsen affordability.
 - The concern of overwhelming demand compared to supply would not be addressed.
 - Sales of owner occupant properties would be depressed through delays in FHA funding, which would incentive increases in rent.
 - Tenants would be placed in situations where they are paying double rents to secure a property, even if it is not available yet.

- Hazardous repairs would be delayed, and there would be delays in protecting the quiet enjoyment of a property.
- There would be greater uncertainty around managing an apartment, which can detract from the value of it.
- Additional barriers would be added; therefore, disincentivizing people from becoming a property manager, landlord, or an investor. As a result, experienced investors who have more units, more experience, and more financial backing will renovate properties and rent them for twice as much.
- The individual rights of property owners would be restricted under this bill.
- Most states, including all of New England, have a 30 days' notice.
- A landlord wrote to Mr. Norman that he gave a tenant a 90 days' notice and they stopped paying after 60 days. Consequently, it could take up to 150 days to get the tenants out of the unit.
- Difficulties arise when trying to evict troublesome or disruptive tenants because it can be difficult to prove certain things, such as drug use, in court. In certain cases, it is better for a landlord to renovate a property to receive more money, while also removing troublesome tenants. Delaying the removal of troublesome tenants does not help the other tenants in a building.
- If tenants are given 90 days, units will not be available. This creates a false demand, which will cause rents to increase.
- **Senator Soucy** asked if Mr. Norman had seen the amendment from Attorney Berry and if it would address some of his concerns regarding repairs.
 - **Mr. Norman** said it sounded like it would address some concerns regarding significant or hazardous repairs; however, he was unsure how the category could be proven. Landlords always have an issue proving situations in front of a judge. While he believed the amendment would help, he still felt the bill would be disruptive to the affordable housing situation.
- **Senator Soucy** asked if Mr. Norman could comment on the situation that Attorney Berry laid out where an elderly person, who has lived in a unit for a long time, has received a 30 days' notice. She wondered why more time should not be given for something that disruptive.
 - **Mr. Norman** replied that most landlords are too kind. If he were approached by a tenant in a similar situation, he would give them the time they needed and ask what worked for them. He has a tenant that has lived on one of his properties for 30 to 35 years who is a smoker. While smoking is not allowed, he has permitted it in this instance. He reiterated that there is nothing that would prevent a tenant from coming to a landlord.
- **Senator Bradley** asked Mr. Norman what he thought if the amendment were adopted and it were changed from 90 days to 60 days.

- **Mr. Norman** wanted clarification if the whole thing would be reduced from 90 days to 60 days.
 - **Senator Bradley** responded yes.
 - **Mr. Norman** thought that 60 days would be more tolerable and it would be less of a disruption to business. However, there would still be an imbalance, which would increase demand. Further, they would still be opposed to the bill because it would worsen housing affordability.

David Cline

- Mr. Cline stated he had not seen the amendment, so he was opposed to the bill as written.
- If a landlord would like to have a good renovation, they need to hire licensed contractors.
 - The 90-day period, however, would cause contractors to go elsewhere to get money faster. Further, a unit would be taken off the market longer.
- The 90-day period would be voluntary because the person who received the notice still has a right to go to court.
- Some tenants move out, while others continue to fight.
 - For example, Mr. Cline had a client that took her case to the state supreme court. While her appellate notice was turned down, it took up to 6 months to get her out of the unit.
- Mr. Cline stated that he owned 8 small buildings that mostly have 4 units in them. Generally, he can rent a unit in 4 days and he can rent all of them within 10 days.
- While Mr. Cline was opposed to the 90 days' notice, he did not think a 60 days' notice would be unfair in long-term situations. For example, he has a tenant who has lived in a unit for 29 years, and he would give them a minimum of 60 days.

