

HB 160 - AS INTRODUCED

2021 SESSION

21-0115

10/06

HOUSE BILL **160**

AN ACT relative to notice of rent increases in certain residential rental property.

SPONSORS: Rep. Conley, Straf. 13; Rep. Kenney, Straf. 6; Rep. Schultz, Merr. 18; Rep. Chase, Straf. 18; Rep. Vann, Hills. 24; Rep. Wazir, Merr. 17

COMMITTEE: Judiciary

ANALYSIS

This bill requires notice by a landlord of at least 60 days of a proposed rent increase which exceeds 5 percent or notice of at least 90 days of an increase which exceeds 8 percent.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to notice of rent increases in certain residential rental property.

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

1 1 New Section; Actions Against Tenants; Notice of Rent Increase. Amend RSA 540 by inserting
2 after section 2 the following new section:

3 540:2-a Notice of Rent Increase.

4 I. This section shall apply to all residential rental property except:

5 (a) "Nonrestricted property" as defined in RSA 540:1-a, I.

6 (b) Rental units in properties in buildings or apartment complexes containing a total of 4
7 or fewer dwelling units, provided:

8 (1) The property is owned by a natural person; and

9 (2) The owner does not rent more than 4 dwelling units.

10 (c) Occupancies described in RSA 540:1-a, IV.

11 (d) Shared facilities as defined in RSA 540-B:1.

12 (e) Vacation or recreational rental units as defined in RSA 540-C:1.

13 (f) A dwelling unit in which, due to a federal or state rent subsidy based on the tenant's
14 household income, the increase in the contract rent does not affect the amount paid by the tenant as
15 his or her share of the rent.

16 (g) Manufactured housing in a manufactured housing park governed by RSA 205-A.

17 II. Notwithstanding the provisions of RSA 540:2, IV, or any other provision of law:

18 (a) No increase in a tenant's rent which exceeds 5 percent of the tenant's current rent
19 shall be effective and enforceable unless the tenant has been served with no less than 60 days prior
20 written notice of the amount and effective date of the rent increase. Such notice shall be served in
21 accordance with the provisions of RSA 540:5. If a landlord issues more than one notice of rent
22 increase within a 60-day period, the combined total of which exceeds 5 percent of the rent that was
23 in effect when the first notice was served, the amount of the rent increase which exceeds 5 percent of
24 the rent that was in effect at the time of the first notice of rent increase shall not become effective
25 until 60 days from the date of the most recent notice of rent increase.

26 (b) No increase in a tenant's rent which exceeds 8 percent of the tenant's current rent
27 shall be effective and enforceable unless the tenant has been served with no less than 90 days prior
28 written notice of the amount and effective date of the rent increase. Such notice shall be served in
29 accordance with the provisions of RSA 540:5. If a landlord issues more than one notice of rent
30 increase within a 90-day period, the combined total of which exceeds 8 percent of the rent that was
31 in effect when the first notice was served, the amount of the rent increase which exceeds 8 percent of

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1 the rent that was in effect at the time of the first notice of rent increase, shall not become effective
2 until 90 days from the date of the most recent notice of rent increase.

3 (c) Nothing in this paragraph shall be construed to permit a landlord to increase a
4 tenant's rent during the term of a lease for a fixed term, unless the lease expressly authorizes such
5 an increase.

6 (d) This paragraph shall apply to any rent increase that becomes effective upon or after
7 the expiration of the lease, provided however that the landlord may provide the notice of rent
8 increase required by this paragraph during the term of the lease.

9 (e) This paragraph shall not be construed to limit, in any way, the amount of a rent
10 increase that is implemented in accordance with the notice requirements set forth in this paragraph.

11 2 Effective Date. This act shall take effect upon its passage.