

2025 SENATE JUDICIARY

SB 2238

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

SB 2238
2/4/2025

Relating to sealing of eviction records.
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8:59 a.m. Chair Larson opened the meeting.

Members present: Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Proposed amendment
- Renters in state
- Victims of domestic violence
- Seal eviction records
- Legal clarity
- Constitutional rights
- Reason for evictions
- Existing statutes
- Tenant-landlord agreements

9:01 a.m. Senator Ryan Braunberger introduced the bill and submitted testimony in favor #34060 and 34601.

9:04 a.m. Cody J. Schuler, ACLU, testified in favor and submitted testimony #34339.

9:12 a.m. Micah Olson, ND Protection & Advocacy Project, testified in favor and submitted testimony #33837.

9:13 a.m. Jeremy Petron, ND Apartment Association, testified in opposition and submitted testimony #33469.

9:18 a.m. Sara Behrens, Staff Attorney, State Court Administrator's Office, testified in opposition and submitted testimony #34380.

9:27 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

February 2, 2025

Jeremy Petron
Lobbyist # 209
North Dakota Apartment Association

Re: SB 2238 - opposed

Chairman and members of the Committee, my name is Jeremy Petron, lobbyist with the North Dakota Apartment Association.

We oppose SB 2238. To be clear, we are not against protections for victims of domestic violence. In fact, there is already statute in place under NDCC 47-16-17.1 for termination of a lease due to domestic violence. The statute gives specific provisions for allowing a victim to be released from the lease.

In this Bill, subsection 1 (lines 7-9) the language seems to give a pass for expungement for any person with a court order eviction on their record. Subsection 2 (line 11) states '... at the time of the victim's tenancy and was evicted...', but we are concerned if the eviction arose from other circumstances at the same time, such as non-payment of rent, a violation of material terms of the lease, or other unrelated illegal activity.

Property owners and property managers rely on background checks for decisions on prospective tenant approvals for the safety of neighbors and the property, and the business investment risk.



Protection & Advocacy Project

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Senate Judiciary Committee

Senate Bill 2238 - February 4, 2025

Testimony of Micah Olson, P&A Position-In Support

My name is Micah Olson. I am an attorney at Protection & Advocacy. I am speaking in support of Senate Bill No. 2238, a bill relating to the expungement of eviction records.

Protection & Advocacy is in support of permitting an individual to move to have court records relating to an eviction expunged after seven years after the order for eviction has been satisfied. This would benefit individuals who have difficulty finding adequate housing due to an eviction. Evictions can occur for many reasons, and may often be disability-related. Potential disability-related issues that could lead to an eviction could include non-payment of rent due to financial exploitation or difficulty understanding a tenant's obligations. Disability may also affect an individual's ability to secure and maintain employment, which can strain finance and cause someone to fall behind on rent.

Individuals who have an eviction on their record have significant difficulty finding adequate, accessible, affordable, and safe housing. This change would put a mechanism in place to allow for the removal of the eviction record, which would greatly improve an individual's housing prospects. This bill would not harm housing providers, since they could still see recent evictions that would raise concerns about the potential tenant. A seven-year-old eviction, with no subsequent issues should not be a concern to housing providers and should not prevent an individual from renting.

P&A recommends do pass on Senate Bill 2238.



North Dakota Senate

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Senator Ryan Braunberger

District 10
4924 Amber Valley Parkway, Apt. 307
Fargo, ND 58104-8640
rbraunberger@ndlegis.gov

COMMITTEES:

Judiciary
State and Local Government

Good morning, Chair Larson and members of the Judiciary Committee.

I stand before you today to present Senate Bill 2238, a piece of legislation that seeks to address a critical issue regarding renters in our state: the expungement/Sealing of eviction records, particularly for individuals who have faced domestic violence.

This bill proposes a pathway for individuals to petition for the removal of eviction records after seven years of satisfying the order. More importantly, it provides immediate removal for victims of domestic violence upon the conviction of their assailant or the issuance of protective orders.

The purpose of this bill is twofold: to allow individuals a fresh start after fulfilling their obligations and to ensure that survivors of domestic violence are not further penalized by eviction records stemming from abusive circumstances. Too often, these records create long-term barriers to housing stability, employment opportunities, and overall security.

After discussing with the courts, I have made clarifying changes to the bill. One, the court has recommended using the term Sealed instead of expungement. This term is rarely used in the court system.

Secondly, we want to clarify in section one of the bill that this only applies to evictions for non-payment of rent or damages, and they can't have a new eviction within 7 years.

Lastly, providing clarity in subsection two that the eviction has to result from a Domestic Violence act.

By enacting this legislation, North Dakota takes a meaningful step toward fairness in the legal system—balancing accountability with compassion. I urge this committee to consider this bill's impact on individuals seeking a second chance and survivors reclaiming their independence.

Thank you for your time and consideration. I am happy to address any questions you may have.

25.0519.01001
Title.

Prepared by the Legislative Council
staff for Senator Braunberger
February 3, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2238

Introduced by

Senators Braunberger, Barta, Cory

Representatives Foss, Schneider

- 1 A BILL for an Act to create and enact a new section to chapter 47-32 of the North Dakota
2 Century Code, relating to ~~expungement~~sealing of eviction records.

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

- 4 **SECTION 1.** A new section to chapter 47-32 of the North Dakota Century Code is created
5 and enacted as follows:

6 **ExpungementSealing of records - Nonpayment of rent - Damage to property - Victim** 7 **of domestic violence.**

- 8 1. A person subject to a court order for eviction ~~under this chapter~~for nonpayment of rent
9 or damage to the leased premises may move to have all court records relating to the
10 eviction proceedings ~~expunged~~sealed seven years after the order for eviction has
11 been satisfied, provided the person has not been evicted from another property during
12 the seven years following the eviction.
- 13 2. An individual who was subjected to domestic violence as defined under section
14 14-07.1-01 at the time of the victim's tenancy and was evicted from that tenancy
15 because of a domestic violence incident may move to have all court records relating to
16 the eviction proceedings ~~expunged~~sealed upon the conviction of the assailant for
17 domestic violence or the issuance of a disorderly conduct restraining order, sexual
18 assault restraining order, or domestic violence protection order against the assailant.

