

IN THE SENATE

SENATE BILL NO. 1042, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO RENTAL APPLICATIONS; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 3, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-315, IDAHO CODE, TO PROVIDE FOR CERTAIN LIMITATIONS ON RENTAL APPLICATION FEES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to provide certain limitations on the charging of rental application fees to reduce the number of rental applicants who are charged such fees for rental properties for which they are not considered.

SECTION 2. That Chapter 3, Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 55-315, Idaho Code, and to read as follows:

55-315. LIMITATION ON FEES FOR RENTAL APPLICATIONS. (1) A property owner or property manager shall not charge rental application fees to more than two (2) rental applicant households per rental unit concurrently and may charge such fees only if the property owner or property manager:

(a) Has a rental unit available for rent or has a rental unit that is reasonably expected to become available for rent within sixty (60) days, unless the property owner or property manager advertises that the rental unit is reasonably expected to become available for rent at a future date beyond sixty (60) days, or unless the rental applicant acknowledges in writing that no rental property is available and consents to being placed on a waiting list for future available rental units;

(b) Discloses, prior to accepting the rental application, any criteria that the property owner or property manager will review as a condition of accepting the rental applicant as a tenant in the residential unit, including, if applicable, information related to the rental applicant's criminal history, credit score, income, employment or employment history, or rental history; and

(c) Completes the criminal history and background check of the applicant for the available rental unit, unless the rental applicant is placed on a waiting list for future available rental units pursuant to paragraph (a) of this subsection.

(2) Rental application fees may only be charged to each legal adult within a rental applicant household.

(3) If the rental application of the first of the two (2) rental applicant households pursuant to subsection (1) of this section is denied, a property owner or property manager may charge a rental application fee to the next rental applicant household and may charge a rental application fee to each individual rental applicant of such household who requires a criminal

1 history and background check, as long as no more than two (2) rental appli-  
2 cant households are being charged concurrently at any given time.

3 (4) All rental application fees shall be related to the actual costs of  
4 completing a criminal history and background check and any other costs in-  
5 curred from processing the rental application.

6 (5) This section shall not apply where a property owner or property man-  
7 ager does not charge or receive rental application fees.

8 SECTION 3. An emergency existing therefor, which emergency is hereby  
9 declared to exist, this act shall be in full force and effect on and after  
10 July 1, 2025.