

Navigating Evictions in Idaho

A Guide for Tenants and Fair Housing Providers

The work that provided the basis for this publication was supported by funding under a grant with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Federal Government.

The following information is not a substitute for legal advice. If you have been given an eviction notice it is always advisable for you to seek legal counsel immediately.

The Intermountain Fair Housing Council (IFHC) is a nonprofit organization whose mission is to ensure open and inclusive housing for all persons without regard to race, color, sex, religion, national origin, familial status, sexual orientation, gender identity, a source of income, or disability. The IFHC attempts to eradicate discrimination through education on the fair housing laws, housing information and referral, housing counseling, and assistance with mediating and or filing fair housing complaints, among other things. The IFHC also provides education and outreach on fair housing laws and practices to housing providers and others.

Intermountain Fair Housing Council (IFHC) continues to help renters and community members affected by the COVID-19 crisis and will continue to address the impact of the pandemic on housing services in our area. Many tenants have and will continue to experience evictions because of COVID-19, inflation, housing market demands, or any number of the other unprecedented crisis Americans are facing today.

Before discussing eviction, IFHC encourages tenants and housing providers to talk to one another about their needs and work together to find a mutually agreeable solution. We firmly believe that this is one of the best ways to keep everybody housed while preserving credit and rental histories. For tenants, if you can meet your needs and pay rent, you should. If you cannot meet your needs and pay rent, there are services available to you, and we have included them in this guide. For those who find themselves faced with eviction, however, we have compiled a list of resources and best practices for all parties involved. We hope this information can help you and your community to stay healthy and housed during this unprecedented time.

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Idaho Eviction Process

You can be legally evicted if:

- You violated the terms of the lease.
- You don't pay rent or pay late.
- You use, deliver, or produce a controlled substance (drugs) on the premises.
- You rent month-to-month (an open-ended lease) and the landlord gives you 30 days' written notice asking you to move.

You can NOT be legally evicted if:

- You paid rent on time, but the landlord tries to evict you in retaliation because you asked for repairs, called the city for a health code violation, joined a tenants' association
- Your landlord gives you a notice of overdue rent or lease violation and, within three days, you cure the violation or pay the back-rent.
- **Also, your landlord cannot try to physically force you out (for example, turning off your utilities or changing the locks) without going through the legal process of giving you proper written notice and filing suit with the court.**

Note: It is extremely important for you to review your lease carefully prior to signing. If your lease contains a provision regarding termination of the agreement due to non-payment of rent, or deeming the property "abandoned" due to non-payment of rent, an Arbitration Clause that would require you to forgo legal proceedings, or any other concerning statement, you should consider not signing the lease. These provisions are not tenant friendly and may waive important rights you would otherwise have in eviction proceedings. Again, it is always advisable to seek legal counsel and this guide is not a substitute for an attorney.

Are you unsure if you're being evicted?

First, look up your name in Idaho state court records: <https://mycourts.idaho.gov/>

- If an existing eviction case is found, seek legal counsel immediately.
 - **Intermountain Fair Housing Council**
Phone: (208)-336-5353 or (208) 383-0695 or 1-800-632-5125 (toll-free) and 1-800-717-0695 (toll-free)
Email: contact@ifhcidaho.org
Contact us online: www.ifhcidaho.org
 - **Idaho Legal Aid Services, Inc**
Phone: (208) 746-7541
Apply online: www.idaholegalaid.org
 - **Idaho Volunteer Lawyers Program**
Phone: (208) 334-4500
Email: isbwebsite@isb.idaho.gov

Apply online: <https://isb.idaho.gov/ilf/ivlp/legal-assistance/>

– **University of Idaho Housing Law Clinic**

Phone: (208)-364-6166

Email: law-housing@uidaho.edu

Apply online: <https://www.uidaho.edu/law/academics/practical-skills/clinics/housing-clinic>

- If you cannot find your name in a court records search at this time, that does not mean your landlord does not intend to file an eviction in the future and it would still be beneficial for you to seek legal advice. In the meantime you can also:
 1. Request mediation with your landlord (See **“Mediation”** on Page 5)
 2. Review our Self-Advocacy Resources (See **“Tenant Resources”** on Page 7)
 3. Review the following literature:
 - **Idaho Court Assistance Office Eviction Guide:**
<https://courtselfhelp.idaho.gov/docs/publications/H-6.pdf>
 - **ILAS Landlord and Tenant Rights and Responsibilities:**
https://www.idaholegalaid.org/files/Tenants_Rights.pdf
 - **Eviction Course Pamphlet:**
<https://static1.squarespace.com/static/5e4e8b895e0d695d3ef90850/t/62f3cf956fe008224bc7fcc9/1660145568738/Eviction+Court+Resources.pdf>

Have you been given a Three-Day Notice?

