



Idaho Court Rules that Families Facing Eviction Have a Constitutional Right to Jury Trial

FOR IMMEDIATE RELEASE:

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Boise, ID — On Monday July 20, 2020, Ada County District Judge Michael Reardon ruled in *Idaho Legal Aid Services v. State of Idaho* that Idaho tenants have a constitutional right to a jury trial in eviction proceedings. The Court struck down the Idaho statute that deprived tenants of their right to a jury in eviction proceeding, finding the statute was unconstitutional under the Idaho Constitution.

“We are already in the midst of an eviction crisis during a global pandemic. The public health emergency worsens in Idaho and a federal eviction moratorium is about to expire if Congress does not extend it soon. Tenants’ rights are as important as ever so this court ruling is a huge victory,” said Howard Belodoff, Associate Director of Idaho Legal Aid Services.

“Monday’s decision vindicated the constitutional rights of Idaho families,” said Ritchie Eppink, The ACLU of Idaho’s Legal Director. “It is essential for tenants to get legal help if they receive an eviction notice or have to defend a complaint filed in court seeking their eviction. Idaho Legal Aid has a housing rights hotline and tenants should call it to make sure their constitutional rights are upheld in eviction proceedings.”

Last month, Idaho Legal Aid services and the ACLU of Idaho filed a lawsuit against the state of Idaho to enforce tenant’s rights in eviction cases throughout the state under the Idaho Constitution. In 1996, the Idaho legislature amended Idaho law to strip tenants of those rights. Due to COVID-19, jury trials in civil court cases like evictions are on hold until October.

Previously, the Idaho Supreme Court halted court proceedings in most evictions for about one month after Governor Brad Little issued the first stay-at-home order, but in May evictions resumed and surged above normal levels.

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

LINK TO DECISION:

https://www.acluidaho.org/sites/default/files/field_documents/memorandum_decision_on_moeexpedited_declaration_and_preliminary_injunction_and_modismisss_00000002.pdf

READ MORE: <https://www.acluidaho.org/en/cases/idaho-legal-aid-services-v-state-idaho>

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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.

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.