

LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature Second Regular Session - 2022

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 442

BY BUSINESS COMMITTEE

AN ACT

RELATING TO PROPERTY; AMENDING SECTION 55-307, IDAHO CODE, TO PROVIDE THAT A LOCAL GOVERNMENTAL UNIT SHALL NOT ENACT, MAINTAIN, OR ENFORCE AN ORDINANCE OR RESOLUTION TO REGULATE RENT, FEES, OR DEPOSITS CHARGED FOR LEASING PRIVATE RESIDENTIAL PROPERTY; AMENDING SECTION 55-2006, IDAHO CODE, TO REVISE PROVISIONS REGARDING RENT IN MANUFACTURED HOME COMMUNITIES AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

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

(2) A local governmental unit shall not enact, maintain, or enforce an ordinance or resolution that would have the effect of ~~controlling the amount of regulating rent, fees, or deposits~~ charged for leasing private residential property. This provision does not impair the right of any local governmental unit to manage and control residential property in which the local governmental unit has a property interest.

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

(a) Such nonrenewal of the lease; or

(b) Such increase in the amount of rent charged is intended to take effect.

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

55-2006. ADJUSTMENTS TO RENT, SERVICES, UTILITIES OR RULES. (1) A landlord may increase or decrease rents after expiration of the lease term, but only with ninety (90) days' written notice to the residents. Such writ-

1 ten notice shall be sent by first class mail, certified mail or personal
2 delivery.

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

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

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

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

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