

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Thursday, March 03, 2022

TIME: 1:30 p.m. or upon adjournment

PLACE: Room EW42

MEMBERS: Chairman Chaney, Vice Chairman Hartgen, Representatives Kerby, Amador, Ehardt, Scott, Marshall, Troy, Young, Nate, Cannon, Erickson, Skaug, Gannon, McCrostie, Ruchti, Nash

**ABSENT/
EXCUSED:** Representative(s) Ehardt, Scott, Skaug

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Chaney called the meeting to order at 3:19 p.m.

MOTION: **Rep. Nash** made a motion to approve the February 21, and February 25, 2022 meeting minutes. **Motion carried by voice vote.**

**UNANIMOUS
CONSENT
REQUEST:** **Chairman Chaney** made a unanimous consent request to move **H 699** to the top of the agenda due to scheduling conflicts. There being no objection, the request was granted.

H 699: **Rep. Syme** presented **H 699** which amends existing law to prohibit disclosure of communications made during peer support counseling sessions for first responders and provides exceptions. This legislation is custom tailored for police officers, firefighters, volunteer emergency responders, emergency medical service providers, and emergency communications officers, those who are referred to as "first responders". Individuals who handle a high rate of traumatic events need to defuse stress following highly charged incidents. Speaking freely with their peers is helpful and preferred to speaking with mental health professionals. These critical conversations need to be protected from disclosure and first responders are asking for this legislation. The exceptions to the confidentiality are any admissions of intent to commit a crime, or of a committed crime, or any suicidal ideations. Rep. Syme introduced **Joe Andreolie**, representing the Fraternal Order of Police, who spoke in more detail about the need for this legislation.

MOTION: **Rep. Erickson** made a motion to send **H 699** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Syme** will sponsor the bill on the floor.

H 730: **Rep. Ruchti** presented **H 730** which already had a public hearing as **H 617** in this committee on February 21, 2022. He reminded the committee that this bill prohibits the unfair collection of residential rental application fees, and protects renters from unscrupulous landlord practices. He explained that **H 617** was altered following its February hearing to incorporate the concerns raised during the hearing. **H 730** is essentially the same with some improvements, it has been refined for clarity and it includes an enforcement mechanism.

MOTION: **Rep. Gannon** made a motion to send **H 730** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Ruchti and Palmer** will sponsor the bill on the floor.

S 1333: **Rep. Hartgen** presented **S 1333** which amends existing law to revise the number of judges in the Fourth Judicial District by one and makes provisions regarding resident chambers. District Four currently has twelve district judges and one judge travels back and forth to serve Elmore County. Tracking of the court's numbers have justified the need for a full time judge in Elmore County. **S 1333** adds one judge to the Fourth Judicial District, raising the number to thirteen district judges, and provides that the new judge will be chambered in Elmore County.

MOTION: **Rep. Nash** made a motion to send **S 1333** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Hartgen** will sponsor the bill on the floor.

H 624: **Rep. Gannon** presented **H 624** which amends existing law to provide that notice of an increase in rent or a nonrenewal of a lease must be given at least 60 days before the increase or nonrenewal takes effect. **Rep. Gannon** explained that this legislation is intended to encourage better communication between landlords and tenants so there is time for both parties to make necessary plans. This legislation has been inspired by the current housing market crisis, rentals are running at a 98% occupancy, and the monthly costs are skyrocketing. To help reduce the negative effect, landlords and tenants need to start talking to each other earlier, and the traditional 30 days notice is not providing adequate time to make housing changes in this housing market.

Rep. Gannon responded to committee questions and concerns about how the change from thirty days to sixty days would impact existing leases that are defined in terms of "month to month", the long standing rental practice of requiring a first and last month's rent, and the established eviction process.

Chairman Chaney turned the gavel over to **Vice Chairman Hartgen**.

Pam Roemer, Angelica Moran, Matt Barbee, April Hoy, Christy Roget, Mark Snowball, representing themselves; and **Francoise Cleveland**, AARP; **Linda Beebe**, Jesse Tree volunteer; spoke **in support** of **H 624**, saying that rental costs in Idaho have increased 30% or more in a short time, and that in the current housing shortage alternative housing is very difficult to find. This situation is creating a significant hardship on renters, especially for those with moderate income, special needs or special circumstances, and older fixed income adult renters. Wages and other incomes are not keeping pace with the skyrocketing rent increases. The customary thirty day notice to communicate changes to a lease agreement is not an adequate these days to absorb sudden \$200- \$500 a month rent increases; and especially in the case of a forced move, it is not enough time to secure a different residence and relocate.

Sandra Swanson, SW Idaho National Association of Residential Property Managers (NARPM); **Spencer Henderson**, Realty Management Associates, Inc. and SW NARPM; **Doug Taylor**, Idaho Apartment Association; **Melissa Sharone**, NARPM and owner of a property management company; spoke **in opposition** to **H 624** saying that it interferes with the right to contract and alters a well established practice that could result in unintended consequences. It will cause confusion in an already complicated market and it could easily lead to an increase in rental deposits which would just slow down the process of getting people housed and relocated. Property owners already have the ability to work with people who need more time to secure a different residence and relocate and most landlords are willing to give people the time they need to make housing changes in the absence of pre-existing occupancy problems or payment arrears. The housing crisis has informally influenced a practice of extended notice, even 60 days, but thirty day notice for contract changes has been a long standing practice that is balanced, with an equal courtesy between the renter and the landlord. A new law because of the current housing market is not necessary.

Rep. Gannon explained to the committee that **H 624** is just intended to make one little adjustment to the way rental business is conducted and encourage the two parties to start speaking to each other sooner.

MOTION: **Rep. Marshall** made a motion to **HOLD H 624** in committee.

Committee concerns were raised that this bill will affect the free market in an unknown way and that disrupting the thirty day notice, a well established landlord tenant balance, could result in a more acute housing situation. The intentions of this legislation is good, but more refinement is needed, and the intent to help families could end up hurting families.

ROLL CALL VOTE ON MOTION: A roll call vote was requested. **The motion failed, by a vote of 6 AYE, 6 NAY, 5 ABSENT/EXCUSED. Voting in favor** of the motion **Rep. Marshall, Troy, Young, Nate, Cannon, and Erickson. Voting in opposition** to the motion **Rep. Kerby, Gannon, McCrostie, Ruchti, Nash, and Hartgen.** Reps. Amador, Ehardt, Scott, Skaug, and Chaney absent and excused.

MOTION: **Rep. McCrostie** made a motion to send **H 624** to general orders. A roll call vote was requested. **Motion failed, by a vote of 5 AYE, 7 NAY, 5 ABSENT/EXCUSED. Voting in favor** of the motion **Rep. Kerby, Gannon, McCrostie, Ruchti, and Nash. Voting in opposition** to the motion **Rep. Marshall, Troy, Young, Nate, Cannon, Erickson, and Harten.** Reps. Amador, Ehardt, Scott, Skaug, and Chaney absent and excused.

MOTION: **Rep. Marshall** made a motion to adjourn the meeting. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee the meeting adjourned at 4:43 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary