

TITLE LV

PROCEEDINGS IN SPECIAL CASES

CHAPTER 540-B

RENTAL OF SHARED FACILITIES

Section 540-B:1

540-B:1 Definition; Shared Facility. –

I. A "shared facility" means real property rented for residential purposes which has separate sleeping areas for each occupant and in which each occupant has access to and shares with the owner of the facility one or more significant portions of the facility in common, such as kitchen, dining area, bathroom, or bathing area, for which the occupant has no rented right of sole personal use.

II. A shared facility shall not include:

- (a) Facilities rented to transient guests intended for use of less than 90 days.
- (b) Rooms in hotels, motels, inns, tourist homes, and other dwellings rented for recreational or vacationing use.
- (c) Rooms provided ancillary to other primary purposes such as jails, student dormitories, nursing homes, hospitals, group homes, and emergency shelters.

Source. 2001, 277:3, eff. Jan. 1, 2002.

Section 540-B:2

540-B:2 Nature of Tenancy. – Every tenancy shall be deemed to be at will, and the rent payable as agreed, unless a written contract defines the terms of the tenancy differently. Except as otherwise provided, a verbal rental agreement shall be permitted.

Source. 2001, 277:3, eff. Jan. 1, 2002.

Section 540-B:3

540-B:3 Termination of Tenancy; Notice of Termination. –

I. The owner or agent of the owner of a shared facility may terminate any tenancy without stating any reason. A written 30-day notice of termination shall be required.

II. The owner or agent of the owner of a shared facility may terminate any tenancy for nonpayment of rent. A written 7-day notice of termination shall be required.

III. The owner or agent of the owner of a shared facility may terminate any tenancy for damage to the premises, or behavior of the occupant or guest of any family member of the occupant which adversely affects the health or safety of the other occupants or the owner or the agent of the owner, or material breach of any rental agreement. A written 72-hour notice of termination shall be required.

Source. 2001, 277:3, eff. Jan. 1, 2002.

Section 540-B:4

540-B:4 Termination by Occupant. – An occupant may terminate any at will tenancy by a written 30-day notice or in accordance with any notice requirement of a written rental agreement.

Source. 2001, 277:3, eff. Jan. 1, 2002.

Section 540-B:5

540-B:5 Service of Notice. –

I. The owner or agent of the owner of a shared facility shall give the notice of termination personally to the occupant or attach the notice to the primary entrance to the occupant's separated area.

II. The occupant shall give the notice of termination by the same method used to pay rent or in accordance with any written rental agreement.

Source. 2001, 277:3, eff. Jan. 1, 2002.

Section 540-B:6

540-B:6 Possessory Rights. – The occupant shall have no possessory rights to any portion of a shared facility. The owner or agent of the owner may request law enforcement intervention for any behavior if such action is deemed necessary. The law enforcement officer shall not be precluded from any normal response based on the fact of the rental agreement.

Source. 2001, 277:3, eff. Jan. 1, 2002.

Section 540-B:7

540-B:7 Remedies. – Violations of this chapter shall be subject to the remedies set forth in RSA 540-A:4.

Source. 2001, 277:3, eff. Jan. 1, 2002.

Section 540-B:8

540-B:8 Possession. – The owner or agent of the owner of a shared facility may take possession of the separated areas used by the occupant at the end of the notice period. The owner or agent of the owner may request law enforcement intervention as necessary.

Source. 2001, 277:3, eff. Jan. 1, 2002.

Section 540-B:9

540-B:9 Personal Property. – The owner or agent of the owner of a shared facility shall retain and exercise reasonable care in the storage of the personal property of the occupant who has vacated the premises for a period of 3 days after the date on which such occupant has vacated. After the 3-day period, the owner or agent of the owner of a shared facility may dispose of such property without notice to the occupant.

Source. 2001, 277:3, eff. Jan. 1, 2002.

Section 540-B:10

540-B:10 Security Deposit. – The owner or agent of the owner of a shared facility may require a security deposit in an amount to be determined by the owner or agent of the owner. If the deposit amount is more than the equivalent of 30 days rent, there shall be a written instrument acknowledging receipt and explaining where the deposit shall be maintained and when it shall be returned. If there is no written agreement, the deposit shall be returned within 20 days after the occupant has vacated.

Source. 2001, 277:3, eff. Jan. 1, 2002.