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January 25, 2021

To: Senator Randy Burckhard
Chairman, North Dakota Senate Committee on
Political Subdivisions

From: Larry Richards, Attorney at Law

RE: Testimony Regarding Senate Bill No. 2194—Security Deposits

I have reviewed this proposed bill and wanted to propose an idea.


Let me start by saying that as an attorney a great deal of my day-to-day work involves Landlord/Tenant Law, so I commonly deal with Security Deposit issues. This being said I will say that I really do not oppose the proposed legislation. However, if we are amending this statute, I would suggest we also deal with another problem with it...this being the requirement that the landlord need to give the itemized statement to the tenant 30 days after they vacate.

Unfortunately, any homeowner knows that getting out multiple carpenters, electricians, plumbers, or carpet layers out to give estimates within a one month period is now quite difficult. This same rule applies to landlords. Simply put, many cannot meet the thirty day requirement because of this. As a result, I have seen many tenants claim that because a landlord is one or two days late in getting them the itemized bill then they say this means that they should be entitled to their entire deposit back. I have even seen this claimed during the course of this Pandemic! I would suggest that the 30 day requirement be extended to 45 days or that the phrase "Except for good cause shown" be added to the front of the very first line of your new subpart 3(c) of NDCC 47-16-07.1

Finally, please note that, while I am an attorney, I present this testimony in my individual capacity. I do not present this testimony on behalf on any individual, corporation or other entity. I have not and will not receive any compensation for the presentation of this testimony.

Thank you for your time and consideration as well as your service to the State of North Dakota

Sincerely,



Larry J. Richards
Attorney at Law