A Three-Day Notice to Pay Rent or Quit is a form used to notify a tenant that they are in violation of their lease for not paying rent and that they have 3 days to pay up or move out. It is the first legal step required before a landlord can move forward with an eviction by filing an unlawful retainer.

For tenants, receiving this notice can be scary and even confusing. Maybe you didn't realize that your check bounced, or your account had insufficient funds, so the automatic rent payment didn't go through. Or maybe you had a financial emergency, and you just don't have the money for rent this month.

Landlords are not required to serve tenants with this notice as soon as they are late on rent, and most won't. If there's a good relationship between landlord and tenant, it's much more likely that the landlord will call the tenant to figure out what's going on and when the rent will be paid. If there have been multiple late payments or there isn't a good reason for the rent being late, tenants can likely expect one of these notices from their landlord. Legally, this notice can be served the day after rent is late or if the lease has a grace period, the day after that has passed.

A Three-Day Pay Rent or Quit Notice must be in writing and must contain the following information:

- Full name of the tenant(s).

- Address of the rental unit.
- Date the notice was served to the tenant(s).
- The total amount of rent owed (cannot go back more than 1 year even if more than 1 years' worth of rent is owed).
- Dates for which the overdue rent is for.
- A statement that the tenant(s) owes rent and that it must be paid within 3 days or else an unlawful detainer will be filed with the court.
- The name, phone number and address of the person or company that can receive the rent as well as the days and hours that person or company is available to receive rent.
- A certificate or statement of how the notice was served to the tenant(s).

The landlord cannot require the tenant to pay rent in cash and cannot demand other unpaid amounts such as late fees, interest, utilities, damage, or anything else that is not rent money. If the tenant pays within those 3 days (the first day being the day after the notice is served), then the tenancy continues as normal. Late fees can be charged in accordance with the lease, but even if those are not paid, eviction cannot be pursued after rent has been paid within those 3 days. If the landlord attempts to continue with the eviction by filing an unlawful detainer - which is a summary proceeding to determine the right to possession of real property - the tenant will be able to easily defend against it with proof of paying rent in the 3-day period after the notice was received.

If the tenant offers to pay at some point past the 3 days, the landlord has the option to allow that, or they can proceed with an eviction once the 3 days have passed.

Mediation

Important Note: While mediation can be an important tool for eviction prevention, it is always advisable when facing eviction to seek legal counsel first and not rely on third-party mediation alone. Please note that in some expedited eviction cases, in which hearings are held within 12 days, mediation may sometimes happen at the time of the hearing. Seek legal advice as quickly as possible and get help as soon as you can.

If negotiation seems like a waste of time, or you've tried talking with your landlord and can't resolve the problem, consider enlisting the help of a neutral third-party mediator. Even if your landlord won't speak to you on the phone, a skilled and experienced mediator might be able to get them to the table.

Many people confuse mediation with arbitration, a different legal tool that's seldom, if ever, used in residential landlord-tenant disputes. While both are nonjudicial ways to resolve disputes, there's a huge difference between them: Arbitration, like a lawsuit, results in a binding decision handed down by the arbitrator, who's like a judge. Mediators, by contrast, have no power to impose a decision. Their job is simply to help the parties work out a mutually acceptable solution to their dispute. Put another way, if you and your landlord don't agree on a solution, there is no solution. However, if both sides desire to craft a resolution that both want to be binding, they can do so.

Mediation can be especially good if:

- Your landlord doesn't realize what a poor job the resident manager or management company has been doing, and you want the opportunity to bring this up.
- You are dealing with a good or at least halfway decent landlord, and you think there's hope for resolution.
- You think the landlord is savvy enough to want to avoid a protracted court battle.

Finding a Mediation Service

Many Idaho cities offer free or low-cost community mediation programs that handle landlord-tenant disputes. For information, call your local courthouse or the Idaho State Bar Association, they can refer you to mediation services in your area. You can also call your mayor's or city manager's office and ask for the staff member who handles landlord-tenant mediation matters or housing disputes. That person should refer you to the public office or community group that attempts to resolve landlord-tenant disputes informally—and at little or no cost—before they reach the court stage. Colleges and universities also usually often offer mediation services through their housing offices, especially when there is a large student population living in a relatively small town and the school has taken steps to address the quality of town-gown relations.

