

HB 154-FN – AS INTRODUCED

2013 SESSION

13-0435
05/09

HOUSE BILL ***154-FN***

AN ACT establishing the New Hampshire condominium law review board.

SPONSORS: Rep. Kappler, Rock 3; Rep. LeBrun, Hills 32

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill establishes the New Hampshire condominium law review board. The bill also repeals the committee to study laws relating to condominium and homeowner associations.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT establishing the New Hampshire condominium law review board.

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

1 1 New Subdivision; New Hampshire Condominium Law Review Board. Amend RSA 356-B by
2 inserting after section 70 the following new subdivision:

3 New Hampshire Condominium Law Review Board

4 356-B:71 Board Established; Members; Terms; Chairperson.

5 I. There is hereby created a New Hampshire condominium law review board consisting of 11
6 members. The members of the board shall be:

7 (a) Four members, appointed by the governor and approved by the executive council, who
8 are resident owners of condominiums in the state. Members appointed under this subparagraph
9 shall not be members of their respective condominium board, nor shall they be residents of the same
10 type of condominium, such as a garden-style, high-rise, or single family condominium.

11 (b) Two members appointed by the governor and approved by the executive council, who
12 are members of a condominium association board.

13 (c) Two members appointed by the governor and approved by the executive council, who
14 represent condominium association management companies.

15 (d) One member of the New Hampshire Bar Association, appointed by the president of
16 the association.

17 (e) Three members of the house of representatives, appointed by the speaker of the house
18 of representatives.

19 (f) One member of the senate, appointed by the senate president.

20 II. Non-legislative members of the board shall serve 3-year terms and until a successor is
21 appointed, except that the initial appointments shall be staggered: 3 members shall be appointed to
22 one-year terms, 3 members shall be appointed to 2-year terms, and 3 members shall be appointed to
23 3-year terms. Legislative members shall serve a term coterminous with their term in office.

24 III. The chairperson shall be chosen from among the members at the initial organizational
25 meeting and shall serve at the pleasure of the members of the board.

26 IV. If any member of the board misses 3 consecutive meetings, without cause, the board
27 shall inform the appointing authority in writing and the appointing authority shall appoint a new
28 member to the board within 60 days from the receipt of the written notification.

29 V. The board shall hold meetings every 90 days and may meet more frequently as deemed
30 necessary by the board.

31 356-B:72 Quorum, Disqualification of Members; Compensation.

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1 I. A majority of the board shall constitute a quorum to conduct hearings, and a vote of at
2 least 2 members present and voting in favor shall be required to adopt and approve any matter
3 under consideration.

4 II. As a board member, one may disqualify oneself relative to any matter before the board, or
5 if the board votes that any member has or may have a conflict of interest in any matter before the
6 board, the member shall be disqualified to sit as a board member on that particular matter. The
7 board may hear the matter if it has a quorum. If the board does not have a quorum, the governor
8 shall appoint a public member to hear the particular matter pending before the board.

9 III. The legislative members of the board shall receive legislative mileage. The remaining
10 members shall receive mileage at the state employee rate.

11 356-B:73 Jurisdiction; Procedure.

12 I. The board shall have the authority to hear matters involving condominium association
13 actions and condominium homeowner complaints and determine whether amendments to the
14 statutes are necessary. Matters relating to time share interests shall not be under the jurisdiction of
15 the board. The board shall not have the power to issue rulings or resolve complaints. The sole
16 authority of the board shall be to make recommendations for amendments to RSA 356-B or other
17 state laws directly affecting condominiums.

18 II.(a) Any resident of a condominium or any owner of a condominium may file a suggestion
19 for an amendment to the state condominium law or a complaint with the board. After review of the
20 submission and a decision by the board that the matter has merit, is not frivolous and is not an issue
21 recently addressed in another hearing held by the board, the board shall schedule a hearing within
22 60 days from the receipt of the claim. If the board finds the claim to be without merit or to be
23 frivolous, it shall dismiss the complaint and explain in writing to the complainant its reasons for
24 dismissing the complaint.

25 (b) The board shall serve notice, in writing, of the time and place of the hearing upon all
26 appropriate parties at least 20 days prior to the date of the hearing.

27 (c) All hearings of the board shall be subject to the provisions of RSA 91-A. The board
28 shall not be bound by common law or statutory rules of evidence but may admit all testimony having
29 a reasonable probative value. It may exclude evidence which, in the opinion of the board, is
30 immaterial, irrelevant, or unduly repetitious.

31 356-B:74 Board Recommendations; Proposed Legislation. After hearing issues, complaints, and
32 proposals for legislation, board members shall determine by majority vote whether amendments to
33 the statutes governing condominiums are warranted. If the board determines that legislation is
34 needed, the members shall develop a proposal for a new bill or an amendment to existing bill, and
35 one or both of the legislative members of the board shall file the bill or amendment.

36 356-B:75 Meetings and Records. The board shall hold meetings in Concord, New Hampshire or
37 in any other location deemed appropriate by the board. The records of the board shall be maintained

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1 at the office of the New Hampshire condominium law review board.

2 356-B:76 Administrative and Business Processing Functions. All administrative, clerical, and
3 business processing functions of the board shall be the responsibility of the joint board of licensure
4 and certification established in RSA 310-A:1.

5 356-B:77 Notification and Cooperation Required. The board shall notify the bureau chief of the
6 consumer protection and antitrust bureau, department of justice, that the board may accept and
7 review written complaints properly forwarded to it by such bureau relative to condominium laws.

8 2 Repeal. RSA 356-B:70, relative to the committee to study the laws relating to condominium
9 and homeowners' associations, is repealed.

10 3 Effective Date. This act shall take effect upon its passage.

LBAO
13-0435
12/28/12

HB 154-FN - FISCAL NOTE

AN ACT establishing the New Hampshire condominium law review board.

FISCAL IMPACT:

The Joint Board of Licensure and Certification states this bill, **as introduced**, will increase state expenditures by \$19,942 in FY 2014, and \$20,342 in FY 2015 and each year thereafter. There is no fiscal impact on state, county, and local revenues, or county and local expenditures.

METHODOLOGY:

The Joint Board of Licensure and Certification states this bill creates a Condominium Law Review Board, which will be comprised of 11 members. The Joint Board estimates the following administrative costs for FY 2014 and FY 2015, and projects costs to remain unchanged throughout FY 2017.

	FY 2014	FY 2015
Part-Time Licensure Clerk (Labor Grade 12)	\$10,616	\$10,616
Benefits (7.65% Social Security Contribution)	\$812	\$812
Transfer to Dept. of Information Technology	\$514	\$514
Transfers to General Services	\$2,500	\$2,800
Current Expenses	\$2,000	\$2,000
Equipment	\$500	\$500
Telecommunications	\$500	\$600
Travel (estimate based on \$0.565/mile for 11 board members from unknown locations)	\$2,500	\$2,500
Total Cost to State	\$19,942	\$20,342