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Activist says renters in ND lack advocates for support

Landlords and renters deserve equal protection under the law, but often the rules give the advantage to one side, according to a tenant advocate.

By: **Dave Olson**, INFORUM

Landlords and renters deserve equal protection under the law, but often the rules give the advantage to one side, according to a tenant advocate.

"The laws tend to favor landlords," said Duke Schempp, who works with the People Escaping Poverty Project, a Moorhead agency involved in community activism on both sides of the Red River.

Kurt Kollman, who owns rental property in Fargo, said landlords simply want to be treated fairly.

If landlords could inform potential renters about a law pertaining directly to them, Kollman said it might prevent damage like that suffered last fall by one of his properties, which cost more than \$6,500 to clean up.

Landlords have the right to push for legislative change and they have a strong organization to help them do it, said Amy Nelson, executive director of Fair Housing of the Dakotas.

On the other hand, she said, there is no group or agency in North Dakota focused on protecting tenant interests.

"We get pulled into landlord-tenant issues just because there really isn't another agency out there," Nelson said.

She said the mission of Fair Housing of the Dakotas is to deal exclusively with discrimination, but tenants frequently call looking for help with other conflicts.

"When issues come up before the Legislature, landlords have a good organization that has strong lobbying behind it. And good for them," Nelson said.

"Tenants don't have that," she added. "It tends to be individual tenants who have to speak out if they have a particular issue."

Readers can reach Forum reporter Dave Olson at (701) 241-5555

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Remedy to destructive tenants sought

BISMARCK - A Fargo landlord came to legislators Wednesday looking for a way to hold renters accountable for recklessly damaging apartments.

By: Amy Dalrymple , INFORUM

BISMARCK – A Fargo landlord came to legislators Wednesday looking for a way to hold renters accountable for recklessly damaging apartments.

Mike Eisert, who has 39 rental units in Fargo, told the House Judiciary Committee the law doesn't give him a remedy when tenants willfully trash his property.

In one case, tenants left one of Eisert's houses with five kicked-in doors, 11 broken windows, a plugged bathtub and damage to ceiling tiles and walls, totaling \$7,000 in damage.

Eisert said that kind of thing doesn't happen often, but "when it does it's pretty devastating."

Rep. Jim Kasper, R-Fargo, sponsored House Bill 1393 at the request of Eisert and other Fargo apartment owners.

In North Dakota, it is a Class A misdemeanor to recklessly damage another's property in excess of \$2,000.

The bill would make it a misdemeanor for a tenant or guest of a tenant to recklessly cause more than \$1,000 worth of damage to a landlord's property.

Eisert said he can take the tenants to small claims court, but it's often difficult to collect the money.

"We want to put some teeth in this," Eisert said.

Bob Roesler, who owns eight rental properties in Fargo-Moorhead, also attended the hearing but did not testify. He said he's had similar difficulty getting tenants to pay for damaged property, even when he wins small claims suits.

"In 99 percent of them, you don't collect a nickel," Roesler said.

The North Dakota Association of Counties opposed the bill on behalf of state's attorneys.

Aaron Birst, the association's legal counsel, said putting someone in jail is not necessarily going to get the landlords their money, either.

The committee gave the bill a do-not-pass recommendation and forwarded it to the full House.

Rep. Duane DeKrey, R-Pettibone, chairman of the committee, said the remedy Eisert is seeking is already in the law.

In the case Eisert referenced, prosecutors declined to charge the tenants.

After the hearing, DeKrey said he'd like landlords to find a solution that wouldn't require legislation, such as establishing a database with information about renters. That way, tenants would risk damaging their apartment rating, similar to a credit rating.

Legislators also heard testimony on a separate bill that related to Eisert's complaints.

House Bill 1404, sponsored by Kasper, would allow people to appeal small claims decisions and allow people to choose a different judge or referee in small claims cases.

South Central Judicial District Judge Bruce Haskel testified against the bill, saying "it would be a real burden on our judicial resources."

In Cass County, 1,200 small claims cases were filed last year, so if even half of those were appealed it would create a huge workload for judges, Haskel said.

Small claims cases are meant to be efficient and cheap, and allowing appeals would change that process, Haskel said.

The committee will likely give a do-not-pass recommendation to the bill, DeKrey said.

Readers can reach Forum reporter Amy Dalrymple at (701) 241-5590

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