

SENATE BILL NO. 2194

Introduced by

Senators Lyson, Armstrong, Grabinger

Representatives Boehning, Maragos, Haak

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 lock changes for victims 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 created
5 and enacted as follows:

6 **Lock change for victims of domestic violence.**

- 7 1. A tenant to a residential lease who is a victim of domestic violence as defined in
8 section 14-07.1-01 or who 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 leased
10 premises may require a landlord to change the outside locks to residential property
11 leased by the tenant as provided in this section, without penalty or liability.
- 12 2. The tenant must provide advance written notice to the landlord stating that the tenant
13 fears imminent domestic violence from a person named in a protection order after a
14 hearing under section 14-07.1-02 or an order prohibiting contact, or otherwise must
15 substantiate the tenant's fear of imminent domestic violence by providing the landlord
16 with at least one form of the following types of evidence to support a claim of domestic
17 violence:
- 18 a. A police or law enforcement record;
- 19 b. A medical record indicating domestic violence or sexual assault; or
- 20 c. A written affidavit provided by an individual who has assisted the claimant in
21 dealing with the domestic violence or sexual assault who is a:
- 22 (1) Licensed counselor;
- 23 (2) Licensed social worker;
- 24 (3) Member of the clergy;

- 1 (4) Director or domestic violence advocate at a domestic violence sexual
2 assault organization as defined in section 14-07.1-01; or
3 (5) Licensed attorney.
- 4 3. The written notice and supporting documentation must be delivered by mail, facsimile
5 communication, or in person.
- 6 4. If the person to whom the order for protection or a civil no contact order is against is
7 on the lease with a tenant, notice to the landlord requesting a lock change must
8 include the order for protection or the civil no contact order.
- 9 5. Upon the tenant's compliance with this section, the landlord shall change the locks of
10 a tenant's dwelling unit within forty-eight hours after the tenant requests a lock change.
- 11 6. A landlord changing locks under this section shall furnish a copy of the new key to the
12 tenant immediately after changing the locks, and the landlord may not provide the
13 individual alleged to have committed the domestic violence with a key to the unit or
14 otherwise permit that individual access to the unit or to property within the unit without
15 written consent from the tenant.
- 16 7. Within thirty days of the lock change, a tenant who provides documentation under
17 subsection 2 shall reimburse the landlord for the actual expense incurred by the
18 landlord in changing the locks.
- 19 8. If a landlord fails to change the locks within forty-eight hours of receiving
20 documentation under subsection 2, the tenant may change the locks without the
21 landlord's permission, and the landlord shall reimburse the tenant for the actual
22 expense incurred by the tenant in changing the locks.
- 23 9. If a tenant changes the locks of the tenant's dwelling unit under subsection 7, the
24 tenant shall give a key of the new locks to the landlord within twenty-four hours after
25 the locks are changed.
- 26 10. An individual who has been excluded from a dwelling unit under this section remains
27 liable under the lease with all other tenants of the dwelling unit for rent or damages to
28 the dwelling unit as provided in the lease.