

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 730

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO THE CONSUMER PROTECTION ACT; AMENDING CHAPTER 6, TITLE 48, IDAHO  
2 CODE, BY THE ADDITION OF A NEW SECTION 48-603G, IDAHO CODE, TO PRO-  
3 HIBIT THE UNFAIR COLLECTION OF RESIDENTIAL RENTAL APPLICATION FEES; AND  
4 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
5

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

7 SECTION 1. That Chapter 6, Title 48, Idaho Code, be, and the same is  
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
9 ignated as Section 48-603G, Idaho Code, and to read as follows:

10 48-603G. UNFAIR COLLECTION OF RESIDENTIAL RENTAL APPLICATION  
11 FEES. (1) It shall be an unlawful trade practice for the owner of real prop-  
12 erty or his management company to make undue profit off individuals applying  
13 to lease residential housing.

14 (2) As used in this section, "to make undue profit" means to engage in  
15 any of the following acts:

16 (a) Profiting by more than twenty-five dollars (\$25.00) from an ap-  
17 plicant after deducting all reasonable expenses directly incurred for  
18 screening said applicant to determine the applicant's suitability as a  
19 residential tenant;

20 (b) Collecting and retaining an application fee when no rental prop-  
21 erty is available for lease, or reasonably expected to become available  
22 within ninety (90) days, unless the applicant acknowledges in writing  
23 that no rental property is available and consents to be added to a wait-  
24 ing list for housing anticipated to become available in the future;

25 (c) Collecting and retaining an application fee when there is no inten-  
26 tion to consider the applicant for tenancy;

27 (d) In the event that the real property owner or his management com-  
28 pany has yet to screen the applicant, failing to return an application  
29 fee within forty-eight (48) hours after a written request from an appli-  
30 cant; or

31 (e) Retaining an application fee from an individual who was never  
32 screened for tenancy.

33 (3) A real estate broker or salesperson licensed under chapter 20, ti-  
34 tle 54, Idaho Code, shall not be considered to make undue profit pursuant to  
35 this section if such person receives a commission or fee.

36 (4) Any person who violates this section shall be subject to all penal-  
37 ties prescribed under this chapter. The provisions of this subsection shall  
38 apply notwithstanding a finding that the conduct prohibited by this section  
39 does not pertain to the sale of goods or services.

1           SECTION 2. An emergency existing therefor, which emergency is hereby  
2 declared to exist, this act shall be in full force and effect on and after  
3 July 1, 2022.