

2025 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1610

2025 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

HB 1610
2/4/2025

A BILL for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to prohibited lease provisions in a contract to lease real property.

4:02 p.m. Vice Chairman Ostlie opened the meeting.

Members Present: Chairman Warrey, Vice Chair Ostlie, Vice Chair Johnson, Representatives Bahl, Brown, Christy, Finley-DeVile, Grindberg, Kasper, Koppelman, D. Ruby, Schatz, Schauer, Vollmer

Discussion Topics:

- Residential
- Ability to require ACH
- Definition
- Safe acceptable housing
- Cash is king

4:02 p.m. Representative Jonathan Warrey, District 22, Casselton, ND introduced and submitted testimony #34787.

4:13 p.m. Brad D. Peterson, Protection and Advocacy North Dakota, testified in favor and submitted testimony #33707.

4:19 p.m. Vice Chairman Ostlie closed the meeting

Diane Lillis, Committee Clerk



Protection & Advocacy Project

400 E. Broadway, Suite 409

Bismarck, ND 58501

701-328-2950

1-800-472-2670

TTY: 711

www.ndpanda.org



House Industry, Business and Labor Committee

House Bill 1610- February 4, 2025

Testimony of Brad Peterson P&A Legal Director

Greetings Chairman Warrey and members of the Industry, Business and Labor Committee. My name is Brad Peterson and I'm the Legal Director at the North Dakota Protection and Advocacy Project (P&A). P&A is an independent state agency established in 1977 to assert and advance the human, civil, and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

Protection and Advocacy supports the passage of HB 1610 as it allows tenants economic options to pay their rent without fear of having additional fees placed upon them. This is especially important to individuals who are accessing housing assistance to supplement their rental costs. Adding additional fees to their rent results in their housing costs exceeding the allowable amount of benefits that can be utilized for this purpose. Not all tenants who reside in rental properties have the capability to pay their rent with just one method and they should not incur additional costs if an alternative method is needed.

Further, we would request this Committee consider in its deliberations to include mobile home parks from assessing fees for accepting check or other instrument of payment.

Thank you for your time and consideration.

Brad Peterson

Legal Director

brapeterson@nd.gov

HB16 RD Warrey

from the Tenant(s) to management. Abandoned personal property will be handled in accordance with state law.

1.22 DEFAULT:

In the event of any breach of any term or provision of this lease by tenant, the Agent in addition to other rights or remedies he may have, shall have the immediate right to re-enter said premises and remove all persons and property therefrom and, at Agents option, terminate this lease.

1.23 TIME IS OF THE ESSENCE:

Time is of the essence of each term and provision of this lease. NSF Checks: All returned checks are subject to a \$50 NSF fee and accrued late fees.

1.24 \$50.00 FEE

Additional fees may be charged to the tenant to unlock doors, including, but not limited to; patio door, garage door, mailbox and front door.

1.25 APPLIANCES

If any appliances cease to function, the owner may or may not repair/replace appliances at their discretion.



1.26 SEVERABILITY

Should any of the provisions of this lease be held to be unenforceable or invalid by any court of competent jurisdiction, the validity and enforceability of the remaining provisions shall not be affected thereby.

The Tenant was asked if he/she could speak, read and understand English. He/she was told that signing below would indicate that they understand what they were signing and that he/she did speak and read English.

YOU SHOULD READ AND UNDERSTAND THIS LEASE, IT IS A LEGAL AND BINDING CONTRACT. Signing below means you have read the lease, are in full agreement with it and have received a copy of the contract.

By initialing below, you acknowledge and agree to the terms in Section 1.

X 


2. RULES AND REGULATIONS

2.1 DECREE

1. Stereos, televisions, loud noise and music should be **TURNED DOWN** after 10pm to avoid disturbing your neighbors.
2. All Trash and garbage is to be regularly removed from the premises and disposed of in the receptacle provided.
3. Residents are not allowed to let items accumulate in the hall areas just outside your apartment door.
4. Balconies are to be kept clean, free from snow accumulation and not to be used as a storage area.
5. If not provided by the management, proper window coverings and draperies are to be installed by the resident within one week of occupancy. Blankets, sheets, etc., will not be allowed as window coverings beyond one week.
6. Most buildings have on-site laundry rooms provided as a convenience to our residents. It is expected that you clean up after using the facilities by throwing all trash, empty soap boxes, etc., in the trash can and wipe up any soap or fabric softener you have spilled. **For safety and efficiency, clean the lint trap on the dryer after each use.**
7. Do not flush any objects, feminine products, or paper products down the toilet other than bathroom tissue. **Any clogged drains or toilets due to the carelessness of the resident will be unclogged at the expense of the resident.**
8. In cold weather, if your apartment has baseboard heat, make sure covers on heaters are completely open and that furniture is not put directly next to heaters. If you are going to be gone **DO NOT TURN THERMOSTAT DOWN**, as this may result in frozen pipes, resident shall be responsible for frozen pipe repair and any subsequent damage.
9. Speed limit is 10 mph in all parking lots and watch for pedestrians.
10. Report any need for repairs in writing promptly to Agent.
11. **We do not accept cash for payment of rent. you must use a check, cashier's check or money order. There is a \$20 charge for check, cashier's check or money order. Please pay rent online through your tenant portal**

2025 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

HB 1610
2/11/2025

A BILL for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to prohibited lease provisions in a contract to lease real property.

