

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1147

Introduced by

Representatives Porter, R. Kelsch

Senator Cook

1 A BILL for an Act to amend and reenact sections 47-16-06 and 47-16-15 of the North Dakota
2 Century Code, relating to the notice of termination of residential leases.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 47-16-06 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **47-16-06. When a lease is presumed renewed.** If a lessee of real property remains
7 in possession ~~thereof~~ of the real property after the expiration of the ~~hiring lease~~ and the lessor
8 accepts rent from the lessee, the parties are presumed to have renewed the ~~hiring lease~~ on the
9 same terms and for the same time, not exceeding one year. Except in the case of a lease with
10 an automatic renewal clause, if a lessee of real property for residential purposes remains in
11 possession of the property after the expiration of the lease and the lessor accepts rent from the
12 lessee, the parties are presumed to have renewed the lease as a month-to-month tenancy.

13 **SECTION 2. AMENDMENT.** Section 47-16-15 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **47-16-15. Notice of termination of lease.**

- 16 1. A ~~hiring lease~~ of real property for a term not specified by the parties is deemed to
17 be renewed as stated in section 47-16-06 at the end of the term implied by law,
18 unless one of the parties gives notice to the other of an intention to terminate the
19 lease, at least as long before the expiration of the lease as the term of the hiring
20 itself, not exceeding ~~thirty days~~ one calendar month.
- 21 2. In tenancies from month to month, and unless the parties have otherwise agreed in
22 writing to a longer notice period or a different notice time, either party may
23 terminate the tenancy by giving at least ~~thirty days'~~ one calendar month's written

- 1 notice at any time. The rent is due and payable to and including the date of
2 termination.
- 3 3. If a landlord changes the terms of the lease pursuant to section 47-16-07, the
4 tenant may terminate the lease at the end of the month by giving at least
5 twenty-five days' notice.
- 6 4. Any agreement that requires a lessee to give notice that exceeds one month from
7 the end of a month to terminate a lease of real property for residential purposes
8 must state the notice requirement and provide space for the lessee to initial next to
9 the notice requirement. If the notice is not initialed by the lessee at the time of
10 executing the lease, the lessee may terminate the lease on the last day of a month
11 with at least one calendar month's notice.
- 12 5. Notwithstanding any agreement to the contrary, if a lease converts to a
13 month-to-month tenancy under section 47-16-06 or 47-16-06.1, either party may
14 terminate the lease on the last day of a month with at least one calendar month's
15 notice.