

THIRD QUARTER 2022

# NDAA

NORTH DAKOTA APARTMENT ASSOCIATION

# HAPPENINGS



**DOCUMENTING  
LEASE DEFAULTS**

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# NORTH DAKOTA APARTMENT ASSOCIATION PRESIDENT'S MESSAGE

Summer is here and half way gone already! I'm sure you are all a frenzy with activity, leasing, move-outs, move-ins, and I hope a vacation or two also.

Your NDAA board has been busy too. Having had two strategic planning sessions in person and now working through our one overarching goal and numerous key drivers of success.

Our new MISSION is:

***Providing the rental housing industry education, collaboration, and advocacy.***

Our VISION is:

***Key resource for the rental housing industry to achieve growth and success by providing support and consistency.***

For those of you that have been through this process, it is a lengthy, time consuming and thought-provoking process. This will propel NDAA into a future of vast possibilities. We are very excited for these new opportunities.

NAA's Apartmentalize was a success in June in San Diego. I look forward to the updates from those that attended. NDAA's own Donna Smith with Enclave spoke in a session on "Overcoming 2022's Top Industry Challenges". I hear they brought the recorded sessions back with them so we can all benefit from this great event.

The State Convention will be in Mandan on March 22 & 23 at the Baymont Suites. BMAA's Committee has already secured Toni Blake and are finalizing the remaining sessions.

So, bring your thirst for knowledge and GAME ON!

Best,  
Josh Heath  
NDAA 2022 President





# NORTH DAKOTA APARTMENT ASSOCIATION **ABOUT US + LOCALS**

## **BOARD OF DIRECTORS**

**PRESIDENT**  
Josh Heath, Fargo

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Derek Nolte, Grand Forks

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## **COMMITTEES**

**LEGISLATIVE**  
Krista Andrews  
Jeremy Petron  
Greg Thompson

**MEMBERSHIP / ETHICS**  
Lisa Gefroh

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NORTH DAKOTA  
APARTMENT ASSOCIATION





LEGAL ODDS AND ENDS

# DOCUMENTING LEASE DEFAULTS

It is the owner or management company's burden to prove a default under the lease, and some defaults are easier to prove than others. This article will address the documentation you should have in your file to prove these various defaults.

## UNPAID RENT

These types of defaults can generally be shown with a simple ledger that tracks charges, payments and balances. If there is a dispute regarding rent, you may need to use the ledger as an exhibit in the eviction action. A detailed ledger will usually carry the day with a judge if a resident is disputing the balance owed.

## UNAUTHORIZED OCCUPANTS

This lease default is much more difficult to prove, and if the resident appears in court and disputes the allegation, you will need some independent source of proof, such as another resident who might be willing to testify, or preferably a police report where the unauthorized person, or even the resident, acknowledges that the unauthorized person is residing in the unit. Sometimes, you might have proof from the post office that the unauthorized person is receiving mail at the unit. These types of defaults are particularly important in subsidized housing where the resident is required to report all household composition.

## PEACE DISTURBANCES

These violations will take a variety of forms. The easiest ones involve police reports where there might be a loud party or criminal conduct of some sort. The more difficult disturbances involve domestic fights, inappropriate conduct of children, loud music, and constant foot traffic in and out of the unit. These types of





disturbances will generally require several infraction letters to the resident prior to an eviction. In the absence of police reports for these types of behavior, sometimes other residents might be willing to testify, or else the resident manager would have to tell the court that other residents have vacated because of the conduct.

## **HOLDOVERS**

This involves a situation where either management or the resident has provided a 30 or 60 day notice to terminate the lease, and the resident remains in the unit. If you want to enforce an eviction for a holdover, it is imperative that you return any rent that may have been paid by the resident for the holdover month. North Dakota law allows the owner or manager to charge double rent for that month, and most courts will grant that request under N.D.C.C. § 32-03-28. In this scenario, if you are willing to extend the lease for a month, make sure that there is a writing confirming that fact, but also confirming that the lease will not be extended further.

Since the plaintiff has the burden of proving these violations by a preponderance of the evidence, it is important that you document your files and bring copies of that documentation to the eviction hearing.





# 2023 NDAA STATE CONVENTION SAVE THE DATE



**Game ON!**



**&**



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2611 OLD RED TRAIL NW  
MANDAN, ND 58554

REGISTER OR SPONSOR  
BELOW:

<https://ndaa.net/events/state-convention-2023>



**HOSTED BY THE**  
Bismarck Mandan  
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## *Sponsorships*

### MONOPOLY

Full page colored ad on cover of convention catalog Company logo and name on lanyard, badges and convention sign 2 free registrations Premium Large Trade Show booth (1st choice in selecting location of booth)

**\$2500.00**

### TRIPLE LETTER SCORE

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### CHECK (Happy Hour)

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**\$1000.00**

### YAHTZEE!

Full page ad in convention catalog Name and logo on sign for all breaks sponsored 1 free registration

**\$750.00**

### KING ME

Full page ad in convention catalog 1 free registration or trade show booth

**\$600.00**

### DOUBLE DOWN

Half page ad in convention catalog Trade show booth included

**\$300.00**

### GIN!

Quarter page ad in convention catalog

**\$200.00**

### UNO!

Company name listed in convention catalog

**\$100.00**



VIRTUAL KICKOFF

# EMOTIONAL SUPPORT ANIMAL TOOLKIT

Great news!

