

HB 409 – AS INTRODUCED

2013 SESSION

13-0444
05/03

HOUSE BILL **409**

AN ACT relative to the issuance of a default judgment in landlord-tenant actions.

SPONSORS: Rep. Winters, Hills 18; Rep. Long, Hills 42; Rep. Warden, Hills 39

COMMITTEE: Judiciary

ANALYSIS

This bill requires a tenant who files a motion to vacate a default judgment to pay all rent as it comes due pending the district court's decision.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to the issuance of a default judgment in landlord-tenant actions.

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

1 1 Actions Against Tenants; Default; Payment of Rent. Amend RSA 540:13, V to read as follows:

2 V. If the tenant files an appearance, a hearing shall be scheduled to occur within 10 days
3 after such filing, with allowance for additional time pursuant to paragraph IV, with notice of the
4 hearing mailed to the parties no fewer than 6 days prior to the hearing. If the tenant fails to file an
5 appearance or fails to appear at the hearing on the merits, the court shall mail a notice of default to
6 the address set forth on the summons at least 3 days prior to the issuance of the writ of possession.

7 ***If the tenant wishes to vacate the default judgment for the purpose of requesting a new***
8 ***hearing, the tenant shall:***

9 (a) ***File a motion to vacate the default judgment prior to the issuance of the writ***
10 ***of possession; and***

11 (b) ***Pay all rent, as it comes due, between the date of the motion to vacate the***
12 ***default judgment and the district court's decision. The court may waive this requirement.***

13 2 Effective Date. This act shall take effect January 1, 2014.