

HB 463-FN – AS INTRODUCED

2013 SESSION

13-0780  
10/03

HOUSE BILL            **463-FN**  
AN ACT                requiring property managers to be certified.  
SPONSORS:            Rep. LeBrun, Hills 32; Rep. Kappler, Rock 3  
COMMITTEE:           Executive Departments and Administration

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ANALYSIS

This bill requires property managers for associations of unit owners of real property to be certified as qualified by the national Community Associations Institute.

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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                              Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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                    requiring property managers to be certified.

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

1            1 New Paragraph; Unit Ownership of Real Property; Definition of Manager. Amend RSA 479-  
2 A:1 by inserting after paragraph X the following new paragraph:

3            X-a. “Manager” means a person employed by or under contract with an association of unit  
4 owners for the purposes of property management who is required to be certified as provided in RSA  
5 479-A:5-a.

6            2 New Section; Certification of Manager Required. Amend RSA 479-A by inserting after section  
7 5 the following new section:

8            479-A:5-a Certification of Manager Required.

9            I. No person employed by or under contract with an association of unit owners for the  
10 purposes of property management shall engage in any act or exercise any right on behalf of unit  
11 owners under this chapter unless that person possesses a current certification from the Community  
12 Associations Institute as a certified manager of community associations.

13            II. Any person who violates the provisions of paragraph I shall be guilty of a violation.

14            III. For purposes of this section:

15            (a) “Property management” means engaging in any act or exercising any right on behalf  
16 of unit owners by an individual who administers for remuneration the financial, administrative,  
17 maintenance, or other duties for the association of unit owners, including the following services:

18            (1) Collecting, controlling or disbursing funds of the association or having the  
19 authority to do so.

20            (2) Preparing budgets or other financial documents for the association.

21            (3) Assisting in the conduct of association meetings.

22            (4) Maintaining association records.

23            (5) Administrating association contracts, as stated in the declaration, bylaws,  
24 proprietary lease, declaration of covenants, or other governing document of the association.

25            (b) “Manager” shall not mean support staff, including, but not limited to bookkeepers,  
26 administrative assistants, secretaries, property inspectors, or customer service representatives.

27            3 Effective Date. This act shall take effect January 1, 2014.

LBAO  
13-0780  
01/16/13

**HB 463-FN - FISCAL NOTE**

AN ACT                    requiring property managers to be certified.

**FISCAL IMPACT:**

The Judicial Branch states this bill, as introduced, may increase state expenditures by an indeterminable amount in FY 2014 and each year thereafter. There is no fiscal impact on county and local expenditures or state, county and local revenue.

**METHODOLOGY:**

The Judicial Branch states this bill amends RSA 479-A to require property managers for associations of unit owners of real property be certified as qualified by the national community association institute. RSA 479-A:5-a, II makes it a violation to be “employed by or under contract with an association of unit owners for the purposes of property management” without being certified by the community association institute. The Branch has no information to estimate how many cases would be impacted by this bill to determine the fiscal impact on expenditures but does have information on the cost for processing a violation. All costs are estimated based on case weight information from the last needs assessment completed in 2005. The Branch states a violation will cost \$42.85 per case in FY 2014 and \$44.36 per case in FY 2015 and each year thereafter. This does not consider the cost of any appeals.