

Tenants and landlords each have rights and responsibilities under the law. This overview lists many of those rights and responsibilities for Boise residents. The resources section has detailed information on local, state and federal laws, as well as laws that apply specifically to those in manufactured homes.

This document provides general information and does not replace the advice of an attorney. If you have a specific legal question, please contact an attorney.

## **City of Boise Ordinances**

### **Application fee caps**

A [City of Boise ordinance](#) requires that fees be reasonable. Also, landlords can only advertise, take applications, and screen applicants for units that will be available within a reasonable time.

### **Retaliation protections**

A [City of Boise ordinance](#) prohibits landlords from retaliating against tenants for making repair requests, complaining about safety issues, hiring an attorney, or joining a tenant association.

### **Source of income discrimination**

A [City of Boise ordinance](#) prohibits landlords from denying tenancy based on an applicant's lawful, verifiable source of income. This does not apply to sources of income which require a landlord to participate in an optional federal housing assistance program. There is also an exception for landlords who own and self-manage two or fewer rental units. Examples of potential violations of this ordinance include a landlord refusing to count child support or social security disability benefits as income.

This [Frequently Asked Questions](#) document provides more information about source of income discrimination.

### **Discrimination based on sexual orientation or gender identity**

A [City of Boise ordinance](#) prohibits landlords in Boise from treating tenants differently based on their sexual orientation or gender identity.

### **Security deposit return when a unit is being demolished or significantly renovated**

A [City of Boise ordinance](#) requires that, when a unit is being demolished or significantly renovated, tenants must receive their full security deposits regardless of the condition of the unit, except in extreme cases.

### **Responsibility to maintain housing quality**

Landlords and tenants both have responsibilities for maintaining the rental property.

- **Landlords:** The City of Boise's [Uniform Housing Code](#) requires landlords to comply with the community's minimum housing codes concerning health and safety.

Landlords must make all repairs to keep the premises in a fit and habitable condition; keep the common areas clean and safe; and maintain whatever facilities are supplied such as the furnace, plumbing and elevators.

If a repair is needed to address a violation of the Uniform Housing Code, the landlord has three business days to fix the violation.

- **Tenants:** Tenants must keep the dwelling unit as clean and safe as conditions permit, dispose of garbage, keep the plumbing clean and use the electrical, plumbing, heating and cooling facilities in a reasonable manner.

Questions about or reports of alleged violations of City of Boise ordinances can be emailed to [cccr@cityofboise.org](mailto:cccr@cityofboise.org) or by phone at [208-972-8150](tel:208-972-8150) (option 4).

## **Idaho State Law**

### **Unreasonable fees**

An [Idaho state law](#) requires rental fees to be “reasonable” and included in lease agreements. If a landlord charges fees that are exorbitant or unrelated to actual costs, tenants may dispute them by filing a claim with Ada County small claims court.

### **Rent increases and lease renewals**

Landlords may not increase rent during the term of a fixed-term lease (meaning one that is not month-to-month).

Landlords must provide tenants written notice of a rent increase at least 30 days before the rent increase becomes effective. Landlords must also give written notice to tenants at least 30 days before a lease nonrenewal.

If a tenant does not intend to renew their lease, they must provide notice as required in the lease agreement. If the lease does not say anything about required notice, then tenants must give at least 30 days of notice in writing.

### **Eviction process**

Eviction is a legal process that requires a landlord to take a tenant to court. Under [Idaho law](#), the landlord must provide a physical written notice to the tenant of at least 3 full business days (excluding holidays and weekends) and, at the conclusion of those 3 days, file a lawsuit in court. If the reason for the eviction is failure to pay rent or drug activity, the eviction is “expedited,” and a hearing will be scheduled within five to 12 days of receiving the notice. If the reason for the eviction is related to lease violations, the landlord must serve the tenant with a summons and a complaint, and the tenant has 21 days to file an answer. If a tenant does not appear in court for their hearing, they will lose their case and be evicted.

