

**2013 SENATE JUDICIARY**

**SB 2228**

# 2013 SENATE STANDING COMMITTEE MINUTES

**Senate Judiciary Committee**  
Fort Lincoln Room, State Capitol

SB 2228  
1/30/2013  
Job #

☐ Conference Committee

Committee Clerk Signature



**Minutes:**

**Relating to protection for victims of domestic violence in residential leases**

**Senator Hogue - Chairman**

**Senator Dever** - District 32 - Introduces the bill

**Janelle Moos** - Ex. Director of CAWS, ND - See written testimony (1)

**Senator Sitte** - Asks how often a victim is a repeat victim and whether a landlord should have to continually deal with.

**Moos** - Replies they do not discriminate against repeat victims.

**Opposition**

**Rocky Gordon** - ND Apartment Association - See written testimony (2)

**Jeremy Petron** - Area Manager for Goldmark - See written testimony (3)

**Krista Andrews** - Attorney for ND Apartment Association - Concerned with Section 10 is that it does create a protected status for victims of domestic violence.

**Nicole Warford** - Small Business Owner - She believes this would put a small business owner in a situation that the cost would be prohibitive if there was damage from continued domestic violence.

Neutral - none

Close the hearing

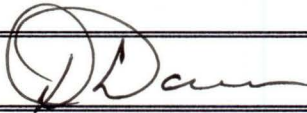
# 2013 SENATE STANDING COMMITTEE MINUTES

**Senate Judiciary Committee**  
Fort Lincoln Room, State Capitol

SB2228  
2/12/2013  
Job #18821

☐ Conference Committee

Committee Clerk Signature



**Minutes:**

vote

**Senator David Hogue - Chairman**

Committee work

Senator Hogue explains the bill.

Senator Sitte moves a do not pass

Senator Lyson seconded

Discussion

Senator Grabinger said he doesn't find anything wrong with it. Senator Sitte said she is concerned about other people in the apartment building, some having to move out because of the noise. She agrees that it will almost be a protected class and thinks this puts landlords in a very tough position. Senator Nelson explains there are many reasons to evict someone and if the sole reason is because they are a victim of domestic violence she cannot support that. Senator Grabinger says this is about protecting them not the landlords. He goes on to say that we are trying to make sure they aren't abused any further by being evicted.

Vote - 5 yes, 2 no

Motion passes

Senator Sitte will carry

Date: 2-12-13  
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2228

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☐ Do Pass ☒ Do Not Pass ☐ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By S. Sitte Seconded By S. Lyson

Senators	Yes	No	Senator	Yes	No
Chairman David Hogue	X		Senator Carolyn Nelson		X
Vice Chairman Margaret Sitte	X		Senator John Grabinger		X
Senator Stanley Lyson	X				
Senator Spencer Berry	X				
Senator Kelly Armstrong	X				

Total (Yes) 5 No 2

Absent \_\_\_\_\_

Floor Assignment S. Sitte

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2228: Judiciary Committee (Sen. Hogue, Chairman)** recommends **DO NOT PASS**  
(5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2228 was placed on the  
Eleventh order on the calendar.

**2013 TESTIMONY**

**SB 2228**



2228 (1)

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Testimony on SB 2228  
Senate Judiciary  
January 30, 2013

Chair Hogue and Members of the Committee,

My name is Janelle Moos and I am the Executive Director of the CAWS North Dakota. Our Coalition is a membership based organization that consists of 21 domestic violence and rape crisis centers that provide services to victims of domestic violence, sexual assault, and stalking in all 53 counties and the reservations in North Dakota. I'm speaking this morning on their behalf in support of SB 2228.

SB 2228 seeks to provide increased protections to individuals at risk of eviction from residential rental property due to their status as a victim of domestic violence. This bill seeks to protect lease-abiding tenants whose landlords evict them because they have experienced domestic violence.