Sixty-ninth North Dakota Legislative Assembly
Senate Judiciary Committee
S.B. 2238
February 4, 2025

ACLU
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Chair Larson, Vice Chair Paulson, and members of the Committee:

On behalf of the American Civil Liberties Union of North Dakota, I submit testimony in support of Senate Bill 2238, with recommended amendments, relating to the sealing of eviction records

Sealing eviction records is an important strategy in addressing housing insecurity and ensuring that individuals who have experienced eviction are not unfairly penalized for past circumstances. Many people face eviction due to financial hardship, job loss, or medical emergencies, and these situations do not necessarily reflect their long-term ability to be a reliable tenant. By sealing eviction records, individuals can be given a second chance without being perpetually judged by past misfortunes, reducing the stigma they face when applying for new housing. This policy is especially important as it helps break the cycle of poverty and homelessness, allowing people to regain stability without the shadow of past eviction hanging over them.

Sealing eviction records promotes fairness in the housing market. Landlords often use eviction history as a primary factor in tenant screening, which can result in widespread discrimination, particularly against vulnerable groups such as low-income families, racial minorities, and single mothers. Sealing eviction records ensures that housing decisions are made based on current circumstances—such as steady income, responsible behavior, and rental history—rather than a one-time event from the past. This enables landlords to make more informed decisions while allowing applicants to present a full, updated picture of their financial stability and reliability as tenants.

Furthermore, sealing eviction records aligns with broader efforts to promote social and economic equity. It prevents individuals from being locked out of stable housing due to a mistake that might have occurred years ago, enabling them to secure housing that is essential for their well-being. Access to stable housing, in turn, provides individuals with the foundation they need to access better jobs, improve their credit, and invest in their communities. It also reduces the burden on public systems by decreasing the likelihood that people will cycle in and out of shelters or temporary housing. Sealing eviction records, therefore, not only supports individual growth and stability but also benefits the broader society by fostering an accessible housing market.

The impact of sealing evictions in North Dakota would likely be significant, particularly in consideration of the economic and housing effects related to the COVID 19 pandemic. North Dakota Department of Human Services Rent Help data shows from January 2021-October 2023 there were 5,747 eviction judgements in the state, impacting 4.7% of all occupied rentals. These citizens forever carry this COVID related black mark on their housing history and the potential negative future impact should any find themselves in a financial housing crisis again.

While comparative data for subsequent years is currently unavailable, housing assistance service providers across the state have reported to the ACLU the ongoing challenges of evictions in the years of economic recovery following the pandemic. Additionally, according to the U.S. Census Bureau, approximately 40% of renter households in North Dakota are

cost-burdened, meaning they spend at least 30% of their income on housing expenses. These renters face weighty financial challenges and subsequently are often living on the brink of eviction.


Providing the opportunity for sealing eviction has the potential to transform housing in the state by providing second chances to hard working families, preventing homelessness for vulnerable populations, and creating a more equitable, stable, and affordable housing landscape.

The ACLU of North Dakota urges the Senate Judiciary Committee to give a “do pass” recommendation on SB2283.

Submitted by:
Cody J. Schuler
Advocacy Manager
ACLU of North Dakota
ND Lobbyist #367
cschuler@aclu.org

Eviction Record Sealing and Expungement

By Nada Hussein, State and Local Innovation Project Coordinator, NLIHC

 ver the last two decades, eviction filings steadily increased across the nation. During an 18-year period, the Eviction Lab at Princeton University found that, on average, 3.6 million evictions had been filed every year since 2000 – that is, approximately nine evictions filed for every 100 households (Garnham et al., 2022). During the COVID-19 pandemic, these rates only compounded, with eviction filings having increased by more than 50% the pre-pandemic average in some cities across the country once the federal eviction moratorium expired in October 2021 (Fitzpatrick & Beheraj, 2023).

Eviction filings can have lasting and harmful consequences for individuals, regardless of the outcome of the eviction case. Even in instances where an eviction judgement does not result in the immediate displacement of a tenant, the mere presence of an eviction on a tenant's public record can be a barrier to securing safe, stable, accessible, and affordable housing long into the future. For low-income and marginalized renter groups particularly, the effects can be detrimental to aspects of life well beyond housing stability, impacting an individual's and their family's ability to access reliable transportation, quality schools, and work opportunities (Bell, 2021).

To help mitigate the negative effects of eviction records and support renters at risk of eviction, one safeguard that state and local lawmakers and advocates can pursue is to pass eviction record sealing and expungement protections. The general purpose of enacting such protections is to prevent eviction filings from impacting the ability of tenants to secure stable housing by removing a tenant's eviction record from public view or even erasing it altogether. When an eviction record is sealed, it is removed from public view, with restrictions put in place detailing who can access the eviction record. Expungement is a comparatively more permanent process that completely erases an individual's eviction record,

making it seem as if it were never there.

Currently, there are 12 states, including the District of Columbia, that have passed policies or programs related to the sealing or expunging of eviction records, with the State of Connecticut and the State of Rhode Island being the two most recent states to have passed such protections for renters in 2023.

As interest for such protections has been growing at the state and local levels, it is important to understand what factors contribute to a tenant having an eviction filed against them, who is most impacted by the threat of eviction, and what legal avenues lawmakers can take to enact eviction record sealing and expungement protections within their jurisdictions. Most importantly, there are several core components that housing advocates should consider when drafting eviction record sealing and expungement protections to ensure that tenants do not face the collateral consequences of having an eviction record.

WHAT CAUSES AN EVICTION?

Evictions can happen for many reasons. During or at the end of a tenant's lease term, a landlord can file to legally remove a tenant from their residence for reasons such as nonpayment of rent, violation of the lease agreement, criminal activity, or even verifiable intent by the landlord to move back into the unit occupied by the tenant. The most common cause of eviction, typically, is nonpayment of rent. In many states, clearing a rental balance with a landlord is one of the only options for diverting the threat of eviction once a "notice to quit" has been issued against a tenant. However, because eviction cases disproportionately impact low-income renters, many tenants who are evicted for nonpayment of rent find it difficult to pay back any arrears and have their eviction case dismissed. Consequently, a tenant who is aware that they have not met this requirement will often not challenge an eviction order brought against them. The tenant may then choose not to appear in court, resulting in

a default eviction judgement against the tenant, usually in favor of the landlord.

Lack of legal services, particularly for low-income renters, can also result in eviction judgements being brought against tenants. Low-income families usually cannot afford private lawyers, while legal aid attorneys are often unavailable due to high demand (indeed, approximately 50% of individuals seeking representation through legal aid are turned away). As a result, in eviction cases nationwide, approximately 82% of landlords are represented in court, while only 3% of tenants are.

