



KNOW YOUR NH TENANT RIGHTS PT 1: SUMMARY

Minimum Standards: RSA 48-A:14

New Hampshire law requires landlords to provide safe, sanitary housing for tenants.

You have the right to a home that has:

- **No infestation** of bugs, mice, or rats.
- **Internal plumbing that works** without a back-up of sewage caused by a faulty septic or sewage system.
- **Safe wiring** without exposed wires, the wrong connectors, bad switches or outlets, or other conditions that create a danger of electrical shock or fire.
- **Roofs and walls that do not leak.**
- **Plaster that is not falling** from the walls or ceilings.
- **Floors, walls, or ceilings with no large holes.**
- **Porches, stairs, and railings which are structurally sound.**
- **No garbage or rubbish in common areas due to the landlord's failure to remove it** or to provide enough containers for storage before the trash is to be taken away. This is a code violation unless you have accepted responsibility for trash removal under the lease.
- **Enough water, and a water heater that works properly.**
- **No leaks in the gas lines, or leaks, or defective pilot lights** in any appliance furnished by the landlord.
- **Heating facilities that are properly installed, safely maintained, and in good working condition,** and that can safely and adequately heat all livable rooms and bathrooms to **an average temperature of at least 65 degrees.** Or if heat is included in the rent, the premises must be kept at a **minimum average temperature of 65 degrees in all livable rooms.**

Tenant Protections: RSA 540-A

It is against the law RSA 540-A for a landlord to:

- Shut off your utilities;
- Lock you out of your rented premises without a court order;
- Enter your residence without permission, except to make emergency repairs. (You should not refuse your landlord's reasonable request to enter with enough notice);
- Take any other action to force you out of your home without going through the eviction process.

What can you do?

You can get an order to make your landlord stop, and to award you damages, by filing a **540-A petition** at your local district court. You do not need a lawyer nor to pay a fee to file the Petition; simply ask the clerk to help you. You can ask for a Temporary Order if there is an immediate threat of serious harm

Retaliatory Eviction

You **cannot** be evicted in retaliation for exercising any of the following legal rights:

- Reporting a serious code violation to a landlord or public official;
- Lawfully withholding rent;
- Meeting with or organizing other tenants.

The Fair Housing Act

Landlords cannot refuse to rent to anyone because of race, creed, age, sex, national origin, marital status, physical or mental handicap, or to families with children.

Withholding Rent

You can lawfully withhold your rent if all of the following conditions are met:

1. You gave your landlord **written notice of the violations** while you were not behind in rent. (Written notice is not an absolute requirement, but is always a good idea); AND
2. The **landlord failed to take corrective action within 14 days** of your written complaint. In an emergency, you may not have to wait 14 days before you begin withholding. Consult an attorney before you withhold rent in less than 14 days; AND
3. Your family or guests **did not cause the violation**; AND
4. Extreme weather conditions **did not prevent the repairs**; AND
5. **You did not refuse** to let the landlord into your apartment to make the repairs.

Sources

- <https://nhlegalaid.org/self-help-guides/housing/tenants-rights/tenants-rights>
- <https://www.gencourt.state.nh.us/rsa/html/iii/48-a/48-a-14.htm>





KNOW YOUR NH TENANT RIGHTS PT 2: RSA 540-A PROHIBITED PRACTICES

Sections 540-A:2 and 540-A:3

Tenants are prohibited from...

- willfully damaging property of landlord
- preventing completion of necessary repairs
- willfully violating other tenant's right to quiet enjoyment of their tenancies
- refusing access to premises for repair
- refusing to comply with reasonable written instructions from landlord or pest control operator

Landlords are prohibited from...

- violating right to quiet enjoyment of tenancy
- attempting to circumvent lawful procedures for eviction
- causing (directly or indirectly) interruption/termination of utility service except for temporary interruptions for repairs/emergencies
- seizing, holding, or otherwise denying tenant access to rented premises (except through proper judicial process)
- seizing, holding, or otherwise denying tenant access to their own property (except through proper judicial process)
- entering into premises of tenant without prior consent except in emergency
- disposing of personal property of tenant who has vacated the premises during 7 day grace period after date of vacating
- charging rent/storage fees for personal property left in premises during 7 day grace period after date of vacating

Remedies RSA 540-A:4

- Landlord or tenant may file petition in district or county the premises are located
- no filing fee shall be charged
- court shall hold hearing within 30 days of filing
- if shown violation of RSA 540-A:2 or RSA 540-A:3 the court shall grant relief such as
 - an order prohibiting the defendant from continuing actions which violate the above
 - damages to the plaintiff for violations
- each day a violation continues after issuance of a temporary order is considered a separate violation
- abandonment of possession is considered an affirmative defense