Important Note: If you and your landlord reach an agreement, and they have agreed to not move forward with eviction, be sure to get the agreement in writing, signed and dated. A verbal agreement is not enough.

Mediation Resources

- **Idaho Mediation Association**
 - <https://www.idahomediationassociation.org/>
- **American Arbitration Association**
 - <https://www.adr.org/>
- **BSU Conflict Management Resource Center**
 - <https://www.boisestate.edu/sps-conflict/cmrc/>
- **Ada County Small Claims Mediation**
 - <https://www.canyoncounty.id.gov/eviction-court-services/eviction-program/>
- **Canyon County Eviction Mediation Services**
 - <https://www.canyoncounty.id.gov/eviction-court-services/eviction-program/>
- **How to Negotiate or Mediate a Landlord-Tenant Dispute**
 - <https://www.nolo.com/legal-encyclopedia/free-books/renters-rights-book/chapter13-2.html>

Tenant Resources

The following resources are not a substitute for legal advice. If you have been given an eviction notice it is always advisable for you to seek legal counsel immediately.

Self-Advocacy

- **When you represent yourself in a court case you are held to the same standard as an attorney.** This applies to your preparation of paperwork and your conduct at all hearings and/or trial. Your lack of legal knowledge may cause you to make serious errors in handling your case. The laws and court rules are complex and following these instructions will not guarantee that your rights are protected or that you will be satisfied with the result. **You should always talk to a lawyer about your legal problems before filing any legal paperwork.** Even if you do not hire a lawyer to appear in your case, a lawyer can give you more information about your rights. Call IFHC, the Idaho State Bar (208-334-4500) to provide you with the name of an attorney who handles landlord/tenant cases, or contact Idaho Legal Aid Services.
- **Intermountain Fair Housing Council:**
 - By phone: (208)-336-5353 or (208) 383-0695 or 1-800-632-5125 (toll-free) and 1-800-717-0695 (toll-free)
 - By email: contact@ifhcidaho.org
 - Online: <https://ifhcidaho.org/>
- **Idaho Legal Aid Services:**
 - Free Legal Advice Phone Line: (208) 746-7541
 - Intake for the advice lines occurs Monday through Thursday (excluding holidays), from 10:00 a.m. to 12:00 p.m. and 2:00 to 4:00 p.m. Mountain Time (9:00 a.m. to 11:00 a.m. and 1:00 p.m. to 3:00 p.m. Pacific Time). There are no phone intakes on Fridays. However, you may apply online for services at any time.
 - Online: <https://www.idaholegalaid.org/node/2413/apply-legal-assistance>
- **Jesse Tree (for Ada and Canyon Counties Only):**
 - By phone: (208) 383-9486
 - By email: office@jessetreeidaho.org
 - Online: <https://www.jessetreeidaho.org/resource-library>
- **Boise Renters United**
 - Contact Boise Renters United if you would like support or connection with ongoing tenant efforts in Idaho.
 - By email: boiserentersunited@gmail.com
 - On Facebook: <https://www.facebook.com/groups/2433461003338109/>

Reasonable Accommodation Requests (RARs)

One of the many protections of the Fair Housing Act (FHA) is the right of individuals with disabilities to request a reasonable accommodation. A reasonable accommodation is a request to change or modify a landlord's rules, policies, practices, or services to afford a person with a disability an equal opportunity to use and enjoy a dwelling.

If a landlord gives a tenant a termination notice to move, the notice will say how much time the tenant has to move out. Sometimes because of a disability a tenant may need more time to move out. The tenant may need more time to pack. It can be difficult to find a unit that is adapted or adaptable to their specific disability. The tenant can ask for a reasonable accommodation for more time to move. It is important to be specific about the amount of time needed to move. The tenant needs to provide verification that the request is related to the disability.

There are two components to a request for reasonable accommodation: the request itself, signed by the individual, and a verification that the individual needs the accommodation they are requesting.

Example of a Reasonable Accommodation Request letter asking for more time to move because of a disability:

Dear Landlord:

I received a 30-day termination notice with 14 days to remedy on 2/1/19. I have realized that I will not be able to remedy the situation and plan to move out; however, I will need more than 30 days to find housing that will work for me because of my disability. As defined by the Fair Housing Act, I am a person living with a disability. In accordance with the Fair Housing Act, I am asking for a reasonable accommodation to have 45 days to move. This request is necessary for me as a person with a disability to successfully move and find a new place to live. As part of my request, I also ask that you do not move toward evicting me as I am willing to move by choice. Please respond to this request in writing by 2/8/23.

