

CHAPTER 203
SB 371-FN – FINAL VERSION

03/13/14 0855s
03/13/14 0947s

2014 SESSION

14-2780
01/04

SENATE BILL ***371-FN***

AN ACT requiring the establishment of a senior citizens bill of rights.

SPONSORS: Sen. Stiles, Dist 24; Sen. Carson, Dist 14; Sen. Gilmour, Dist 12;
Sen. D'Allesandro, Dist 20; Sen. Fuller Clark, Dist 21; Sen. Reagan, Dist 17;
Sen. Cataldo, Dist 6; Sen. Hosmer, Dist 7; Sen. Lasky, Dist 13; Sen. Watters,
Dist 4; Sen. Woodburn, Dist 1; Rep. Borden, Rock 24; Rep. Sherman, Rock 24;
Rep. Khan, Rock 20; Rep. Gordon, Rock 35

COMMITTEE: Health, Education and Human Services

AMENDED ANALYSIS

This bill establishes a senior citizen bill of rights and requires it to be posted in housing for older persons and independent retirement living communities.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 requiring the establishment of a senior citizens bill of rights.

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

1 203:1 New Chapter; Senior Citizens Bill of Rights. Amend RSA by inserting after chapter 161-L
2 the following new chapter:

CHAPTER 161-M

SENIOR CITIZENS BILL OF RIGHTS

5 161-M:1 Purpose. The purpose of this chapter is to establish a senior citizens bill of rights,
6 which shall apply to the management of housing for older persons and independent living retirement
7 communities, as defined in this chapter.

8 161-M:2 Definition. In this chapter, “facility” means “housing for older persons” as defined in
9 RSA 161-J:2, III, and “independent living retirement community” as defined in RSA 161-J:2, III-a.
10 In this chapter “facility” shall not include continuing care retirement communities as defined in
11 RSA 420-D, condominiums as defined in RSA 356-B:3, V, manufactured housing parks as defined in
12 RSA 205-A:1, or any facility licensed under RSA 151.

13 161-M:3 Senior Citizens Bill of Rights. The management of a facility shall establish policies
14 consistent with the senior citizens bill of rights as set forth in this chapter. The senior citizens bill of
15 rights shall inform residents of the facility that each resident has the following rights:

16 I. Dignity and privacy, including the right to:

17 (a) Self-organize and meet with other residents or members to discuss the policies,
18 procedures, and services of the facility.

19 (b) Be represented by an individual of your own choice.

20 (c) Engage in concerted activities for your own purpose.

21 (d) Individually and severally, obtain outside advice, consultation, and services of your
22 own choosing and at your own expense on any matter, including, but not limited to, medical, legal,
23 and financial matters.

24 (e) Independence and individuality, and to have your needs and preferences recognized.

25 (f) Privacy within a private residential unit, subject to rules of the facility reasonably
26 designed to promote the health, safety, and welfare of the resident.

27 (g) Personal space and the furnishing and decorating of personal space as private.

28 (h) Be free to select or refuse services and to accept responsibility for the consequences.

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1 (i) Be free to develop and maintain social ties with opportunities for meaningful
2 interaction and involvement with the community.

3 (j) Recognition that ensuring your well-being does not violate your civil rights.

4 (k) Set your own schedule, have visitors, and leave and enter the facility as you desire.

5 (l) Private communications, including receiving and sending unopened correspondence,
6 telephone access, and visiting with persons of your choice.

7 (m) Freedom to participate in and benefit from community services and activities so as
8 to achieve the highest possible level of independence, autonomy, and interaction within the
9 community.

10 (n) Exercise civil and religious liberties.

11 II. Resolution of complaints, including the right to:

12 (a) Acknowledgment that you are entitled to methods of resolving complaints and
13 freedom from abuse, neglect, and the use of chemical and physical restraints.

14 (b) Assurances that methods of preventing and responding to incidents involving injury,
15 loss of property, abuse, and neglect shall be identified and implemented.

