

TITLE LV PROCEEDINGS IN SPECIAL CASES

CHAPTER 540 ACTIONS AGAINST TENANTS

Section 540:1-a

540:1-a Definitions. – In this chapter:

I. "Nonrestricted property" means all real property rented for nonresidential purposes and the following real property rented for residential purposes:

- (a) Single-family houses, if the owner of such a house does not own more than 3 single-family houses at any one time.
- (b) Rental units in an owner-occupied building containing a total of 4 dwelling units or fewer.
- (c) [Repealed.]
- (d) Single-family houses acquired by banks or other mortgagees through foreclosure.

II. "Restricted property" means all real property rented for residential purposes, except those properties listed in paragraph I.

III. "Rental unit" means a suite of one or more rooms located within a single building rented by the owner to one or more individuals living in common for nontransient residential purposes.

IV. The term "tenant" or "tenancy" shall not include occupants or occupancy in the following places and the provisions of this chapter shall not apply to:

- (a) Rooms in rooming or boarding houses which are rented to transient guests for fewer than 90 consecutive days.
- (b) Rooms in hotels, motels, inns, tourist homes and other dwellings rented for recreational or vacation use.
- (c) Rooms in student dormitories, nursing homes, hospitals, convents, monasteries, asylums or group homes.
- (d) A single-family home in which the occupant has no lease, which is the primary and usual residence of the owner.
- (e) Residential real estate under RSA 540-B.

[Paragraph IV(f) effective January 1, 2011.]

- (f) Vacation or recreational rental units under RSA 540-C.

Source. 1985, 249:1. 2001, 277:1. 2006, 312:2, eff. Jan. 1, 2007. 2010, 203:3, eff. Jan. 1, 2011.

Section 540:1-b

[RSA 540:1-b effective January 1, 2011.]

540:1-b Landlord's Agent Required. –

I. An owner of restricted property, as defined in RSA 540:1-a, II, who resides within the state of New Hampshire shall, within 30 days of becoming the owner or within 30 days of the effective date of this section, whichever occurs later, file a statement with the town or city clerk of the municipality in which the property is located that provides the name, address, and telephone number of a person within the state who is authorized to accept service of process for any legal proceeding brought against the owner relating to the restricted property. Such person authorized to accept service may be the owner of the premises.

II. An owner of restricted property who resides outside the state of New Hampshire shall, within 30 days of becoming the owner or within 30 days of the effective date of this section, whichever occurs later, file a statement with the town or city clerk of the municipality in which the property is located that provides the name, address, and telephone number of a person within the state who is authorized to accept service of process for any legal proceeding brought against the owner relating to the restricted property.

III. In any legal proceeding in which the property owner resides out of state and said owner fails to: (a) comply with paragraph II, and (b) appear in said proceeding, service of process pursuant to RSA 510:4 shall create a rebuttable presumption that such service was lawful and adequate. As used in this section the term "legal proceeding" includes, but is not limited to, any action at law or in equity or for the enforcement of any provision of RSA 48-A:14, or any housing code adopted by a municipality pursuant to RSA 48-A, or for the enforcement of any municipal health code, building code, or fire or life safety code. A municipality may establish a reasonable filing fee to cover the cost to the town or city clerk of maintaining a record of the filings required by this section.

IV. Any owner of restricted property who violates paragraph I or II of this section shall be subject to a \$1,000 civil penalty.

Source. 2010, 203:2, eff. Jan. 1, 2011