

TITLE 55
PROPERTY IN GENERAL

CHAPTER 3
RIGHTS AND OBLIGATIONS OF OWNERS

55-301. RIGHTS OF GRANTEEES AGAINST GRANTOR'S TENANTS. A person to whom any real property is transferred or devised, upon which rent has been reserved or to whom such rent is transferred, is entitled to the same remedies for recovery of rent, for nonperformance of any of the terms of the lease, or for any waste or cause of forfeiture, as his grantor or devisor might have had.

[(55-301) R.S., sec. 2875; reen. R.C. & C.L., sec. 3083; C.S., sec. 5351; I.C.A., sec. 54-301.]

55-302. REMEDIES OF LESSOR AGAINST LESSEE'S ASSIGNEE. Whatever remedies the lessor of any real property has against his immediate lessee for the breach of any agreement in the lease, or for recovery of the possession, he has against the assignees of the lessee, for any cause of action accruing while they are such assignees, except where the assignment is made by way of security for a loan, and is not accompanied by possession of the premises.

[(55-302) R.S., sec. 2876; reen. R.C. & C.L., sec. 3084; C.S., sec. 5352; I.C.A., sec. 54-302.]

55-303. REMEDIES OF LESSEE AGAINST LESSOR'S ASSIGNEE. Whatever remedies the lessee of any real property may have against his immediate lessor, for the breach of any agreement in the lease, he may have against the assigns of the lessor, and the assigns of the lessee may have against the lessor and his assigns, except upon covenants against encumbrances or relating to the title or possession of the premises.

[(55-303) R.S., sec. 2877; reen. R.C. & C.L., sec. 3085; C.S., sec. 5353; I.C.A., sec. 54-303.]

55-304. RECOVERY OF RENT ON LEASE FOR LIFE. Rent due upon a lease for life may be recovered in the same manner as upon a lease for years.

[(55-304) R.S., sec. 2878; reen. R.C. & C.L., sec. 3086; C.S., sec. 5354; I.C.A., sec. 54-304.]

55-305. RENT ON LEASE FOR LIFE -- RECOVERY AFTER DEATH. Rent dependent on the life of a person may be recovered after as well as before his death.

[(55-305) R.S., sec. 2879; reen. R.C. & C.L., sec. 3087; C.S., sec. 5355; I.C.A., sec. 54-305.]

55-306. ACTION BY REVERSIONERS. A person having an estate in fee, in remainder or reversion, may maintain an action for any injury done to the inheritance, notwithstanding an intervening estate for life or years, and although, after its commission, his estate is transferred, and he has no interest in the property at the commencement of the action.

[(55-306) R.S., sec. 2880; reen. R.C. & C.L., sec. 3088; C.S., sec. 5356; I.C.A., sec. 54-306.]

55-307. CHANGE IN TERMS OF LEASE -- NOTICE. (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 rent 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.

[(55-307) R.S., sec. 2881; reen. R.C. & C.L., sec. 3089; C.S., sec. 5357; am. 1990, ch. 185, sec. 1, p. 414; am. 2020, ch. 254, sec. 1, p. 740.]

55-308. REMOVAL OF FIXTURES BY TENANT. A tenant may remove from the demised premises, any time during the continuance of his term, anything affixed thereto for the purposes of trade, manufacture, ornament or domestic use, if the removal can be effected without injury to the premises, unless the thing has, by the manner in which it is affixed, become an integral part of the premises.

[(55-308) R.S., sec. 2882; reen. R.C. & C.L., sec. 3090; C.S., sec. 5358; I.C.A., sec. 54-308.]

55-309. OWNERSHIP OF STREET BY ABUTTER. An owner of land bounded by a road or street is presumed to own to the center of the way, but the contrary may be shown.

[(55-309) R.S., sec. 2883; reen. R.C. & C.L., sec. 3091; C.S., sec. 5359; I.C.A., sec. 54-309.]

55-310. RIGHT TO LATERAL AND SUBJACENT SUPPORT. Each coterminous owner is entitled to the lateral and subjacent support which his land receives from the adjacent land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction, on using ordinary care and skill, and taking reasonable precautions to sustain the land of the other, and giving previous reasonable notice to the other of his intention to make such excavation.

[(55-310) R.S., sec. 2884; reen. R.C. & C.L., sec. 3092; C.S., sec. 5360; I.C.A., sec. 54-310.]

55-311. DUTIES OF TENANT FOR LIFE. The owner of a life estate must keep the buildings and fences in repair from ordinary waste, and must pay the taxes and other annual charges, and a just proportion of extraordinary assessments benefiting the whole inheritance.

[(55-311) R.S., sec. 2885; reen. R.C. & C.L., sec. 3093; C.S., sec. 5361; I.C.A., sec. 54-311.]

55-312. MONUMENTS AND FENCES. Coterminous owners are mutually bound equally to maintain:

1. The boundaries and monuments between them.
2. The fences between them, unless one of them chooses to let his land lie without fencing, in which case, if he afterward incloses it, he must refund to the other the just proportion of the value, at that time, of any division fence made by the latter.

[(55-312) R.S., sec. 2886; reen. R.C. & C.L., sec. 3094; C.S., sec. 5362; I.C.A., sec. 54-312.]

55-313. RELOCATION OF ACCESS. Where, for motor vehicle travel, any access which is less than a public dedication, has heretofore been or may hereafter be, constructed across private lands, the person or persons owning or controlling the private lands shall have the right at their own expense to change such access to any other part of the private lands, but such change must be made in such a manner as not to obstruct motor vehicle travel, or to otherwise injure any person or persons using or interested in such access.

[(55-313) 1985, ch. 252, sec. 1, p. 586.]

55-314. LIMITATION ON FEES FOR TENANTS OF A RENTAL PROPERTY. (1) Any fees imposed on a residential tenant, including fees for the late payment of rent, shall be reasonable.

(2) An owner may not charge to the tenant of a rental property a fee, fine, assessment, interest, or other cost:

(a) In an amount greater than that agreed upon in the rental agreement; or

(b) That is not included in the rental agreement, unless:

(i) The rental agreement is an oral agreement; or

(ii) The rental agreement is written, and the owner provides the tenant a written thirty (30) day notice of the change in the fee, fine, assessment, interest, or other cost.

(3) The provisions of this section shall apply to rental agreements entered into or renewed on or after July 1, 2023.

(4) Nothing in this section shall be construed to limit the amount that can be charged for rent.

[55-314, added 2023, ch. 67, sec. 1, p. 228.]