



C.L. "BUTCH" OTTER
GOVERNOR

March 24, 2016

The Honorable Scott Bedke
Speaker of the House
State Capitol
Boise, ID 83702

Dear Mr. Speaker,

I hereby advise you that I have transmitted to the Office of the Secretary of State, with my approval, the following House Bill, to wit:

H 511

within the time prescribed by law, the same having arrived in the Office of the Governor at the hour of 10:56 a.m. on March 21, 2016.

While this legislation was inspired by a particular Valley County property rights dispute between a homeowner and a homeowners' association or HOA, it's important to understand that there is no retroactivity clause in House Bill 511 that would make the policy change it embodies applicable to that specific situation.

But going forward, the legislation addresses a fundamental question of fairness that should be applied in the future: Should an HOA – by amending, adding or enforcing its covenants, conditions and restrictions (CC&Rs) – be able to bar a homeowner from renting out their house if no such restriction existed when the home was purchased?

The answer should be no, and this legislation clarifies what I consider to be a commonsense position in support of private property rights.

I understand concerns about the potential for property values being damaged by rentals and the mission of HOAs to collectively protect and enhance the property value of its members. However, House Bill 511 does not further restrict the authority of HOAs, and in fact it provides an avenue of redress for HOAs by allowing changes to their CC&Rs regarding rentals with the written consent of the homeowner.

Without that consent, the legislation properly preserves homeowners' freedom to lawfully rent out their property.

As Always – Idaho, "Esto Perpetua"

A handwritten signature in black ink, appearing to read "C.L. Otter", written over a horizontal line.

C.L. "Butch" Otter
Governor of Idaho

Cc: Lieutenant Governor Brad Little