

HB 160 – AS INTRODUCED

2015 SESSION

15-0504
05/04

HOUSE BILL

160

AN ACT

relative to qualifications of condominium association board members.

SPONSORS:

Rep. Infantine, Hills 13

COMMITTEE:

Commerce and Consumer Affairs

ANALYSIS

This bill provides that only unit owners may serve on the board of directors for a condominium association.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to qualifications of condominium association board members.

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

1 1 Condominium Act; Contents of Bylaws. Amend RSA 356-B:35, II to read as follows:

2 II. The bylaws shall provide whether or not the unit owners' association shall elect a board of
3 directors. If there is to be such a board, the bylaws shall specify the powers and responsibilities of
4 the same and the number and terms of its members; **provided that only unit owners may serve**
5 **as board members**. The bylaws may delegate to such board, among other things, any of the powers
6 and responsibilities assigned by this chapter to the unit owners' association. The bylaws shall also
7 specify which, if any, of its powers and responsibilities the unit owners' association or its board may
8 delegate to a managing agent.

9 2 Condominium Act; Officers. Amend RSA 356-B:40, I and II to read as follows:

10 I. ~~[If the condominium instruments provide that any officer or officers must be unit owners,~~
11 ~~then]~~ Any ~~[such]~~ officer who disposes of all of his **or her** units in fee and/or for a term or terms of
12 more than one year shall be deemed ~~[to have]~~ disqualified ~~[himself]~~ from continuing in office ~~[unless~~
13 ~~the condominium instruments otherwise provide, or]~~ unless ~~[he]~~ **the officer** acquires or contracts to
14 acquire another unit in the condominium under terms giving ~~[him]~~ a right of occupancy thereto
15 effective on or before the termination of his **or her original** right of occupancy under such
16 disposition or dispositions.

17 II. ~~[If the condominium instruments provide]~~ **For purposes of the requirement** that any
18 officer or officers must be unit owners, then notwithstanding the provisions of RSA 356-B:12, I, the
19 term "unit owner" in such context shall, unless the condominium instruments otherwise provide, be
20 deemed to include, without limitation, any director, officer, partner in, or trustee of any person which
21 is, either alone or in conjunction with another person or persons, a unit owner. Any officer who
22 would not be eligible to serve as such were he **or she** not director, officer, partner in, or trustee of
23 such a person shall be deemed to have disqualified himself **or herself** from continuing in office if ~~[he]~~
24 **the person** ceases to have ~~[any]~~ such affiliation~~[-with that person]~~, or if that person would itself have
25 been deemed to have disqualified itself from continuing in such office under paragraph I were it a
26 natural person holding such office.

27 3 Effective Date. This act shall take effect January 1, 2016.