

CHAPTER 61
SB 60 – FINAL VERSION

02/14/13 0205s

2013 SESSION

13-0896
01/04

SENATE BILL **60**

AN ACT relative to assisted living facilities and landlord tenant law.

SPONSORS: Sen. Odell, Dist 8; Sen. Gilmour, Dist 12; Rep. Donovan, Sull 4; Rep. Rosenwald, Hills 30; Rep. Grenier, Sull 7

COMMITTEE: Commerce

ANALYSIS

This bill excludes assisted living facilities and community residences for the developmentally disabled and chronically ill from the definition of tenant for purposes of landlord/tenant law. This bill also requires that security deposits for assisted living facilities be subject to RSA 540-A.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to assisted living facilities and landlord tenant law.

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

1 61:1 Assisted Living Facilities; Advance Payments and Security Deposits. Amend RSA 161-J:6
2 to read as follows:

3 161-J:6 Advance Payments and Security Deposits. The residence shall establish a written policy
4 for the refund of unused advance payments or security deposits in the event of termination of a
5 residential services agreement or death of a resident which shall include the terms and conditions
6 under which the advance payment money or security deposit may be withheld by the residence.
7 ***Advance payments other than security deposits shall be subject to the terms and conditions***
8 ***contained in RSA 161-J:4, II. Security deposits shall be subject to the terms and conditions***
9 ***contained in RSA 540-A:6 and RSA 540-A:7.***

10 61:2 Assisted Living Facilities; Applicability of RSA 540 and 540-A. Amend RSA 161-J:7 to read
11 as follows:

12 161-J:7 Applicability of RSA 540 and 540-A. All provisions of RSA 540 and RSA 540-A shall
13 apply to [~~assisted living residences,~~] independent living retirement communities[;] and housing for
14 older persons where the residential premises, however designated, are leased or rented to the
15 resident, unless otherwise provided by RSA 151 and RSA 420-D or other applicable law.

16 61:3 Assisted Living Facilities; Actions Against Tenants. Amend RSA 540:1-a, IV(c) to read as
17 follows:

18 (c) Rooms in student dormitories, nursing homes, hospitals ***and any other facilities***
19 ***licensed under RSA 151 or certified under RSA 126-A***, convents, monasteries, asylums, or group
20 homes.

21 61:4 Effective Date. This act shall take effect upon its passage.

22 Approved: June 6, 2013

23 Effective Date: June 6, 2013