16 (c) Be treated with consideration, respect, and due recognition of personal dignity,
17 individuality, and the need for privacy.

18 (d) Present grievances and recommend changes in policies, procedures, and services to
19 the manager or staff of the facility, government officials, or any other person without restraint,
20 interference, coercion, discrimination, or reprisal from the facility.

21 (e) Be free from retaliation if the resident makes a complaint or joins a tenant
22 association.

23 III. Due process, including the right to:

24 (a) Not be evicted except upon execution of proper statutory authority or court
25 proceedings.

26 (b) Have rules and regulations applied uniformly to all tenants.

27 (c) Be free from unreasonable, arbitrary, or capricious rules and regulations.

28 (d) A 30-day written notice prior to any change of rules or regulations, except for
29 changes necessary to protect your health or safety.

30 (e) A 10-day period to correct a violation of rules or regulations.

31 (f) A 90-day written notice prior to increases of fees, charges, or assessments.

32 (g) Reasonable notice of any planned disruption of services.

33 (h) Have essential services furnished at all times, including water, electricity, and heat,
34 subject to planned disruptions or emergencies.

35 (i) Annual lease renewal, if you remain in good standing.

36 (j) Receive a copy of any rules or regulations of the facility.

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1 161-M:4 Gardens. Each facility shall allow residents to establish and maintain a garden if the
2 facility has land appropriate for use as a garden; provided, that any such resident establishing a
3 garden shall consult with the management of the facility regarding the type of herbs, fruits, flowers,
4 vegetables or other plants the resident would like to plant in the garden.

5 161-M:5 Posting Requirement. The management of a facility shall conspicuously post in an area
6 accessible to residents, employees, and visitors the following:

7 I. A copy of the senior citizens bill of rights as provided in RSA 161-M:3. Management of a
8 facility shall provide each resident with a copy of the senior citizens bill of rights at the time of initial
9 lease execution and upon each lease renewal.

10 II. A description of the complaint procedures established by the management of a facility
11 pursuant to the senior citizens bill of rights, including the name, address, and telephone number of a
12 person authorized to receive complaints.

13 III. A notice informing a resident that a violation of the senior citizens bill of rights
14 constitutes an unfair or deceptive act or practice under the consumer protection laws of this state.
15 The notice shall inform the resident of the right to file a complaint with the New Hampshire
16 department of justice, office of the attorney general, consumer protection and antitrust bureau,
17 including the telephone number and name of the person in the consumer protection and antitrust
18 bureau authorized to receive such complaints.

19 161-M:6 Penalty. Any facility or person who violates any provision of this chapter shall be
20 guilty of an unfair or deceptive act or practice as provided in RSA 358-A and shall be penalized in
21 accordance with RSA 358-A:6.

22 203:2 New Paragraph; Regulation of Business Practices for Consumer Protection; Acts
23 Unlawful. Amend RSA 358-A:2 by inserting after paragraph XIV the following new paragraph:

24 XV. Failure of a facility, as defined in RSA 161-M:2, or person to comply with the provisions
25 of RSA 161-M regarding the senior citizens bill of rights.

26 203:3 New Section; Applicability of RSA 161-M. Amend RSA 161-J by inserting after section 7
27 the following new section:

28 161-J:7-a Applicability of RSA 161-M. All provisions of RSA 161-M shall apply to independent
29 living retirement communities, defined in RSA 161-J:2, III-a, and housing for older persons, defined
30 in RSA 161-J:2, III.

31 203:4 New Paragraph; Housing for Older Persons. Amend RSA 354-A:15 by inserting after
32 paragraph VI the following new paragraph:

33 VII. Housing for older persons as defined in this section shall comply with the provisions of
34 RSA 161-M.

35 203:5 Effective Date. This act shall take effect January 1, 2015.

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- 1 Approved: July 11, 2014
- 2 Effective Date: January 1, 2015.