

LEGISLATIVE COMMITTEE MINUTES

HB235

Bill as Introduced

HB 235 - AS AMENDED BY THE HOUSE

22Feb2023... 0148h

2023 SESSION

23-0404
05/08

HOUSE BILL **235**

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

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

AMENDED ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

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

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

1 1 Committee Established. There is established a committee to study the landlord tenant
2 mediation program.

3 2 Membership and Compensation.

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

5 (a) Four members of the house of representatives, appointed by the speaker of the house
6 of representatives.

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

8 II. Members of the committee shall receive mileage at the legislative rate when attending to
9 the duties of the committee.

10 3 Duties. The committee shall study the landlord tenant mediation program in the circuit
11 courts. The committee shall solicit information and testimony from the judicial branch, landlords,
12 tenants, and others with experience or expertise relevant to the study

13 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
14 among the members. The first meeting of the committee shall be called by the first-named house
15 member. The first meeting of the committee shall be held within 45 days of the effective date of this
16 section. Three members of the committee shall constitute a quorum.

17 5 Report. The committee shall report its findings and any recommendations for proposed
18 legislation to the speaker of the house of representatives, the president of the senate, the house
19 clerk, the senate clerk, the governor, and the state library on or before November 1, 2023.

20 6 Effective Date. This act shall take effect upon its passage.

HB 235 - VERSION ADOPTED BY BOTH BODIES

22Feb2023... 0148h

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CHAPTER 31
HB 235 - FINAL VERSION

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18 legislation to the speaker of the house of representatives, the president of the senate, the house
19 clerk, the senate clerk, the governor, and the state library on or before November 1, 2023.

31:6 Effective Date. This act shall take effect upon its passage.

Approved: May 17, 2023
Effective Date: May 17, 2023

Committee Minutes

SENATE CALENDAR NOTICE
Commerce

Sen Bill Gannon, Chair
Sen Denise Ricciardi, Vice Chair
Sen Daniel Innis, Member
Sen Donna Soucy, Member
Sen Shannon Chandley, Member

Date: March 15, 2023

HEARINGS

Tuesday	03/21/2023	
(Day)	(Date)	
Commerce	State House 100	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m. HB 167	relative to nano brewery licensing.	
9:15 a.m. HB 467-FN	relative to public playground accessibility.	
9:30 a.m. HB 235	establishing a committee to study the landlord tenant mediation program.	
9:45 a.m. HB 477	to prohibit municipal inspections of owner-occupied units of multi-unit housing.	
10:00 a.m. HB 117	relative to the termination of tenancy at the expiration of the tenancy or lease term.	

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 167

Rep. Damon

HB 467-FN

Rep. Kuttab

HB 235

Rep. DiLorenzo

Rep. Staub

Rep. Schultz

Sen. Watters

HB 477

Rep. Berry

HB 117

Rep. Lynn

Rep. Grossman

Rep. M. Smith

Rep. Read

Sen. Perkins Kwoka

Rep. McLean

Rep. McMahon

Rep. Horrigan

Rep. Mangipudi

Sen. Whitley

Sen. Abbas

Rep. Hamblet

Rep. Vogt

Sen. Rosenwald

Aaron Jones 271-2609

Bill M. Gannon
Chairman

Senate Commerce Committee

Aaron Jones 271-2609

HB 235, establishing a committee to study the landlord tenant mediation program.

Hearing Date: March 21, 2023

Time Opened: 10:31 a.m.

Time Closed: 10:38 a.m.

Members of the Committee Present: Senators Ricciardi, Innis, Soucy and Chandley

Members of the Committee Absent : Senator Gannon

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

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

Who supports the bill: Senator Cindy Rosenwald, Senator David Watters, Senator Rebecca Perkins Kwoka, Regan Lamphier, Tom DeRosa (Housing Action NH), Kerstin Cornell (NH Legal Assistance), Jessica Margeson (Granite State Organizing Project), Ruth Perencevich, Andrew Jones, Gary Devore, Deborah Klein Walker, Susan Wessels, Joanne Casino, Hannah Bissex, A. Thomas, Patricia Martin, Jane Hershey, Maura Willing, Richard DeMark, Harriet DeMark, Louise Spencer, Susan Richman, Maureen Ellermann, Brigid McNamee, Michelle Feller-Kopman, Kathy Sue Spielman, Lorna Austin, Laurie Koch, Mary Wilke, Helmut Koch, Lynn Merlone, Donna Reardon, Sally Hatch, Ann Rettew, Sharon Eaton, Melissa Hinebauch, Martha Clark, Sandra Blanchard, Nancy Brennan, David Holt, Robert Kiefner

Who opposes the bill: No one

Who is neutral on the bill: Richard Head (NH Judicial Branch)

Summary of testimony presented in support:

Senator Dan Innis, on behalf of Representative Charlotte DiLorenzo

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

Tom DeRosa, Housing Action NH

- While the program has worked well, and it has been funded through 2025, Mr. DeRosa said it made sense to study it.

