



Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 55

PROPERTY IN GENERAL

CHAPTER 32

HOMEOWNER'S ASSOCIATION ACT

55-3206. VIOLATIONS — DUE PROCESS AND NOTICE — LIMITATION ON FINES — ATTORNEY'S FEES. (1) No fine may be imposed for a violation of the covenants and restrictions pursuant to the rules or regulations of a homeowner's association unless the authority to impose a fine is clearly set forth in the covenants and restrictions. A majority vote by the board is required before any fine may be imposed on a member for a violation of any covenants and restrictions pursuant to the rules and regulations of the homeowner's association. Written notice must be provided to the member at least thirty (30) days prior to a meeting at which a vote to impose a fine on the member is to be held. Service of the notice must be by personal service or certified mail.

(2) In the event the member begins resolving the violation prior to a meeting held pursuant to subsection (1) of this section, no fine may be imposed as long as the member continues to address the violation in good faith until fully resolved.

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

(4) Except as may otherwise be provided in this subsection, nothing in this section is intended to affect any statute, rule, covenant, bylaw, provision, or clause that may allow for the recovery of attorney's fees. Attorney's fees and costs may not accrue or be assessed or collected by the homeowner's association until the homeowner's association has complied with the requirements of this section and the member has failed to address the violation as set forth in subsection (2) of this section. A court of competent jurisdiction may determine the reasonableness of attorney's fees and costs assessed against a member. In an action to determine the reasonableness of attorney's fees and costs assessed by the homeowner's association against a member, the court may award reasonable attorney's fees and costs to the prevailing party.

History:

[55-3206, added 2022, ch. 323, sec. 4, p. 1042.]

How current is this law?