Neutral Information Presented: None

Speakers

Senate Remote Testify

Commerce Committee Testify List for Bill SB217 on 2022-01-25

Support: 56 Oppose: 9

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Watters, Senator David	An Elected Official	Myself	Support
Fenner-Lukaitis, Elizabeth	A Member of the Public	Myself	Support
Savard, Stephanie	A Member of the Public	New Hampshire Coalition to End Homelessness	Support
Kelly, Jon	A Member of the Public	Myself	Oppose
Hyatt, Sofia	A Member of the Public	Myself	Support
Blais, Vanessa	A Member of the Public	Myself	Support
Nicholson, Lisa	A Member of the Public	Myself	Oppose
Gehring, Ann	A Member of the Public	Myself	Support
Neal, Robert	A Member of the Public	Myself	Oppose
Stidwill, Andrew	A Member of the Public	Myself	Support
Potucek, Representative John	An Elected Official	Myself & My Constituents	Oppose
Fries, Ellen	A Member of the Public	Myself	Support
Cavanaugh, Senator Kevin	An Elected Official	Myself	Support
Lemay, Brandon	A Lobbyist	Rights & Democracy	Support
Brown, Joede	A Member of the Public	Myself	Support
DeRosa, Tom	A Lobbyist	Housing Action NH	Support
Casino, Joanne	A Member of the Public	Myself	Support
Steuerwald, Carissa	A Member of the Public	Myself	Support
Jessica, Crespo	A Member of the Public	Myself	Support
Lafond, Mandy	A Member of the Public	Myself	Support
Lamphier, Regan	A Member of the Public	Myself	Support
Spence, Brian	A Member of the Public	Myself	Support
Krause, Natasha	A Member of the Public	Myself	Support
Maloney, Sabine	A Member of the Public	Myself	Support
Hayden, Sam	A Member of the Public	Myself	Support
Spinney, Collin	A Member of the Public	Myself	Support
Torres, Gretchen	A Member of the Public	Myself	Support
Ropp, Elizabeth	A Member of the Public	Myself	Support
Bond, Lily	A Member of the Public	Myself	Support
Zboyovski, Justin	A Member of the Public	Myself	Support
Hancock, Emma	A Member of the Public	Myself	Support
Mierzwa-Winters, Morgan	A Member of the Public	Myself	Support
Dudley, Meghan	A Member of the Public	Myself	Support
Mott-Smith, Wiltrud	A Member of the Public	Myself	Support
Abate, Kathleen	A Member of the Public	Myself	Support
barratt, shawn	A Member of the Public	Myself	Support
Boughter, Madeline	A Member of the Public	Myself	Support
Grossi, Anne	A Member of the Public	Myself	Support
QUISUMBING-KING, Cora	A Member of the Public	Myself	Support
Hatcher, Phil	A Member of the Public	Myself	Support
Demaine, Lisa	A Member of the Public	Myself	Support
Rhoades, Chuck	A Member of the Public	Myself	Support
Howland, Curtis	A Member of the Public	Myself	Oppose
Lucas, Janet	A Member of the Public	Myself	Support
Rowell Jore, Andre	A Member of the Public	Myself	Support
Hackeman, Ellen	A Member of the Public	Myself and my husband	Oppose
Foley, Mary Ellen	A Member of the Public	Myself Mary Ellen Foley	Support

Sherman, Senator	An Elected Official	SD24	Support
Affeldt, Rosemary	A Member of the Public	Myself	Support
Campbell, Karen	A Member of the Public	Myself	Support
Verschueren, James	A Member of the Public	Myself	Support
Leavitt, Deborah	A Member of the Public	Myself	Support
Leavitt, Richard	A Member of the Public	Myself	Support
LOVETT, CHARLENE	A Member of the Public	Board of Commissioners of the Claremont Housing Authority	Support
Yen, Aloyo	A Member of the Public	Myself	Support
Knoy, Sarah Jane	A Lobbyist	Granite State Organizing Project	Support
Berry, Jake	A Lobbyist	New Futures	Support
Frayse, Michael	A Member of the Public	Myself	Support
Lord, Kit	A Member of the Public	Myself	Oppose
Baber, Kristine	A Member of the Public	Myself	Support
Lord, Mark	A Member of the Public	Myself	Oppose
Duclos, Raven	A Member of the Public	Myself	Support
Colby, George	A Member of the Public	Myself	Oppose
Groh, Ellen	A Member of the Public	Myself	Support
Anastasia, Patricia	A Member of the Public	Myself	Support

Testimony

Aaron Jones

From: Paul Stewart <pstewart@stewartproperty.net>
Sent: Friday, January 21, 2022 5:24 PM
To: Harold French
Cc: William Gannon; kevin.cavinaugh@leg.state.nh.us; Jeb Bradley; Donna Soucy; Aaron Jones
Subject: SB 217

Dear Mr. Chairman,

My name is Paul Stewart and I am President of Stewart Property Management in Bedford, NH.

Our firm owns and manages 2500 apartments in the state and we have been involved as managers or owners of many properties that have either undergone major renovation or which have been purchased.

It has been our experience that such projects typically take months to consummate, even after a commitment has been secured. Property surveys, title issues requiring resolution, environmental review, local approvals and the like all build in a good amount of time before the work or purchase can take place.

In our view, the requirement to provide a ninety day notice to tenants who will be displaced either due to imminent affordability issues or the nature of the work to be done does not slow down and certainly does not fail the ultimate transaction.

More importantly, the added time period provides sufficient time for residents who will be displaced to find another home.

Frankly, the current 30 day notice, particularly in the current environment with such a shortage of housing, is cruel. Last fall, in my hometown-and your district-of Laconia I read that the developer of new housing and commercial space in Lakeport, which is a wonderful undertaking, purchased an adjacent property housing several residents and served them with a 30 day notice to vacate.

Those residents were faced with trying to find housing in an area that has virtually no vacant apartments. The local newspaper related individual stories of the impending hardships.

My point is this: Today, January 21, 2022, four months after those residents were displaced, that building, other than having boarded windows, hasn't been touched.

A 90 day notice would have had no apparent effect on the development plan, but could have been a lifesaver to the residents.