Thank you for your time and consideration,

Tenant

When disability-related behavior is the cause of potential lease termination

Sometimes a person's disability causes behavior that violates the rental agreement. This may lead a landlord to issue a termination or eviction notice. These notices may outline how much time a tenant has to address the behavior. If the tenant plans to address the behavior, they can ask the landlord for more time than what the notice states. In the reasonable accommodation, the tenant will want to:

- Say what part of the lease is being violated according to the termination or eviction notice
- Show the behavior is related to the tenant's disability

- Give the landlord verification that the behavior is related to the disability
- Outline a plan to address the issues
- Include a timeline stating when certain steps will be taken. Provide letters from any agencies or people that will help stabilize the condition (case workers, counselors, doctors, social workers, etc.)

RAR Resources

- **IFHC Guide on Reasonable Accommodations:**
 - <https://ifhcidaho.org/2020/06/27/guide-to-reasonable-accommodations-under-the-fair-housing-act-for-the-medical-professional/>
- **Idaho Legal Aid Services RAR resources:**
 - <https://www.idaholegalaid.org/node/1351/reasonable-accommodation-and-modification-forms-and-packets>
- **IFHC Reasonable Accommodation Request Guide in English, Spanish, and Swahili:**
 - <https://ifhcidaho.org/resources/guide-to-reasonable-accommodation-in-housing-under-the-fair-housing-act/>
- **Idaho Legal Aid Services, Inc Self Help Tools:**
 - <https://www.idaholegalaid.org/topics/2782/reasonable-accommodations>
- **Idaho Attorney’s General Landlord-Tenant Guide:**
 - <https://www.ag.idaho.gov/content/uploads/2018/04/LandlordTenant.pdf>

Assistance Animals

Support animals, service animals, and companion animals are not legally considered “pets,” and tenants are entitled to a support animal regardless of the landlord’s policy on pets. Landlords are not allowed to recommend different types of breeds or animals for service animals/assistance animals. When this dialogue raises competing alternatives, ultimately, it is the tenant’s preference that prevails, so long that it is reasonable. The role of the qualified professional or person in the position to know is to confirm the need. For more information about specific issues related to support, service, and companion animals, please contact Intermountain Fair Housing Council.

☞ **Intermountain Fair Housing Council**

- Contact by phone at (208)-336-5353 or (208) 383-0695 or 1-800-632-5125 (toll-free) and 1-800-717-0695 (toll-free)
- Contact by email at contact@ifhcidaho.org

Constructive Evictions

What is a Constructive Eviction?

Constructive evictions occur when a landlord does not physically or legally evict a tenant but takes actions that interfere with the tenant's use and enjoyment of the premises significantly enough to

constitute “eviction in fact.” The doctrine of constructive eviction is based on a breach of the implied covenant of quiet enjoyment.

https://www.law.cornell.edu/wex/covenant_of_quiet_enjoyment

A constructive eviction can occur as a result of the landlord's breach of the implied covenant of quiet enjoyment if:

- The landlord substantially interferes with the tenant's use and enjoyment of the premises by their actions or failure to act to resolve a problem;
- The tenant gives the landlord notice of the problem, and the landlord fails to respond and resolve the problem; and
- The tenant vacates the premises in a reasonable amount of time after the landlord fails to resolve the problem.

Examples of conduct sufficient to constitute constructive eviction can include severe insect infestations, preventing tenants from obtaining electricity, and failure to provide heating during winter weather conditions.

If you believe that you are facing a constructive eviction, contact a lawyer immediately.

- **Idaho Legal Aid Services, Inc**
 - Phone: (208) 746-7541
 - Apply online at www.idaholegalaid.org
- **Idaho Volunteer Lawyers Program**
 - Phone: (208) 334-4500
 - Email: isbwebsite@isb.idaho.gov
 - Apply online at <https://isb.idaho.gov/ilf/ivlp/legal-assistance/>

If you believe that you are facing a constructive eviction because of a disability or any of the seven classes protected under the Fair Housing Act, contact Intermountain Fair Housing Council

- **Intermountain Fair Housing Council**
 - By phone at (208)-336-5353 or (208) 383-0695 or 1-800-632-5125 (toll-free) and 1-800-717-0695 (toll-free)
 - Be email at contact@ifhcidaho.org

When making a request to your housing provider to address constructive eviction conditions, put the request in writing and have it sent via certified mail. This will allow you to prove that the mail piece was both sent and received by your recipient. For information and instructions on how to send certified mail, <https://www.usglobalmail.com/how-to-send-certified-mail/>. For more FAQ's about sending certified mail visit <https://blog.stamps.com/2018/06/11/usps-certified-mail-faq/>

Service Request of Repairs by Tenant to Landlord

These instructions are not a substitute for legal advice. When filing a complaint, it is always advisable to seek legal counsel immediately.

