

February 2, 2021

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Lobbyist # 209  
North Dakota Apartment Association

Re: House Bill 1438

We (North Dakota Apartment Association), are opposed to HB 1438.

This is a step too far in requiring a property owner to research and provide information that a tenant has the capability to research on their own. Why should it be property owner's responsibility to provide legal services information to a lessee? This is certainly very one-sided. A tenant doesn't volunteer a referral of an attorney to the property owner when a landlord is forced to file the eviction against a lessee. This Bill would mean that if the legal services contact information isn't provided by the landlord to the tenant, the case would get dismissed on a technicality.

A landlord and property owner aren't in business to evict tenants. They are in business to provide housing and to hopefully make a profit on their investment. Real Estate is a risky business, even beyond simple market conditions and cycles. There is a risk that potentially tenants could default on rent, or cause damage to the property.

Too often the scenario is inaccurately portrayed as a heartless landlord attempting to evict a helpless tenant. Due to a rent default or other lease violation, the landlord's hand is forced to go through with the unpleasant process of filing for a court eviction. A landlord doesn't make any additional money beyond the judgment granted by the judge for an eviction.

During the ongoing COVID pandemic, there has been a lot of press concerning evictions and eviction moratoriums. This isn't just a one-sided issue concerning who has been hit the hardest. There are a majority of landlords and property owners that are trying their best and every effort to work with their tenants on providing rental assistance information to struggling tenants, waiving late fees, and working out payment plans.

We urge a do not pass on HB 1438.