**NEW HAMPSHIRE** **Legislative Action Committee (NHLAC)**

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***Many Bills to Follow – Little Action to Report by Nena Groskind***

**Special Meetings**

The New Hampshire Legislative Action Committee’s (NHLAC) top concern in the current session is a measure that would allow condominium owners to call a special meeting on their own if the board does not do so within 30 days of receiving a request. Responding to concerns the NHLAC expressed, the bill’s sponsor amended it to specify that the business owners could conduct at this meeting would be limited to a vote to remove board members. They could discuss other issues but could not take any action on them. Absent that restriction, NHLAC Chair Gary Daddario, a partner in Winer & Bennet, explains, with the governing board still in place, “there could be massive confusion” about who – the board or the owners attending the special meeting – has the authority to make decisions for the association. As of press time, a public hearing on the bill had been scheduled but not yet held.

**Phased Condominium Time Limits**

A committee hearing was also still pending on another bill the NHLAC is watching, intended to counter a New Hampshire Supreme Court decision holding that a developer was not subject to statutory time limits on phased condominium developments. In (*Condominiums at Lilac Lane v. Monument Garden, LLC,*)the developer argued, and the court agreed, that because he had not chosen either of the two categories for phased developments, neither of the two deadlines applied. The legislation would clarify that “the only options for phased developments are the two options specified in the statute,” Daddario explains.

**Concentration of Ownership**

 The fate of a third bill on the committee’s watch list has been decided – and not favorably. This measure targeted the “concentration of ownership” in condo communities, that would allow a single individual, family or corporate entity to control decision-making by owning enough units to give them a perpetual majority of the votes. This bill would have required a specified percentage of the minority owners to approve amendments to the governing documents to prevent the perpetual dominance of a large owner.

Opponents argued that an owner who had invested a lot of money in the community should have a controlling say over decisions. The Commerce Committee agreed, issuing an “inexpedient to legislate” report – a legislative determination that a subject “shouldn’t be addressed by statute,” Daddario explains. “It means they tossed the bill down the drain.”

**Foreclosure and Priority Lien**

 Legislation that would allow New Hampshire condominiums to foreclose on delinquent owners to enforce the association’s priority lien – which the legislature has defeated several times - is still on the NHLAC’s wish list, but the committee has not re-filed it this year. Instead, Daddario says, the NHLAC is working on building legislative support for the initiative. “We can draft any legislation we want,” he notes, “but it’s not going anywhere if we don’t have lawmakers willing to sponsor it and give it some life.”