

Rep. Hunt, Ches. 14
February 2, 2023
2023-0286h
02/08

Amendment to HB 42-FN

1 Amend the bill by replacing section 1 with the following:

2

3 1 New Section; Voluntary Corporations and Associations; Homeowners' Associations. Amend
4 RSA 292 by inserting after section 8-1 the following new section:

5 292:8-m Homeowners' Associations.

6 I. For any homeowners' association established under this chapter, except those associations
7 that include ownership through timeshare, if more than 50 percent of the votes are acquired by a
8 single person after developer control is terminated, a 2/3 majority shall be required to amend bylaws,
9 budgets, and any contracted property management service.

10 II. No homeowners' association constituted under this chapter and approved by the planning
11 board or similar land use body that has jurisdiction in the town or city in which the homeowners'
12 association is located, shall be dissolved pursuant to the procedure in RSA 292:9 or RSA 292:10-a,
13 prior to a hearing under RSA 676:2 before that same planning board or land use body.

This bill as amended requires that no homeowners' association constituted under this chapter and approved by the planning board or similar land use body that has jurisdiction in the town or city in which the homeowners' association is located, shall be dissolved pursuant to the procedure in RSA 292:9 or RSA 292:10-a, prior to a hearing under RSA 676:2 before that same planning board or land use body

HB 42-FN - AS INTRODUCED

2023 SESSION

23-0033

09/05

HOUSE BILL ***42-FN***

AN ACT relative to the operation of certain homeowners' associations.

SPONSORS: Rep. Stavis, Graf. 13

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill limits the voting power of individuals who own more than half of the properties in a homeowners' association organized under RSA 292. The bill also requires a hearing before the municipal planning board before dissolution of the association.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Three

AN ACT relative to the operation of certain homeowners' associations.

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

1 1 New Section; Voluntary Corporations and Associations; Homeowners' Associations. Amend
2 RSA 292 by inserting after section 8-1 the following new section:

3 292:8-m Homeowners' Associations.

4 I. For any homeowners' association established under this chapter, if more than 50 percent
5 of the votes are acquired by a single person after developer control is terminated, a 2/3 majority shall
6 be required to amend bylaws, budgets, and any contracted property management service.

7 II. No homeowners' association constituted under this chapter shall be dissolved pursuant to
8 the procedure in RSA 292:9 or RSA 292:10-a prior to a hearing under RSA 676:2 before the planning
9 board or similar land use body in which the homeowner's association is located.

10 2 Effective Date. This act shall take effect January 1, 2024.

LBA
23-0033
10/21/22

**HB 42-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the operation of certain homeowners' associations.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2024 through 2026.

AGENCIES CONTACTED:

New Hampshire Association of Counties

CONSENT CALENDAR

March 8, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Commerce and Consumer Affairs to
which was referred HB 42-FN,**

**AN ACT relative to the operation of certain
homeowners' associations. Having considered the
same, report the same with the following amendment,
and the recommendation that the bill OUGHT TO PASS
WITH AMENDMENT.**

Rep. John Hunt

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	Commerce and Consumer Affairs
Bill Number:	HB 42-FN
Title:	relative to the operation of certain homeowners' associations.
Date:	March 8, 2023
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2023-0286h

STATEMENT OF INTENT

This bill, as amended, requires that no homeowners' association constituted under this chapter and approved by the planning board or similar land use body that has jurisdiction in the town or city in which the homeowners' association is located be dissolved pursuant to the procedure in RSA 292:9 or RSA 292:10-a prior to a hearing under RSA 676:2 before that same planning board or land use body

Vote 19-0.

Rep. John Hunt
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Commerce and Consumer Affairs

HB 42-FN, relative to the operation of certain homeowners' associations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill, as amended, requires that no homeowners' association constituted under this chapter and approved by the planning board or similar land use body that has jurisdiction in the town or city in which the homeowners' association is located be dissolved pursuant to the procedure in RSA 292:9 or RSA 292:10-a prior to a hearing under RSA 676:2 before that same planning board or land use body **Vote 19-0.**

Original: House Clerk

Cc: Committee Bill File

To Register Opinion If Not Speaking

Date: 1/18/23

**** Please Print All Information ****

[illegible]

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 42-FN

BILL TITLE: relative to the operation of certain homeowners' associations.

DATE: January 18, 2023

LOB ROOM: 302-304

Time Public Hearing Called to Order: 11:50 am

Time Adjourned: 12:05 pm

Committee Members: Reps. Hunt, Ammon, Beaulieu, Osborne, Potucek, Terry, Post, Cole, Porcelli, Thackston, L. Walsh, Burroughs, Herbert, McAleer, Vincent, Calabro, Filiault, Gibbs, Spier and J. Sullivan

Bill Sponsors:

Rep. Stavis

Rep. Mangipudi

Rep. Gallagher

TESTIMONY

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

*Rep Stavis introduced

- She would like to amend the bill
- Worries that HOA units could be purchased for short term rentals

*Margaret Byrnes

- Opposes the current bill
- The amendment that will be proposed by Rep Stavis will improve the bill
- Does not like planning boards having to hold hearings

Rep Hunt

- This is a bill looking for a problem

Rep Almy

- Supports the bill

Respectfully Submitted,

Rep Jane Beaulieu, Clerk

House Remote Testify

Commerce and Consumer Affairs Committee Testify List for Bill **HB42** on 2023-01-18

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

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/11/2023 3:23 PM

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on HB 42-FN

BILL TITLE: relative to the operation of certain homeowners' associations.

DATE: February 1, 2023

Subcommittee Members: Reps. Hunt, Ammon, Cole, Thackston, Herbert, McAleer, Filiault, Spier and J. Sullivan

Comments and Recommendations: Needs 2 amendments

Respectfully submitted,

Rep. John Hunt
Subcommittee Chairman

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 42-FN

BILL TITLE: relative to the operation of certain homeowners' associations.

DATE: March 8, 2023

LOB ROOM: 302-304

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Hunt Seconded by Rep. Burroughs AM Vote: 19-0

Amendment # 2023-0286

Moved by Rep. Hunt Seconded by Rep. Burroughs Vote: 19-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jane Beaulieu, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2023 1:24:24 PM
Roll Call Committee Registers
Report

2023 SESSION

Commerce and Consumer Affairs

Bill #: 42 Motion: OTP/A AM #: _____ Exec Session Date: 3/8/23

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Hunt, John B. Chairman	✓		
Ammon, Keith Michael Vice Chairman	✓		
Osborne, Jason M.	✓		
Potucek, John M.	✓		
Terry, Paul A	✓		
Post, Lisa C.M.	✓		
Cole, Brian D	✓		
Porcelli, Susan M	✓		
Thackston, Dick H	✓		
Walsh, Lilli M	✓		
Burroughs, Anita D.	✓		
Herbert, Christopher J.	✓		
Beaulieu, Jane E. Clerk	✓		
McAleer, Chris R.	✓		
Vincent, Kenneth S.			
Calabro, Karen E	✓		
Filiault, Shaun M	✓		
Gibbs, Merryl	✓		
Spier, Carry	✓		
Sullivan, Jared	✓		
TOTAL VOTE:	19	0	