Eviction lawsuits can be filed against tenants without good or “just” cause as well, meaning landlords can evict tenants for no reason – or fault of the tenant – whatsoever. In many states and localities around the country, landlords are not required to provide a reason for evicting a tenant at the end of a lease term or for evicting a tenant without a lease (i.e., a resident with a month-to-month tenancy). Moreover, a landlord who is unable to evict a tenant during their lease term may choose not to renew the tenant’s lease and use the lease holdover as grounds for eviction. In all but six states nationwide, including the District of Columbia, a landlord does not have to provide just cause for evicting a tenant and can instead do so with impunity.

EVICTION FILINGS DO NOT IMPACT RENTERS EQUALLY, BUT THE CONSEQUENCES CAN BE DETRIMENTAL FOR EVERYONE

Once an eviction has been filed with the court, the filing can follow an individual for years, making it more difficult to obtain and maintain future housing as a renter. Eviction filings pose a threat to individuals because they appear during tenant background screenings. Landlords often utilize background screenings through third-party screening companies during the rental application process, which can result in outdated and inaccurate or misleading information about applicants being shared with landlords (Duke & Park, 2019). As a consequence, property owners

and landlords often reject applications from prospective tenants whose screening reports reveal eviction filings, regardless of the outcome or circumstances surrounding the filing (Collatz, 2017).

Unfortunately, eviction filing rates are not felt equally across all population groups. Black and Indigenous renter households and households of color are more likely to feel the disparate impacts of having an eviction filed against them than white renters do, with low-income Black women experiencing the highest eviction rates. Over the course of their lifetime, one out of every five Black women is evicted, while one out of every 15 white women is evicted (Lake & Tupper, 2021). Low-income households with children are also disproportionately more likely to face eviction. More than 14% of children who live in low-income households have experienced an eviction by the time they are 15 years old (Benefer, 2022).

AVENUES FOR PASSING EVICTION RECORD SEALING AND EXPUNGEMENT PROTECTIONS

No federal legislation mandates the sealing or expungement of an individual’s eviction record, making state and local legislation even more important. State and local lawmakers can pursue eviction record sealing and expungement protections through statutory laws (employing legislative means) and through administrative policies and orders (using executive means).

STATUTORY LAWS

Statutory laws are passed in the form of bills or acts at either the federal or state levels that are signed into law by members of the executive branch. At the local level, statutory laws are passed by city or town councils and then signed into law by a mayor. Several benefits to enacting tenant protections through statutory – or legislative – means are:

- Clarity and permanence: as outlined in the text of a bill or act, statutory laws help individuals or organizations better understand their rights. Statutory laws,

once enacted, can also extend permanent protections to individuals, especially when these protections are codified into law.

- **Flexibility:** once passed, statutory laws can be updated or amended by a state or local legislature, allowing them to be responsive to the needs of the public.
- **Public input and transparency:** statutory laws allow public input and debate, which can in turn promote transparency and increase accountability.
- **Legitimacy:** insofar as they result from democratic processes, statutory laws can be seen as more legitimate, especially when such laws are passed with input from the public.

ADMINISTRATIVE POLICIES AND ORDERS

A second avenue for enacting eviction record sealing and expungement protections is through administrative policies and orders. Administrative policies are rules and regulations that deal specifically with the implementation and interpretation of laws. Administrative – or executive – orders, are temporary policies passed by the executive branch at the federal or state level that do not require support from a legislative body. When administrative policies and orders are issued, the court system oversees their implementation to ensure that the laws are upheld both consistently and efficiently. Administrative policy differs from statutory law. While statutory law deals with the creation of laws and legislation, administrative policy focuses on its implementation. Administrative policies are thus more technical than statutory laws, insofar as they detail the processes and procedures needed to implement and interpret laws and legislation. While administrative policies are not laws per se, they are rules and regulations that have a power akin to law. Currently, the State of Texas is the only jurisdiction nationwide to have implemented eviction record sealing protections through administrative means.

WHAT SHOULD BE INCLUDED IN EVICTION RECORD SEALING AND EXPUNGEMENT LEGISLATION

To date, 12 jurisdictions have passed eviction record sealing or expungement legislation: Arizona, California, Colorado, Connecticut, the District of Columbia, Indiana, Minnesota, Nevada, Oregon, Rhode Island, Texas, and Utah. California was the first state to enact such protections for tenants (in 2016), while other states followed suit during, and after, the COVID-19 pandemic.

While each jurisdiction has implemented their own, unique sealing and expungement protections, many of protections that have been implemented share similar components, including (1) when the sealing or expungement of an eviction record should be triggered; (2) how long an eviction record is sealed for; (3) the process for having an eviction record sealed or expunged; (4) who is able to access an eviction record once it has been sealed; and (5) how the law will be enforced.

Based on an examination of existing protections and their common components, NLIHC offer the following recommendations for lawmakers and advocates developing new eviction record sealing and expungement protections:

1. **Clarify the options available to individuals wishing to seal or expunge their eviction records,** including under what circumstances an individual can have their eviction record sealed or expunged (1) if a tenant prevails in court and is found to not be at fault, (2) if a tenant has their eviction record dismissed, (3) if a landlord and tenant resolve their case outside of court, (4) if the landlord and tenant file a joint request to have an eviction record sealed, and (5) if a certain amount of time passes following an eviction judgement, after which time the tenant may qualify for an expungement.
2. **Ensure the protections cover all types of eviction cases,** not just evictions that happen under specific circumstances such as noncompliance with a lease agreement or failure to pay rent.

3. **Require that eviction filings are sealed at the point of filing.** Eviction records can be sealed automatically, at the point of an eviction being filed, or at the end of the eviction process when a judgement is brought down. Yet because third parties can access eviction data as soon as a case is filed, it is imperative that eviction records be sealed at the point of filing.
4. **Streamline eviction record sealing and expungement processes by reducing documentation.** When eviction records are not sealed automatically, individuals must apply to have their records sealed. Typically, this process can create undue burden for a tenant, including having to fill out the proper and necessary paperwork needed to apply for respite. In some states, like Oregon, an individual must convince a landlord to affix a signature to a document asserting that an individual has satisfied the terms of an eviction judgement. Oftentimes, a landlord can refuse to sign the individual's paperwork – creating additional barriers for the tenant. To mitigate this challenge, lawmakers should implement policies that seal eviction records at the time of filing.
5. **Limit access to eviction data** by ensuring that an eviction record is not readily available to a third party, such as a credit reporting company. Instead, the law should clarify that a record may only be opened by a tenant named on the eviction case, or when the court shows compelling need for the record (such as when the data are being used for scholarly, educational, journalistic, or governmental purposes). Even when a court can show compelling need for the record, the tenant's identifying information is made private.
6. **Ensure that sealed records are sealed permanently** and closed off from public view for as long as possible.