Paul Stewart

Confidentiality notice: This message is intended only for the person to whom addressed in the text above and may contain privileged or confidential information. If you are not that person, any use of this message is prohibited. We request that you notify us by reply to this message, and then delete all copies of this message including any contained in your reply. Thank you.

Aaron Jones

From: Betsey Andrews Parker <bandrewsparker@straffordcap.org>
Sent: Monday, January 24, 2022 3:36 PM
To: Harold French; William Gannon; Kevin Cavanaugh; Jeb Bradley; Donna Soucy; Aaron Jones
Subject: SB 217- Mary's Story

Good Afternoon,

Community Action Partnership of Strafford County has been on the frontlines of the housing crisis. We hear the frustration of clients daily that are being evicted due to sales and renovations with little notice to find a new place to live.

On Tuesday, you will hear SB 217 which will require landlords to extend the notice for evictions due to renovation or sale. While many of us have the resources (money, flexibility, family to fall back on), this is not the case for thousands in the Granite State.

The article below highlights Mary Cameron of Dover. A model tenant, Mary found herself in a position where she did not have housing despite the ability to pay, a long tenant history and strong community connections.

When making your decision, please keep Mary's story in mind and how an extension for an eviction notice due to renovation or sale will help those most at risk and the agencies that serve them.

From USA Today:

'They came in like we were nothing': New Hampshire woman with housing voucher evicted

https://ca.movies.yahoo.com/come-were-nothing-hampshire-woman-142910739.html?soc_src=social-sh&soc_trk=ma

Thank you for your time and consideration.

Betsey Andrews Parker, CEO
(she/her/hers)
Community Action Partnership of Strafford County
577 Central Ave., Suite 10
Dover, NH 03820
P: 603-435-2500 ext. 8135
www.Straffordcap.org





Towards self-sufficiency...

NH Local Welfare Administrators Association

c/o Dennehy & Bouley LLC

17 Depot Street, Suite #3

Concord, NH 03301

Telephone: 603-228-2118

January 21, 2022

The Honorable Harold French, Chair
Commerce Committee
State House, Room 100
107 North Main Street
Concord, NH 03301

RE: Support of **SB 217** that modifies the days a tenant is provided notice prior to an eviction in circumstances of apartment renovations and repair.

Dear Honorable Chair French and Committee Members,

The NH Local Welfare Administrators Association (NHLWAA) is a professional non-profit organization that educates and supports our municipal members to foster compliant, humanitarian and fiscally responsible assistance practices when assisting residents with NH RSA 165 statutorily obligated basic needs.

NHLWAA respectfully submits this letter as testimony to support SB 217, as its passage is reasonable to landlords, reasonable to tenants and fiscally responsible to municipal property taxpayers.

The ability for tenants in New Hampshire to receive reasonable additional notice of evictions involving planned substantial renovations, repairs, which cannot be safely done while the tenant resides in the premises and the selling of property, is a practical and fiscally responsible measure to minimize housing insecurity and homelessness throughout our state. The current thirty (30) day notice expectation is outdated for the 2022 housing market, including additional time needed to secure alternative housing options.

New Hampshire RSA 165:1 indicates "Whenever a person in any town is poor and unable to support himself, he shall be relieved and maintained by the overseers of public welfare of such town." SB 217 will lessen the need for taxpayer funded municipal local welfare assistance and taxpayer funded state assistance to remedy the consequences of evictions, including homelessness.

As you are aware, initiatives to minimize homelessness are ongoing throughout our state and many come at a financial cost. However, this modification to the eviction law regarding planned renovations, repairs and selling of property is a cost effective measure to honor our state initiatives while maintaining an owner's/landlord's legal right to evict within a reasonable period of time.

We hope our shared information is helpful and urge you to support SB 217 for the cost savings and humanitarian reasons provided. We are available to answer any questions you may have.

Respectfully yours,

Todd M. Marsh
NHLWAA President
603 332-3505
info@nhlwaa.org

Aaron Jones

From: Raven Duclos <ravenduclos@aol.com>
Sent: Tuesday, January 25, 2022 9:48 AM
To: Aaron Jones
Subject: Bill217

Hello,
My name is Raven Duclos. My daughter and I were evicted as of June 30th 2021 because our landlord lost money due to covid and wanted to renovate so he could charge higher rents. I know he has this option but the way he went about it was inhumane. He could have let us know he was going to file before hand so we could have prepared. After all we were on very good terms.

We lived in the building for over 16 years. Never had trouble and always paid our rent on time. I am disabled and my daughter is a college student. This landlord took over the building the last three ,I believe it was, years that we lived there. We were also low income. In June 30th we got our notice. We had no idea this was happening so even if we could get a place in that time, we didn't have the money for it. We searched every day online and with services like housing. No luck. So I reached out to NHLA to see if there was any help. They took our case to get us more time and thankfully it was successful and we got 90 days. Even so we scoured the internet and all for an apartment and finally got one but couldn't get in till November 1st. The judge gave us until then.

