

HB 269 – AS INTRODUCED

2015 SESSION

15-0427
05/06

HOUSE BILL **269**

AN ACT allowing a landlord to collect first and last month's rent in addition to a security deposit.

SPONSORS: Rep. Duarte, Rock 2; Rep. Tucker, Rock 23; Rep. Spillane, Rock 2; Rep. Tamburello, Rock 5; Rep. Pitre, Straf 2; Rep. Hill, Merr 3; Rep. Lachance, Hills 8; Sen. Reagan, Dist 17; Sen. Boutin, Dist 16

COMMITTEE: Judiciary

ANALYSIS

This bill allows a landlord to collect first and last month's rent in addition to a security deposit.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT allowing a landlord to collect first and last month's rent in addition to a security deposit.

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

1 1 Security Deposits; Collection of First and Last Month's Rent Plus Security Deposit. Amend
2 RSA 540-A:6, I to read as follows:

3 I.(a) *At or prior to the commencement of any tenancy, no landlord may require a*
4 *tenant or prospective tenant to pay any amount in excess of the following:*

5 (1) *Rent for the first full month of occupancy;*

6 (2) *Rent for the last full month of occupancy calculated at the same rate as*
7 *the first month; and*

8 (3) *A security deposit in an amount not to exceed one month's rent or \$100,*
9 *whichever is greater.*

10 (b) *Any landlord who receives, at or prior to the commencement of a tenancy,*
11 *rent in advance for the last month of the tenancy from a tenant or prospective tenant shall*
12 *give to such tenant or prospective tenant at the time of such advance payment a written*
13 *statement indicating the amount of such rent, the date on which it was received, and its*
14 *intended application as rent for the last month of the tenancy.*

15 ~~[A landlord shall not demand or receive any security deposit in an amount or value in excess of~~
16 ~~one month's rent or \$100, whichever is greater.]~~ (c) Nothing in this section shall prohibit a landlord
17 from entering into a written lease that requires the quarterly or less frequent payment of rent;
18 provided, however, that the security deposit received in addition to the initial rent payment may not
19 exceed the equivalent of one month's rent.

20 ~~(b)~~ (d) Except as provided in subparagraph ~~(c)~~ (e), upon receiving a deposit from a
21 tenant, a landlord shall forthwith deliver to the tenant a signed receipt stating the amount of the
22 deposit and specifying the place where the deposit or bond for the deposit pursuant to RSA 540-A:6,
23 II(c) will be held, and shall notify the tenant that any conditions in the rental unit in need of repair
24 or correction should be noted on the receipt or given to the landlord in writing within 5 days of
25 occupancy.

26 ~~(c)~~ (e) No receipt *under subparagraph (d)* shall be required when the tenant
27 furnishes a security deposit in the form of a personal check, a bank check, or a check issued by a
28 government or nonprofit agency on behalf of the tenant. Regardless of whether or not a receipt is
29 required, the landlord shall provide written notice to the tenant that a written list of conditions in
30 the rental unit in need of repair or correction, if any, should be given to the landlord within 5 days of

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1 occupancy.

2 2 Effective Date. This act shall take effect January 1, 2016.