Remedies RSA 540-A:4

- if an action is deemed frivolous or brought solely for harassment, the plaintiff shall pay costs of action
- if frivolous action is brought by tenant, tenant is not entitled to protections from possessory actions
- damages for unlawful dispossession or lock-out of a tenant from premises where landlord has re-let shall not be less than \$3,000

Sources

[RSA 540-A](https://www.gencourt.state.nh.us/ras/html/LV/540-A/540-A-mrg.htm)
<https://www.gencourt.state.nh.us/ras/html/LV/540-A/540-A-mrg.htm>





KNOW YOUR NH TENANT RIGHTS PT 3: RSA 540 ACTIONS AGAINST TENANTS

Defense to Retaliation

RSA 540:13-a

EXCEPT when you already owe the landlord 1 week's rent or more, a possessory action can be considered retaliation if:

1. you report a violation of RSA 540-A (Prohibited Practices and Security Deposits) or of housing codes to institutions of regulatory authority
2. you initiate an action against the landlord pursuant of RSA 540-A or RSA 540:13-d (violation of fitness)
3. you and other tenants meet/gather for lawful purposes

Evidence of Intent to Retaliate

RSA 540:13-b

UNLESS the court finds that your report/complaint/organizing was primarily to prevent any eviction, the court will consider

- any possessory action
- increase in rent
- substantial alteration of leasing terms

to be retaliation when instituted by the landlord within 6 months after:

- the landlord receives written notice of a violation
- the landlord remedies a violation
- the landlord receives notice that you are initiating an action pursuant of RSA 540-A
- the landlord finds out you are doing activities protected by RSA 540:13-a III (tenants meeting/gathering for lawful purposes)

Defenses to Violations of Fitness

RSA 540:13-d

The court will not maintain an action for possession based on withholding rent if the premises is in violation of housing standards set forth by RSA 48-A:14 such that the habitability of the premises is materially affected AND

- you gave written notice while NOT behind on rent
- the landlord failed to remedy the violation within 14 days of receiving said written notice
- you or your guests did not cause the violations
- the repairs were not prevented by extreme weather or you denying access to the premises



If Filing a Defense Under

RSA 540:13-d

The court will give time not exceeding 1 month for the landlord to remedy the violation. Meanwhile:

- you have to pay the court the withheld rent as a deposit

If the violation is remedied within the given time, the court will dismiss the possessory action and either

- award the landlord the full rent money

or

- award money equal to the fair rental value of premises in its defective condition to the landlord

- then award you the remainder of the money as damages

If the violation is not remedied within the given time, the court will refund you the deposit.

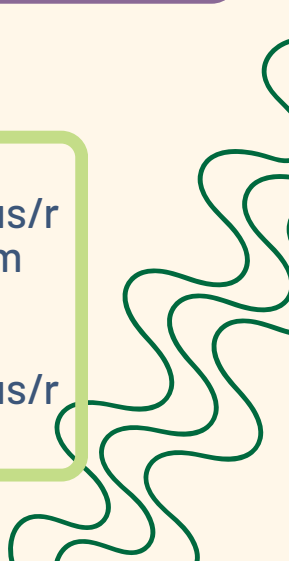
Sources

RSA 540-A

<https://www.gencourt.state.nh.us/rsa/html/LV/540-A/540-A-mrg.htm>

RSA 540

<https://www.gencourt.state.nh.us/rsa/html/LV/540/540-mrg.htm>





KNOW YOUR NH TENANT RIGHTS PT 4: HELPFUL LINKS

Legal Resources

RSA 540-A

- <https://www.gencourt.state.nh.us/rsa/html/LV/540-A/540-A-mrg.htm>

RSA 540

- <https://www.gencourt.state.nh.us/rsa/html/LV/540/540-mrg.htm>

District Court Landlord/Tenant Forms

- <https://www.courts.nh.gov/our-courts/circuit-court/district-division/landlordtenant>

Circuit Court Rules

- <https://www.courts.nh.gov/rules-circuit-court-state-new-hampshire-district-division>

Temporary Moratorium on Eviction Filings

- [https://uscode.house.gov/view.xhtml?req=\(title:15%20section:9058%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:15%20section:9058%20edition:prelim))

Tenant's Rights Overview

- <https://nhlegalaid.org/self-help-guides/housing/tenants-rights/tenants-rights>

Other Resources

GSC Graduate Student Housing

- <https://gsc.dartmouth.edu/graduate-housing>

GOLD

- <https://sites.google.com/view/golddartmouth?pli=1>
- email: golddartmouth@gmail.com

Guarini Slack

GSC Facebook

- <https://www.facebook.com/DartmouthGSC/>

*Disclaimer: these brochures simply summarize the information found in the links above. It is NOT legal advice. Please consult a lawyer for legal advice.

PLEASE REACH OUT IF YOU NEED HELP!



We are here for you