9:22 a.m. Vice Chairman Ostlie opened the meeting.

Members Present: Chairman Warrey, Vice Chairman Ostlie, Vice Chairman Johnson, Representatives Bahl, Brown, Christy, Finley-DeVille, Grindberg, Kasper, Koppelman, D. Ruby, Schatz, Schauer, Vollmer

Member Absent: Representative Christy

Discussion Topics:

- Cash payment
- Check charges

9:22 a.m. Chairman Warrey proposed Amendment LC:25.1276.01001, testimony #37137.

9:27 a.m. Representative D. Ruby moved to Adopt Amendment LC #25.1276.01001, #37137.

9:27 a.m. Representative Schauer seconded the motion.

Voice vote.

Motion passed.

9:28 a.m. Representative Schauer moved Do Pass as Amended.

9:28 a.m. Representative Grindberg seconded the motion.

Representatives	Vote
Representative Jonathan Warrey	Y
Representative Mitch Ostlie	Y
Representative Landon Bahl	Y
Representative Collette Brown	Y
Representative Josh Christy	AB
Representative Lisa Finley-DeVille	Y
Representative Karen Grindberg	Y
Representative Jorin Johnson	Y
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Dan Ruby	Y

Representative Mike Schatz	Y
Representative Austin Schauer	Y
Representative Daniel R. Vollmer	Y

Motion passed 13-0-1.

9:29 a.m. Representative Grindberg will carry the bill.

9:29 a.m. Chairman Warrey closed the meeting

Diane Lillis, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1610

Introduced by

Representatives Warrey, J. Johnson, Lefor, McLeod, Novak, Richter

Senator Lemm

2-11-25
Jm
1 of 1

- 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 prohibited lease provisions in a contract to lease real property.

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 created
5 and enacted as follows:

6 **Fee for accepting check or other instrument of payment prohibited.**

- 7 A landlord may not charge a tenant a fee to accept cash, a check, or a money order, or
8 similar instrument for the payment of rent or any other payment required by the landlord under a
9 lease for real property.

**REPORT OF STANDING COMMITTEE
HB 1610**

Industry, Business and Labor Committee (Rep. Warrey, Chairman) recommends **AMENDMENTS** ([25.1276.01001](#)) and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1610 was placed on the Sixth order on the calendar.

25.1276.01001
Title.

Prepared by the Legislative Council
staff for Representative Warrey
February 6, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1610

Introduced by

Representatives Warrey, J. Johnson, Lefor, McLeod, Novak, Richter

Senator Lemm

- 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 prohibited lease provisions in a contract to lease real property.

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 created
5 and enacted as follows:

6 **Fee for accepting check or other instrument of payment prohibited.**

- 7 A landlord may not charge a tenant a fee to accept cash, a check, or a money order ~~or~~
8 ~~similar instrument~~ for the payment of rent or any other payment required by the landlord under a
9 lease for real property.

2025 SENATE INDUSTRY AND BUSINESS

HB 1610

2025 SENATE STANDING COMMITTEE MINUTES

Industry and Business Committee Fort Union Room, State Capitol

HB 1610
3/19/2025

A bill relating to prohibited lease provisions in a contract to lease real property.
--

9:00 a.m. Chairman Barta called the meeting to order.

Members present: Chairman Barta, Vice-Chair Boehm, Senator Kelin, Senator Kessel, Senator Enget

Discussion Topics:

- Cash payment and fees
- Processing fees and disclosure
- Cost of handling money

9:01 a.m. Representative Johnathan Warrey, District 22, testified in favor and introduced the bill.

9:04 a.m. Chairman Barta closed the hearing.

9:05 a.m. Senator Klein moved a Do Pass.

9:05 a.m. Senator Enget seconded.

Senators	Vote
Senator Jeff Barta	Y
Senator Keith Boehm	Y
Senator Mark Enget	Y
Senator Greg Kessel	Y
Senator Jerry Klein	Y

Motion passed 5-0-0.

Senator Klein will carry the bill.

9:06 a.m. Chairman Barta closed the hearing.

Audrey Oswald, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1610 ([25.1276.02000](#))**

Industry and Business Committee (Sen. Barta, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1610 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.