Jessica Margeson, Tenant Organizer, Granite State Organizing Project

- Ms. Margeson said a tenant and a landlord should be added as members of the study committee, so they could speak to what is needed.
- According to Ms. Margeson, the 75 percent success rate could be attributed to the NH Emergency Rental Assistance (NHERAP) Program. On the day of mediation, money had been readily available to pay back and future rent.
- What is said in mediation cannot be used in court, which can be confusing for tenants.
- Ms. Margeson said the study committee could find resources to add to the program, which has been beneficial to the courts, people, and landlords.

Summary of testimony presented in opposition: None

Neutral Information Presented:

Richard Head, Government Affairs Coordinator, NH Judicial Branch

- The Judicial Branch did not have a position on the bill.
- The landlord and tenant mediation program is composed of two parts.
 - First, the eviction diversion program occurs prior to the filing of any eviction paperwork with the court system. Notice for this program is provided in a variety of ways, including on pamphlets and on the eviction notice form. The program is entirely voluntary for landlords and tenants, and it provides the opportunity for them to avoid the court process by speaking with a mediator to try to reach a resolution. If the parties are unable to reach an agreement, there are no penalties.
 - Second, there are voluntary programs in Concord, Manchester, and Nashua after filings have occurred to allow parties to enter into mediation at no cost.
 - In Concord, parties are notified in advance with the opportunity to opt out of the mediation program.
 - In Manchester and Nashua, parties can speak with a mediator on the day of the court hearing.
- Currently, they are using a \$550,000 HUD grant, which they anticipate would help fund the program through 2025. Mr. Head emphasized that the program is funded entirely through grant funding.
- Based on a voluntary survey given to parties involved, they found that 90 percent of those who responded were fully informed on what they could do.

- Currently, the court mediation process has a 75 percent success rate.
- They have retained Resolution Systems Institute to evaluate the program internally to determine its positive and negative aspects, where improvements could be made, and collect data. The report is not expected to be finished until October 31st; thus, it would not be available to the study committee.

AJ

Date Hearing Report completed: March 22, 2023

Speakers

Senate Remote Testify

Commerce Committee Testify List for Bill HB235 on 2023-03-21

Support: 37 Oppose: 0

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Perencevich, Ruth	A Member of the Public	Myself	Support
Jones, Andrew	A Member of the Public	Myself	Support
Devore, Gary	A Member of the Public	Myself	Support
Walker, Deborah Klein	A Member of the Public	Myself	Support
Watters, Senator David	An Elected Official	Myself	Support
Perkins Kwoka, Senator Rebecca	An Elected Official	Myself	Support
Wessels, Susan	A Member of the Public	Myself	Support
Casino, Joanne	A Member of the Public	Myself	Support
Bissex, Hannah	A Member of the Public	Myself	Support
Thomas, A	A Member of the Public	Myself	Support
Martin, Patricia	A Member of the Public	Myself	Support
Hershey, Jane	A Member of the Public	Myself	Support
Willing, Maura	A Member of the Public	Myself	Support
DeMark, Richard	A Member of the Public	Myself	Support
DeMark, Harriet	A Member of the Public	Myself	Support
Spencer, Louise	A Member of the Public	Myself	Support
Richman, Susan	A Member of the Public	Myself	Support
Ellermann, Maureen	A Member of the Public	Myself	Support
MCNAMEE, BRIGID	A Member of the Public	Myself	Support
Feller-Kopman, Michelle	A Member of the Public	Myself	Support
Spielman, Kathy Sue	A Member of the Public	Myself	Support
Austin, Lorna	A Member of the Public	Myself	Support
Koch, Laurie	A Member of the Public	Myself	Support
Wilke, Mary	A Member of the Public	Myself	Support
Koch, Helmut	A Member of the Public	Myself	Support
Merlone, Lynn	A Member of the Public	Myself	Support
Reardon, Donna	A Member of the Public	Myself	Support
Hatch, Sally	A Member of the Public	Myself	Support
Rettew, Ann	A Member of the Public	Myself	Support
Eaton, Sharon	A Member of the Public	Myself	Support
Hinebauch, Melissa	A Member of the Public	Myself	Support
Clark, Martha	A Member of the Public	Myself	Support
Blanchard, Sandra	A Member of the Public	Myself	Support
Brennan, Nancy	A Member of the Public	Myself	Support
Holt, David	A Member of the Public	Myself	Support
Lamphier, Regan	An Elected Official	Myself	Support
Kiefner, Robert	A Member of the Public	Myself	Support

Testimony



March 21, 2023

Chairman Gannon
Senate Commerce Committee
Re: HB 235

Dear Chairman Gannon and Commerce Committee Members,

The landlord and tenant mediation program in circuit courts is a crucial program that will help to prevent homelessness and housing insecurity for many individuals with disabilities. However, the program may not be meeting the needs of all individuals with disabilities, and there is a need for further study to determine how to make the program more effective.

