

IN THE SENATE

SENATE BILL NO. 1089

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO RENTAL PROPERTY; AMENDING CHAPTER 3, TITLE 55, IDAHO CODE, BY THE
2 ADDITION OF A NEW SECTION 55-314, IDAHO CODE, TO ESTABLISH PROVISIONS
3 REGARDING DISCLOSURE TO A PROSPECTIVE RESIDENTIAL RENTER; AMENDING
4 CHAPTER 3, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-315,
5 IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING A WRITTEN DEMAND BY A
6 PROSPECTIVE RESIDENTIAL RENTER; AND DECLARING AN EMERGENCY AND PROVID-
7 ING AN EFFECTIVE DATE.
8

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

10 SECTION 1. That Chapter 3, Title 55, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 55-314, Idaho Code, and to read as follows:

13 55-314. RESIDENTIAL RENTAL APPLICATION -- DISCLOSURE REQUIRED. (1)
14 Before an owner accepts an application fee or any other payment from a
15 prospective renter of a residential unit, the owner shall disclose in writ-
16 ing to the prospective renter:

17 (a) A good faith estimate of:

18 (i) The rent amount; and

19 (ii) The amount of each fixed nonrent expense that is part of the
20 rental agreement;

21 (b) The type of each use-based nonrent expense that is part of the
22 rental agreement;

23 (c) The day on which the residential unit is scheduled to be available;

24 (d) The criteria that the owner will consider in determining the
25 prospective renter's eligibility as a renter in the residential unit,
26 including criteria related to the prospective renter's criminal his-
27 tory, credit, income, employment, or rental history; and

28 (e) The requirements and process for the prospective renter to recover
29 money the prospective renter pays in relation to the residential unit as
30 described in section 55-315, Idaho Code.

31 (2) An owner may satisfy the written disclosure requirement described
32 in subsection (1) of this section through a rental application, deposit
33 agreement, or written summary.

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

37 55-315. PROSPECTIVE RESIDENTIAL RENTER'S DEMAND. (1) A prospective
38 renter of a residential unit may make a written demand to the owner of such
39 residential unit requesting the return of money the prospective renter paid
40 in relation to the residential unit if:

1 (a) An amount the owner provides in the good faith estimate described in
2 section 55-314(1) (a), Idaho Code, is different than the amount in the
3 rental agreement, or the rental agreement includes a type of use-based
4 nonrent expense that was not disclosed under section 55-314, Idaho
5 Code; and

6 (b) The prospective renter:

7 (i) Makes the written demand within five (5) business days after
8 the day on which the prospective renter receives the rental agree-
9 ment; and

10 (ii) At the time the prospective renter makes the written demand,
11 the prospective renter has not signed the rental agreement or
12 taken possession of the residential unit.

13 (2) If a prospective renter makes a written demand in accordance
14 with subsection (1) of this section, the owner shall return all moneys the
15 prospective renter paid to the owner within five (5) business days after the
16 day on which the owner receives the written demand.

17 SECTION 3. An emergency existing therefor, which emergency is hereby
18 declared to exist, this act shall be in full force and effect on and after
19 July 1, 2023.