

HB 235 - AS INTRODUCED

2023 SESSION

23-0404
05/08

HOUSE BILL **235**

AN ACT establishing a commission to study the expansion of the landlord tenant mediation program in circuit courts.

SPONSORS: Rep. DiLorenzo, Rock. 10; Rep. M. Smith, Straf. 10; Rep. Horrigan, Straf. 10; Rep. Hamblet, Rock. 26; Rep. Staub, Hills. 25; Rep. Read, Rock. 10; Rep. Mangipudi, Hills. 11; Rep. Vogt, Rock. 21; Rep. Schultz, Merr. 29; Sen. Perkins Kwoka, Dist 21; Sen. Whitley, Dist 15; Sen. Rosenwald, Dist 13; Sen. Watters, Dist 4

COMMITTEE: Judiciary

ANALYSIS

This bill establishes a commission to study the expansion of the landlord tenant mediation program in circuit courts.

Explanation: Matter added to current law appears *bold italicized*.
Matter removed from current law appears ~~in brackets and struck through~~.
Matter which is either (a) all new or (b) repealed and enacted to appear regularly type.
23-0404
05/08

STATE OF NEW HAMPSHIRE

In the Year of our Lord of Two Thousand Twenty Three

AN ACT establishing a commission to study the expansion of the landlord tenant mediation program in circuit courts.

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

1 New Section, Commission to Study Landlord and Tenant Mediation Program in Circuit Court. Amend RSA 490-F:2006 by inserting after section 1 of the following section:
490-F:2006 Commission established.

- I. There is established a commission to study the landlord and tenant mediation program in circuit court.
- II. The members of the commission shall be as follows:
 - (a) Two members of the senate appointed by the president of the senate.
 - (b) Four members of the house of representatives appointed by the speaker of the house of representatives.
 - (c) The administrative judge of the circuit court, or designee.
 - (d) A representative of the New Hampshire Legal Assistance Association appointed by that organization.
 - (e) A representative of the New Hampshire Bar Association appointed by that association.
 - (f) A representative of the New Hampshire Apartment Association appointed by that association.
- III. Legislative members of the commission shall receive a legislative stipend while attending to the commission.
- IV. The commission shall study the landlord and tenant mediation program in circuit court.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2023.

2 Repeal. RSA 490-F:20, relative to the commission to study the landlord and tenant mediation program in circuit court, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2023.

II. The remainder of this act shall take effect upon its passage.

Amendment to HB 235

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT establishing a committee to study the landlord-tenant mediation program.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 **1 Committee Established.** There is established a committee to study the land and study the land
8 mediation program.

9 **2 Membership and Compensation.**

10 I. The members of the committee shall be as follows:

11 (a) Four members of the house of representatives, appointed by the speaker of the house
12 of representatives.

13 (b) One member of the senate, appointed by the president of the senate.

14 II. Members of the committee shall serve without legislative pay when attending
15 the duties of the committee.

16 **3 Duties.** The committee shall study the land and mediation program in
17 courts. The committee shall hold its information and testimony testimony in the judicial branch, land
18 tenants, and others with experience or expertise relevant to the study.

19 **4 Chairperson, Quorum.** The members of the committee shall elect a chairperson
20 among the members. The first meeting of the committee shall be called by the first named
21 member. The first meeting of the committee shall be held within 45 days of the effective date of
22 section. The members of the committee shall constitute a quorum.

23 **5 Report.** The committee shall report its findings and any recommendations for
24 legislation to the speaker of the house of representatives, the president of the senate,
25 clerk, the state clerk, the governor, and the state library before November 1, 2023.

26 **6 Effective Date.** This Act shall take effect upon passage.

Amendment to HB 235
- Page 2 -

2023-0148h

~~AMENDED ANALYSIS~~

This bill establishes a legislative committee to study the landlord and tenant mediation program in circuit courts.

