

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2171

Introduced by

Senators J. Lee, Fischer, Lyson

Representatives Delmore, Grande, Gruchalla

1 A BILL for an Act to create and enact a new section to chapter 47-16 of the North Dakota
2 Century Code, relating to the termination of a residential lease by a victim of domestic violence.

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

4 **SECTION 1.** A new section to chapter 47-16 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Termination due to domestic abuse.**

- 7 1. A tenant to a residential lease who is a victim of domestic violence as defined in
8 section 14-07.1-01 and fears imminent domestic violence against the tenant or the
9 tenant's minor children if the tenant or the tenant's minor children remain in the
10 leased premises may terminate a lease agreement without penalty or liability as
11 provided in this section.
- 12 2. The tenant must provide advance written notice to the landlord stating that the
13 tenant fears imminent domestic violence from a person named in an order for
14 protection or no contact order, the tenant needs to terminate the tenancy, and the
15 specific date the tenancy will terminate. The notice must be delivered by mail,
16 facsimile communication, or in person before the termination of the tenancy, and
17 be accompanied by the order for protection or no contact order.
- 18 3. A landlord may not disclose information provided to the landlord by a tenant
19 documenting domestic violence under this section. The information may not be
20 entered into any shared data base or provided to any person, but may be used if
21 required as evidence in an eviction proceeding, in a claim for unpaid rent or
22 damages arising out of the tenancy, with the consent of the tenant, or as otherwise
23 required by law.

- 1 4. A tenant terminating a lease under this section is responsible for the rent payment
2 for the full month in which the tenancy terminates and an additional amount equal
3 to one month's rent. The tenant is relieved of any other contractual obligation for
4 payment of rent or any other charges for the remaining term of the lease, except as
5 provided in this section.
- 6 5. This section does not affect a tenant's liability for delinquent, unpaid rent, or other
7 amounts owed to the landlord before the lease was terminated by the tenant under
8 this section.
- 9 6. The tenancy terminates, including the right of possession of the premises, on the
10 termination date stated in the notice under subsection 1. The amount equal to one
11 month's rent must be paid on or before the termination of the tenancy for the tenant
12 to be relieved of the contractual obligations for the remaining term of the lease as
13 provided in this section.
- 14 7. For purposes of this section, the landlord's duty to pay the lessee's security deposit
15 under section 47-16-07.1 is triggered by either of the following:
- 16 a. If the only tenant, including the tenant's minor children, is the tenant who is
17 the victim of domestic violence, upon the first day of the month following the
18 later of the date the tenant vacates the premises or the termination of the
19 tenancy indicated in the written notice under subsection 1.
- 20 b. If there are additional tenants bound by the lease, upon the expiration of the
21 lease.
- 22 8. Notwithstanding the release of a tenant from a lease agreement under this section,
23 the tenancy continues for any remaining tenants.