IMPLEMENTATION

When eviction record sealing and expungement policies and programs are put in place, the courts play a critical role in their implementation.

Throughout the eviction process, the courts are involved in every aspect of a tenant's case. At the beginning of the eviction process, when an eviction order is levied against a tenant, court clerks are tasked with maintaining a tenant's eviction file. If sealing or expungement policies are in place, court clerks maintain the confidentiality of these records. A court's capacity and resources, or lack thereof, play an important role in its ability to effectively implement eviction record sealing and expungement policies or programs.

Due to budget constraints, local courts often have outdated infrastructures, leading to difficulties for court clerks when it comes to efficiently tracking or accessing individuals' records. Court clerks can also be hesitant to change processes because of a lack of staff capacity. Therefore, for states and localities working to enact sealing and expungement protections within their jurisdictions, it is imperative that lawmakers engage court staff when drafting these bills. In California, for example, when advocates were working to pass "Assembly Bill 2819," court staff were included in deliberations about the bill, ensuring that courts would have the capacity to implement the law effectively (Dada & Duarte, 2022).

CONCLUSION

Eviction record sealing and expungement protections can be important interventions for minimizing the impacts of eviction. While eviction record sealing and expungement protections do not prevent evictions from occurring, these protections can be used to reduce the threat of future housing instability for many renter households. It is imperative that state and local lawmakers work to enact protections for tenants that address evictions in all forms and at all stages of the eviction process.

FOR MORE INFORMATION

NLIHC, *Eviction Record Sealing and Expungement Toolkit*, <https://nlihc.org/sites/default/files/2023-04/eviction-record-sealing-and-expungement-toolkit.pdf>.

Garnham, J., Gershenson, C., & Desmond, M. (2022, July 11). New Data Release Shows that 3.6 Million Eviction Cases were Filed in the United States in 2018. Princeton University.

Fitzpatrick, A. & Beheraj, K. (2023, March 16). Evictions Have Returned to – or Exceeded – Pre Pandemic Levels. Axios.

Bell, J. (2021, November 5). Beyond Displacement: How the Impact of an Eviction Can Last for Years. PublicSource.

Duke, A. & Park, A. (2019, July 18). Court Database Shouldn't Be Landlord Screening Tool. *Commonwealth Magazine*.

Collatz, A. (2017, June 6). Landlord Survey: Optimism in Renting Your Property. *SmartMove*

Lake, J. & Tupper, L. (2021, September 30). Eviction Record Expungement Can Remove Barriers to Stable Housing. Washington, DC: Center for American Progress.

Benfer, E. (2022, November 2). U.S. Eviction Policy is Harming Children: The Case for Sustainable Eviction Prevention to Promote Health Equity. Harvard University.

Dada, T. & Duarte, N. (2022, July 7). How to Seal Eviction Records. *Upturn*.

Senate Bill 2238
Senate Judiciary Committee
Testimony Presented by Sara Behrens
February 4, 2025

Good morning Chair Larson, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in opposition to Senate Bill 2383.

We have some concerns with the current bill. First, the term "expungement" is a bit misleading as records are really not truly "expunged." The term typically used is "sealed." We are supportive of the amendment proposed by Senator Braunberger to change "expunged" to "sealed."

Second, we have concerns about the lack of standards to apply by district court judges. The way the bill currently reads, seven years is the only standard. There are instances where it may be inappropriate to seal an eviction record. Many eviction actions include a judgment for past due rents and damages to the property. This judgment may not yet be satisfied at the seven-year mark. There may also be instances where an individual has had additional evictions following the eviction action they seek to seal, in which case it may be inappropriate to seal the record.

Third, subsection 2 of the bill is very broad. There are times that domestic violence occurs in a relationship but it is unrelated to the eviction. For instance, the

parties may reside in different domiciles. We are supportive of the amendment to narrow this provision to only those evictions that are a result of the domestic violence.

Finally, I would like to point out that Supreme Court Administrative Rule 41 provides the opportunity for an individual to file a request that a record be made confidential. The rule allows the court to determine if the individual has an overriding interest to overcome the presumption of openness of court records. The rule contains an inexhaustive list of factors the court can consider including the risk of injury to others, privacy rights and interests, propriety of business information and public safety. Therefore, this can currently be accomplished absent this legislation.

Thank you for your consideration and we urge a do not pass.

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

SB 2238
2/5/2025

Relating to sealing of eviction records.
--

10:21 a.m. Chair Larson opened the meeting.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Committee action

10:22 a.m. Senator Braunberger moved amendment LC# 25.0519.01002.

10:23 a.m. Senator Myrdal seconded.

10:25 a.m. Voice Vote - Motion Passed.

10:25 a.m. Senator Myrdal moved a Do Pass as amended.

10:25 a.m. Senator Braunberger seconded.

Senators	Vote
Senator Diane Larson	N
Senator Bob Paulson	Y
Senator Ryan Braunberger	Y
Senator Jose L. Castaneda	Y
Senator Claire Cory	Y
Senator Larry Luick	N
Senator Janne Myrdal	Y

Motion Passed 5-2-0.

10:27 a.m. Senator Braunberger will carry the bill.

10:27 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

February 5, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2238

Introduced by

Senators Braunberger, Barta, Cory

Representatives Foss, Schneider

JB
2-5-25
1081

- 1 A BILL for an Act to create and enact a new section to chapter 47-32 of the North Dakota
2 Century Code, relating to ~~expungement~~ sealing of eviction records.

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

4 **SECTION 1.** A new section to chapter 47-32 of the North Dakota Century Code is created
5 and enacted as follows:

6 ~~Expungement~~ **Sealing of records - Nonpayment of rent - Damage to property - Victim**
7 **of domestic violence.**

- 8 1. A person subject to a court order for eviction ~~under this chapter~~ for nonpayment of rent
9 or damage to the leased premises, who has resolved all nonpayment of rent and
10 damage claims, may move to have all court records relating to the eviction
11 proceedings ~~expunged~~ sealed seven years after the order for eviction has been
12 satisfied, provided the person has not been evicted from another property during the
13 seven years following the eviction.
14 2. An individual who was subjected to domestic violence as defined under section
15 14-07.1-01 at the time of the victim's tenancy and was evicted from that tenancy
16 because of a domestic violence incident may move to have all court records relating to
17 the eviction proceedings ~~expunged~~ sealed upon the conviction of the assailant for
18 domestic violence or the issuance of a disorderly conduct restraining order, sexual
19 assault restraining order, or domestic violence protection order against the assailant.

