

HB 1247 - AS AMENDED BY THE SENATE

12Mar2020... 0687h

06/16/2020 1535s

2020 SESSION

20-2523

10/01

HOUSE BILL ***1247***

AN ACT relative to mortgage defaults and nonpayment of rent during the novel coronavirus disease (Covid-19) outbreak state of emergency.

SPONSORS: Rep. Conley, Straf. 13; Rep. Griffith, Hills. 18; Rep. Telerski, Hills. 35; Rep. Schultz, Merr. 18; Rep. Chase, Straf. 18; Rep. Vincent, Straf. 17; Rep. Wazir, Merr. 17; Rep. Kenney, Straf. 6

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill creates a duty of good faith and fair dealing for mortgage lenders. This bill also prevents landlords from taking possessory actions for nonpayment of rent during the novel coronavirus disease (Covid-19) outbreak state of emergency.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to mortgage defaults and nonpayment of rent during the novel coronavirus disease (Covid-19) outbreak state of emergency.

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

1 New Section; Aid to Assisted Persons. Amend RSA 165 by inserting after section 4-b the following new section:

165:4-c Eviction Notice Not Required. The governing body and overseers of public welfare shall not require the issuance of an eviction notice before providing rental assistance. An eviction notice may be required to assist the applicant in documenting emergency needs for emergency assistance, timely application and decision making and referrals to other agencies with eviction notice requirements for consideration of addition rent arrearage assistance.

2 New Section; Duty of Good Faith and Fair Dealing. Amend RSA 479 by inserting after section 5 the following new section:

479:5-a Duty of Good Faith and Fair Dealing. A duty of good faith and fair dealing shall be implied in any loan secured by a mortgage of real estate, made by a bank, mortgage company, or any other financial institution. Such duty shall arise at the inception of the loan and continues until the borrower has fully performed all of his or her obligations under the note and mortgage, or the mortgagee has completed the foreclosure process pursuant to this chapter.

3 Rooms in Rooming and Boarding Houses. RSA 540:1-a, IV(a) is repealed and reenacted to read as follows:

(a) Rooms in rooming and boarding houses which are rented to guests who have a primary residence in a different location.

4 New Section; Provisions Related to the State of Emergency Concerning the Novel Coronavirus Disease (Covid-19). Amend RSA 540 by inserting after section 9-a the following new section:

540:9-b Provisions Related to the State of Emergency Concerning the Novel Coronavirus Disease (Covid-19).

I. In this section:

(a) "Landlord" means a property owner who meets the definition of landlord in RSA 540-A:1, I.

(b) "State of emergency" means the State of Emergency Concerning the Novel Coronavirus Disease (Covid-19) Outbreak declared by the governor in executive order 2020-04 on March 13, 2020, and all extensions thereof.

II. No landlord shall file a possessory action based on nonpayment of rent or other lawful charges set forth in the lease or rental agreement, which became due and payable, in whole or in part, during the state of emergency, unless he or she has made a written offer to permit the tenant to pay the entire arrearage in partial payments over a 6 month period beginning with the first rental period following the date of the offer. Nothing in this paragraph shall preclude a possessory action for any other basis under the law.

5 Effective Date. This act shall take effect upon its passage.