The point of all this is this bill would help people like me to be able to find a place and not end up on the street or in a shelter. It was a deviates experience and could have been so much less stressful. The short time frame literally prevents people from finding a home. Coming up with first and last month's rent in 30 days, for some is next to impossible. You can't come up with \$1200 in 30 days when all you get is \$740 a month and support 2 people. This affects low and middle income people. The emotional toll this whole experience created was unreal!

Please pass this bill. Help those who don't have the recourse, whether low income or not, to move in 40 days. This could make all the difference in the world.

BTW, we actually didn't get our apartment till January 1st. I had to live with my daughter and her wife who are smokers. I have lung issues. 50 minutes away from my doctors and people I know. I never want to go through this again but I count myself so fortunate to have found a place and wonder how many don't.
All the best, Raven Duclos

[Sent from the all new AOL app for Android](#)

NH Coalition to End Homelessness

Senator Harold French, Chairman
Senate Commerce Committee
State House, Room 100
107 North Main Street
Concord NH 03301

January 13, 2022

Dear Chairman French and Honorable Members of the Commerce Committee:

On behalf of the NH Coalition to End Homelessness (NHCEH), I am writing to you today to express our strong support of SB 217 extending the notice period of evictions based on renovation or sale of a dwelling unit from 30 to 90 days. NHCEH is a non-profit that helps organize leaders in the state to research solutions, educate providers on best practices, and empower people to advocate on behalf of the homeless.

The NH Coalition to End Homelessness cannot stress enough how the tight housing market in New Hampshire, and the intensity of the challenges to seek and obtain housing at this time, puts significant pressure on tenants who are at-risk of losing their housing. Currently, this short window of time to be notified of losing one's housing due to renovation or sale of the property, creates a high rate of incidence for a household to end up homeless. While we understand that the sale or renovation of a property may be important, and necessary, for the property owner, we are not in support of such a short timeframe to ensure stable transitions for those who are current tenants in that property. Having ample notice of this impending eviction could ensure a safe transition to another housing option.

Considering the less than 1% vacancy rate in New Hampshire, and the inability to find housing options across the state, this law would support the tenant by providing the time to search for safe and affordable housing, and when necessary, the possibility of securing a transitional option until stable housing is found. Increasing the length of time that a tenant must be notified of such evictions is imperative.

For all the reasons outlined in this letter and more, we respectfully request you support SB 217. We are grateful for the hard work of our NH Legislators and their staff throughout this session. We look forward to working together to strengthen the safety net for those who become precariously housed because of property transitions.

Thank you for your consideration. Please do not hesitate to contact me at ssavard@nhceh.org for further questions regarding NHCEH's support.

Sincerely,



Stephanie Savard, LICSW
Director



January 23, 2022

RE: SB 217: Relative to Eviction Notices

To the Honored Members of the Commerce Committee

I submit this testimony in **support of SB 217** on behalf of the Concord Coalition to End Homelessness.

Background: Concord Coalition to End Homelessness (CCEH) is non-profit organization that provides many crisis response services to people struggling with homelessness, including:

- A year-round, daytime Resource Center where people struggling with homelessness can get a shower, do laundry, get their mail, and work with a case manager to help them access other resources such as mainstream benefits, medical and mental health care, housing and jobs. We serve anywhere from 30-60 people each day, and about 600 unique individuals over the course of the year.
- An Emergency Winter Shelter where some of the most vulnerable individuals who are homeless, those living in the woods around Concord or in their cars, can have a warm, safe place to sleep each night. Our Winter Shelter has been averaging about 30 people per night this winter, and typically serves 140-190 unique individuals over the course of a winter season.
- A new Outreach program that goes out to encampments to connect directly with anyone who, for whatever reason, does not come in to our Resource Center or Winter Shelter, and which helps to coordinate the outreach efforts of other local agencies.
- Permanent Supportive Housing for individuals coming from long-term, or "chronic" homelessness. CCEH can currently serve 22 people in our different permanent supportive housing programs. Most of our participants survive on very limited disability payments as their only source of income, usually around \$800 per month. Permanent supportive housing provides rental assistance to make the apartment affordable to someone on disability, coupled with on-going case management support to help the person stay stably housed.

SB 217:

Our efforts to move people into permanent housing have been severely impacted by the low vacancy rate in the Concord area, which is less than 1% (a vacancy rate of 5% is considered healthy.) There are very few vacant apartments available, especially those that are affordable to low income persons. In the past few years, CCEH has been focused on purchasing duplexes, triplexes, and other small apartment complexes in Concord to provide permanent, affordable housing opportunities for people who are homeless. We have witnessed first-hand as investors purchase these properties literally within

days of them going on the market. We learn from our clients, and our colleagues at other agencies that serve low income households, that tenants are being evicted due to a landlord's desire to sell, or upgrade their property prior to selling, with only 30 days notice. In this housing environment, this is not adequate time to find another affordable apartment, and the household ends up either double-up with relatives or friends, or perhaps in a homeless shelter or living in their car.