**REPORT OF STANDING COMMITTEE
SB 2238**

Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS** ([25.0519.01002](#)) and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2238 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 HOUSE JUDICIARY

SB 2238

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

SB 2238
3/12/2025

A BILL for an Act to create and enact a new section to chapter 47-32 of the North Dakota Century Code, relating to sealing of eviction records.

11:05 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, S. Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Discussion Topics:

- Process of sealing eviction records
- Background checks of individuals with court order eviction notices
- Evictions due to disability

11:06 a.m. Senator Ryan Braunberger, North Dakota Senator for District 10, introduced the bill.

11:15 a.m. Cody Schuler, American Civil Liberties Union of North Dakota, testified in favor and provided testimony #40868.

11:38 a.m. Micah Olson, Attorney at North Dakota Protection and Advocacy Project, testified in favor and provided testimony #40646.

11:42 a.m. Mike Connelly, Independent, testified in favor.

11:46 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk



Protection & Advocacy Project

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House Judiciary Committee

Senate Bill 2238 - March 12, 2025

Testimony of Micah Olson, P&A Position-In Support

My name is Micah Olson. I am an attorney at Protection & Advocacy. I am speaking in support of Senate Bill No. 2238, a bill relating to the sealing of eviction records.

Protection & Advocacy is in support of permitting an individual to move to have court records relating to an eviction sealed after seven years after the order for eviction has been satisfied. This would benefit individuals who have difficulty finding adequate housing due to an eviction. Evictions can occur for many reasons, and may often be disability-related. Potential disability-related issues that could lead to an eviction could include non-payment of rent due to financial exploitation or difficulty understanding a tenant's obligations. Disability may also affect an individual's ability to secure and maintain employment, which can strain finances and cause someone to fall behind on rent.

Individuals who have an eviction on their record have significant difficulty finding adequate, accessible, affordable, and safe housing. This change would put a mechanism in place to allow for the sealing of the eviction record, which would greatly improve an individual's housing prospects. This bill would not harm housing providers, since they could still see recent evictions that would raise concerns about the potential tenant. A seven-year-old eviction, with no subsequent issues should not be a concern to housing providers and should not prevent an individual from renting.

P&A recommends do pass on Senate Bill 2238.

Sixty-ninth North Dakota Legislative Assembly
House Judiciary Committee
S.B. 2238
March 12, 2025

ACLU
AMERICAN CIVIL LIBERTIES UNION
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Chair Klemin, Vice Chair Karls, and members of the Committee:

On behalf of the American Civil Liberties Union of North Dakota, I submit testimony in support of Senate Bill 2238, relating to the sealing of eviction records

Sealing eviction records is an important strategy in addressing housing insecurity and ensuring that individuals who have experienced eviction are not unfairly penalized for past circumstances. Many people face eviction due to financial hardship, job loss, or medical emergencies, and these situations do not necessarily reflect their long-term ability to be a reliable tenant. By sealing eviction records, individuals can be given a second chance without being perpetually judged by past misfortunes, reducing the stigma they face when applying for new housing. This policy is especially important as it helps break the cycle of poverty and homelessness, allowing people to regain stability without the shadow of past eviction hanging over them.

Sealing eviction records promotes fairness in the housing market. Landlords often use eviction history as a primary factor in tenant screening, which can result in widespread discrimination, particularly against vulnerable groups such as low-income families, racial minorities, and single mothers. Sealing eviction records ensures that housing decisions are made based on current circumstances—such as steady income, responsible behavior, and rental history—rather than a one-time event from the past. This enables landlords to make more informed decisions while allowing applicants to present a full, updated picture of their financial stability and reliability as tenants.

Furthermore, sealing eviction records aligns with broader efforts to promote social and economic equity. It prevents individuals from being locked out of stable housing due to a mistake that might have occurred years ago, enabling them to secure housing that is essential for their well-being. Access to stable housing, in turn, provides individuals with the foundation they need to access better jobs, improve their credit, and invest in their communities. It also reduces the burden on public systems by decreasing the likelihood that people will cycle in and out of shelters or temporary housing. Sealing eviction records, therefore, not only supports individual growth and stability but also benefits the broader society by fostering an accessible housing market.

The impact of sealing evictions in North Dakota would likely be significant, particularly in consideration of the economic and housing effects related to the COVID 19 pandemic. North Dakota Department of Human Services Rent Help data shows from January 2021-October 2023 there were 5,747 eviction judgements in the state, impacting 4.7% of all occupied rentals. These citizens forever carry this COVID related black mark on their housing history and the potential negative future impact should any find themselves in a financial housing crisis again.

While comparative data for subsequent years is currently unavailable, housing assistance service providers across the state have reported to the ACLU ongoing challenges of evictions in the years of economic recovery following the pandemic. Additionally, according to the U.S. Census Bureau, approximately 40% of renter households in North Dakota are cost-burdened, meaning they spend at least 30% of their income on housing expenses.

These renters face weighty financial challenges and subsequently are often living on the brink of eviction.

Providing the opportunity for sealing eviction has the potential to transform housing in the state by providing second chances for hard working families, preventing homelessness for vulnerable populations, and creating a more equitable, stable, and affordable housing landscape.


The ACLU of North Dakota urges the Senate Judiciary Committee to give a “do pass” recommendation on SB2283.

Submitted by:
Cody J. Schuler
Advocacy Manager
ACLU of North Dakota
ND Lobbyist #367
cschuler@aclu.org

Attachment: *Eviction Record Sealing and Expungement* by Nada Hussein, State and Local Innovation Project Coordinator, National Low Income Housing Coalition

Eviction Record Sealing and Expungement

By Nada Hussein, State and Local Innovation Project Coordinator, NLIHC

 Over the last two decades, eviction filings steadily increased across the nation. During an 18-year period, the Eviction Lab at Princeton University found that, on average, 3.6 million evictions had been filed every year since 2000 – that is, approximately nine evictions filed for every 100 households (Garnham et al., 2022). During the COVID-19 pandemic, these rates only compounded, with eviction filings having increased by more than 50% the pre-pandemic average in some cities across the country once the federal eviction moratorium expired in October 2021 (Fitzpatrick & Beheraj, 2023).

