

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 45

BY JUDICIARY, RULES AND ADMINISTRATION 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 REGULATE RENT, FEES, OR DEPOSITS CHARGED FOR  
4 LEASING PRIVATE RESIDENTIAL PROPERTY; AND AMENDING SECTION 55-2006,  
5 IDAHO CODE, TO REVISE PROVISIONS REGARDING RENT IN MANUFACTURED HOME  
6 COMMUNITIES AND TO MAKE A TECHNICAL CORRECTION.  
7

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

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

11 55-307. CHANGE IN TERMS OF LEASE -- NOTICE -- NO RENT CONTROL. (1) In  
12 all leases of lands or tenements, or of any interest therein from month to  
13 month, the landlord may, upon giving notice in writing at least fifteen (15)  
14 days before the expiration of the month, change the terms of the lease to take  
15 effect at the expiration of the month. The notice, when served upon the ten-  
16 ant, shall of itself operate and be effectual to create and establish, as a  
17 part of the lease, the terms, rent and conditions specified in the notice if  
18 the tenant shall continue to hold the premises after the expiration of the  
19 month.

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

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

31 (a) Such nonrenewal of the lease; or

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

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

36 55-2006. ADJUSTMENTS TO RENT, SERVICES, UTILITIES OR RULES. (1) A  
37 landlord may increase or decrease rents after expiration of the lease term,  
38 but only with ninety (90) days' written notice to the residents. Such writ-  
39 ten notice shall be sent by first class mail, certified mail or personal  
40 delivery.

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

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

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

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