The National Apartment Association has updated the NAA Emotional Support Animal Toolkit, which now reflects industry best practices since the release of HUD's 2020 Guidance, Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act, and addresses the impact of relevant state laws.

Join us virtually at the Kick Off Event on **August 4 at 1:30 pm EDT**, where the Toolkits' authors will educate attendees about the value of these member resources to better understand their responsibilities and stay in legal compliance with fair housing laws.

During this session, attendees will get a sneak preview of:

*-- NAA's Emotional Support Animal Toolkit: 2022 Edition – An e-book that informs industry professionals on their fair housing obligations related to reasonable accommodations for animals in housing and helps housing providers navigate fraudulent requests for emotional support animals.*

*-- NAA's Accessible Design and Construction Toolkit – An e-book that educates industry professionals on their responsibilities according to fair housing laws which require rental housing providers to keep their physical properties accessible to disabled persons.*



**YOU CAN REGISTER HERE:**

[https://naahq.zoom.us/webinar/register/WN\\_DerycyH8T1GvxwyRs8ltIQ](https://naahq.zoom.us/webinar/register/WN_DerycyH8T1GvxwyRs8ltIQ)





# Celebrate RPM Careers Week 2022!

## July 18-22

RPM Careers Week has plenty of ways to recognize the amazing work of residential property management professionals, as well as share the benefits of RPM careers to attract new talent to the industry.

As part of the week, Apartment Onsite Teams Day on Wednesday, July 20, will be an opportunity to highlight the hard work of the vital onsite property teams that keep our communities thriving day in and day out.

Use these ideas to get your teams and communities ready for RPM Careers Week!



**Brainstorm ideas:** Talk with your teams about how to make RPM Careers Week special for your community. To get started, use these online and in-person engagement ideas at [rpm.naahq.org/rpm-careers-week-toolkit](https://rpm.naahq.org/rpm-careers-week-toolkit).



**Giveaways or free food:** Thank your teams with fun giveaways and meals. Provide bagels or doughnuts. Hire a local food truck to come by for lunch. Or host a pizza party to show your teams you appreciate them.



**Information session:** Share the benefits of an RPM career by hosting an information session about working in the industry. Encourage your teams to invite their family and friends, and consider hosting a giveaway as a reward for attending.



**RPM Careers Week challenges:** Encourage your teams to take part in the challenges for the chance to win awesome prizes and gain recognition for their accomplishments. Submit your entries at [rpmcareers.org/rpmcareersweek](https://rpmcareers.org/rpmcareersweek).



**Promotion opportunities:** You can let others know about RPM Careers Week using these web banners, sample text for blogs and newsletters, a sample press release and more in the toolkit. Access the toolkit at [rpm.naahq.org/rpm-careers-week-toolkit](https://rpm.naahq.org/rpm-careers-week-toolkit).



**Social media shoutouts:** Use the materials in the RPM Careers Week toolkit or post your own photos and videos on social media throughout the week. Be sure to use the hashtag #RPMmoments during the week and #APTTeamsDay on Apartment Onsite Teams Day (Wednesday, July 20). RPM Careers might choose your content to share on its Facebook and Instagram.



**Your credential journey:** Now's the time to earn a credential to help further your career! During July, use code RPM2022 for 25% off any Visto education course or credentialing program. If you already have a credential, share your journey with colleagues and encourage them to take the first step. Learn more at [gowithvisto.org](https://gowithvisto.org).

Follow along on Facebook at @RealCommunitiesRealCareers  
and on Instagram at @RPMcareers.







## INDUSTRY ACKNOWLEDGEMENT

# NAA OVER 11M UNITS

Because of strong recruitment efforts and elevated membership engagement, the NAA network has grown and now encompasses over 92,000 members representing more than 11 million apartment homes globally.

NAA now represents:

- 11,207,999 units (+201,099 units from Fall 2021)
- 77,905 industry members (+1,094 from Fall 2021)
- 14,858 supplier members (-295 from Fall 2021)
- 92,763 total members (+799 from Fall 2021)
- 141 State, Local and Global Affiliates

NDAA represents 24,562 units, 310 industry members, and 64 supplier members.



## AVAILABLE TO GENERAL MEMBERS

# NORTH DAKOTA FORMS

**ORDER FORMS ONLINE AT:** <https://ndaa.net/products/>  
 or  
**PRINT THEM AT NO CHARGE:** <https://www.ndaa.net/forms-to-print/>

(MUST BE LOGGED IN TO ACCESS BOTH LINKS)

Rental Applications	50/Pack	\$7.00*
Lease Agreement	2-Part NCR 25/Pack	\$8.00*
Check In / Check Out	3-Part NCR 25/Pack	\$9.00*

Landlord Tenant Rights in ND:  
<https://www.ndaa.net/tenant-resources>

\* PLUS SHIPPING & HANDLING





APARTMENT. HAPPENINGS. NORTH DAKOTA.

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