Eviction filings can have lasting and harmful consequences for individuals, regardless of the outcome of the eviction case. Even in instances where an eviction judgement does not result in the immediate displacement of a tenant, the mere presence of an eviction on a tenant's public record can be a barrier to securing safe, stable, accessible, and affordable housing long into the future. For low-income and marginalized renter groups particularly, the effects can be detrimental to aspects of life well beyond housing stability, impacting an individual's and their family's ability to access reliable transportation, quality schools, and work opportunities (Bell, 2021).

To help mitigate the negative effects of eviction records and support renters at risk of eviction, one safeguard that state and local lawmakers and advocates can pursue is to pass eviction record sealing and expungement protections. The general purpose of enacting such protections is to prevent eviction filings from impacting the ability of tenants to secure stable housing by removing a tenant's eviction record from public view or even erasing it altogether. When an eviction record is sealed, it is removed from public view, with restrictions put in place detailing who can access the eviction record. Expungement is a comparatively more permanent process that completely erases an individual's eviction record,

making it seem as if it were never there.

Currently, there are 12 states, including the District of Columbia, that have passed policies or programs related to the sealing or expunging of eviction records, with the State of Connecticut and the State of Rhode Island being the two most recent states to have passed such protections for renters in 2023.

As interest for such protections has been growing at the state and local levels, it is important to understand what factors contribute to a tenant having an eviction filed against them, who is most impacted by the threat of eviction, and what legal avenues lawmakers can take to enact eviction record sealing and expungement protections within their jurisdictions. Most importantly, there are several core components that housing advocates should consider when drafting eviction record sealing and expungement protections to ensure that tenants do not face the collateral consequences of having an eviction record.

WHAT CAUSES AN EVICTION?

Evictions can happen for many reasons. During or at the end of a tenant's lease term, a landlord can file to legally remove a tenant from their residence for reasons such as nonpayment of rent, violation of the lease agreement, criminal activity, or even verifiable intent by the landlord to move back into the unit occupied by the tenant. The most common cause of eviction, typically, is nonpayment of rent. In many states, clearing a rental balance with a landlord is one of the only options for diverting the threat of eviction once a "notice to quit" has been issued against a tenant. However, because eviction cases disproportionately impact low-income renters, many tenants who are evicted for nonpayment of rent find it difficult to pay back any arrears and have their eviction case dismissed. Consequently, a tenant who is aware that they have not met this requirement will often not challenge an eviction order brought against them. The tenant may then choose not to appear in court, resulting in

a default eviction judgement against the tenant, usually in favor of the landlord.

Lack of legal services, particularly for low-income renters, can also result in eviction judgements being brought against tenants. Low-income families usually cannot afford private lawyers, while legal aid attorneys are often unavailable due to high demand (indeed, approximately 50% of individuals seeking representation through legal aid are turned away). As a result, in eviction cases nationwide, approximately 82% of landlords are represented in court, while only 3% of tenants are.

Eviction lawsuits can be filed against tenants without good or “just” cause as well, meaning landlords can evict tenants for no reason – or fault of the tenant – whatsoever. In many states and localities around the country, landlords are not required to provide a reason for evicting a tenant at the end of a lease term or for evicting a tenant without a lease (i.e., a resident with a month-to-month tenancy). Moreover, a landlord who is unable to evict a tenant during their lease term may choose not to renew the tenant’s lease and use the lease holdover as grounds for eviction. In all but six states nationwide, including the District of Columbia, a landlord does not have to provide just cause for evicting a tenant and can instead do so with impunity.

EVICTION FILINGS DO NOT IMPACT RENTERS EQUALLY, BUT THE CONSEQUENCES CAN BE DETRIMENTAL FOR EVERYONE

Once an eviction has been filed with the court, the filing can follow an individual for years, making it more difficult to obtain and maintain future housing as a renter. Eviction filings pose a threat to individuals because they appear during tenant background screenings. Landlords often utilize background screenings through third-party screening companies during the rental application process, which can result in outdated and inaccurate or misleading information about applicants being shared with landlords (Duke & Park, 2019). As a consequence, property owners

and landlords often reject applications from prospective tenants whose screening reports reveal eviction filings, regardless of the outcome or circumstances surrounding the filing (Collatz, 2017).

Unfortunately, eviction filing rates are not felt equally across all population groups. Black and Indigenous renter households and households of color are more likely to feel the disparate impacts of having an eviction filed against them than white renters do, with low-income Black women experiencing the highest eviction rates. Over the course of their lifetime, one out of every five Black women is evicted, while one out of every 15 white women is evicted (Lake & Tupper, 2021). Low-income households with children are also disproportionately more likely to face eviction. More than 14% of children who live in low-income households have experienced an eviction by the time they are 15 years old (Benefer, 2022).

AVENUES FOR PASSING EVICTION RECORD SEALING AND EXPUNGEMENT PROTECTIONS

No federal legislation mandates the sealing or expungement of an individual’s eviction record, making state and local legislation even more important. State and local lawmakers can pursue eviction record sealing and expungement protections through statutory laws (employing legislative means) and through administrative policies and orders (using executive means).

STATUTORY LAWS

Statutory laws are passed in the form of bills or acts at either the federal or state levels that are signed into law by members of the executive branch. At the local level, statutory laws are passed by city or town councils and then signed into law by a mayor. Several benefits to enacting tenant protections through statutory – or legislative – means are:

- Clarity and permanence: as outlined in the text of a bill or act, statutory laws help individuals or organizations better understand their rights. Statutory laws,

once enacted, can also extend permanent protections to individuals, especially when these protections are codified into law.

- **Flexibility:** once passed, statutory laws can be updated or amended by a state or local legislature, allowing them to be responsive to the needs of the public.
- **Public input and transparency:** statutory laws allow public input and debate, which can in turn promote transparency and increase accountability.
- **Legitimacy:** insofar as they result from democratic processes, statutory laws can be seen as more legitimate, especially when such laws are passed with input from the public.

