

# Court Service Center

## New Hampshire Circuit Court

### RSA 540-A INFORMATION SHEET AND FILING INSTRUCTIONS

#### General information:

**What is a 540-A Petition?** A 540-A Petition is a request for court assistance to protect the rights of a tenant or landlord and stop actions prohibited by law under RSA 540-A. The law provides for quick relief from prohibited actions by the other party.

**What kinds of activities are subject to a Petition?** Only certain kinds of actions are subject to a 540-A Petition. Generally, the law prohibits landlords from interfering with the tenant's right to quiet enjoyment of the tenancy, which means doing something that substantially interferes with their beneficial use of a rented property, or attempting to circumvent the legal process for evictions. It prohibits tenants from interfering with other tenants' right to quiet enjoyment, damaging the property, and obstructing the landlord's lawful access to the property. Specific prohibited acts are found in RSA 540-A:3. Common reasons for filing include the landlord turning off the tenant's utilities or entering the premises without prior consent, or the tenant refusing to allow the landlord entry.

**What kind of properties are subject to 540-A petitions?** Only residential premises, including manufactured housing, are subject to petitions under RSA 540-A. It does not apply to commercial premises nor does it apply to hotels, student dorms, or vacation or recreational rentals.

**Should a 540-A Petition be used to address the return of a security deposit?** No. The return of a security deposit is not a basis for filing a 540-A Petition and should be filed as a small claims case.

**Who may file a Petition?** Both landlords and tenants may file a Petition to stop actions by the other.

**Where to file a Petition?** The Petition should be filed in the Circuit Court - District Division that has jurisdiction over the city or town where the property is located. To find out which Circuit Court - District Division has jurisdiction over a town, go to [www.courts.state.nh.us/courtlocations](http://www.courts.state.nh.us/courtlocations).

#### What you need to get started:

- Tenant's Petition (**NHJB-3191-DP**) or Landlord's Petition (**NHJB-3192-DP**), available at the courthouse or online at: [www.courts.state.nh.us/district/forms](http://www.courts.state.nh.us/district/forms).
- The reason you are filing, information, including dates and times, about the prohibited activity you are complaining about, and the temporary and final orders you are seeking from the Court.
- Address information for yourself and the other party. Law enforcement will need a good address for the other party in the event they have to serve paperwork.

#### How much will this cost?

There is no filing fee for this type of case and you should not be required to pay for the cost of serving the Petition. If you are required to pay the cost of service and you win the case, you may ask the Court to order the other party to repay you.

#### What happens next?

1. After you fill out the petition, a judge will review your petition while you wait. The judge may ask to speak to you. The judge will decide whether or not to grant any temporary orders you have requested and whether the case should be scheduled for a hearing about final orders.
2. If the judge grants a hearing on your petition, your case will be scheduled for a hearing within thirty days. If the judge grants your request for temporary orders, the other party may request to have an earlier hearing. If that happens, it will be scheduled within five days and you will be notified of the change via mail and/or phone.
3. If the judge grants a hearing, you will receive three copies of the petition and the judge's order. One is for you, one is for the other party, and one is a law enforcement service copy. You will go to the local police or sheriff's department to make arrangements to have this paperwork served on the other party. Once service is completed, be sure the court gets proof of service. See below for instructions about how to serve the other party. If the judge denies your petition outright, you will receive a copy of it, but the other party will not be served.

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4. On the hearing date, you are required to appear and so is the other party. Bring any witnesses or evidence with you to court that day.
5. After the hearing, the judge decide whether you have proven the other party violated RSA 540-A and whether to issue a final order, which may include awarding damages, costs, and attorney's fees and prohibiting the actions that caused the filing of the petition. If the final order is violated, the other party is subject to civil penalties, fines, and even imprisonment for contempt of court. Both parties will receive a copy of this order. If the judge determines there is no basis for the final order, the case will be dismissed. The parties also reserve the right to come to an agreement prior to the hearing.

### How is the Petition served on the other party?

540-A petitions must be served on the other party by the sheriff or local law enforcement. You are responsible for arranging service using the following steps:

- Step 1:** Court staff will give you three copies of the Petition and attached documents: one for you, one for the other party, and one for law enforcement.
- Step 2:** Contact the sheriff's department for the **county where the other party lives** (or in some areas, the police for the city or town where the other party lives). Make arrangements for service and give the sheriff/police the service and other party's copies of the Petition and attached documents.
- Step 3:** The sheriff or police officer will serve the Petition on the other party. The law enforcement officer will complete a Return of Service on one copy of the Petition.
- Step 4:** After the other party is served, the Return of Service must be filed with the court. The Return of Service may sent directly to the court by the agency that completed service or it may be returned to you. If you receive the Return of Service packet, you must file it at the court where you filed your petition. You should ask the agency whether they file the Return with the court when you deliver the paperwork to them
- Step 5:** Even if you do not receive a Return of Service from the law enforcement agency you should appear at court on the date scheduled in the NOTICE OF HEARING section on the Temporary Order in the event the other party has received notice but the Return of Service has simply not made its way to your attention. However, if the Return of Service is not filed and the other party does not appear, the case will not go forward until the other party is served.

### Contact Information for County Sheriffs:

Belknap County Sheriff	42 County Drive Laconia NH 03246	603-527-5454
Carroll County Sheriff	95 Water Village Road Ossipee NH 03864	603-539-2284
Cheshire County Sheriff	12 Court Street Keene NH 03431	603-352-4238
Coos County Sheriff	55 School Street Suite 202 Lancaster NH 03584	603-788-5598
Grafton County Sheriff	3785 Dartmouth College Hwy #6 Nth Haverhill NH 03774	603-787-2111
Hillsborough County Sheriff	329 Mast Road Goffstown NH 03045	603-627-5610
Merrimack County Sheriff	333 Daniel Webster Hwy Ste. 2 Boscawen NH 03303	603-796-6634
Rockingham County Sheriff	101 North Road Brentwood NH 03833	603-679-2241
Strafford County Sheriff	259 County Farm Rd. Dover NH 03821-1218	603-742-4960
Sullivan County Sheriff	14 Main Street Ste. 2 Newport NH 03773-0027	603-863-4200

### Questions?

If you have questions about 540-A cases generally, you should review the court's website at [www.courts.state.nh.us/district/landlord.htm](http://www.courts.state.nh.us/district/landlord.htm). If you have questions about your case, such as whether a hearing has been scheduled, you may call the Court at 1-855-212-1234.

The law prohibits court personnel, including the judge, from giving legal advice or counseling to any party. If you have questions you are unable to answer by reviewing this document, the court's website, or doing your own research, you may want to consult an attorney. **NOTE:** legal assistance may be available to you. Go to [www.courts.state.nh.us/selfhelp](http://www.courts.state.nh.us/selfhelp) for more information.