

**Section 1.** Chapter 75-02-12 is created as follows:

**CHAPTER 75-02-12**  
**HOUSING ASSISTANCE**

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**75-02-12-01. Definitions.**

As used in this chapter, unless the context or subject matter otherwise requires:

1. "Department" means the North Dakota department of human services.
2. "Fraud" means deception or misrepresentation made by a person with knowledge that the deception could result in some unauthorized housing assistance benefit to that person or another and includes an act that constitutes fraud under applicable federal or state law.
3. "Household" means any individual or group of individuals, regardless of relationship, who are living together as one economic unit which meets the identified eligibility criteria for housing assistance.
4. "Housing Provider" means an individual, partnership, association, corporation, or limited liability company that leases housing units to individuals.

**History:** Effective April 1, 2022.

**General Authority:** NDCC 50-06-16

**Law Implemented:** NDCC 50-06-05.1

**75-02-12-02. Application for housing provider participation in the housing assistance program.**

The department shall approve or deny a housing provider's application within thirty days of receipt of a complete housing provider's application. The department may declare an application withdrawn if the housing provider fails to submit a complete housing provider's application within twenty-one days of the department's notification to the household that the housing assistance application is incomplete. A complete housing provider's application includes:

1. A completed and signed housing provider's application in the form and manner prescribed by the department;
2. A signed agreement pursuant to section 75-02-12-05; and
3. Any information or documentation that has been requested by the department.

**History:** Effective April 1, 2022.

**General Authority:** NDCC 50-06-16

**Law Implemented:** NDCC 50-06-05.1

**75-02-12-03. Housing provider denials and revocations.**

1. A housing provider's application to participate in the housing assistance program may be denied if:
  - a. The housing provider is not the legal owner or manager of the housing unit listed in the household's housing assistance application;
  - b. The housing provider's application contains false or misleading material information or the housing provider intentionally withheld material information;
  - c. The housing provider's participation in the housing assistance program has been previously revoked;
  - d. The department determines there is a credible allegation of fraud;  
or
  - e. The household's housing assistance application is denied.
2. A housing provider's participation in the housing assistance program may be revoked:
  - a. For failure to comply with the terms and conditions of any signed agreements;

- b. If it is discovered that a housing provider is not the legal owner or property manager of the housing unit for which housing assistance is being issued;
  - c. If a housing provider is not applying all housing assistance payments to the oldest rental and late fee arrears obligation first;
  - d. If the housing provider's participation approval was issued upon false or misleading material information or the housing provider intentionally withheld material information;
  - e. If the department determines there is a credible allegation of fraud;  
or
  - f. If the household's housing assistance is revoked.
3. Housing assistance payment made directly to the housing provider may be denied if:
- a. A revocation of the housing provider's participation approval in the housing assistance program has occurred prior to the household's rent payment being due;
  - b. The housing provider fails to comply with the terms and conditions of any signed agreements; or
  - c. The eligible household moves out of the housing unit.
4. The department may revoke all the housing provider's participation approvals pursuant to subsection 2.

**History:** Effective April 1, 2022.

**General Authority:** NDCC 50-06-16

**Law Implemented:** NDCC 50-06-05.1

**75-02-12-04. Housing provider's right to review.**

- 1. A housing provider whose application to participate in or receive payment through the housing assistance program is denied or revoked may request a review of the decision by filing within ten days of the date of the department's notice of denial or revocation, a written notice with the department which includes a statement of each disputed item and the reason for the dispute.
- 2. A housing provider may not request review under this section if the denial or revocation is the result of an exhaustion of appropriated funds for the housing assistance program, the housing assistance program has ended,

the submission of an invalid housing assistance payment request, or the housing provider's application being considered withdrawn.

3. Within thirty days after requesting a review, a housing provider shall provide to the department all documents, written statements, exhibits, and other written information that supports the request for review.
4. The department shall assign a housing provider's request for review to someone other than an individual who was involved in the denial or revocation. A housing provider who has requested review may contact the department for an informal conference regarding the review any time before the department has issued its final decision.
5. The department shall make and issue its final decision within seventy-five days of receipt of the notice of request for review. The department's final decision must conform to the requirements of North Dakota Century Code section 28-32-39. A housing provider may appeal the final decision of the department to the district court in the manner provided in North Dakota Century Code section 28-32-42, and the district court shall review the department's final decision in the manner provided in North Dakota Century Code section 28-32-46. The judgment of the district court in an appeal from a request for review may be reviewed in the supreme court on appeal by any party in the same manner as provided in North Dakota Century Code section 28-32-49.
6. Upon receipt of notice that the housing provider has appealed its final decision to the district court, the department shall make a record of all documents, written statements, exhibits, and other written information submitted by the housing provider, affiliate, or the department in connection with the request for review and the department's final decision on review, which constitutes the entire record. Within thirty days after an appeal has been taken to district court as provided in this section, the department shall prepare and file in the office of the clerk of the district court in which the appeal is pending, the original or a certified copy of the entire record, and that record must be treated as the record on appeal for purposes of North Dakota Century Code section 28-32-44.

