

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 545

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO PROPERTY; AMENDING SECTION 55-307, IDAHO CODE, TO PROVIDE THAT
2 A LOCAL GOVERNMENTAL UNIT SHALL NOT ENACT, MAINTAIN, OR ENFORCE AN OR-
3 DINANCE OR RESOLUTION TO FORCE PARTICIPATION IN AN OPTIONAL FEDERAL
4 HOUSING ASSISTANCE PROGRAM OR ANY OTHER PROGRAM OR LAW TO REGULATE RENT,
5 FEES, OR DEPOSITS CHARGED FOR LEASING PRIVATE RESIDENTIAL PROPERTY;
6 AMENDING SECTION 55-2006, IDAHO CODE, TO REVISE PROVISIONS REGARDING
7 RENT IN MANUFACTURED HOME COMMUNITIES AND TO MAKE A TECHNICAL CORREC-
8 TION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Section 55-307, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 55-307. CHANGE IN TERMS OF LEASE -- NOTICE -- NO RENT CONTROL. (1) In
14 all leases of lands or tenements, or of any interest therein from month to
15 month, the landlord may, upon giving notice in writing at least fifteen (15)
16 days before the expiration of the month, change the terms of the lease to take
17 effect at the expiration of the month. The notice, when served upon the ten-
18 ant, shall of itself operate and be effectual to create and establish, as a
19 part of the lease, the terms, rent and conditions specified in the notice if
20 the tenant shall continue to hold the premises after the expiration of the
21 month.

22 (2) A local governmental unit shall not enact, maintain, or enforce an
23 ordinance or resolution that would have the effect of ~~controlling the amount~~
24 ~~of rent~~ mandating Idaho property owners to be forced to participate in an op-
25 tional federal housing assistance program or any other program or law that
26 would otherwise regulate rent, fees, or deposits charged for leasing private
27 residential property. This provision does not impair the right of any local
28 governmental unit to manage and control residential property in which the
29 local governmental unit has a property interest.

30 (3) Notwithstanding subsection (1) of this section, in all leases of
31 residential property, or of any interest therein, the landlord shall provide
32 the tenant written notice of any increase in the amount of rent charged or of
33 the landlord's intention of nonrenewal of the lease at least thirty (30) days
34 before:

35 (a) Such nonrenewal of the lease; or

36 (b) Such increase in the amount of rent charged is intended to take ef-
37 fect.

38 SECTION 2. That Section 55-2006, Idaho Code, be, and the same is hereby
39 amended to read as follows:

1 55-2006. ADJUSTMENTS TO RENT, SERVICES, UTILITIES OR RULES. (1) A
2 landlord may increase or decrease rents after expiration of the lease term,
3 but only with ninety (90) days' written notice to the residents. Such writ-
4 ten notice shall be sent by first class mail, certified mail or personal
5 delivery.

6 (2) Rental increases shall be uniform throughout the community. When
7 rents within a community are structured by reason of lot or home size, ameni-
8 ties, lot location or otherwise, rental increases shall be uniform among all
9 homes in the same rent tier.

10 (3) A landlord shall give written notice of such change to each affected
11 ~~home owner~~ homeowner at least ninety (90) days prior to any amendment to the
12 rental agreement. The landlord may not amend the rental agreement or rules
13 more frequently than once in a six (6) month period.

14 (4) Rents in communities are governed by the provisions of subsection
15 (2) of section 55-307, Idaho Code, which provides that a local governmental
16 unit shall not enact, maintain, or enforce an ordinance or resolution that
17 would have the effect of ~~controlling the amount of~~ regulating rent charged
18 for leasing private residential property.

19 (5) Notwithstanding the foregoing provisions, a rental agreement may
20 include an escalation clause for a pro rata share of any increase or decrease
21 in the community's ad valorem taxes, utility assessments, or other services
22 as included in the monthly rental charge, after the effective date of such a
23 change. Issues of public safety, health or property degradation may also be
24 included in this section. The landlord shall give thirty (30) days' written
25 notice to a resident before such an increase or decrease.

26 SECTION 3. An emergency existing therefor, which emergency is hereby
27 declared to exist, this act shall be in full force and effect on and after
28 July 1, 2024.