ADMINISTRATIVE POLICIES AND ORDERS

A second avenue for enacting eviction record sealing and expungement protections is through administrative policies and orders. Administrative policies are rules and regulations that deal specifically with the implementation and interpretation of laws. Administrative – or executive – orders, are temporary policies passed by the executive branch at the federal or state level that do not require support from a legislative body. When administrative policies and orders are issued, the court system oversees their implementation to ensure that the laws are upheld both consistently and efficiently. Administrative policy differs from statutory law. While statutory law deals with the creation of laws and legislation, administrative policy focuses on its implementation. Administrative policies are thus more technical than statutory laws, insofar as they detail the processes and procedures needed to implement and interpret laws and legislation. While administrative policies are not laws per se, they are rules and regulations that have a power akin to law. Currently, the State of Texas is the only jurisdiction nationwide to have implemented eviction record sealing protections through administrative means.

WHAT SHOULD BE INCLUDED IN EVICTION RECORD SEALING AND EXPUNGEMENT LEGISLATION

To date, 12 jurisdictions have passed eviction record sealing or expungement legislation: Arizona, California, Colorado, Connecticut, the District of Columbia, Indiana, Minnesota, Nevada, Oregon, Rhode Island, Texas, and Utah. California was the first state to enact such protections for tenants (in 2016), while other states followed suit during, and after, the COVID-19 pandemic.

While each jurisdiction has implemented their own, unique sealing and expungement protections, many of protections that have been implemented share similar components, including (1) when the sealing or expungement of an eviction record should be triggered; (2) how long an eviction record is sealed for; (3) the process for having an eviction record sealed or expunged; (4) who is able to access an eviction record once it has been sealed; and (5) how the law will be enforced.

Based on an examination of existing protections and their common components, NLIHC offer the following recommendations for lawmakers and advocates developing new eviction record sealing and expungement protections:

1. **Clarify the options available to individuals wishing to seal or expunge their eviction records,** including under what circumstances an individual can have their eviction record sealed or expunged (1) if a tenant prevails in court and is found to not be at fault, (2) if a tenant has their eviction record dismissed, (3) if a landlord and tenant resolve their case outside of court, (4) if the landlord and tenant file a joint request to have an eviction record sealed, and (5) if a certain amount of time passes following an eviction judgement, after which time the tenant may qualify for an expungement.
2. **Ensure the protections cover all types of eviction cases,** not just evictions that happen under specific circumstances such as noncompliance with a lease agreement or failure to pay rent.

3. **Require that eviction filings are sealed at the point of filing.** Eviction records can be sealed automatically, at the point of an eviction being filed, or at the end of the eviction process when a judgement is brought down. Yet because third parties can access eviction data as soon as a case is filed, it is imperative that eviction records be sealed at the point of filing.
4. **Streamline eviction record sealing and expungement processes by reducing documentation.** When eviction records are not sealed automatically, individuals must apply to have their records sealed. Typically, this process can create undue burden for a tenant, including having to fill out the proper and necessary paperwork needed to apply for respite. In some states, like Oregon, an individual must convince a landlord to affix a signature to a document asserting that an individual has satisfied the terms of an eviction judgement. Oftentimes, a landlord can refuse to sign the individual's paperwork – creating additional barriers for the tenant. To mitigate this challenge, lawmakers should implement policies that seal eviction records at the time of filing.
5. **Limit access to eviction data** by ensuring that an eviction record is not readily available to a third party, such as a credit reporting company. Instead, the law should clarify that a record may only be opened by a tenant named on the eviction case, or when the court shows compelling need for the record (such as when the data are being used for scholarly, educational, journalistic, or governmental purposes). Even when a court can show compelling need for the record, the tenant's identifying information is made private.
6. **Ensure that sealed records are sealed permanently** and closed off from public view for as long as possible.

IMPLEMENTATION

When eviction record sealing and expungement policies and programs are put in place, the courts play a critical role in their implementation.

Throughout the eviction process, the courts are involved in every aspect of a tenant's case. At the beginning of the eviction process, when an eviction order is levied against a tenant, court clerks are tasked with maintaining a tenant's eviction file. If sealing or expungement policies are in place, court clerks maintain the confidentiality of these records. A court's capacity and resources, or lack thereof, play an important role in its ability to effectively implement eviction record sealing and expungement policies or programs.

Due to budget constraints, local courts often have outdated infrastructures, leading to difficulties for court clerks when it comes to efficiently tracking or accessing individuals' records. Court clerks can also be hesitant to change processes because of a lack of staff capacity. Therefore, for states and localities working to enact sealing and expungement protections within their jurisdictions, it is imperative that lawmakers engage court staff when drafting these bills. In California, for example, when advocates were working to pass "Assembly Bill 2819," court staff were included in deliberations about the bill, ensuring that courts would have the capacity to implement the law effectively (Dada & Duarte, 2022).

CONCLUSION

Eviction record sealing and expungement protections can be important interventions for minimizing the impacts of eviction. While eviction record sealing and expungement protections do not prevent evictions from occurring, these protections can be used to reduce the threat of future housing instability for many renter households. It is imperative that state and local lawmakers work to enact protections for tenants that address evictions in all forms and at all stages of the eviction process.

FOR MORE INFORMATION

NLIHC, *Eviction Record Sealing and Expungement Toolkit*, <https://nlihc.org/sites/default/files/2023-04/eviction-record-sealing-and-expungement-toolkit.pdf>.

Garnham, J., Gershenson, C., & Desmond, M. (2022, July 11). New Data Release Shows that 3.6 Million Eviction Cases were Filed in the United States in 2018. Princeton University.

Fitzpatrick, A. & Beheraj, K. (2023, March 16). Evictions Have Returned to – or Exceeded – Pre Pandemic Levels. Axios.

Bell, J. (2021, November 5). Beyond Displacement: How the Impact of an Eviction Can Last for Years. PublicSource.

Duke, A. & Park, A. (2019, July 18). Court Database Shouldn't Be Landlord Screening Tool. *Commonwealth Magazine*.

Collatz, A. (2017, June 6). Landlord Survey: Optimism in Renting Your Property. *SmartMove*

Lake, J. & Tupper, L. (2021, September 30). Eviction Record Expungement Can Remove Barriers to Stable Housing. Washington, DC: Center for American Progress.

Benfer, E. (2022, November 2). U.S. Eviction Policy is Harming Children: The Case for Sustainable Eviction Prevention to Promote Health Equity. Harvard University.

Dada, T. & Duarte, N. (2022, July 7). How to Seal Eviction Records. *Upturn*.

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

SB 2238
3/12/2025

A BILL for an Act to create and enact a new section to chapter 47-32 of the North Dakota Century Code, relating to sealing of eviction records.

2:56 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, S. Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Discussion Topics:

- Payment of rent and damage claims
- General Discussion

2:57 p.m. Committee discussion on eviction court proceedings.