**History:** Effective April 1, 2022.

**General Authority:** NDCC 50-06-16

**Law Implemented:** NDCC 50-06-05.1

#### **75-02-12-05. Signed acknowledgment required.**

A housing provider shall sign the acknowledgments contained in the housing provider application. The signed acknowledgments are considered a signed agreement as referenced herein.

**History:** Effective April 1, 2022.

**General Authority:** NDCC 50-06-16

**Law Implemented:** NDCC 50-06-05.1

**75-02-12-06. Household eligibility for housing assistance.**

The household is eligible for housing assistance if:

1. The household completes and submits a housing assistance application in the form and manner prescribed by the department;
2. The household resides in North Dakota;
3. The household is at risk of eviction or experiencing housing instability;
4. The household has a written rental agreement with the housing provider or both parties self-attest to a rental agreement;
5. The household has an annual income no greater than eighty percent of area median income by household size by county;
6. The household's housing assistance application and housing provider's application does not contain false or misleading material information, or the household or housing provider did not intentionally withhold material information;
7. The exhaustion of appropriated funds has not occurred for the housing assistance program; and
8. The housing assistance program has not ended.

**History:** Effective April 1, 2022.

**General Authority:** NDCC 50-06-16

**Law Implemented:** NDCC 50-06-05.1

**75-02-12-07. Approval of a household's housing assistance application and payment.**

1. A notice of determination should be made no later than thirty days following the day that the household submitted a completed housing assistance application. A complete housing assistance application includes:
  - a. A completed and signed application in the form and manner prescribed by the department pursuant to section 75-02-12-06; and

- b. Any information or documentation that has been requested by the department.
2. Housing assistance payments shall be made directly to the housing provider unless:
  - a. The housing provider's application to participate in the housing assistance program is denied;
  - b. The housing provider's participation in the housing assistance program is revoked prior to the household's rent payment being due;
  - c. The housing provider fails to comply with the terms and conditions of any signed agreements;
  - d. The housing provider refuses to participate in the program;
  - e. The housing provider refuses to receive payment; or
  - f. The eligible household moves out of the housing unit.
3. Housing assistance payments may be made directly to the household for the program purposes of promoting housing stability if the housing assistance payments are not made directly to the housing provider.
4. The department may declare a household's housing assistance application withdrawn if the department does not receive a complete application within twenty-one days of the department's notification to the household that the application is incomplete.

**History:** Effective April 1, 2022.

**General Authority:** NDCC 50-06-16

**Law Implemented:** NDCC 50-06-05.1

**75-02-12-08. Denial or revocation of housing assistance payment.**

1. A notice of denial should be sent no later than thirty days following the day that the household submitted a completed housing application. The department may deny the household's housing assistance application if the household is not eligible pursuant to section 75-02-12-06.
2. The department shall notify the household that the housing assistance is revoked. The department may revoke the household's housing assistance if the household no longer meets the eligibility criteria under section 75-02-12-06.

3. The department shall inform the household requesting the housing assistance of the reason for the denial or revocation and that the household may appeal the denial or revocation.

**History:** Effective April 1, 2022.

**General Authority:** NDCC 50-06-16

**Law Implemented:** NDCC 50-06-05.1

**75-02-12-09. Appeals of denials and revocation of eligibility for housing assistance.**

A household that has requested housing assistance may appeal a decision to deny the completed application or revocation of eligibility for assistance. An appeal under this section must be made in writing on a form developed and provided by the department within thirty days of the date of the notice issued under section 75-02-12-08. A household shall submit the written request for an appeal and hearing under North Dakota Century Code chapter 28-32 to the appeals supervisor for the department. A household may not appeal a denial or revocation resulting from an exhaustion of appropriated funds for the housing assistance program or the housing assistance program ending. The household and the housing provider are not entitled to a housing assistance payment ten days after the issuance of a notice of revocation unless a final decision has been made by the department that reverses the decision to revoke.

**History:** Effective April 1, 2022.

**General Authority:** NDCC 50-06-16

**Law Implemented:** NDCC 50-06-05.1

**75-02-12-10. Exceptions to eligibility rules considered.**

A household may request an exception to the eligibility criteria. Exceptions will be considered with regard to a household meeting the eligibility criteria. Exception requests will be reviewed on a case-by-case basis. The department may deny a request for an exception and may revoke an exception granted under this subsection. The decision to deny a request for an exception or to revoke an exception is not an appealable decision.

**History:** Effective April 1, 2022.

**General Authority:** NDCC 50-06-16

**Law Implemented:** NDCC 50-06-05.1