Step 1 – Deliver the Three-Day Demand for Repairs

This Complaint is used to file an action against your landlord to require that they make necessary repairs which are vital to health or safety and/or involve reasonable waterproofing and weather protection or failure to maintain in good working order electrical, plumbing, heating, ventilation, cooling, or sanitation facilities supplied by the landlord at the rented property. You must have served a written demand that the repairs be made at least 3 days (not counting the day of service) before you can file a Complaint. Your demand may best be served on your landlord via certified mail, return receipt requested. You may also hand deliver your demand to your landlord.

- **Notice for Repairs**
 - https://courtselfhelp.idaho.gov/docs/forms/CAO_TR_1.pdf
- **Affidavit of Service of Notice for Repairs**
 - https://courtselfhelp.idaho.gov/docs/forms/CAO_TR_2.pdf

Step 2 – File your Demand for Repairs with the Court

If your landlord fails to make the repairs you have demanded within three days, fill out the General Civil Case Information Sheet, the Summons with copies, and the Complaint (all three are listed below) with copies to the Courthouse and file in Magistrate Court. You may want to call ahead of time to see how much money you will need to bring for the filing fee. The filing fee must be paid in cash or by money order.

- **General Civil Case Information Sheet**
 - https://courtselfhelp.idaho.gov/docs/forms/Civil_Cover_Sheet_01.17-Fillable.pdf
- **Complaint for Specific Performance**
 - https://courtselfhelp.idaho.gov/docs/forms/CAO_TR_1-1.pdf
- **Summons for Specific Performance and Expedited Trial**
 - https://courtselfhelp.idaho.gov/docs/forms/CAO_TR_1-2.pdf

Step 3 – Serve (Deliver) the Documents

A person over the age of 18 and not a party to the lawsuit must personally serve the defendant(s). An Affidavit of Service or Return of Service is then filed with the Court to prove that the Defendant has been served. Be sure to make a copy of the service documents to keep for yourself.

- **Affidavit of Service of Summons and Complaint for Specific Performance**
 - https://courtselfhelp.idaho.gov/docs/forms/CAO_TR_2-1.pdf

Step 4 – Prepare Forms to Attend the Hearing

Attend the trial at the time scheduled and be on time and dress professionally. Make sure you notify the Court if the problem gets resolved before the court date. At the trial, you (the tenant/plaintiff) must present testimony under oath and provide exhibits establishing a right to a Judgment and Order for Specific Performance. In this action, the plaintiff is entitled to only an order for specific performance such as repairs and bringing the rental premises into compliance, not a judgment for money. However, the judge can award the plaintiff the amount of money it cost them to file the case in court, along with other miscellaneous costs, and may award the plaintiff attorney fees if you are represented by an attorney at the trial.

- **Judgment on Complaint for Specific Performance**

Emergency Rental Assistance

Important Note: As of the creation of this guide, the status of Idaho's Emergency Rental Assistance Program remains undetermined and is subject to possible change. To check on the availability of ERAP funding in your area, please visit: <https://www.idahohousing.com/hpp/>

Even as the American economy continues its recovery from the devastating impact of the pandemic, millions of Americans face deep rental debt and fear evictions and the loss of basic housing security. COVID-19 has exacerbated an affordable housing crisis that predated the pandemic and that has exacerbated deep disparities that threaten the strength of an economic recovery that must work for everyone. To meet this need, the Emergency Rental Assistance program makes funding available to government entities to assist households that are unable to pay rent or utilities.

If you or a renter you know has experienced financial hardship because of the COVID-19 pandemic and cannot pay rent or utilities, short-term assistance may be available.

Landlords and property managers can submit applications on behalf of tenants.

How to apply for rental assistance

You will need to provide documentation of the following:

- Utilities – Gather all past due bills to include water, sewer/garbage, gas, electric, etc. (WIFI and satellite/cable are not eligible)
- Provide a written statement about how the Covid-19 pandemic has affected the renter because they experienced a loss of work, got Covid, were quarantined, had to care for a family member, has a health condition that would be exacerbated if contracted Covid, etc.
- Provide Copies of all household income i.e., SSA/SSDI/SSI, VA, Employment, Unemployment, etc.
- A copy of the full current lease agreement.
- A copy of the Notice for Nonpayment/Eviction

If you do not have one or more of the items above, you can still apply. The organizations distributing the funds can help you identify other options if one or more of these items is not accessible to you.

