

IN THE SENATE

SENATE BILL NO. 1194

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO THE MANUFACTURED HOME RESIDENCY ACT; AMENDING SECTION 55-2003,  
2 IDAHO CODE, TO REVISE A DEFINITION AND TO REMOVE A DEFINITION; AND  
3 AMENDING SECTION 55-2004, IDAHO CODE, TO REMOVE A REFERENCE TO PARK  
4 MODEL.  
5

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

7 SECTION 1. That Section 55-2003, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 55-2003. DEFINITIONS. For purposes of this chapter, unless the provi-  
10 sions or context otherwise requires, the following definitions shall gov-  
11 ern:

12 (1) "Abandoned home" means a home that:

13 (a) Is located in a community on a lot for which no rent has been paid for  
14 the preceding sixty (60) days; and

15 (b) The landlord reasonably believes under all the circumstances, by  
16 absence, words or actions, that the resident has left the home upon the  
17 lot with no intention of asserting any further claim to the lot or the  
18 home; or

19 (c) Is unoccupied or uninhabitable because of its total or partial de-  
20 struction.

21 (2) "Community" means any real property that is rented or held out for  
22 rent to others for the placement of two (2) or more homes for the primary pur-  
23 pose of production of income.

24 (3) "Department" means the Idaho department of transportation.

25 (4) "Fees" means financial obligations incidental to a resident's  
26 tenancy including, but not limited to, charges for late payments, pets, the  
27 storage of recreational vehicles and the use of community facilities.

28 (5) "Home" means a mobile home, ~~or~~ or a manufactured home ~~or a park model~~.

29 (6) "Landlord" means the owner, lessor, sublessor or operator, or any  
30 combination thereof, of a community and includes the agents of the landlord.

31 (7) "Lot" means a specific area or portion of land in a community for  
32 rent, designated and designed to accommodate one (1) home and its appurte-  
33 nances and intended for the exclusive use as a residence by the approved oc-  
34 cupants of that home.

35 (8) "Manager" means the person in charge of operations or in control of  
36 a community, whether or not he or she is the owner. "Manager" includes any  
37 company chosen by the landlord to administer or supervise the affairs of the  
38 community.

39 (9) "Manufactured home" or "manufactured house" means a structure as  
40 defined in subsection (8) of section 39-4105, Idaho Code.

41 (10) "Mobile home" means a structure as defined in subsection (9) of  
42 section 39-4105, Idaho Code.

1           (11) "~~Park model~~" means a vehicular type unit that has a floor area of  
2 four hundred (400) square feet or less, meets the American national stan-  
3 dards institute (ANSI) recreational standard A119.5, is primarily designed  
4 for permanent or semipermanent installation and is used as a residence.

5           ~~(12)~~ "Other charges" means fees, service charges, utility charges or  
6 any other financial obligations specified in the rental agreement, but not  
7 including rent.

8           (132) "Recreational vehicle" means a vehicular type unit as defined in  
9 subsection (2) of section 39-4201, Idaho Code.

10          (143) "Rent" means periodic payments to be made in consideration for oc-  
11 cupying a lot.

12          (154) "Rental agreement" means a lease or agreement between the land-  
13 lord and the resident embodying the terms and conditions concerning the use  
14 and occupancy of a lot and includes month to month tenancies that arise out of  
15 the expiration of a fixed term rental agreement.

16          (165) "Resident" means a person lawfully entitled under a rental agree-  
17 ment or lease to occupy a lot in a community to the exclusion of others. "Res-  
18 ident" also means a tenant as that term is defined and used in other applica-  
19 ble state and federal laws.

20          (176) "Security" or "security deposit" means any refundable money or  
21 property given to assure payment or performance under a rental agreement.

22          (187) "Service charges" means separate charges paid for the use of elec-  
23 trical and gas service improvements that exist at a lot, or for trash re-  
24 moval, sewage and water, or any combination of the foregoing.

25          (198) "Transient" means a person who rents a lot for a period of less  
26 than one (1) month.

27          (2019) "Utility" means a public utility that provides electricity,  
28 natural gas, liquefied petroleum gas, cable television, sewer services,  
29 garbage collection or water.

30          SECTION 2. That Section 55-2004, Idaho Code, be, and the same is hereby  
31 amended to read as follows:

32          55-2004. CHAPTER GOVERNS. This chapter shall regulate and determine  
33 legal rights, remedies and obligations arising from any rental agreement be-  
34 tween a landlord and a resident regarding a lot, except in those instances  
35 in which: (i) the landlord is renting both the lot and the home to the resi-  
36 dent; or (ii) the lot is rented or held out for rent to a recreational vehicle  
37 or travel trailer, ~~not including a park model~~. All such rental agreements  
38 shall be unenforceable to the extent of any conflict with any provision of  
39 this chapter. This chapter does not abrogate any rights the landlord or res-  
40 ident has under the laws and constitution of the United States or the state of  
41 Idaho.