

Good Afternoon Honorable Committee Members  
My name is Debbie Valente

I am the President of the NHPOA – We are a non-profit association and our mission is to assist landlords in managing and operating investment properties while providing much needed safe and affordable housing. We are here in support of HB1413, as we believe that this bill creates a process fair to both landlord and tenant. You, the Committee Members should by now all have received a copy of NHPOA's petition in support of HB1413 and the signatures thereto. Some of you may in fact have viewed the petition online. If so, you would have noted how strongly landlord's are in support of this Bill. At this time I would like to hand up a copy of the petition, which will be an ongoing petition.

There is a perception that landlord's are: living on the gravy of rental income; riding around on their boats on the lakes; and that most of them do not even live in this state. That would be an incorrect perception. Truth be told, most landlords would lower their rental to accommodate a financially struggling tenant, if that tenant has been a "good" tenant in the past. The reality is 98% of our landlord members are local and are struggling in these economic times just to get by...like everyone else. It is also common practice that 90% of our members pursue evictions in the courts themselves because they are not making enough in rental income to cover the cost of hiring an attorney.

Further, landlords have become disenfranchised with the Legal process to the extent that it has become quite common for a landlord to offer "Cash for Keys" rather than deal with the court system. That tells us that the court system is not working! The perception that every landlord is a slumlord has to change! Tenant rights have to be balanced with landlord rights! This bill is not a one sided right BUT a fair system to both landlord and tenant. This bill allows both landlords and tenants to honor their obligations in terms of the lease agreement, while any eviction proceedings are in progress.

If a landlord is successful in the eviction he / she should have access to that money if any monetary judgment is awarded. Likewise – any judgment in favor of the tenant would give the judge discretion on how to deal with the monies held by the court. This bill essentially prevents tenants from using the Court process as a delaying tactic. Accordingly a tenant will pursue only legitimate claims. This saves both the landlord and the Courts valuable time. It also allows housing to be put back on the rental market sooner mitigating further losses to the landlord, as well as making more rental units available to those seeking accommodation.

In addressing the issue of "due process", one must not be mistaken into believing that this is an issue of denying anyone his or her right to "DUE PROCESS". This is an issue of contractual responsibility; it has nothing at all to do with due process. They are two distinctly different issues. The tenant is contracted to meet his/her contractual obligations in terms of an agreement. If the lease contract is fair and reasonable and the tenant enters into the contract freely; making the tenant honor his contractual obligations CAN NEVER be viewed as being a denial of his/her due process! The payment as suggested by this bill, is made to the Court not to the landlord and therefore the judge is the sole arbiter of what happens to those funds. So how is the tenant denied his/her due process?

To obtain an eviction a landlord has to pay court and service fees to exercise his right to "due process". This amount is in the range of \$125.00. A tenant on the other hand has an automatic right to enjoy his "due process" So why is a payment into Court of rental on a weekly basis viewed as a denial of a T's "due process"? We say it is not! In closing we accordingly urge you to approve HB1413.