CONSENT CALENDAR

February 8, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Judiciary to which was referred HB
235,**

**AN ACT establishing a commission to study the
expansion of the landlord tenant mediation program in
circuit courts. Having considered the same, report the
same with the following amendment, and the
recommendation that the bill OUGHT TO PASS WITH
AMENDMENT.**

Rep. Charlotte DiLorenzo

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Judiciary
Bill Number:	HB 235
Title:	establishing a commission to study the expansion of the landlord tenant mediation program in circuit courts.
Date:	February 8, 2023
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2023-0148h

STATEMENT OF INTENT

As amended, this bill would create a legislative study committee to discuss and make recommendations for legislation to expand and place into statute the landlord tenant mediation pilot program that has been ongoing in selected circuit court divisions. The pilot mediation program was developed by the circuit court system to help landlords and tenants work through issues to avoid an eviction. Mediation is not mandatory, and both the landlord and tenant must agree to mediation. The pilot program has been a great success and has kept nearly 80% of tenants facing eviction in their homes, and it benefitted landlords because they were paid back the rent owed with direct checks to the landlord from tenants and various funding programs including donations from charitable organizations, payments from city, town and state welfare programs and federal Emergency Rental Assistance Program funds. The study commission would provide the General Court and all relevant stakeholders with an appropriate venue to analyze the program and assess what has and has not worked and recommend changes going forward. The mediation approach is conciliatory rather than punitive and could lead to preservation of tenancy and prevent homelessness. The amendment changed the study format from a study commission to a legislative study committee in keeping with the House's desire to reduce the number of commissions.

Vote 18-1.

Rep. Charlotte DiLorenzo
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Judiciary

HB 235, establishing a commission to study the expansion of the landlord tenant mediation program in circuit courts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charlotte DiLorenzo for Judiciary. As amended, this bill would create a legislative study committee to discuss and make recommendations for legislation to expand and place into statute the landlord tenant mediation pilot program that has been ongoing in selected circuit court divisions.

The pilot mediation program was developed by the circuit court system to help landlords and tenants work through issues to avoid an eviction. Mediation is not mandatory, and both the landlord and tenant must agree to mediation. The pilot program has been a great success and has kept nearly 80% of tenants facing eviction in their homes, and it benefitted landlords because they were paid back the rent owed with direct checks to the landlord from tenants and various funding programs including donations from charitable organizations, payments from city, town and state welfare programs and federal Emergency Rental Assistance Program funds. The study commission would provide the General Court and all relevant stakeholders with an appropriate venue to analyze the program and assess what has and has not worked and recommend changes going forward. The mediation approach is conciliatory rather than punitive and could lead to preservation of tenancy and prevent homelessness. The amendment changed the study format from a study commission to a legislative study committee in keeping with the House's desire to reduce the number of commissions.

Vote 18-1.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 235

BILL TITLE: (New Title) establishing a committee to study the landlord tenant mediation program.

DATE: January 25, 2023

LOB ROOM: 206-208 **Time Public Hearing Called to Order:** 11:24 a.m.

Time Adjourned: 11:50 a.m.

Committee Members: Reps. Lynn, Wallace, Kuttab, Alexander Jr., Andrus, Testerman, Stapleton, Tripp, Greeson, K. Perez, M. Smith, Horrigan, DiLorenzo, M. Paige, McBeath, Devine, Lanza, Manos and Turer

Bill Sponsors:

Rep. DiLorenzo

Rep. M. Smith

Rep. Horrigan

Rep. Hamblet

Rep. Staub

Rep. Read

Rep. Mangipudi

Rep. Vogt

Rep. Schultz

Sen. Perkins Kwoka

Sen. Whitley

Sen. Rosenwald

Sen. Watters

TESTIMONY

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

1. Rep DiLorenzo, Sponsor.

- Was entered last term under SB 216.
 - Creates a commission to study the pilot mediation program currently in the circuit courts.
 - Would provide venue to analyze program on what does and doesn't work.
 - Program has reached mediation 79% of time, keeping tenants in their homes.
 - Rep. Alexander asked if it's working, why wouldn't we just put in a bill to pass this. Rep DiLorenzo stated because she'd like to fix anything that's not working, prior to implementing
 - Rep. Alexander asked if okay doing a special committee instead of a commission. Rep. DiLorenzo would like to think on that.
 - Rep. McBeath asked if there would be some expansion on the program and especially for Rockingham county? Rep. DiLorenzo hopes to expand to all circuit courts.
 - Rep Wallace asked if a landlord would be included? Rep DiLorenzo stated that NH Apt Assoc represents landlords.
- *Provided written testimony.

