



Idaho



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## **ACLU of Idaho, Idaho Legal Aid Services File Urgent Lawsuit to Enforce Tenants’ Rights in Eviction Proceedings**

*Lawsuit enforces tenants’ right to jury trial*

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BOISE, Idaho – Idaho Legal Aid Services and the ACLU of Idaho filed a lawsuit Monday against the State of Idaho to enforce tenants’ rights in eviction cases throughout the state. Tenants have a right to a jury trial in eviction proceedings under the Idaho Constitution. In 1996 the Idaho legislature amended Idaho law to strip tenants of those rights. The lawsuit asks the court to declare that the 1996 amendments cannot supersede tenants’ constitutional right to a trial by jury.

“The right to a jury trial has been guaranteed to all Idahoans since before statehood,” said Howard Belodoff, Associate Director of Idaho Legal Aid Services. “Idaho Legal Aid helps tenants throughout the state who cannot afford a lawyer. Protecting the rights afforded by the Idaho Constitution through this new lawsuit benefits all Idahoans.”

“Tenants have a right to a jury trial and many other rights if they are facing eviction,” said Ritchie Eppink, the ACLU of Idaho’s Legal Director. “It is crucial for tenants to find legal help if they get an eviction notice or have to go to eviction court. Idaho Legal Aid Services has a housing hotline and tenants should call it to make sure they don’t lose their rights.”

Last month, the ACLU of Idaho and Idaho Legal Aid Services filed emergency amicus “friend of the court” briefs in eviction cases throughout Idaho. The brief warned of grave constitutional problems with re-starting eviction proceedings in closed courthouses during the global pandemic while a federal eviction moratorium remains in place. The federal CARES Act prohibits landlords and property management companies from evicting tenants from many homes and apartments across the United States, when federal assistance is involved in the property.

The Idaho Attorney General's office issued a legal opinion last year, agreeing that tenants have a right to a jury trial in eviction cases. Although the Idaho Legislature tried to change that in 1996, the Attorney General's opinion made clear that "legislation cannot trump constitutional matters." Housing experts in the U.S. have continued to warn of a public health and economic crisis as waves of evictions mount while state moratoriums on eviction cases, such as Idaho's, begin to lift.

**Idaho Legal Aid Services Housing Hotline:**

**208-746-7541**

10:00 am to 12:30 pm and 1:30 pm to 4:30 pm Mountain Time

9:00 am to 11:30 am and 12:30 pm to 3:30 pm Pacific Time

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***The ACLU of Idaho** is a non-partisan, non-profit organization dedicated to the preservation and enhancement of civil liberties and civil rights. The ACLU of Idaho strives to advance civil liberties and civil rights through activities that include litigation, education and lobbying. Learn more at [acluidaho.org](http://acluidaho.org).*

***Idaho Legal Aid Services, Inc. (ILAS)** is an Idaho non-profit corporation which for over 50 years has provided high quality legal representation, without charge, to low income Idahoans in all seven Idaho judicial districts. ILAS's mission is to provide equal access to the courts without regard to income or social status. Learn more at [idaholegalaid.org](http://idaholegalaid.org).*