

Idaho Legal Aid Services, Inc.

Advocacy. Education. Representation.

www.idaholegalaid.org

Your Home ^[1]

Renter's Rights

Tenants have certain rights under Idaho law:

- The right not to be discriminated against when looking for a place to rent or during the tenancy.
- The right to have a rental properties that is not dangerous or unhealthy.
- The right to request needed repairs and have the landlord address the repairs within 3 days.
- Landlord cannot evict without going through the proper court process.
- Landlords cannot unfairly keep the renters' security deposit if there is no damage
- Discrimination in Housing

Landlords cannot discriminate against you because of your sex, race, color, religion, disability, national origin, or familial status (whether you have children or not). These are called the protected classes. This applies when you are looking for a rental and when you already are living in one.

If you think you might have suffered discrimination because you belong to a protected class, call one of these numbers:

Idaho Human Rights Commission (888) 249-7025 or (208) 334-4751 (TTY)

Intermountain Fair Housing Council 383-0695 or 1-800-717-0695 (TTY)

HUD / Fair Housing and Equal Opportunity Office 1-800-877-0246

You may request a reasonable accommodation

A "reasonable accommodation" allows you as a tenant to request a change to a landlord or rental agency's rules or policies (like requesting a first floor unit). A "reasonable modification" is a change to the physical structure (like building a ramp or lowering a countertop) that allows a

person with a disability to fully use and enjoy their housing.

The accommodation that you ask for must be reasonable, which means it cannot place an undue financial or administrative burden on the housing provider. For example, asking your landlord to help pay your bills or drive you to appointments might be an undue burden and unreasonable. However, asking your landlord to relax a “no pets” policy so you can live with your assistive animal would likely not be an undue burden and is likely reasonable. You may have to ask a qualified health professional to write a letter stating that you are disabled and that your disability is connected to the accommodation you are requesting. The letter should not discuss details about your disability, which is confidential health care information. Contact Idaho Legal Aid Services or Intermountain Fair Housing Council if you have questions. You can also download free, interactive forms at www.idaholegalaid.org [2], including Reasonable Accommodation request forms.

More Renters’ Rights

Repairs

Idaho law (Code Sections 6-320 and 6-321) gives tenants the right to sue a landlord if he has failed to make certain repairs within 3 days of a written request. These repairs are:

- Water-proofing, weather-protection
- Electrical & Plumbing
- Heating, Ventilation, Cooling
- Sanitary facilities
- Installation of a smoke detector
- Other conditions hazardous to health or safety

If you need repairs, send your landlord a written demand letter. Keep a copy of the letter for your records and send it by certified mail or hand deliver it with a witness. If the landlord does nothing, you can sue them for any damages and costs you suffered because he didn’t make the repair, or you can sue to get a court order forcing him to make the repairs. Idaho law does not allow tenants to make repairs and deduct the repair costs from rent. You can download a free interactive form to request repairs from your landlord and learn more about your right to live in a safe, healthy rental property at www.idaholegalaid.org [2].

Security Deposit

When you move out of a rental, make sure to take lots of pictures to show the condition of the property. Your landlord has 21-30 days from the date you move out to return your deposit or to provide you an itemized list of charges. If your landlord fails to return your deposit, or you disagree with charges the landlord is claiming, send them a demand letter. If you and the landlord cannot reach an agreement, you can sue the landlord in small claims court (for up to \$5,000) and can ask the judge for triple your deposit amount back.

Manufactured Home Owners

If you own a manufactured home and are renting a lot, you have unique rights, spelled out in Idaho's Manufactured Home Residency Act (Idaho Code Sections 55-2001 through 55-2019). For example, the landlord has to give you 90 days written notice if she: does not intend to renew your lease, wants to raise your rent, or wants to change the Community's Rules. The landlord also cannot evict you for complaining about the health and safety of the community or for joining a Tenants' Association.

For help finding a rental property:

1-877-428-8844

www.housingidaho.com ^[3]

Evictions

Receiving an eviction notice or just a threat of eviction can be terrifying. Know that you have a right to a proper eviction notice before your landlord evicts you. Often a landlord may have to give you a chance to fix a mistake you made or pay rent if your rent is late.

The landlord has a right to evict you for only certain reasons:

- If you don't pay rent on time (even if you have a good reason like you lost your job or the place needs repairs)
- If you violate the lease agreement
- If you have a month-to-month lease and the landlord gives you 30 days' notice

The landlord cannot evict you for any of these reasons:

- Because you request repairs
- Because you complain about housing code violations
- Because you join a tenants' association
- Because you request a reasonable accommodation or modification
- Because you are a member of a protected class

If a landlord wants to evict you, she has to give you a proper eviction notice. If you violate the lease agreement or you are behind on rent, the landlord has to give you a notice that gives you 3 days to "cure" (fix) the violation or pay your rent. If you "cure" the lease violation in those 3 days, then you can't be evicted. If you don't cure and don't move out, your landlord can bring an eviction suit against you. Your landlord cannot, however, try to force you out by turning off utilities or locking you out.

If you think you are being treated unfairly or evicted illegally, contact Idaho Legal Aid Services.

You can find more information and a free, interactive form to use when you need to respond to an eviction notice at: www.idaholegalaid.org [2].

Housing Issues

Federal Housing Programs

There are several kinds of Federal Housing Programs. Some give tenants “vouchers” to help pay rent for houses and apartments owned by private landlords. In other programs, a government agency charges rent at a reduced rate, based on a tenant’s ability to pay. You have to apply to get into one of the programs. Many have a waiting list before you are accepted.

Federal housing programs sometimes offer additional tenant protections. For example, you might get to have special notice before your landlord attempts to raise rent or evict you. Or your lease might require that you cannot be evicted except for “good cause.” Make sure to read your lease agreement carefully so you are aware of any additional rights you may have. If you have questions about federal housing programs, you can contact your local housing authority or Idaho Legal Aid office.

I’m getting foreclosed upon. Do I have any rights?

Millions of people, including seniors, have found themselves facing foreclosure in the last few years. There are often options to help you avoid foreclosure, such as a loan modification to reduce your interest rate, or a short sale or deed in lieu of foreclosure if you no longer want the home. You may qualify for free legal services from Idaho Legal Aid Services if you are a homeowner facing foreclosure. Make sure to act quickly because there are time limits for requesting certain types of assistance.

Housing counselors are also available to help homeowners avoid foreclosure:

- Idaho Housing & Finance Association 1-877-888-3135
- Boise Neighborhood Housing Services 208-343-4065 ex. 100
- Pocatello Neighborhood Housing Services 208-232-9468 ex. 105
- Community Action Partnership Agency in Lewiston 208-746-3351 ex. 4187 or 1-800-326-4843

Reverse Mortgages

Many seniors have heard about reverse mortgages as a way to pay off other debts, avoid a foreclosure, or have extra income in retirement. A reverse mortgage allows a person age 62 or older to convert equity in their home into cash without having to sell the home or re-pay the loan in monthly payments. The reverse mortgage is paid off when you move out of the home or upon your death. Before you take out a reverse mortgage, it’s important to understand that the costs and fees can be high, there may not be any equity in your home to leave to your heirs, interest rates may be variable and change over time, and you should consider what will happen to your spouse, especially if he or she isn’t included on the reverse mortgage loan agreement. For

more information about reverse mortgages, you can call the U.S. Dept. of Housing & Urban Development (HUD) at 1-800-CALL-FHA or AARP at 1-800-209-8085.

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