Increasing the notice to 90 days when a landlord desires to renovate or sell their property strikes a fair and reasonable balance between the landlord's rights as an owner and the tenant's right to some level of predictability for their housing, as well as their very real and practical need to have enough time to find another apartment they can afford. The public policy goal of preventing homelessness, and all of the related public health and financial costs of homelessness, is served by this ninety-day notice requirement.

As a state, we need to use every tool available to address our affordable housing and homelessness crisis. SB 217 is an important part of that effort.

Respectfully submitted by,

Ellen Groh
Executive Director

**2-BEDROOM
STATEWIDE 2021
MEDIAN GROSS RENT &
VACANCY RATE**



\$1,498
Monthly median
gross rent
2-bedroom
units

6%
Annual change in
monthly median
gross rent
2-bedroom
units

0.6%
Vacancy rate
2-bedroom
units

2021 GROSS RENTS BY NUMBER OF BEDROOMS (STATEWIDE)

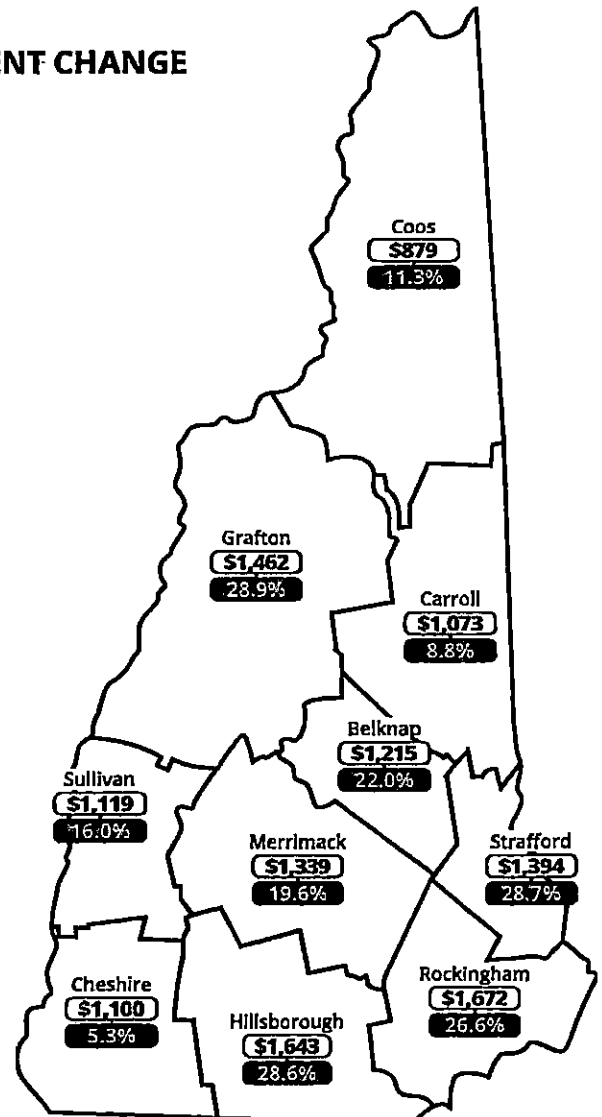
	Sample Size	Rent Range	Median
2021 GROSS RENT			
0-Bedroom	452	\$250 - \$2,400	\$876
1-Bedroom	3,298	\$400 - \$2,961	\$1,118
2-Bedroom	5,492	\$469 - \$3,413	\$1,498
3-Bedroom	1,393	\$622 - \$3,785	\$1,506
4+ Bedrooms	239	\$837 - \$4,426	\$1,781
All Bedrooms	10,874	\$250 - \$4,426	\$1,373

2021 MEDIAN MONTHLY GROSS RENT AND PERCENT CHANGE BY COUNTY FOR 2-BEDROOM UNITS, 2016 - 2021

The statewide median gross rent for a 2-bedroom unit in 2021 was \$1,498. Eighty percent of the rental units surveyed are in the southern tier (Hillsborough, Rockingham, Merrimack, and Strafford counties) and they have the highest median gross rents. The rental costs seen here in Grafton County are driven by the market in the Hanover/Lebanon area.

Median Monthly Gross Rental Cost for 2-Bedroom Units

Percent Change in 2-Bedroom Median Gross Rent Over 2016-2021



Dear Mr. Chairman,

My name is Paul Stewart and I am President of Stewart Property Management in Bedford, NH. Our firm owns and manages 2500 apartments in the state and we have been involved as managers or owners of many properties that have either undergone major renovation or which have been purchased.

It has been our experience that such projects typically take months to consummate, even after a commitment has been secured. Property surveys, title issues requiring resolution, environmental review, local approvals and the like all build in a good amount of time before the work or purchase can take place.

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More importantly, the added time period provides sufficient time for residents who will be displaced to find another home.

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Those residents were faced with trying to find housing in an area that has virtually no vacant apartments. The local newspaper related individual stories of the impending hardships.

My point is this: Today, January 21, 2022, four months after those residents were displaced, that building, other than having boarded windows, hasn't been touched.

