

HB 462 - AS INTRODUCED

2021 SESSION

21-0661

10/05

HOUSE BILL **462**

AN ACT relative to lien assessments by condominium associations.

SPONSORS: Rep. Infantine, Hills. 13

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill establishes a procedure for the enforcement of a lien assessment on a condominium unit owner by the unit owners' association.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to lien assessments by condominium associations.

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

1 1 New Paragraph; Condominium; Liens for Assessments; Enforcement. Amend RSA 356-B:46
2 by inserting after paragraph IX the following new paragraph:

3 X.(a) Any suit to enforce any lien perfected under paragraph III shall be filed in a court of
4 competent jurisdiction serving the city or town where the unit is located. At least 30 days prior to
5 the filing of the suit, the unit owners' association shall send by first class mail and certified mail
6 notice to the unit owner and institutional lender holding the first mortgage of record, of the unit
7 owners' association's intent to file the suit to enforce the lien. Said notice to be sent to the address of
8 the first institutional lender in accordance with paragraph I. Notice to be sent to the unit owner
9 shall be sent to the unit address unless the unit owner has provided the unit owners' association
10 with a different address in writing.

11 (b) Any suit shall name as parties thereto the unit owner and all lienholders of record as
12 they appear with the registry of deeds as of the date of the filing of the suit. Such lienholders shall
13 be named as parties-in-interest to the suit.

14 (c) When the amount of a lien under this section has been established by a court, the
15 court shall enter an order authorizing the sale of the unit to satisfy the lien in accordance with the
16 requirements of RSA 479:25 and RSA 479:26 and other terms and conditions that may be
17 established by the court. The reasonable legal fees and costs incurred by the unit owners'
18 association shall be included as part of the lien and part of the priority lien, if any, pursuant to
19 paragraph I. Lienholders shall be entitled to an accounting of the legal fees, costs, and expenses,
20 and condominium assessments for purposes of verification upon written request.

21 (d) The unit owners' association's right to foreclose under this section shall neither
22 create an obligation to do so nor prohibit the exercise of any other remedy available pursuant at law
23 or in equity.

24 2 Effective Date. This act shall take effect January 1, 2022.