

Testimony in support of SB 2194

Senate Committee on Political Subdivisions

January 28, 2021 9 AM Hearing Sakakawea Room

Good Morning Chairman Burckhard and members of this committee. My name is Jerry Saude of rural Bismarck. I am requesting a DO PASS endorsement from this committee. By doing so you will help bring even more transparency to the Landlord-Tenant relations in our state.

My youngest son is a student at NDSU and in the summer of 2019, rented an apartment with his cousin, my nephew, Aug 2019 to May 31, 2020. They vacated and cleaned the apartment and hired the preferred carpet cleaner in those last days of May 2020. Their appointment for a final walk-through was 11 AM on Sunday May 31st. My son returned to Bismarck on Thursday May 28th, after they completed the removal of all personal items and cleaning. The carpets were cleaned on Friday May 29th. My nephew's family lives in Fargo and he was moving home for the summer. He was elected to return the keys and be present for the required walk-through. Two employees of the property managers/landlords were present. They took pictures of each room in the 2-bedroom apartment, collected keys and garage door openers, and had my nephew initial on a tablet. They noted things such as: burnt out light bulbs, dead battery for a smoke detector, nail holes from pictures, mopboard with paint scratches, dent in fridge door, scratch on glass cooktop, air-void pinhole in acrylic tub. The agent thanked my nephew and told him, "you should be fine" and everyone left.

I called him that afternoon and asked how did it go and when could I expect my \$900 deposit back? He said it went well and they did not say anything about the deposit. About 3 weeks later I called the landlord office and inquired. I was refused as my name was not on the lease. I explained I had paid the initial \$1800 and ½ of each month's rent and pointed

out that I was advised, at the initial showing, to not put my name on the lease, as I was not living there.

The boys did get a notice within the statutory 30 days with a demand for \$1223 (\$900+\$323) for damages. There were letters back and forth about the “damages” up and through a small claims action in November 2020. With no tenant photos, but only the landlord’s and only a signature of acceptance on my nephews part, our case was weak. I was removed “with prejudice” at the beginning of the ZOOM case by the judicial referee in Cass County. Many lessons were learned by these first-time tenants and myself as a parent paying for college expenses.

The current statute allows a landlord a broad definition of damages. That is OK. I am a staunch defender of property rights.

My issue is the surprise factor, when presented with the scope of the damages after the fact. Had my nephew been given an estimate of the intended charges, there would have been greater transparency to this event. I presume that Landlords know approximately what property repairs cost. I would also presume they are experienced enough to know which repairs they will allow as statutory “reasonable wear and tear” and which ones they will recoup from the deposit.

Section 1. Asks for the landlord/agent to estimate the cost of repairs when they note them on their checkout form. If they have a checkout form, they are requiring the tenant to sign it now, as was our experience. The only change is affixing an estimated dollar amount to the damage when both parties are present. If the tenant fails to show up, they still itemize their claim against the deposit and still have 30 days for a final accounting. And they still have 30 days to make the necessary repairs and deduct from the security deposit. That does not change.

Section 2. adds language to be consistent with check in and check out.

In closing, the intent is that this amendment to the current statute will further communications between lessors and lessees and put more transparency into this statute that fundamentally protects private property owners and their property.

Thank you, Mr Chairman, members of the committee and especially to you Senator Anderson for helping me bring this to the public forum today.

Does anyone have any questions for me?