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Update from CAI New Hampshire Legislative Action Committee

April 05, 2019 - Owners Developers & Managers

Concord, NH The CAI New Hampshire Legislative Action Committee (NHLAC) has been tracking numerous bills currently being debated by legislators in N.H. The bills under consideration would impact condominium associations across the state. Below is a summary of those bills and an update on their status as of March 2019.

HB 159- Would give condominiums the option to create a budgetary line item for delinquents and to deposit money to be used to cover the missing revenue from delinquent accounts. The accounting for this item would come full circle when the delinquent balances get collected from the delinquent owners.

Status Update: The house labeled this bill “Inexpedient to Legislate.” This means that the legislature deemed the contents of the bill to either not be worthy of law or to not be needed in the law. An “Inexpedient to Legislate” designation ends the bill’s activity (at least in this session).

HB 160- As proposed would require 50% of the association to meet quorum for the annual budget meeting and would allow for rejection of the proposed budget by a simple majority of those attending. Obviously, this could place the board-approved budgets in the state of New Hampshire at risk.

Status Update: This bill also received an “Inexpedient to Legislate” designation.

HB 308- Would create the Condominium Dispute Resolution Board. This board, with members from the industry, the legal community and the political community would hear and decide disputes between owners and their associations in an effort to keep more cases out of court.

Status Update: This bill most recently received the designation of “Retained in Committee”. This means that the legislative committee handling the bill believes that more work on the bill is necessary if it is to proceed to a vote or the “crossover” (consideration by the senate). Sometimes, the committee in question will complete the necessary work and send the bill along. Unfortunately, more often, the work is not completed and the bill ends its activity in the committee.

HB 348- Is a bill for the “small” condominium (defined as having 25 or fewer residential units at full buildout). The intent of this bill is to loosen some of the procedural requirements of the Condominium Act in situations where strict adherence would, because of the small size of the

association, be problematic.

Status Update: This bill has been sent forward with an “Ought to Pass” designation. This means that the committee handling the bill has determined that it should become law. Such bills must still be voted into law, but many times legislative voting follows the committee recommendations.

HB 417- Would prohibit condominiums from prohibiting amateur “ham” radio antennae. This bill is potentially problematic since many condominium owners feel that some of the benefit of the bargain of association living is a neat and uniform appearance. Ham radio antennae are of a size and nature that they are unlikely to be overlooked.

Status Update: This bill has also been “Retained in Committee.”

HB 436- This is a bill drafted and proposed by CAI’s New Hampshire Legislative Action Committee (NHLAC) and sponsored by representative Susan Almy, a friend to association living and a very knowledgeable legislator when it comes to association law. This bill would allow New Hampshire condominiums to conduct an actual foreclosure sale on their liens for unpaid assessments. This bill is vital to associations in that it provides a form of relief that would allow condominiums to bring their long-term delinquency cases (including the high balance cases, the abandoned unit cases and the “underwater” cases) to a final resolution. Even if associations do not fully recoup the balance owed in one of these situations, the ability to get a new, paying owner into the unit and to stop the continued growth of the outstanding balance would go a long way towards getting an association back on track from one of these difficult cases.

Status Update: Unfortunately, this bill has also been “Retained in Committee.” Unless the committee completes the work they have in mind and attempts to let the bill proceed, it would appear that condominiums will continue to lack the foreclosure remedy.

CAI will be hosting a workshop on May 4th in Nashua, NH that will address many of the NH condominium statute amendments. For more information visit www.caine.org

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