The particular enhancements aimed at providing victims enhanced protection from evictions start on page 2 of the bill under Section 1, subsection 9 with the addition of language that a person may not "terminate or fail to renew a future residential lease" based solely on a tenant or applicant who exercised their right to terminate a lease as outlined under this section. Six other states have similar protections that stand to protect victim tenants prior to an action for eviction taking place.

The other additional protections added in this bill are under Section 1, subsection 10 that outlines the expansion of the same protections for all victims of domestic violence even if they haven't exercised their right to terminate a lease under this section. In order to receive these same protections (termination of a lease, failure to renew a lease, refuse to rent or negotiate rental, etc.), a victim must demonstrate their status by complying with subsection 2 with an order prohibiting contact or protection order.

The final addition to this statute is under subsection 11, page 3 that states it's an affirmative defense for a tenant in an action for eviction is a victim of domestic violence. This new subsection allows victims the ability to prove in court that they are being evicted because of their status as a victim of domestic violence as described in either an order for protection or protection order.

Victims face many challenges in finding safe, affordable housing for themselves and their children which has only been compounded by the severe shortage of affordable housing statewide. SB 2228 provides enhanced protections for victims of domestic violence in residentially leased properties and is a step in the right direction to ensuring victims' rights in our state, therefore, I urge a DO PASS ON SB 2228.

Thank you.



## Senate Bill 2228

Mr. Chairman and members of the Committee:

My name is Rocky Gordon a lobbyist for the North Dakota Apartment. We stand before you in strong opposition to this bill.

We as a group are not unsympathetic to victims of domestic violence. Those of you that have been on this committee in previous sessions know we have worked and comprised in an effort to provide reasonable protections, while still trying to be respectful to neighbors rights to "quiet enjoyment" and leaving us no ability to try and provide it. These changes simple go too far.

The changes to this section basically make victims a protected class, taking away our ability to non-renew a lease in cases where problems continue over an extended period of time. In the real world this does happen.

Neighbors may lose their rights to "quiet enjoyment" and the landlord will be in the middle with an inability to act.

Section 10 says its an affirmative defense against eviction. How far will that be taken? How about cases of non-payment of rent or other substantial violations of the lease? We're concerned this section could be interpreted very widely.

This bill chips away at neighbors rights to "quiet enjoyment" and a landlord's ability to provide it. It's a bad bill that simply goes too far.

We urge a Do Not Pass one Senate bill 2228. We believe the law in place provides adequate protections.

I'd be happy to answer any questions!

January 30, 2013

Jeremy Petron  
Area Manager  
Goldmark Property Management

Re: Senate Bill 2228

As an employee of a property management company, I am in opposition to Senate Bill 2228.

The current law already gives protections to domestic violence victims when they are looking to rent an apartment and if they want to terminate a lease to remove themselves from a domestic violence situation. The amendments of Senate Bill 2228 intend to add additional protections for victims of domestic violence by mandating that a landlord cannot terminate or fail to renew a future lease of a victim of domestic violence. Protections for victims of domestic violence have merits, but not when those protections infringe on the quiet enjoyment rights of surrounding neighbors in the apartment building, and the rights of the landlord to mitigate quiet enjoyment rights for all residents.

This bill is over-reaching because it fails to recognize and address situations where there may be multiple instances of domestic disturbances over a period of time, even where such occurrences are infrequent, but can continue even if the victim obtains a protection order. I have had situations where neighboring residents have moved out or threatened to move out citing reasons that they don't feel safe living next to a domestic violence situation. We are willing to work with victims who want to stay on the property if they are actively trying to get out of a bad relationship and the disturbance situations cease to continue. Where we are forced to exercise lease non-renewal actions is when the domestic disturbances continue and also disturb the quiet enjoyment living of surrounding neighbors.

The landlord needs to have the right to non-renew a resident's lease, especially when the resident's lease infractions and violations become a hindrance in the ability to properly manage the property for all residents to enjoy. In the scenario of this bill, if a resident obtains a protection order, they could essentially cause other unrelated disturbances and lease violations, such as non-payment of rent, damage to the apartment or building, or loud party violations, etc., and be completely protected from eviction or lease non-renewal under this law.