

RESIDENTIAL RENTAL TENANTS IN NORTH DAKOTA

KNOW YOUR RIGHTS

The North Dakota Supreme Court is no longer stopping eviction hearings, which means courts are open again. That's a problem for people who can't afford rent because of COVID-19. We hope Gov. Doug Burgum comes up with a better solution than to just "work with your landlord," but in the meantime, we want to provide information to walk people through the eviction process so they understand their rights.

Please note this is a guide, not gospel. For a full explanation of the eviction process in North Dakota, visit aclund.org/evictioninfo.

Tell your landlord

- Call your landlord right away and let them know your situation.
 - Hopefully they'll work with you.
 - If they won't, let us know, we want their names. Email us at northdakota@aclu.org.
- Make sure to ask that late fees and credit dings be canceled for all unpaid rent.
- Be as calm and kind as possible (we know how hard this can be).

Don't move out

- If your landlord tries to evict you, fight it.
- If you get served a "three-day eviction notice" or "notice of intent to evict" or one is put your door, don't freak out.
 - That doesn't mean you have to leave in three days.
 - It's just the start of the eviction process.
- If the reason for the three-day notice is nonpayment of rent, you have three days to catch up and stay.
 - If you don't, you may receive something called an "Evictions Summons and Complaint," this says when your eviction hearing will be.
 - It will be between 3-45 days from the date issued.
 - Timing was extended due to COVID-19.
- You'll get to stay in your place until the date of your hearing.
- If you need special assistance at the hearing, contact the Clerk of District Court's office right away.
 - Ask for help if you:
 - Have a disability
 - Do not read or understand English well
 - Require special accommodations in the courtroom
- The hearing is your chance to tell your side of the story.
 - Get a lawyer if you can, if you can't, still go to the hearing.
- At the hearing, you can ask the judge for more time to move out, even if you don't dispute the reason for the eviction (for example, if you didn't pay rent).
 - Ask the judge for time and tell them why you need it.
 - Bring documents and witnesses if you have information to show the judge.
 - Be prepared to move out in case you only get a few days.
 - A judge may require you to pay fees for the time you stay in your residence without paying rent.

- If you lose at the hearing, the judge will give you a date of eviction, which is when you must move out.
- Don't move out until a judge — **NOT YOUR LANDLORD** — orders you to.
 - It's illegal for a landlord to lock you out of your residence before you are evicted by a court order.

Important note: A judge may require you to pay late fees for the time you stay in your residence without paying rent.

Apply for aid

- Gov. Burgum says there's two pots of money available.
- Apply to get them both.
 - **Stimulus check:** One-time payment of \$1,200.
 - If you filed taxes in 2019, click on "Get My Payment" button and follow directions on aclund.org/stimuluscheck.
 - If you didn't file taxes in 2019, click on "Non-Filers: Enter Payment Info here" button and follow directions on aclund.org/stimuluscheck.
 - **Unemployment insurance:** Weekly check from State of North Dakota.
 - Follow directions on the website, aclund.org/unemployment.
 - The goal is to get the money you need to cover rent before your landlord is able to evict you. Or to work with your landlord to be allowed to stay until your money arrives.
- This is why you need to fight a possible eviction.

Contact Governor Burgum

- Many people won't qualify for unemployment insurance. For you, our advice doesn't help.
- We know that and we're very sorry.
- That's why we've been asking Gov. Burgum to issue a moratorium on evictions until the COVID-19 pandemic is over and then for 90 days after. But Gov. Burgum has repeatedly refused to do that. He says the money will come and people will be OK.
- He's wrong and you need to tell him. Call, email, or tweet Gov. Burgum and let him know his "solution" isn't a solution for all North Dakotans and that he needs to do more immediately.
 - Phone: 701-328-2200
 - Email: Doug@nd.gov
 - Twitter: [@DougBurgum](https://twitter.com/DougBurgum)

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