2:58 p.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

SB 2238
3/18/2025

A BILL for an Act to create and enact a new section to chapter 47-32 of the North Dakota Century Code, relating to sealing of eviction records.

2:45 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, McLeod, S. Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Members Absent: Representative Johnston

Discussion Topics:

- North Dakota termination due to domestic abuse statutes
- Damage to rental property
- Time period for sealing of evictions records

2:52 p.m. Representative Vetter moved a Do Pass.

2:52 p.m. Representative Schneider seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	N
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	A
Representative Carrie McLeod	N
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	N
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

2:56 p.m. Motion passed 10-3-1

2:56 p.m. Representative Vetter will carry the bill.

Additional written testimony:

Representative Lawrence Klemin, Representative for District 47, submitted neutral testimony #42878

2:57 p.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED SB 2238 ([25.0519.02000](#))**

Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). SB 2238 was placed on the Fourteenth order on the calendar.

- the tenancy by giving at least one calendar month's written notice at any time. The rent is due and payable to and including the date of termination.
3. If a landlord changes the terms of the lease pursuant to section 47-16-07, the tenant may terminate the lease at the end of the month by giving at least twenty-five days' notice.
 4. Any agreement that requires a lessee to give notice that exceeds one month from the end of a month to terminate a lease of real property for residential purposes must state the notice requirement and provide space for the lessee to initial next to the notice requirement. If the notice is not initialed by the lessee at the time of executing the lease, the lessee may terminate the lease on the last day of a month with at least one calendar month's notice.
 5. If a lease converts to a month-to-month tenancy under section 47-16-06 or 47-16-06.1, either party may terminate the lease on the last day of a month with at least one calendar month's notice.

47-16-16. When lessor may terminate lease.

The lessor of real property may terminate the lease and reclaim such property before the end of the term agreed upon when the lessee:

1. Uses or permits a use of the property leased in a manner contrary to the agreement of the parties; or
2. Does not make such repairs as the lessee is bound to make within a reasonable time after a request is made.

47-16-17. When lessee may terminate lease.

The lessee of real property may terminate the lease before the end of the term agreed upon:

1. When the lessor does not fulfill the lessor's obligations, if any, within a reasonable time after request, as to placing and securing the lessee in the quiet possession of the property leased, or putting it into a good condition, or repairing it; or
2. When the greater part of the property leased, or that part which was, and which the lessor had reason to believe was, the material inducement to the lessee to enter into the contract, perishes from any cause other than the ordinary negligence of the lessee.

47-16-17.1. Termination due to domestic abuse.

1. A tenant to a residential lease who is a victim of domestic violence as defined in section 14-07.1-01 or fears imminent domestic violence against the tenant or the tenant's minor children if the tenant or the tenant's minor children remain in the leased premises may terminate a lease agreement, as provided in this section, without penalty or liability.
2. The tenant must provide advance written notice to the landlord stating:
 - a. The tenant fears imminent domestic violence from a person named in a court order, protection order under section 14-07.1-02, ex parte temporary protection order, order prohibiting contact, restraining order, or other record filed with a court;
 - b. The tenant needs to terminate the tenancy; and
 - c. The specific date the tenancy will terminate.
3. The notice must be delivered by mail, facsimile communication, or in person before the termination of the tenancy.
4. A landlord may not disclose information provided to the landlord by a tenant documenting domestic violence under this section. The information may not be entered into any shared database or provided to any person, but may be used as evidence in an eviction proceeding, in a claim for unpaid rent or damages arising out of the tenancy, or as otherwise required by law.
5. A tenant terminating a lease under this section is responsible for the rent payment for the full month in which the tenancy terminates and an additional amount equal to one

- month's rent, subject to the landlord's duty to mitigate. The tenant is relieved of any other contractual obligation for payment of rent or any other charges for the remaining term of the lease, except as provided in this section.
6. This section does not affect a tenant's liability for delinquent, unpaid rent, or other amounts owed to the landlord before the lease was terminated by the tenant under this section.
 7. The tenancy terminates, including the right of possession of the premises, on the termination date stated in the notice under subsection 2. The amount equal to one month's rent must be paid on or before the termination of the tenancy for the tenant to be relieved of the contractual obligations for the remaining term of the lease as provided in this section.
 8. For purposes of this section, timing for the payment of the lessee's security deposit under section 47-16-07.1 is triggered by either of the following:
 - a. If the only tenant, including the tenant's minor children, is the tenant who is the victim of domestic violence, upon the first day of the month following the date the tenant vacates the premises.
 - b. If there are additional tenants bound by the lease, upon the expiration of the lease.
 9. Notwithstanding the release of a tenant from a lease agreement under this section, the tenancy continues for any remaining tenants.
 10. A person may not refuse to rent, refuse to negotiate for the rental of, or in any other manner make unavailable or deny a dwelling to an individual, or otherwise retaliate in the rental of a dwelling solely because a tenant or applicant or a household member of the tenant or applicant exercised the right to terminate a lease under this section.
 11. In an action for a violation of this section, the court may award statutory damages of one thousand dollars. The court also may award actual damages, reasonable attorney's fees, costs, and disbursements.

47-16-18. When lease of real property is terminated by death.

Only a lease of real property which is terminable at the pleasure of one of the parties to the contract is terminated by the notice to one party of the death or incapacity of the other party to contract. Upon the death of a lessee of real property for residential purposes, however, and at the option of any surviving lessee or of the estate of the decedent, the lease terminates on the last day of the month in the month following the death of the lessee unless the lease term expires before that time.

47-16-19. Term of lease governed by manner of payment of rent.

The renting of lodgings for an unspecified term is presumed to have been made for such length of time as the parties adopt for the estimation of the rent. Thus renting at a weekly rate of rent is presumed to be for one week. In the absence of any agreement respecting the length of time of the rent, the leasing is presumed to be monthly.

47-16-20. Rents - When payable.

When there is no contract or usage to the contrary, the rent of agricultural and wild land shall be payable yearly at the end of each year. Rents of lodgings shall be payable monthly at the end of each month. Other rents shall be payable quarterly at the end of each quarter from the time the lease takes effect. The rent for a lease shorter than the periods herein specified shall be payable at the termination of the lease.

47-16-21. When proportionate part of lease paid by lessee.

When the leasing of real property is terminated before the time originally agreed upon, the lessee must pay the due proportion of the lease for such use as the lessee actually has made of the property unless such use is merely nominal and of no benefit to the lessee.