

HB 173 - AS INTRODUCED

2019 SESSION

19-0122

10/06

HOUSE BILL ***173***

AN ACT relative to requirements for residential tenants evicted for nonpayment of rent.

SPONSORS: Rep. Horn, Merr. 2; Rep. Baldasaro, Rock. 5; Rep. Hinch, Hills. 21

COMMITTEE: Judiciary

ANALYSIS

This bill requires tenants requesting a hearing to contest eviction for nonpayment of rent to pay the amount of the claimed unpaid rent to the court prior to the hearing.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to requirements for residential tenants evicted for nonpayment of rent.

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

1 1 Actions Against Tenants; Writ; Hearing. Amend RSA 540:13, II-III to read as follows:

2 II. The writ shall be accompanied by a notice from the district court, printed in no smaller
3 than 12-point type, informing the tenant that:

4 (a) If the tenant wishes to contest the eviction, he **or she** must file an appearance in the
5 district court no later than the return day appearing on the writ. ***In cases based on nonpayment***
6 ***of rent, the court shall state in the notice the amount of the tenant's unpaid rent, along***
7 ***with any interest and court fees, which must be paid into the court, and the actual***
8 ***amount of the tenant's current weekly rent or, if rent is not paid on a weekly basis, the***
9 ***equivalent weekly rent amount, which must be paid into the court during the period of***
10 ***district court proceedings.***

11 (b) The tenant shall not be evicted unless the court so orders; however, such an order
12 may be granted if the tenant does not file an appearance.

13 (c) At the time the tenant files his **or her** appearance, he **or she** may request that the
14 court make a sound recording of the eviction hearing by checking an appropriate box on the
15 appearance form.

16 III. The writ of summons and the notice provided in paragraph II shall be returnable 7 days
17 from the date of service of the writ by the sheriff. The writ of summons shall ~~[provide an~~
18 ~~opportunity for the landlord, at the]~~ ***include the*** landlord's ~~[option, to make a]~~ claim for ~~[an award~~
19 ~~of]~~ unpaid rent. ~~[If the landlord elects to make a claim for unpaid rent,]~~ The court shall consider
20 any defense, claim, or counterclaim by the tenant which offsets or reduces the amount owed to the
21 plaintiff. If the court finds that the landlord is entitled to possession on the ground of nonpayment
22 of rent, it shall also award the landlord a money judgment. If the court determines that the amount
23 owed by the landlord to the tenant, as a result of set-off or counterclaim exceeds or equals the
24 amount of rent and other lawful charges owed by the tenant to the landlord, judgment in the
25 possessory action shall be granted in favor of the tenant. If the court finds that the tenant's
26 counterclaim exceeds the amount of the nonpayment, a money judgment shall issue in favor of the
27 tenant. Any decision rendered by the court related to a money judgment~~[, shall be limited to a~~
28 ~~maximum of \$1,500 and]~~ shall not preclude either party from making a subsequent claim in a court
29 of competent jurisdiction to recover any additional amounts ~~[not covered by the \$1,500 judgment].~~

30 2 Effective Date. This act shall take effect 60 days after its passage.