A 90 day notice would have had no apparent effect on the development plan, but could have been a lifesaver to the residents.

Paul Stewart



January 23, 2022

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SB 217:

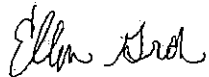
Our efforts to move people into permanent housing have been severely impacted by the low vacancy rate in the Concord area, which is less than 1% (a vacancy rate of 5% is considered healthy.) There are very few vacant apartments available, especially those that are affordable to low income persons. In the past few years, CCEH has been focused on purchasing duplexes, triplexes, and other small apartment complexes in Concord to provide permanent, affordable housing opportunities for people who are homeless. We have witnessed first-hand as investors purchase these properties literally within

days of them going on the market. We learn from our clients, and our colleagues at other agencies that serve low income households, that tenants are being evicted due to a landlord's desire to sell, or upgrade their property prior to selling, with only 30 days notice. In this housing environment, this is not adequate time to find another affordable apartment, and the household ends up either double-up with relatives or friends, or perhaps in a homeless shelter or living in their car.

Increasing the notice to 90 days when a landlord desires to renovate or sell their property strikes a fair and reasonable balance between the landlord's rights as an owner and the tenant's right to some level of predictability for their housing, as well as their very real and practical need to have enough time to find another apartment they can afford. The public policy goal of preventing homelessness, and all of the related public health and financial costs of homelessness, is served by this ninety-day notice requirement.

As a state, we need to use every tool available to address our affordable housing and homelessness crisis. SB 217 is an important part of that effort.

Respectfully submitted by,

A handwritten signature in cursive script, appearing to read "Ellen Groh".

Ellen Groh
Executive Director

EVICTION NOTICE

TO: _____
Tenant Name _____
Street Address _____
City, State, Zip Code _____

You currently rent property located at:

Street Address _____ Apartment # _____ Town/City _____
from your landlord: _____

of the City of _____, in New Hampshire. This notice is to inform you of your landlord's intent to evict you and to request that you vacate the premises, ~~on or before~~ _____ (known as the expiration date).

The reason for this eviction is:

(NOTE: All applicable reasons for eviction may be checked but the above listed expiration date must comply with the notice requirements set forth in RSA 540:3 II; the time frame for eviction notices may vary depending upon the reason for eviction.)

Your failure to pay the rent that was due and in arrears when you received the Demand for Rent that was served on you on _____. You failed to pay rent due for the rent period of _____. You now owe \$_____ in back rent. (7 day notice is required per RSA 540:3, II; **BUT NOTE:** if the reason for eviction is non-payment of rent, the federal Coronavirus Aid, Relief and Economic Security (CARES) Act, Public Law 116-136, may require additional notice to the tenant.)

YOU HAVE THE RIGHT TO AVOID EVICTION FOR FAILURE TO PAY RENT IF YOU ACT QUICKLY. To avoid eviction, you must pay your landlord the following amounts before your hearing in court:

- All rent due or past due as of the day you make your payment;
- \$15 in liquidated damages;
- Any other lawful charge(s) under your lease that you owe your landlord; and
- If you pay after an eviction case (Landlord and Tenant Writ) is filed in court, you must also pay the filing fee (\$125) and any service costs, which are listed on the sheriff's return of service.

You must act quickly to make the required payment because most hearings take place within two to three weeks after an eviction notice is served on a tenant. You must make the payment with cash, certified check, prepaid money order, electronic transfer, or other guaranteed or immediately drawable funds. The delivery to your landlord of a written promise to pay the full amount you owe from a state or local government, or an agency which administers federal funds, will also be considered effective payment. You may only use this procedure to avoid eviction 3 times in any 12-month period.

You may apply for rental assistance at your town/city welfare office if you are a qualified residential tenant. Additionally, tenants and landlords impacted by COVID-19 may be eligible for financial assistance with rent and utility costs. Learn more and apply at **CAPNH.org** or call **2-1-1**.

1/25/2022 at 9:15 a.m. Location: State House Rm 100 Time: 9:15 a.m. Senate Commerce Committee
SB217, 90 Eviction Notice For Repairs Or Renovations
Nick Norman
Legislative Initiative Landlord Tenant Law
AANH Government Affairs Chair
NickNorman@yahoo.com
603-432-5549

Property Owner Position: Against, vote to kill this bill.
Please protect our Affordable Housing and vote Inexpedient To Legislate.

Summary: The bill adds to RSA 540:2 a new specific ground for eviction: the landlord's intent to renovate, repair when it cannot be done safely with the tenant occupying the apartment, or when the landlord sells the building to a buyer who requires the unit to be vacant. The bill also adds to RSA 540:3 if a landlord is evicting under these new grounds, then the landlord must give the tenant no less than 90 days' notice, except if the landlord is under an order by authorities to make the repairs or remedy an unsafe condition, and the landlord has been denied an extension of time by the authorities. This new section specifically states that it does not alter the protections to parents of a child who tested positive for lead, or a tenant who is entitled protection from a retaliatory eviction under RSA 540:13a or RSA 540:13b.

