

## **OPPOSE HB 138: EXPEDITED EVICTION LEGISLATION**

The Idaho Apartment Association (IAA) introduced HB 138, which seeks to amend the *Unlawful Detainer Act* so that all evictions in Idaho are completed within an expedited timeframe. This means that a court must schedule a trial no later than 12 days from the filing of a complaint for any reason for the eviction. IAA's proposed language purports to update Idaho landlord/tenant laws, but gives landlords the unprecedented ability to enact expedited eviction proceedings against a tenant with significant financial penalties if an eviction judgement is awarded against a tenant. Given Idaho's statewide lack of access to affordable housing, this bill will significantly harm the housing rights of people with disabilities, children, seniors, refugees, immigrants, low-income Idahoans and others who are reliant on rental properties to provide them and their families with safe and secure shelter.

- HB 138 will make all evictions, for any purpose, expedited under Idaho law. Given the current timeframes for expedited evictions provided under Idaho Code §6-310, this drastically reduces the amount of time tenants would be able to prepare for a court hearing, hire legal counsel, and collect evidence or witnesses to be used in the eviction court.
- Expedited evictions violate the due process rights of a tenant and burdens them with preparing a defense without providing adequate time to gather and present evidence. This is also compounded by the fact that landlords do not have to provide, in any detail, the reason they want to evict a tenant under the summons provision outlined in I.C. 6-310(c). The only notice a tenant would be provided is that they are "guilty of an unlawful detainer."
- The financial penalties proposed under I.C. 6-311A will economically devastate tenants if they are evicted. Not only will they be faced with unexpected moving costs and deposit and application fees for a new rental unit, they will also be liable for treble damages and attorney fees, among other fees, to their former landlord. This creates a financial incentive to initiate expedited evictions against tenants given the potential financial payout awaiting landlords.
- HB 138 will prevent landlords from responding and fulfilling maintenance requests unless a tenant is 100% in compliance with the "material terms" of the lease, potentially placing tenants in unsafe and unstable housing environments. Without defining what "material terms" means it would leave tenants in a vulnerable position, reliant on their landlord's discretion to determine compliance or non-compliance.
- Regardless if a tenant is in full compliance with the lease or whether their actions contributed to the damage, tenants still need a safe place to live. Most tenants, including vulnerable populations, such as seniors and individuals with disabilities, for various reasons, face difficulties in being able to perfectly maintain a rental unit. Because a landlord may refuse to make repairs if a tenant is not in 100% compliance with the lease, many Idahoans could be put at risk of serious injury or death.