According to the National Council on Disability, individuals with disabilities are disproportionately impacted by housing insecurity and homelessness. This is due in part to discrimination, lack of accessibility in housing, and barriers to employment and income.

The landlord and tenant mediation program can be a lifeline for individuals with disabilities who are facing eviction or housing insecurity. However, there may be barriers to accessing the program, such as lack of information or language barriers. Additionally, the program may not be adequately addressing the unique needs of individuals with disabilities, such as accessibility accommodations or reasonable accommodations for disability-related needs.

Establishing a legislative committee to study the landlord and tenant mediation program can help to identify areas for improvement and ensure that the program is meeting the needs of all individuals, including those with disabilities. This can lead to better outcomes for individuals with disabilities, including greater housing stability and reduced risk of homelessness.

From a disability justice perspective, ensuring access to stable and accessible housing is a matter of equity and inclusion. All individuals, regardless of their abilities, should have access to safe and secure housing. The landlord and tenant mediation program is a critical tool in achieving this goal, and it is essential that the program is meeting the needs of all individuals, including those with disabilities.

In conclusion, New Hampshire House Bill 235 is an important step towards ensuring that the landlord and tenant mediation program would meet the needs of all individuals, including those with disabilities. Establishing a legislative committee to study the program can help to identify areas for improvement and ensure that the program is effective in preventing homelessness and housing insecurity for individuals with disabilities.

Sincerely,

Krysten Evans
Director of Policy and Advocacy

Voting Sheets

Senate Commerce Committee
EXECUTIVE SESSION RECORD
2023-2024 Session

Bill # HB 235

Hearing date: 3/21/23

Executive Session date: 4/4/23

Motion of: OTP Vote: 4-0

Committee Member	Made by	Second	Yes	No
Sen. Gannon, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi, V-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Innis	<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"/>
Sen. Chandley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Made by	Second	Yes	No
Sen. Gannon, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Innis	<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"/>
Sen. Chandley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Made by	Second	Yes	No
Sen. Gannon, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Innis	<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"/>
Sen. Chandley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: SEN. SOUCY

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Tuesday, April 4, 2023

THE COMMITTEE ON Commerce

to which was referred **HB 235**

AN ACT

establishing a committee to study the landlord
tenant mediation program.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 4-0

Senator Donna Soucy
For the Committee

Aaron Jones 271-2609

COMMERCE

HB 235, establishing a committee to study the landlord tenant mediation program.

Ought to Pass, Vote 4-0.

Senator Donna Soucy for the committee.

Docket of HB235

Docket Abbreviations

Bill Title: (New Title) establishing a committee to study the landlord tenant mediation program.*Official Docket of HB235.:*

Date	Body	Description
1/9/2023	H	Introduced (in recess of) 01/05/2023 and referred to Judiciary HJ 2 P. 7
1/18/2023	H	Public Hearing: 01/25/2023 10:30 am LOB 206-208
1/30/2023	H	Executive Session: 02/08/2023 11:00 am LOB 206-208
1/30/2023	H	==CONTINUED== Executive Session: 02/09/2023 09:00 am LOB 206-208
2/16/2023	H	Committee Report: Ought to Pass with Amendment #2023-0148h 02/08/2023 (Vote 18-1; CC) HC 12 P. 6
2/22/2023	H	Amendment #2023--0148h : AA VV 02/22/2023 HJ 6 P. 10
2/22/2023	H	Ought to Pass with Amendment 2023--0148h: MA VV 02/22/2023 HJ 6 P. 9
3/7/2023	S	Introduced 02/22/2023 and Referred to Commerce; SJ 9
3/15/2023	S	Hearing: 03/21/2023, Room 100, SH, 09:30 am; SC 14
4/4/2023	S	Committee Report: Ought to Pass, 04/13/2023; SC 17
4/13/2023	S	Ought to Pass: MA, VV; OT3rdg; 04/13/2023; SJ 13
5/12/2023	S	Enrolled Adopted, VV, (In recess 05/11/2023); SJ 15
5/15/2023	H	Enrolled (in recess of) 05/04/2023
5/19/2023	H	Signed by Governor Sununu 05/17/2023; Chapter 31; Eff: 05/17/2023

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 235

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
- 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 # _____ - amendment # _____
- _____ - amendment # _____ - 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

8/11/23
Date

Senate Clerk's Office AK