The bill will do many things that are bad for either the real estate market, tenants or landlords or all of the above.

1. It will depress sales, especially to owner occupants.
2. Puts many incentives on increasing rents.
3. Extending notices drives up rents and can easily force tenants in this market to pay double rent.
4. Delays repairing units
5. Does not cure the issue, if the issue even exists, of landlord claiming renovation as grounds for eviction and then not doing the renovation.
6. Create significant delay in protecting safe & quiet enjoyment of neighboring tenants.
7. Delays a hazardous repair or leaves tenants at risk living in unit while repair is happening.
8. With extra uncertainty of unit availability and shortage in labor and materials, landlords may not be able to secure a contractor that will wait for a possible future date to begin renovation.
9. The bill would create more uncertainty in financials of the property which reduces its value.
10. The bill adds another barrier to being a landlord and developing housing which worsens affordable housing.
11. Note that all of New England is 30 days notice or less.
12. Lastly, the real issue is an economic imbalance in the real estate market with much too much demand and not enough supply. The bill does not increase the supply side of the equation and therefore does not solve the real issue.

A driver of this type of eviction is in the sale of small multifamily buildings where a buyer wants to occupy a unit in a building they are purchasing. Many of these sales involve FHA financing where it is required that the borrower occupy the building. The bill will make this very difficult and will discourage sales to owner occupants, due to the length of time the property will be held up in the sales process. Owner occupants improve buildings and neighborhoods and the quality of the renters experience who live in buildings with owners. On the development side, when larger buildings are involved, this bill adds additional costs and delays to the construction process, which will discourage the purchase and renovation of distressed property. What happens when they refuse to leave? A landlord write: "I gave tenant 90 day notice. They stop paying at 60 days. At a minimum we are now going on 120 days before they are out. That can easily turn into 150 days or longer. Meanwhile they are trashing the unit and calling code enforcement." This loss now needs to be made up by increasing rents.

The bill places restrictions on property transfers and creates delays in repairing units for 90 days. This is a huge infringement on property owner's rights to convey property. Who would wait 90 days to close on a property and then have the potential to drag it out longer? Many closings on a P&S state vacant before closing.

It is also an assault on the value of buildings. If a buyer wants to reside in a building they wish to purchase, they may look elsewhere when faced with a 90 day restriction.

It states that 30 days notice is sufficient if there is an actual code violation. In which case the tenant may argue the eviction is retaliation for reporting the code violation, then enjoy 6 months eviction free.

This loss now needs to be made up by increasing rents.

It makes no sense that these particular reasons would be 90 days and all others would be 7 or 30. By far most states in the country have 30 notices. All of New England is 30 days notice or less.

The bill does not cure the issue, if the issue even exists, of landlord claiming renovation as grounds for eviction and then not doing the renovation. This makes the bill seem inauthentic and just an excuse to increase protections for tenants at the expense of the landlord and the real estate market.

The bill would greatly delay removing a troublesome tenant that is disturbing or threatening the safe and quiet enjoyment for their neighboring tenants causing damage to the property, doing illegal activities, perhaps selling drugs, etc, all of which are difficult to prove. This would be a negative for the neighboring tenants.

Forcing a major renovation to use the renovation cause for eviction will significantly drive up rents.

This bill adds to the cost of investment and development and drives up the cost of rents. If investors and landlords have to factor in 90+ days of construction delays, and push off the income earned by improving the property then they will look to recoup the cost in rent increases.

All of these types of bills increase the cost to developers and ultimately the cost to tenants.

The difficulty that tenants are having finding another apartment is due to the lack of supply. This bill does nothing to add to the supply.

There is no indication of how many people are being given notice to vacate under the circumstances set forth in the bill. Should the Legislature carve out an exception to the eviction statute for a limited number of people?

The bill does put another burden on landlords who are improving and upgrading the housing supply. These upgrades are beneficial because when they are preformed, many housing code violations are corrected. If a building is being sold, this bill would delay the sale and delay the upgrades. If there is lead paint in the building or another serious hazard discovered, but no order, the bill would del renovations to remove the lead or other hazard reasonably quickly which would reduce the possibility of a child and adults being at risk.

As with all bills giving tenants additional time to find alternative housing, with the shortage of housing in the state, the additional time does not accomplish anything as there will not be any additional apartments on the market. Most leases require tenants to give 30 days notice, some 45 and a few 60 days of the tenant's intent to vacate. Since most apartments are being re-rented within 30 days, there will not be very many apartments to rent for the first 60 days of the additional 90 notice period. This would either force the tenant to take a new apartment earlier than the 90 notice or take the apartment with in the normal 30 day time period. So it gives no benefit to the tenant but may cause the tenant to pay double rent or more during the longer notice to secure a new rental while delaying and costing the owner at the same time. The bill is bad for tenants and bad for landlords.