Ada County Residents

The Boise City & Ada County Housing Authorities (BCACHA) administers the Emergency Rental Assistance Program (ERAP). This program is designed to aid Ada County renters facing financial hardship because of the COVID-19 pandemic. If you are currently renting and your household has experienced financial hardship due to COVID-19, you may be eligible to receive emergency rent and/or utility assistance.

Visit the Emergency Rental Assistance application on the Boise City & Ada County Housing Authority website here.

<https://erap.bcacha.org/>

To qualify you must:

- Be an Ada County resident
- Have a current lease agreement
- Meet income eligibility criteria
 - Visit the ERAP Requirements page to learn more about the specific income eligibility requirements: <https://erap.bcacha.org/prequalification/>
- Have a documented loss of income due to COVID-19
- Be at risk of homelessness or housing instability

You will need the following documents:

- Proof of income, (2 months' worth)
- A copy of your lease agreement,
- A rent delinquency notice or your past-due utility bill,
- Basic information about each household member,
- An electronic copy of a government-issued ID,
- Email address for landlord

The maximum amount of assistance households can receive is dependent upon need and funding availability. If you have any questions about eligibility, or if you need assistance completing the application, please call (208) 363-9710 or email erap@bcacha.org.

All Other Idaho Residents – Outside of Ada County

Idaho Housing and Finance Association Emergency Rental Assistance Program is designed to aid Idaho Residents outside of Ada County facing financial hardship because of the COVID-19 pandemic. Idaho Housing and Finance Association (IHFA)'s Online Application for Emergency Rental Assistance provides the required documents needed to submit an application.

<https://www.idahohousing.com/rental-assistance/rental-assistance-application/>

Visit the Emergency Rental Assistance application on the Idaho Housing And Finance Association website here.

<https://www.idahohousing.com/hpp/>

Eligibility:

- Unable to pay rent/utilities because of COVID-related or economic circumstances
- Idaho resident (excluding Ada County)
- Income is % or less of Area Median Income
- Owe past-due rent/utilities or unable to pay upcoming rent/utilities

The maximum amount of assistance households can receive is dependent upon need and funding availability. If you have any questions about eligibility, or if you need assistance completing the application, please call 1-855-452-080. You can also email rentalassistanceceda@ihfa.org.

Additionally, the Consumer Financial Protection Bureau (CFPB) has a tool that allows you to find rental assistance programs in your area. This tool can search for programs in any state, territory, tribe, or tribal lands.

Visit CFPB's Find rental assistance program tool here:

<https://www.consumerfinance.gov/coronavirus/mortgage-and-housing-assistance/renter-protections/find-help-with-rent-and-utilities/>

Learn more about funding to state, local, territorial, and Tribal governments for emergency rental assistance on the U.S. Department of Treasury's website here:

<https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program>

Resources For Landlords and Fair Housing Providers

TransUnion SmartMove data found that total eviction-related expenses for property managers averages \$3,500 and can take as long as 3-4 weeks for the eviction process to run its course. Further, there are also personal and opportunity costs to take into consideration, such as the strain and stress of an ongoing legal battle. The more time you spend on an eviction, the less time you have for other potential business endeavors, or away from work with friends and family.

Ideally, you and your tenant can try to resolve a problem before an eviction notice is ever sent. (See **"Mediation"** on page 5) Once an eviction notice has been sent, however, you are required to wait a certain amount of time for the tenant to resolve the problem. If the problem goes unresolved, and this waiting time lapses, a complaint in court is filed. After a court date is sent, your tenant will receive a summons. They have the choice to respond to this summons with an answer or resolution, or they can wait for the hearing. In court, the two of you will each describe your version of the story and wait for a judge's decision.

Even if you do win a financial judgment against the tenant, the American Collectors Association reports only a 17% success rate on the average debt collection (2010 Benchmarking Survey). After all, if a tenant is evicted because of their inability to pay rent, it is not very realistic to expect that you will be able to recoup your losses from them in a timely fashion, even after a court judgment.

How much does it cost to evict someone in legal fees?

Real estate or eviction attorneys can charge either a flat fee or by the hour, so what it costs to evict someone depends both on their experience and complexity of the case. The low-end average cost of eviction in legal fees is around \$500.

