

Court Service Center

New Hampshire Circuit Court

LANDLORD- TENANT 540-A INFORMATION

General information:

- A landlord or a tenant may file a 540-A petition to stop an action by the other that threatens to cause the petitioner immediate harm. Specific prohibited acts are found in RSA 540-A:3. Generally speaking, it is meant to prevent the landlord from interfering with the tenant's right to quiet enjoyment of the tenancy or to prevent the tenant from circumventing a lawful eviction.
- 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 or damaging the landlord's property. The return of a security deposit is not a valid basis for filing and should be handled through a small claim
- The petition should be filed in the court that has jurisdiction over the city or town where the property is located.

Forms listed below are needed to start this action:

- Petition Under 540-A: 4 (NHJB-2371-DP) Available online or in the Clerk's Office.

Other items that may be needed:

- Photo identification is required for court staff take your oath on the petition.

Information needed to fill out the petition:

- The reason you are filing and the temporary and final orders you are seeking from the Court.
- Address information for yourself and the defendant. Law enforcement will need a good address for the defendant in the event they have to serve paperwork.

How much will this cost?

- There is no filing fee for this type of case, but you need to pay law enforcement to serve the defendant. If you win, the defendant can be ordered to repay the cost, but you must pay it up front.

What happens next?

- After you fill out the petition, court staff will review it to make sure it is complete and to take your oath. Don't sign the petition until they ask you to do so.
- A judge will review your petition. He/she may ask to speak to you. If the judge grants a temporary order, your case will be scheduled for a hearing within thirty days. You will appear and so will the defendant. Bring any witnesses or evidence with you to court that day.
- If there are temporary orders, you will receive three copies of the petition and order. One is for you, one for the defendant, and one is a law enforcement service copy. You will go to the local police department or sheriff's office to make arrangements to have this paperwork served on the defendant. Once service is completed, be sure the court gets proof of service.
- If the judge denies your petition, you will receive a copy of it, but the defendant will not be served.
- The defendant may request to have an earlier hearing. If that happens, it will be scheduled within 5 days and you will be notified of the change via mail.
- After the hearing, the judge will dismiss the case or make 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 that order is violated, the defendant 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.

Forms and Instructions are available at any NH District Court

Additional information can be found at:

www.courts.state.nh.us/district/