

2022 New Hampshire End of Legislative Session Report

Community Associations Institute's (CAI) New Hampshire Legislative Action Committee (NH LAC) had a busy legislative session advocating on behalf of the approximately 265,000 Granite Staters living in 107,000 homes in more than 2,200 community associations. There were more than 775 bills introduced, and the NH LAC closely monitored 12 bills that would have directly affected community associations. Below is a brief overview:

HB 1146, Requires a majority vote of the community in order for condo fees to be "amended." You read that right, the board will need a majority of the community to vote in favor of an increased budget that results in an increase in condo fees. NH LAC opposed this bill, which is a continuation of the troubling "ham stringing" that has been thrust upon boards in recent years. While boards are saddled with a fiduciary responsibility to properly care for the property, under this bill, they would no longer have authority to raise capital. Regarding this bill, the NH LAC employed a series of email communications designed to try to reach the relevant, interested parties. As a result, we had the good fortune of an unprecedented number of property managers, unit owners and industry professionals that appeared at public hearings and testified against these problematic bills. The NH LAC is certain that the failure of these bills can be attributed, at least in part, to the public making their voices heard to the legislators.

Status: The NH LAC was successful in its opposition efforts and this bill failed.

HB 1380, This is the "solar" bill making a repeat appearance. It would allow owners to place solar equipment on areas within their control regardless of their governing documents. NH LAC opposed this bill, although appreciative of solar power and energy efficiency, this is something communities should decide for themselves by amending their documents, if they so choose. Regarding this bill, the NH LAC employed a series of email communications designed to try to reach the relevant, interested parties. As a result, we had the good fortune of an unprecedented number of property managers, unit owners and industry professionals that appeared at public hearings and testified against these problematic bills. The NH LAC is certain that the failure of these bills can be attributed, at least in part, to the public making their voices heard to the legislators.

Status: The NH LAC was successful in its opposition efforts and this bill failed.

SB 214, This is a repeat appearance of a bill about when an owner also does business with the association. In addition to existing statutory protections, this bill would require an owner doing business with the association to be the subject of a memo hung at all entrance and exit doors. Since this is an issue upon which we believe associations can self-police, the NHLAC opposed this bill.

Status: The NH LAC was successful in its opposition efforts and this bill failed.

SB 324-FN, This is a repeat appearance of the Condo Dispute Board bill. It would create a new state board, which would hear complaints from unit owners about their associations. Under this proposed legislation, the new Condo Dispute Board would not hear complaints from associations, would not be bound by the Rules of Evidence, and would not obtain a statement from the accused association prior to making an initial determination on the merit of the complaint. For these reasons and others, the NHLAC opposed this bill. The NHLAC launched a successful grassroots campaign against the bill which resulted in a huge turnout in the hearing to address the issues in the bill. Regarding this bill, the NH LAC employed a series of email communications designed to try to reach the relevant, interested parties. As a result, we had the good fortune of an unprecedented number of property managers, unit owners and industry

professionals that appeared at public hearings and testified against these problematic bills. The NH LAC is certain that the failure of these bills can be attributed, at least in part, to the public making their voices heard to the legislators.

Status: The NH LAC was successful in its opposition efforts and this bill failed.

SB 245, This bill would establish a committee to examine situations where condo owners and renters pay municipal fees that include trash removal but do not receive trash removal services. This bill has the potential to be beneficial to associations. The NHLAC supported this bill.

Status: The NH LAC was successful in its opposition efforts and this bill failed.

SB 246 This bill would create a new statutory section, RSA 356-D for “Qualified Private Communities.” Among those governed are condominiums and homeowner associations of at least four units. Substantively, this bill goes on to require that a capital reserve fund be established by the declarant in proportion to the value of the roads. This bill is potentially helpful for new associations. The NHLAC supported this bill.

Status: Failed

For more information on the NH LAC’s activities and community association legislation in New Hampshire, visit www.caionline.org/NHLAC.

Your Assistance is Needed

The CAI NH LAC may rely on professional lobbying as a vital and integral part of the legislative process. As volunteers, CAI NH LAC members including homeowner leaders, community managers, and business partners, significantly rely on this highly effective professional representation. In addition to contributions from management companies and business partners, the CAI NH LAC needs your financial support to bolster their advocacy activities in 2021 and beyond. We encourage donations from New Hampshire community associations, business partners, and individuals. Please visit www.caionline.org/lacdonate/ and donate to “New Hampshire” to support our continued efforts.

We need YOUR voice! [Sign up today](#) to become a CAI Advocacy Ambassador and help shape legislation in your state!

New Hampshire Contact Information

- [Community Associations Institute – New Hampshire Legislative Action Committee](#) (888) 224-4321
- [Community Associations Institute New England Chapter](#) (781) 237-9020