Testimony in Opposition to SB 2331

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North Dakota Senate Judiciary Committee

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Chairwoman Larson and members of the committee:

My name is Christina Sambor, I am here today on behalf of the North Dakota Coalition for Homeless People. The Coalition opposes SB 2331. This bill contemplates a procedure by which landlords and tenants would engage in inspections at or near taking possession of the property, and again at the lease termination, and providing landlords what amounts to a summary procedure by which they could send a list of damages to an exiting tenant if the tenant fails to show up at the closing inspection. In such a scenario, this bill allows a landlord's account of damages to be deemed "accepted" by the tenant.

In the first paragraph, the bill requires a remediation plan be established for any damages existing in the property at possession. There is no language indicating any consequence of the failure to complete said remediation plan. If a landlord fails to remediate the problems with the premises, this would put an unfair burden on the tenant to pursue repairs, creating conflict between landlord and tenant, without any clear consequence to the landlord of failing to remediate the problems. Furthermore, making the tenant expressly aware of defects could create a situation in which the landlord could then argue that the tenant accepted the state of the property, making it more difficult to get out of a lease where a tenant seeks to terminate the lease based on a landlord's breach of its responsibilities under ND law.

This procedure also ignores the power dynamics between landlords and low income tenants. Given the lack of availability of affordable housing that continues to be a challenge, tenants are likely to minimize defects with the property at the initial inspection in fear that raising any problems will cause them to lose access to the property.

Lastly, this bill penalizes tenants who "fail to show up" at the final inspection, providing no exceptions for emergencies, or even in a situation where the tenant advises the landlord that they can not longer attend the inspection at the previously agreed to time. It also provides to relief to a tenant where the landlord fails to show up. At a minimum, this provision should be amended to address these issues, and make clear that a tenant could be represented by a chosen agent. This bill is also unclear as to what a tenant's "acceptance" of the landlords inspection means in terms of legal consequences. For these reasons, NDCHP requests a do not pass to SB 2331.