

CHAPTER 224  
HB 1606 – FINAL VERSION

2014 SESSION

14-2838  
05/03

HOUSE BILL            **1606**

AN ACT                relative to assignment of legal costs in suits between condominium associations and condominium members.

SPONSORS:            Rep. Almy, Graf 13; Rep. LeBrun, Hills 32; Rep. K. Williams, Hills 4; Sen. Cataldo, Dist 6

COMMITTEE:          Commerce and Consumer Affairs

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ANALYSIS

This bill clarifies that the board of directors is required to comply with the condominium act and all provisions of the condominium instruments. The bill also provides that the prevailing party is entitled to costs and attorneys' fees in a dispute between unit owners and the unit owners' association.

This bill is a request of the committee to study laws relating to condominium and homeowners' associations established in RSA 356-B:70.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fourteen*

AN ACT                   relative to assignment of legal costs in suits between condominium associations  
and condominium members.

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

1           224:1 Compliance with Condominium Instruments. Amend RSA 356-B:15 to read as follows:

2           356-B:15 Compliance With Condominium Instruments.

3           I. The declarant, ***the board of directors***, every unit owner, and all those entitled to occupy  
4 a unit shall comply with all lawful provisions of this chapter and all provisions of the condominium  
5 instruments. Any lack of such compliance shall be grounds for an action or suit to recover sums due,  
6 for damages or injunctive relief, or for any other remedy available at law or in equity, maintainable  
7 by the unit owners' association, or by its board of directors or any managing agent on behalf of such  
8 association, or, in any proper case, by one or more aggrieved unit owners on their own behalf or as a  
9 class action.

10          II. The ~~[unit owners' association]~~ ***prevailing party*** shall be entitled to all costs and  
11 attorneys' fees incurred in any proceeding under RSA 356-B:15, I.

12          224:2 Effective Date. This act shall take effect January 1, 2015.

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14        Approved: July 14, 2014

15        Effective Date: January 1, 2015