Once filed, evictions can be, and often are, contested by the tenant. Disputed evictions represented by counsel can make an otherwise simple eviction more complex. Discovery, motions, and jury trial demands can increase legal costs and drag out the process, meaning more time and resources spent on legal fees, plus any additional cost in further lost rent and wasted time.

How much does it cost to evict someone in court costs?

Eviction costs in terms of court expenses can vary, but the national average is \$50 plus legal fees if any. Keep in mind that this figure does not include any additional charges you may incur from the sheriff's office to serve notice, so be sure to research this eviction cost as well before filing.

How much does it cost to evict someone in terms of lost rent?

There's a reason why lost rent is one of landlord's biggest fears; along with legal fees, this lost rental income is one of the most expensive costs incurred during an eviction. During any legal proceedings for an eviction case, rent continues to accrue, and regardless of the court-ordered outcome, there may be unpaid rental debt owed to you. Based on, and assuming an average 2–3-month eviction process, evictions typically cost \$2,540 due to vacancy—which is no small number for landlords.

How much does it cost to evict someone in terms of property turnover?

There are many factors, but including your pro-rated monthly mortgage payment, Homeowner's Association membership dues, and how you choose to advertise the listing are a few of the big contributors. On average, property turnover costs can amount to around \$1,750.

How much does it cost to evict someone for property damages?

Even if the tenant was respectful to your property, and was evicted with no damage done, there may still be cleaning fees if you use an outside service to clean the property before re-renting. Remember that a tenant that is being evicted (and therefore unable to collect their rent deposit) is likely to have little motivation to clean the property before they vacate the premises. If you're lucky, you won't have any property damage at all, but one eviction cost you can count on is the changing of locks. Be prepared to spend roughly \$150 on a locksmith. Beyond this, it can be really hard to pin down exact amounts, considering the number of variables.

Eviction Prevention Resources for Landlords:

- **Jesse Tree Landlord and Partner Resources (Ada and Canyon Counties Only):**
<https://www.jessetreeidaho.org/landlord-partner-resources>
- **Four Reasons Why Landlords Should Take Advantage of Federal Rental Assistance:**
<https://www.consumerfinance.gov/about-us/blog/four-reasons-landlords-should-take-advantage-federal-rental-assistance/>
- **Jesse Tree Tenant Referral Form (Ada County Only):**
<https://www.jessetreeidaho.org/refer>

- **Intermountain Fair Housing Council:**
<https://ifhcidaho.org/contact-us/>
- **Idaho Law Foundation Housing/Eviction Resources:**
<https://isb.idaho.gov/ilf/ivlp/legal-assistance/housing-resources/>

Resources for Farmworkers and Immigrants

The pandemic exacerbated persistent housing inequities experienced by farmworkers and their families. As migrant farmworkers travel seasonally from harvest to harvest, the rapid influx into agricultural communities often overwhelms local housing resources. The lack of housing, coupled with the inability to maintain two homes, forces many farmworkers to sleep in garages, tool sheds, caves, fields, parking lots, vehicles, tents, or other similar makeshift structures.

Relief Fund Application

The Ayuda Para Nuestras Familias relief fund is now open to applicants who need funds to get through this tough time. To apply applicants must be an agricultural worker and or an immigrant, living in Idaho, and going through financial hardship due to the pandemic. Priority will be given to those who are undocumented, who have lost their wages, hours, and or jobs due to COVID-19 and who are at high risk of contracting the virus, and/or may have gotten sick or are caring for loved ones who have the virus. The first round of applications is now being accepted. Please be aware that not all will qualify for funding and or funds may run out due to the high volume of applicants. Please put as much detail as possible about your situation in the last two questions. Only one applicant per household or family. Applications not completely filled out will not be reviewed. You may consider contacting IFHC for help applying for ERAP as well (See **“Emergency Rental Assistance”** on page 12).

Apply here: <https://communitycouncilofidaho.org/ayuda/>

For more information:

- Call (208) 453-3004
- Email ayuda@ccimail.org

IFHC’s Migrant Farmworker Resource Guide

The Migrant Farmworker Resource Guide offers support to some of the most vital members of our community as we all continue to navigate the COVID-19 pandemic. With this guide IFHC aims to connect Idaho farmworkers with housing resources, labor protections, early childhood education programs and more.