2. Richard Head, Support, Judicial Branch

- 2 Phases of process. 1 is pre-filing mediation process. 2 is in Nashua and Manchester and post filing mediation.
- Resolution Systems Institute is evaluating program and report is Due Oct 2023.
- Received federal grant funds to continue program for 2 years.
- Rep Alexander asked if it's already funded for 2 years and already being studied, would he come back in 2 years to have it officially implemented? Atty Head stated this is possible, dependent on if they got further federal funding.
- Rep. Turer asked if this program seems redundant to what Resolution Systems Institute is already doing? Atty. Head stated it wouldn't necessarily be duplicative because current study is internal only.

3. **Elissa Margolin, Support**, Dir Housing Action of NH.

- Has heard great feedback on program.
- Likes idea of interested parties being able to further form with a commission, to be able to support further sustaining program.

-Respectfully Submitted,
Rep. Katelyn Kuttab, Clerk

House Remote Testify

Judiciary Committee Testify List for Bill HB235 on 2023-01-25

Support: 17 Oppose: 4 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>
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Oppose	No	No
Rosenwald, Cindy	Nashua, NH cindy.rosenwald@leg.state.nh.us	An Elected Official	SD 13	Support	No	No
Perkins Kwoka, Senator Rebecca	Portsmouth, NH rebecca.perkinskwoka@leg.state.nh.us	An Elected Official	Myself	Support	No	No
Watters, Senator David	Dover, NH david.watters@leg.state.nh.us	An Elected Official	Myself	Support	No	No
Fuentes, Sebastian	Thornton, NH sebastian@radnh.org	A Lobbyist	Rights & Democracy NH	Support	No	No
Smith, Hayden	Hanover, NH hasmith1520@gmail.com	A Member of the Public	Myself	Support	No	No
Gordon, Carolyn	Hanover, NH csgordon@dartmouth.edu	A Member of the Public	Myself	Support	No	No
Feder, Marsha	Hollis, NH marshafeder@gmail.com	A Member of the Public	Myself	Support	No	No
Benham, Linda	Greenland, NH benhamblab@outlook.com	A Member of the Public	Myself	Support	No	No
Nicholson, Lisa	Newmarket, NH LisaRNicholson@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Andrews, Heather	Newmarket, NH heather@cheneyco.com	A Member of the Public	Myself	Oppose	No	No
LeClerc, Daniel	Amherst, NH djl91862@gmail.com	An Elected Official	Myself	Support	No	No
BALDWIN, HEATHER	Thornton, NH hpbaldwin48@gmail.com	An Elected Official	Myself	Support	No	No
Spier, Carry	Nashua, NH carry.spier@leg.state.nh.us	An Elected Official	Myself	Support	No	No
Almy, Susan	Lebanon, NH susan.almy@comcast.net	An Elected Official	Myself	Support	No	No
Vogt, Robin	Portsmouth, NH Robin.Vogt@leg.state.nh.us	An Elected Official	Myself	Support	No	No
Termini, Marcella	Manchester, NH marcellatermini@gmail.com	A Member of the Public	Myself	Support	No	No
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No
Muns, Chris	Town, NH chris.muns@leg.state.nh.us	An Elected Official	Myself	Support	No	No
Peirce, William	Kittery, ME wf5@yahoo.com	A Member of the Public	Myself	Support	No	No
Lane, Connie	Concord, NH connie.lane@leg.state.nh.us	An Elected Official	Constituents	Support	No	No

Daniel LeClerc

William Peirce

Chairman Lynn and members of the committee,

I urge you NOT to pass HB283, a bill that would make all tenant application fees, in excess of \$35, refundable. I am a landlord in New Hampshire.

