

SB 364 – AS INTRODUCED

2012 SESSION

12-2953
05/09

SENATE BILL **364**

AN ACT relative to tenant guest practices.

SPONSORS: Sen. Barnes, Jr., Dist 17; Sen. Houde, Dist 5; Sen. Carson, Dist 14; Sen. Luther,
Dist 12

COMMITTEE: Public and Municipal Affairs

ANALYSIS

This bill prohibits a landlord from interfering with a tenant’s ability to invite guests to his or her residence except in certain limited circumstances.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to tenant guest practices.

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

1 1 Prohibited Practices and Security Deposits; Tenant Guests. Amend RSA 540-A:2 to read as
2 follows:

3 540-A:2 General Prohibition; ***Right to Quiet Enjoyment; Guests.***

4 ***I.*** No landlord shall willfully violate a tenant’s right to quiet enjoyment of his ***or her*** tenancy
5 or attempt to circumvent lawful procedures for eviction pursuant to RSA 540. No tenant shall
6 willfully damage the property of the landlord or prevent completion of necessary repairs or willfully
7 deny tenants their right to quiet enjoyment of their tenancies.

8 ***II.*** ***No landlord shall interfere with the right of a tenant to permit visitation by the***
9 ***person of his or her own choice except where:***

10 ***(a) The lease governing the tenancy contains a provision setting forth***
11 ***reasonable time and frequency limitations on guest visits, provided that the leases of all***
12 ***tenants who reside in the same apartment complex or building contain the same provision;***
13 ***or***

14 ***(b) The landlord can demonstrate that the tenant’s guest:***

15 ***(1) Constitutes an imminent threat to the health and safety of others;***

16 ***(2) Has been convicted of a drug-related felony within the past 2 years; or***

17 ***(3) Has been convicted of a felony involving physical violence to another***
18 ***person, or the threat thereof, within the past 2 years.***

19 2 Effective Date. This act shall take effect January 1, 2013.