

January 16, 2025

Explainer: OPPOSE [HB 1499](#), relative to additional grounds for eviction under the landlord and tenant statute.

This bill creates new grounds for eviction for families where someone is either unlawfully present or has been convicted of a laundry list of crimes.

Let's be clear, landlords can already evict for any health or safety reason. So this just makes it easier-requiring little to no proof.

Landlords already have a broad "other good cause" option for eviction that can include failure to disclose information. And nothing obligates a landlord to rent to someone with a criminal record. So this is unnecessary.

In 2025, the legislature already made it easier for landlords to evict folks without cause. Why are we continuing to move in this direction, during a housing crisis? Shouldn't we be trying to keep people housed?

Examples, a mixed status family. Mom & kids are US citizens, but dad has an asylum application pending. Do we want them to lose their housing?

How about a grandparent who is raising their 19 year old grandchild who was convicted of possession of marijuana? Again, we want them out on the street?

Re: "unlawful presence"-this term is a moving target. There is no definition and a definition would be difficult to come by. Immigration status is not fixed or static. Status can change dramatically. There are many interim statuses between "undocumented" and "green card holder." For example, many young people who have been granted Special Immigrant Juvenile Visas after proving to family courts in New Hampshire that they have been abused, neglected, or abandoned by one or both parents are on a waitlist of six or more years before they can apply for lawful permanent residence. These individuals are lawfully present, have work authorization, and pay taxes. Another example includes individuals granted a U-visa or a bona fide U-applicant status after law enforcement agencies in New Hampshire certified that the applicants have been helpful in prosecuting crimes of violence perpetrated against them in the state. These individuals frequently must wait three to fifteen years before they are eligible for legal permanent residence. Again, these delays are not due to any issue with the individuals' applications, moral characters, or the law itself, but simply due to administrative waits and limits on visa availability.

(Prepared by Dawn McKinney, NH Legal Assistance)