

# Housing Action NH

## **WHAT HB1409 DOES:**

- Prohibits discrimination against a tenant or prospective tenant:
  1. Because part of the household's monthly rent will be paid with federal housing assistance; or
  2. Because someone in the household has been victimized by domestic violence, stalking, or sexual assault.
- Ensures low-income seniors, families, people with disabilities, and veterans whose rental assistance helps them live independent and productive lives are judged on their own merits as potential tenants.
- Helps domestic violence survivors find needed housing.
- Brings NH in line with over a dozen other states, as well as several counties and municipalities, to end this form of discrimination.

## **WHAT HB1409 DOESN'T DO:**

- Force a landlord into leasing to a tenant with a bad credit, prior evictions or bad references
- Force a landlord to lower a usual rent to accommodate a tenant with a voucher
- Change existing state law that [exempts small landlords](#)

**See below for FAQ's about HB1409.**

## HB 1409 FAQs

### **Where does House Bill 1409 stand?**

HB 1409 will soon be heard in the Senate Judiciary Committee. This bill passed the NH House on March 13 by a vote of 147-141 with bipartisan support thanks to Housing Action NH's member advocacy.

### **What does HB 1409 propose?**

The bill would prohibit housing discrimination against recipients of HUD Section 8 rental assistance vouchers and victims of domestic violence, sexual assault, or stalking.

### **Why is HB1409 being introduced?**

The 2010 statewide *Analysis of Impediments to Fair Housing* concluded that there are two major obstacles to housing opportunity in New Hampshire: domestic violence victimization, and reliance on housing assistance. HB 1409 would help address these obstacles so that victims of domestic violence and those who have finally received housing choice or VASH vouchers are able to access housing.

### **Under HB 1409, will landlords still be able to pick and choose tenants?**

Yes. Landlords still have the right to pick and choose tenants, so long as they're not treating tenants or potential tenants differently because of their history or receipt of housing assistance. A person with housing assistance or a domestic violence survivor could still be denied an apartment based on non-discriminatory reasons, such as having bad credit or poor references.

### **Are small landlords exempt from the law?**

Yes. NH RSA 354-A:13 spells out exemptions for small landlords with just a few units, and an amendment was introduced in Senate Committee that would exempt landlords on Section 8 rental assistance discrimination if they own not more than 20 units, provided they do not contract with professional management. And, even if a landlord is not exempt, the landlord need not work with Section 8 if they are notified that repairs are required by federal standards that are above and beyond local housing standards.

### **What about seasonal rentals?**

Generally, voucher-holders are required by HUD to have at least a one-year lease; seasonal or vacation rentals do not typically meet that criteria. Unless the typical lease is for a year or more, voucher-holders may not rent seasonal housing and the law would not apply. The only exception is for veterans with Veterans Assistance Supportive Housing (VASH) vouchers; however, these represent a small fraction of total vouchers statewide – about 300 of the state's 9,000 rental vouchers.

### **Does HUD require rental units to meet basic health and safety standards?**

Yes, HUD requires landlords to meet certain safety and health standards - after all, everyone deserves a decent place to live, and the government has crafted this policy to ensure housing paid for with public funds is safe and habitable. Responsible landlords do this anyway – and they support this bill.

**What are the circumstances under which someone qualifies under the domestic violence provision of the bill?**

HB1409 was amended in the House to clarify that someone covered under this section of the proposal has had a final protective order put in place.

(HB 1409 FAQ's cont'd)

**What affect does renting to families with Section 8 vouchers have on property insurance rates?**

Prominent NH landlords familiar with the Section 8 program and who rent to Section 8 tenants report that they pay competitive rates for their property insurance. In fact, they report that they're not even asked about rental assistance by insurance companies.

**MORE BACKGROUND ON RENTAL ASSISTANCE IN NH**

- Low-income families, seniors and individuals with disabilities now wait up to 9 years to get rental assistance. Once a family finally makes it to the top of the wait list, it has just 60 days to use it – or lose it. Discrimination adds a delay to finding housing, and some have lost their vouchers because they could not find housing.
- Section 8 was designed as a tool to de-concentrate poverty and empower families and individuals. Voucher-holders, like other consumers, need housing choices that work for their goals: better schools, jobs, family support, or access to healthcare. Discriminatory practices defeat the purpose of the program by limiting choices and opportunities for greater self-sufficiency.
- Of the 9,000 rental assistance vouchers in use now in NH:
  - 25% help elderly NH residents remain housed
  - 40% help disabled individuals remain housed
  - 35% help families with children remain housed; the vast majority of these are low-income working families
  - NH is also allocated a small number of housing vouchers for veterans, known as VASH