

CHAPTER 225
HB 309 – FINAL VERSION

11Mar2015... 0429h
06/04/2015 1952s
06/04/2015 2003s

2015 SESSION

15-0765
05/03

HOUSE BILL **309**

AN ACT permitting landlords to remove tenants' property in certain circumstances and relative to the committee to study issues concerning parking for those with walking disabilities.

SPONSORS: Rep. Groen, Straf 10; Rep. R. Gordon, Rock 35

COMMITTEE: Judiciary

AMENDED ANALYSIS

 This bill permits a landlord to remove a tenant's property in certain circumstances. The bill also permits members of the committee to study issues concerning parking for those with walking disabilities to receive mileage at the legislative rate when attending to the duties of the committee.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT permitting landlords to remove tenants' property in certain circumstances and relative to the committee to study issues concerning parking for those with walking disabilities.

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

1 225:1 New Paragraphs; Prohibited Practices; Removal of Property. Amend RSA 540-A:3 by
2 inserting after paragraph II the following new paragraphs:

3 II-a. Notwithstanding paragraph II, and subject to the notice requirements of paragraph II-
4 b:

5 (a) A landlord may remove, at the expense of the item's owner, any vehicle, motorcycle,
6 trailer, ATV, or other property that blocks vehicular access to a common driveway, fire lane, parking
7 area, or travel lane, or blocks access to a dumpster.

8 (b) A landlord may remove, at the expense of the item's owner, any property that is
9 leaking fluids that are damaging the parking surface or creating an environmental hazard.

10 (c) A landlord may remove, at the expense of the item's owner, any property that is
11 located in a posted no-parking area, is unregistered or inoperable, or is parked or stored in a manner
12 prohibited under the terms of a lease agreement.

13 II-b. Prior to removing an item pursuant to paragraph II-a, the landlord shall provide notice
14 as follows:

15 (a) In cases under RSA 540-A:3, II-a(a), prior to removal of the item the landlord shall
16 make such efforts to notify the tenant who owns or possesses the item, if the landlord knows such
17 tenant's identity, as are reasonable under the totality of the circumstances. If there is an immediate
18 threat to the health or safety of another tenant or person, no notice shall be required.

19 (b) In cases under RSA 540-A:3, II-a(b), the landlord shall provide written notice no
20 fewer than 48 hours prior to removing the property by:

- 21 (1) Placing a written notice on the item; and
22 (2) If the landlord knows the identity of the tenant who owns or possesses the item,
23 placing a written notice on the door of such tenant's unit; or
24 (3) If the landlord does not know the identity of the tenant who owns or possesses
25 the item, placing a written notice in a conspicuous location in one common area of each building in
26 the apartment complex.

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(c) In cases under RSA 540-A:3, II-a(c), the landlord shall provide the following notices to the tenant prior to removing the property:

(1) First notice, at least 7 days prior to removal of the item, by:

(A) Placing a written notice on the item; and

(B) If the landlord knows the identity of the tenant who owns or possesses the item, placing a written notice on the door of such tenant's unit; or

(C) If the landlord does not know the identity of the tenant who owns or possesses the item, placing a written notice in a conspicuous location in one common area of each building in the apartment complex; and

(2) Final notice, at least 24 hours, but not more than 48 hours, prior to removal of the item, by:

(A) Placing a written notice on the item; and

(B) If the landlord knows the identity of the tenant who owns or possess the item, placing a written notice on the door of such tenant's unit; or

(C) If the landlord does not know the identity of the tenant who owns or possesses the item, placing a notice in a conspicuous location in one common area of each building in the apartment complex.

II-c. A landlord who removes a tenant's property pursuant to paragraphs II-a and II-b shall not initiate any possessory action based on the tenant's failure to remove the item; provided that if such failure caused substantial damage to the property of the landlord or another tenant, or injury to another person, the landlord may initiate eviction pursuant to RSA 540:2, II(b) or (d).

225:2 Committee to Study Issues Concerning Parking for Those with Walking Disabilities; Mileage. Members of the committee to study issues concerning parking for those with walking disabilities, established in SB 171 of the 2015 general legislative session, shall receive mileage at the legislative rate when attending to the duties of the committee.

225:3 Contingency. If SB 171 of the 2015 general legislative session becomes law, section 2 of this act shall take effect upon its passage. If SB 171 of the 2015 general legislative session does not become law, section 2 of this act shall not take effect.

225:4 Effective Date.

I. Section 1 of this act shall take effect on January 1, 2016.

II. Section 2 of this act shall take effect as provided in section 3 of this act.

III. The remainder of this act shall take effect upon its passage.

Approved: July 13, 2015

Effective Date: I. Section 1 shall take effect January 1, 2016.

II. Section 2 shall take effect as provided in section 3.

III. Remainder shall take effect July 13, 2015.