

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 511

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO HOMEOWNER'S ASSOCIATIONS; AMENDING SECTION 55-115, IDAHO CODE,
2 TO PROVIDE ADDITIONAL PROHIBITED CONDUCT REGARDING COVENANTS, CONDI-
3 TIONS OR RESTRICTIONS BY HOMEOWNER'S ASSOCIATIONS WITH EXCEPTIONS; AND
4 DECLARING AN EMERGENCY.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 55-115, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 55-115. HOMEOWNER'S ASSOCIATION -- PROHIBITED CONDUCT. (1) As used in
10 this section:

11 (a) "Homeowner's association" shall have the same meaning as in section
12 45-810(6), Idaho Code.

13 (b) "Board" means the entity that has the duty of governing the associ-
14 ation that may be referred to as the board of directors, executive board
15 or any such similar name.

16 (c) "Member" or "membership" means any person or entity owning or pos-
17 sessed an interest in residential real property or lot within the phys-
18 ical boundaries of an established homeowner's association.

19 (2) No fine may be imposed for a violation of the covenants and restric-
20 tions pursuant to the rules or regulations of the homeowner's association
21 unless the authority to impose a fine is clearly set forth in the covenants
22 and restrictions and:

23 (a) A majority vote by the board shall be required prior to imposing any
24 fine on a member for a violation of any covenants and restrictions pur-
25 suant to the rules and regulations of the homeowner's association.

26 (b) Written notice by personal service or certified mail of the meeting
27 during which such vote is to be taken shall be made to the member at least
28 thirty (30) days prior to the meeting.

29 (c) In the event the member begins resolving the violation prior to the
30 meeting, no fine shall be imposed so long as the member continues to ad-
31 dress the violation in good faith until fully resolved.

32 (d) No portion of any fine may be used to increase the remuneration of
33 any board member or agent of the board.

34 (e) No part of this section shall affect any statute, rule, covenant,
35 bylaw, provision or clause that may allow for the recovery of attorney's
36 fees.

37 (3) No homeowner's association may add, amend or enforce any covenant,
38 condition or restriction in such a way that limits or prohibits the rental,
39 for any amount of time, of any property, land or structure thereon within
40 the jurisdiction of the homeowner's association, unless expressly agreed to
41 in writing at the time of such addition or amendment by the owner of the af-
42 ected property. Nothing in this section shall be construed to prevent the

1 enforcement of valid covenants, conditions or restrictions limiting a prop-
2 erty owner's right to transfer his interest in land or the structures thereon
3 so long as that covenant, condition or restriction applied to the property at
4 the time the homeowner acquired his interest in the property.

5 SECTION 2. An emergency existing therefor, which emergency is hereby
6 declared to exist, this act shall be in full force and effect on and after its
7 passage and approval.