HOA Authority in Idaho

Fines, liens, rental restrictions, and the 2026 changes practitioners need to know.

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The Short Version

- **An Idaho HOA cannot restrict rentals of any duration** without the affected owner's express written consent at the time the restriction is added or amended (Idaho Code 55-3211).
- **That protection attaches to the property, not just the objecting owner.** In 2026 the Idaho Supreme Court held an unconsented restriction cannot be enforced against later purchasers — even with record notice.
- **Fines require clear covenant authority, a majority board vote, and 30 days' written notice** by personal service or certified mail — and no fine if the owner begins resolving in good faith.
- **HOA authority and local government authority are separate regimes.** HB 583 limits what cities and counties may do about short-term rentals. It does not govern private covenants.

The Framework

Idaho regulates HOAs through the Homeowner's Association Act (Title 55, Chapter 32, enacted 2022) and, for nonprofits, the Idaho Nonprofit Corporation Act. The Act reaches any residential association where membership is tied to ownership and the association may assess and lien under its recorded governing documents — incorporated or not. Outside the Act, governing documents control. Note: HOA governing documents are not public records in Idaho; members must request them.

Governance. Board meetings must be open to members and their designated representatives. An annual membership meeting is required. Except during declarant control, only one owner per lot may serve on the board, and household co-members may not serve together. No owner may hold proxies exceeding 50 percent of total votes. (Proxy and household limits do not apply to associations under 20 residences or during declarant control.) The Act requires fee and financial disclosures, and members may remove directors under Idaho Code 30-30-502 and 30-30-608.

Fee-shifting is the enforcement engine. If an HOA violates the Act and a member prevails in an action to protect their rights, the member is entitled to reasonable attorney's fees.

Fines — 55-3206. Authority must be clearly set forth in the covenants. A majority board vote is required. Written notice must be served at least 30 days before the fine vote, by personal service or certified mail. If the member begins resolving the violation beforehand, no fine may be imposed while they continue in good faith. No fine may increase board remuneration. Attorney's fees cannot accrue until the association has complied and the member has failed to act; a court may review reasonableness.

Liens — 55-3207. An HOA may assess for reasonable common-area maintenance costs, file a lien claim in the county where the lot sits (generally within 12 months of the assessment coming due), serve notice identifying the assessments and amount due, and foreclose much as a lender would. The federal Fair Debt Collection Practices Act applies when a third-party collector is used — not when the association collects on its own behalf.

Uses an Idaho HOA Cannot Prohibit

These override governing documents. Neither a board vote nor a CC&R amendment can eliminate them.

Protected Use	Statute	Scope
Solar panels / collectors	55-3208	Rooftop installation cannot be prohibited; placement may be specified if orientation is south or within 45° east/west of due south
Political signs	55-3209	Reasonable size, number, duration rules allowed; prohibition is not
Flags	55-3210	Cannot be prohibited by covenant or amendment
Rentals (any duration)	55-3211	Cannot be limited or prohibited without the affected owner's written consent
Accessory Dwelling Units	55-3212	Cannot be limited or prohibited without the affected owner's written consent
Family daycare homes	55-3213	Protected on and after July 1, 2024

Rentals and Short-Term Rentals — The Central Issue

Section 55-3211 provides that no HOA may add, amend, or enforce any covenant limiting or prohibiting the rental, for any amount of time, of any property in its jurisdiction, unless expressly agreed to in writing at the time by the owner of the affected property. It was a direct legislative response to Adams v. Kimberley One Townhouse, which had allowed rental restrictions through the general covenant amendment process — and it effectively overrode covenant provisions permitting restriction by majority or supermajority vote.

North Henry's Lake HOA v. Norton (Idaho Supreme Court, 2026). An association amended its CC&Rs in 2016 to bar rentals under 30 days for owners acquiring after recording. The affected parcel's owner voted no and never consented in writing. The property later changed hands several times, with deeds referencing the CC&Rs. The Court affirmed for the homeowners on an issue of first impression: the restriction never validly applied to that property, so it cannot be enforced against later purchasers. Recording and constructive notice do not supply the missing statutory consent.

What This Means for REALTORS®

- Pull and read the CC&Rs early. A recorded rental restriction is no longer proof it is enforceable against a given parcel — the question is whether the affected owner consented in writing when it was adopted.
- Diligence now includes amendment history and consent records, not just the current recorded document.
- Distinguish the two regimes for clients. HB 583 governs what the city or county can require; it does not touch private covenants.
- Direct hosts have a new obligation — registration with the Idaho State Tax Commission and their own tax compliance.
- Insurance does not follow the statute. Residential reclassification for zoning does not change policy language. Send clients to their carrier.

Sources: Idaho Code Title 55, Ch. 32; Idaho Code 67-6539 and 63-1804 as amended by HB 583 (2026); North Henry's Lake HOA v. Norton (Idaho 2026); Adams v. Kimberley One Townhouse. For member education only — not legal advice; governing documents vary. Current as of July 2026 and subject to change.