This bill may increase the time that it takes to get the unit repaired or renovated and placed back on the

market. With the shortage in labor and materials, contractor will not take on a job unless they actually know the date they can start. If the tenant has 90 day's notice, and then has to be evicted, it could be months before the tenant is out and work can be started. By then, most contractor will have taken on other work, and the unit will sit empty until the contractor starts and completes the work.

In this current environment with getting contractors to start a job this bill would be counterproductive.

This is another example of a well intentioned policy which would actually make it harder to be a landlord and develop housing in NH, which is contrary to what is needed.

This bill would make it harder and more expensive to renovate NH housing stock, which in many cases is quite old and in need of significant repair or renovation, given the age of much of NH's multifamily homes, being 50, 70 or 100 years old or more.

Barriers should be removed to being a landlord or developing housing, not added. That is what will solve the affordable housing crisis, not creating more barriers.

This has been borne out time and time again with restrictive policies and rent control. The more restrictions, the higher the price and the more homelessness.

In large measure, small "mom and pop" landlords supply the affordable housing. More restrictions are causing them to get out of the business. Their properties are often bought by larger developers who dramatically renovate the properties and equally dramatically rise the rents. Each time this happens our affordable housing stocks dwindle away.

Please protect our Affordable Housing and vote Inexpedient To Legislate.

Jane Haigh

1573 Union St.

Manchester, NH 03104

Senate Commerce Committee

RE SB 217

Jan. 25, 2022

Dear Senate Committee Members,

I am here to support SB 217 to expand the notice period on eviction notices based on renovation or sale of a building from 30 to 90 days.

Almost everyone agrees that we are in the midst of a devastating housing crisis in New Hampshire. This has severely tilted the playing field in favor of landlords. With housing prices and values for multifamily buildings increasing dramatically over the last years, there is every incentive for landlords to either fix up and sell their buildings for a large profit or sell to someone else who will do the same thing.

Actually, there is nothing wrong with this activity. Many, many, buildings in Manchester certainly need to be improved. But the problem is that there is nowhere for the tenants to move, especially in the current housing market with a historically low vacancy rate.

Ideally, we would also be building new clean, safe and affordable housing for our New Hampshire families. Then tenants would be able to find a new apartment in 30 days. However, with no vacant apartments, and rents rising dramatically, it is only fair to give tenants 90 days notice.

Jane G. Haigh

Amendment to SB 217

Amend section 2 of the bill by adding the following new subparagraph to paragraph II-a

(c) the dwelling unit require repairs which cannot be performed while the tenant remains in residence, and which:

(1) are required for the health and safety of the tenant or other tenants who reside in the building, or

(2) are required to prevent the deterioration of the dwelling unit or other dwelling units in the building.

Voting Sheets

Senate Commerce Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # SB 217

Hearing date: 1/25/22

Executive Session date: 1/27/22

Motion of: OTP-A Vote: 5-0

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

Motion of: Amendment (03258) Vote: 5-0

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

Motion of: _____ Vote: _____

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

Reported out by: Sen. Bradley

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Thursday, January 27, 2022

THE COMMITTEE ON Commerce

to which was referred SB 217

AN ACT relative to eviction notices.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0352s

Senator Jeb Bradley
For the Committee

Aaron Jones 271-4063

COMMERCE

SB 217, relative to eviction notices.

Ought to Pass with Amendment, Vote 5-0.

Senator Jeb Bradley for the committee.

Docket of SB217

Docket Abbreviations

Bill Title: relative to eviction notices.*Official Docket of SB217.:*

Date	Body	Description
12/14/2021	S	To Be Introduced 01/05/2022 and Referred to Commerce; SJ 1
1/11/2022	S	Hearing: 01/25/2022, Room 100, SH, 09:15 am; SC 3
1/27/2022	S	Committee Report: Ought to Pass with Amendment #2022-0352s , 02/03/2022; SC 5
2/3/2022	S	Committee Amendment #2022-0352s , AA, VV; 02/03/2022; SJ 2
2/3/2022	S	Ought to Pass with Amendment 2022-0352s, MA, VV; OT3rdg; 02/03/2022; SJ 2
3/23/2022	H	Introduced 03/17/2022 and referred to Judiciary
3/30/2022	H	Public Hearing: 04/06/2022 03:00 pm LOB 206-208
4/1/2022	H	Executive Session: 04/14/2022 09:00 am LOB 206-208
4/22/2022	H	Majority Committee Report: Inexpedient to Legislate (Vote 11-10; RC)
4/22/2022	H	Minority Committee Report: Ought to Pass
5/5/2022	H	Inexpedient to Legislate: MA DV 178-140 05/05/2022 HJ 12

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 717

Senate Committee: Commerce

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

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

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

Hearing Report

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

Committee Action Documents: {Legislative Aides}

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

- amendment # 0375s ___ - amendment # _____

- amendment # 0357s ___ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

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

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

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

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

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

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

as amended by the senate ___ as amended by the house

___ final version

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

Aaron Jones
Committee Aide

7/8/22
Date

Senate Clerk's Office AK