

**HOUSE BILL NO. 1438**

Introduced by

Representatives Schneider, Adams, Buffalo, Dobervich, Hager, Hanson

Senators Heckaman, Hogan, Mathern, Oban

1 A BILL for an Act to amend and reenact section 47-32-02 of the North Dakota Century Code,  
2 relating to the contents of a notice of intention to evict.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 47-32-02 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **47-32-02. Appearance - Notice of intention to evict - When required - When and how**  
7 **served.**

8 1. In any action for eviction the time specified in the summons for the appearance of the  
9 defendant may not be fewer than three nor more than fifteen days from the date on  
10 which the summons is issued. If the person cannot be found in the county, of which  
11 the return of the sheriff or process server is prima facie proof, and service has been  
12 attempted at least once between the hours of six p.m. and ten p.m. upon the filing of  
13 an affidavit of the plaintiff or the plaintiff's attorney stating ~~that~~ the defendant cannot be  
14 found or on belief ~~that~~ the defendant is not in this state and a copy of the summons  
15 has been mailed to the defendant at the defendant's last-known address if any is  
16 known to the plaintiff, service of the summons may be made upon the defendant by  
17 the sheriff or process server posting the summons upon the door of the residential  
18 unit.

19 2. In all cases arising under subsections 4, 5, 6, and 8 of section 47-32-01, three days'  
20 written notice of intention to evict must be given to the lessee, subtenant, or party in  
21 possession, before proceedings can be instituted. The written notice of intention to  
22 evict must include information regarding the availability of legal services the lessee,  
23 subtenant, or party in possession may use, including contact information for a  
24 nonprofit organization in the state which provides legal services and assistance to

1           low-income and elderly residents. The notice may be served and returned as a  
2           summons is served and returned or, if the party cannot be found, then by the sheriff of  
3           the county or a process server posting the notice conspicuously upon the premises.  
4           Service by delivery of a copy of the summons to the defendant in person within the  
5           county must be made at least three days before the time fixed for the appearance of  
6           the defendant. Service elsewhere or personal service in any other mode must be  
7           made at least seven days before the time fixed for the appearance of the defendant.