

## Legislative Update - Bill Stergios

### History of HB 802

#### **Landlord's - changes in the legal system will soon take a huge step forward.**

House Bill 802, which has passed both the House and Senate should soon be signed into Law by Governor Shaheen, and will take effect on January 1, 1999. This is the bill that will merge the Small Claims action into the eviction process at the landlord's option. It also closes the loopholes in the appeals process and shortens the time regarding storage of a tenant's possessions after moving or being evicted. The passing of this Bill means that NHPOA has finally become a legitimate voice for landlords and a force to be reckoned with at the State House. This is also an especially sweet victory, because of the story behind HB 802, which I would like to share with you.

In 1996, then Representative Norma Champagne of Manchester, a fellow landlord, filed House Bill 1343 which was simply to merge the Small Claims action with the eviction hearing. NHPOA supported the bill but NH Legal Assistance added many amendments designed to confound and confuse the lawmakers to the point that they re-referred the bill to study so it would either die a slow death or come back to them as a "clean" bill that could pass without controversy the next year. Unfortunately, Rep. Champagne, the bill's sponsor, and Representative "Stretch" Kennedy a major supporter of the bill, were not re-elected and HB 1343 subsequently died.

"Stretch" Kennedy did recommend Rep. Phil Cobbin from Canaan to re-introduce the bill for 1997. He agreed to do so and we were ready for another try. The bill was written up again, this time as House Bill 802 and sent back to Rep. Cobbin to sign off. What we didn't know was that Rep. Cobbin was involved in a battle with the House leadership and, as a protest, he refused to sign off on our Bill.

Enter Rep. Eugene Gagnon from Manchester. He agreed to present the bill to the House Rules Committee to allow its introduction even though it was late. For those of you who don't know Rep. Gagnon let me tell you a little bit about him: Rep. Gagnon is NHPOA's true blue friend. He sponsored some of our past legislation when we were the pariahs at the State House and he took a lot of heat for it from the big government types along the way. We owe him a huge debt of gratitude. With Rep. Gagnon as the sponsor we hoped to get HB 802 into law in some form.

Then it happened! NH Legal Assistance, through their friend Toni Crosby of Concord, launched their infamous "sneak attack" on NH landlords by introducing seven anti-landlord bills on a Thursday to be heard the following week. NHPOA scrambled to defend themselves and many angry landlords showed up at the various hearings. We were able to get the bills killed or re-referred. The bills fell on their own lack of merit; that is, they were so outrageous that no legislator with any common sense would consider making them into law. I believe that this ill-conceived move by NH Legal Assistance actually helped us, because the House Judiciary Committee saw that NH landlord and tenant laws needed a major

overhaul and they re-referred HB 802 asking us to use the bill as the vehicle to make major changes in all aspects of Landlord and Tenant laws. They also asked us to work with NH Legal Assistance to do this overhaul over the summer and fall of 1997.

NHPOA President, Gene Gayda, then started negotiation with NH Legal Assistance from a much stronger position than in the past. It was obvious that now the voice of reasonable business people and NH Legal Assistance appeared to be the voice of radical Liberalism. NHPOA brought many issues to the table with NH Legal Assistance. We were able to get much of what we were looking for, however, we did have to make some concessions. We also understood that any agreement reached between NHPOA and NH Legal Assistance would probably be passed easily. The House Judiciary Committee passed the compromise HB 802 on January 7, 1998 and then it went to the Senate. NHPOA and NH Legal Assistance both supported the bill and HB 802 passed the Senate where it is now awaiting Governor Shaheen's signature.

NHPOA will again be meeting with NH Legal Assistance to try to agree on further changes in Landlord and Tenant laws for 1999.

Another victory for landlords was realized when HB 1406 was also passed, which raises the maximum monetary amount from \$2,500 to \$5,00 for strictly Small Claims actions.

Whenever you talk to other landlords who are not members of the NHPOA, make sure you mention the gains we have made in Landlord and Tenant laws as a good reason for their joining the NHPOA. Without NHPOA, landlords would have to sit by while NH Legal Assistance continued its efforts to add more anti-landlord legislation. That is how things got so bad in the first place and we are just starting to undo the damage.