An unscrupulous landlord could take in a lot of expensive applications with no expectation of approving them, but I haven't seen that happen, myself. This bill would solve that problem, if it actually exists. But don't fraud laws already address that problem?

Another problem is tenants putting false information on applications. These applications are time consuming and costly to process. Here is one example: I paid for a credit check on two tenants. One of them appeared to have given me a nonexistent social security number. When I mentioned that, they stormed out of my office, angry, saying that it was a Canadian social security number. I had not charged them an application fee, but I should have. HB283 would encourage a lot of false applications, so I urge you to vote NOT to pass.

To: Chairman Bob Lynn, Vice Chairman, Scott Wallace, and Honorable members of the House Judiciary Committee
From: Rep. Charlotte DiLorenzo, Newfields, and Newmarket Rockingham 10

HB 235 establishing a commission to study the landlord and tenant mediation program in circuit courts.

Here are some brief notes about the above listed bill.

Last year this bill, formerly SB 216 was voted OTP on the Senate floor on a voice vote.

In the House Judiciary Committee, it was voted ITL 11-9. On the House floor the vote was ITL on a voice vote

This bill would create a commission to study the landlord tenant mediation pilot program that has been ongoing in the circuit courts. The program was developed by the circuit courts to help landlords and tenants work through issues to avoid an eviction. Mediation is not mandatory, and both the landlord and tenant must agree to mediation. The pilot program has been a great success and has kept 80% of tenants facing eviction in their homes. The study commission would provide the General Court and all relevant stakeholders with an appropriate venue to analyze the program, assess what has and has not worked and recommend changes going forward. The mediation approach is conciliatory rather than punitive and could lead to preservation of tenancy and prevent homelessness.

In short, the Landlord Tenant Mediation Program was a temporary Circuit Court Pilot Program in conjunction with the Office of Mediation and Arbitration and implemented an emergency landlord and tenant mediation pilot project in Concord and Claremont Circuit Courts. Mediation was not mandatory and was an opt out model for the Landlord and for the Tenant. All eviction cases in which the Tenant filed an appearance were referred to mediation on or before the trial date. The pilot program was very successful and benefitted Landlords and Tenants during the pandemic. Of 36 cases that reached mediation 79% were settled. Under mediation for non-payment of rent cases, the parties work out a payment agreement to pay the current rent monthly and to pay the arrearage over a limited time period. Tenants eligible for emergency rental assistance are referred to social service agencies. Agency payments are paid directly to the Landlord. Due to the success of the pilot program, I would like to see it placed into statute, and establishing a Study Commission will help with shape out the process.

The vote for this bill is for a study committee only.

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 235

BILL TITLE: (New Title) establishing a committee to study the landlord tenant mediation program.

DATE: February 8, 2023

LOB ROOM: 206-208

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. DiLorenzo Seconded by Rep. Alexander Jr. AM Vote: 19-0 Voice
vote

Amendment # 2023-0148h

Moved by Rep. DiLorenzo Seconded by Rep. Alexander Jr. Vote: 18-1

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Katelyn Kuttub, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2023 9:53:34 AM
Roll Call Committee Registers
Report

2023 SESSION

Judiciary

Bill #: HB 235 Motion: OTPA AM #: 0148 Exec Session Date: 5Feb23

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Lynn, Bob J. Chairman	18		
Wallace, Scott Vice Chairman	1		
Alexander, Joe H.	2		
Andrus, Louise		1	
Testerman, Dave	3		
Stapleton, Walter A.	4		
Tripp, Richard P.	5		
Greeson, Jeffrey	6		
Kuttab, Katelyn Clerk	—		1
Perez, Kristine	7		
Smith, Marjorie K.	8		
Horrigan, Timothy O.	9		
DiLorenzo, Charlotte I.	10		
Kenney, Cam E. <u>Eaton, Daniel</u>	11		
Paige, Mark	12		
McBeath, Rebecca Susan	13		
Devine, Shelley	14		
Lanza, Judi	15		
Manos, Zoe R	16		
Turer, Eric S	17		
TOTAL VOTE:	18	1	1