A landlord cannot evict a tenant outside of the court process, for example by changing the locks. This is called a "self help" eviction and is not legal.

Even if landlords are not making proper repairs or violating the lease, tenants are obligated to pay rent.

If a tenant is evicted, the sheriff has the authority to remove a tenant and their belongings from the rental. A legal eviction on a person's record has significant consequences on their ability to rent in the future and on their credit, as any future landlord, lender, or employer will be able to view it.

More information about the eviction process in Idaho can be found here:

- [Navigating Evictions in Idaho](#)
- [Idaho Eviction Process overview](#)
- [Eviction Video Series](#)

Tenants who need assistance in relation to eviction, including court mediation, financial and supportive services, please contact [Jesse Tree](#).

### **Breaking a lease**

Breaking a lease may result in legal consequences, which can include a lawsuit, with rent being recouped in court and wages being garnished. If the lease is a month-to-month tenancy, either party may end the lease with at least 30 days' advance written notice to the other party. Tenants and landlords considering breaking a lease may want to consult an attorney about their options.

### **Repair requests**

Repair requests should be made promptly and in writing to ensure that small issues do not become serious. A landlord may determine that a requested repair is not needed. If the tenant disagrees, the tenant can file a lawsuit.

If repairs aren't being made, Idaho law does not allow tenants to withhold rent.

### **Security deposit return**

[Idaho law](#) states that when the lease ends, the landlord has 21 days (or 30 days, if stated in the lease) to return the tenant's entire deposit or a partial refund and a written statement listing the amounts deducted from the deposit and how the deductions were spent. If a written statement is not provided or if the tenant disagrees with amounts that were deducted, they can file a lawsuit.

Tenants and landlords who allege a violation of Idaho State law must pursue legal action to seek enforcement. Legal action can be sought in small claims court for amounts that are \$5,000 or less.

## Federal Law

### Discrimination and fair housing

Discrimination by landlords based on sex, race, color, religion, disability, familial status (presence of children under the age of 18), and national origin is unlawful under [federal law](#). Landlords may not treat tenants differently based on their membership in any of these groups or retaliate against tenants who allege discrimination. (Note: Additional protections against discrimination based on sexual orientation and gender identity are enforced by the City of Boise.) Tenants with disabilities may request reasonable accommodations – exceptions or adjustments to a landlord's rules, policies, practices, or services – when accommodations may be necessary to give them an equal opportunity to use and enjoy their dwelling and public and common-use areas.

If you believe you are being discriminated against based on your membership in one of these protected classes, you can contact the [Intermountain Fair Housing Council](#), the [Idaho Human Rights Commission](#) or the [US Department of Housing and Urban Development](#).

State of Idaho's landlord and tenant requirements:

[Idaho Attorney General's Landlord and Tenant Manual](#)

[Idaho Legal Aid's Landlord and Tenant Rights and Responsibilities](#)

Manufactured home landlord and tenant requirements:

[Manufactured Home Residency Act, Idaho Code Title 55, Chapter 20](#)

[Idaho Legal Aid's Manufactured Homes brochure](#)

## Additional Resources

### For tenants:

- Legal advice (evictions and lockouts, repairs and damages, security deposit, reasonable accommodation, or apply for services):
  - o [Idaho Legal Aid](#)
  - o [Idaho Trial Lawyers Association Street Clinic](#)
  - o [Idaho Volunteer Lawyers Program](#)
  - o [University of Idaho Housing Clinic](#)
  - o [the Idaho State Bar's Lawyer Referral Service](#)
- Advice about discrimination and fair housing: [Intermountain Fair Housing Council](#)
- Emergency rental assistance during eviction: [Jesse Tree](#)

**For landlords:**

- [Idaho Apartment Association](#)
- [National Association of Residential Property Managers Southwest Idaho Chapter](#)
- [Institute of Real Estate Management Idaho Chapter](#)