- Spanish Version:

- <https://ifhcidaho.org/wp-content/uploads/2022/09/Guia-de-Vivienda-Justa-para-trabajadores-agricolas.pdf>
- English Version:
 - <https://ifhcidaho.org/wp-content/uploads/2022/09/Migrant-Farmworker-Guide-1.pdf>

Evictions from Institutional Living Centers

If a nursing home, assisted living or other congregate facility believes that it has grounds to evict a resident, it must give a written notice to the resident and resident's representative in a language that the resident and representative understand. The notice must include the alleged reason for the eviction, the planned eviction date, the location to which the resident will be transferred, an explanation of the resident's appeal rights, and contact information for the long-term care ombudsman program. In general, the notice must be given at least 30 days before the planned eviction, although in some cases a shorter notice period is allowed.

Many involuntary discharges can be resolved successfully. Ombudsman program representatives are knowledgeable about discharge requirements and empowered by law to advocate for you. You can seek help resolving an eviction or involuntary discharge by contacting your local Ombudsman.

- **Boise Area:** (208) 898-7060
- **Coeur d'Alene Area:** (208) 667-3179
- **Idaho Falls Area:** (208) 522-5391
- **Lewiston Area:** (208) 743-5580
- **Pocatello Area:** (208) 233-4032
- **Twin Falls Area:** (208) 736-2122

There are six reasons that a facility can transfer/discharge a resident against their will:

1. The facility cannot meet the resident's needs*
2. The resident no longer needs nursing facility services
3. The resident's presence endangers the safety of others in the facility*
4. The resident's presence endangers the health of others in the facility*
5. The resident has failed to pay
6. The facility is closing.

*If a Reasonable Accommodation exists or has been requested in order to resolve this issue for the parties affected, however, then the resident may **not** be discharged or transferred against their will. (See "**Reasonable Accommodation Requests**" on page 8)

The law requires:

- The nursing home to problem-solve the reason for discharge and make attempts to address the issue(s).
- That a doctor document the reason for discharge in your medical record.
- The facility to state the reason for discharge in the written notice.

Know Your Rights – Facility Discharges

- You have the right to speak with your Power of Attorney, family, local ombudsman, advocate, caregiver, or an attorney regarding your discharge.
- An assisted living or nursing facility must provide you with a written notice of discharge or eviction and this notice must state why you are being threatened with discharge or eviction.
- You cannot be forced from your residence without a court order.
- You have the right to appeal your discharge within 30 days of receiving a written notice of discharge.

Important Note: Institutional Facilities, Assisted Living Centers, and Congregate Facilities must also comply with State landlord-tenant law, fair housing laws, and other housing/civil rights laws. Contact legal assistance if facing eviction/termination. (See **“Idaho Eviction Process”** on page 3)

If you receive a discharge notice:

- **Call your local ombudsman immediately**

If you live in assisted living, and you believe your rights have been violated:

- **Call your local ombudsman immediately**
- Contact Idaho Department of Health and Welfare’s Residential Assisted Living Facilities Program
 - By phone at (208) 364-1962
 - By email at RALF@dhw.idaho.gov

If you live in a nursing facility, and you believe your rights have been violated:

- **Call your local ombudsman immediately**
- Contact the Idaho Department of Health and Welfare’s Bureau of Facility Standards, Long-term Care Program
 - By phone at (208) 334-6626
 - By email at fsb@dhw.idaho.gov

If you need legal advocacy or representation, contact one of the following:

- **DisAbility Rights Idaho**
 - By phone at 866-262-3462 (statewide toll-free)
 - Online at <https://disabilityrightsidaho.org/>
- **Intermountain Fair Housing Council**
 - By phone at (208)-336-5353 or (208) 383-0695 or 1-800-632-5125 (toll-free) and 1-800-717-0695 (toll-free)
 - By email at contact@ifhcidaho.org
- **Idaho Legal Aid Services, Inc.**
 - By phone at (208) 746-7541
 - Apply online at www.idaholegalaid.org

Institutional Living Resources:

- **Nursing Home Discharge Fact Sheet:**
 - <https://ltcombudsman.org/uploads/files/support/nursing-home-discharges-final.pdf>
- **About Medicaid for the Elderly or Adults with Disabilities:**
 - <https://healthandwelfare.idaho.gov/services-programs/medicaid-health/about-medicaid-elderly-or-adults-disabilities>
- **National Center on Law and Elder Rights Guide on Defending Evictions from Nursing Homes and Assisted Living Facilities:**
 - <https://ncler.acl.gov/pdf/LTC%20and%20Evictions%20Issue%20Brief.pdf>