

SUMMARY STATEMENT

North Henry's Lake Homeowners Association, Inc., v. Norton
Docket No. 51990

This appeal concerned whether Idaho Code section 55-3211's prohibition on the addition of any restrictions that limit short-term rentals in a subdivision without the express written consent of the property owner protects a particular property owner or a particular property. North Henry's Lake Homeowners Association ("the HOA") brought suit against the respondent homeowners ("the Homeowners") to enforce an amendment to the subdivision's covenants, conditions, and restrictions ("CCRs") that prohibited any property in the subdivision from being leased as a short-term rental and further sought an injunction to prevent the Homeowners from doing so. The district court granted summary judgment in favor of the Homeowners, concluding that the restriction on short-term rentals did not apply to their property because neither the owner of the property in 2016—when the short-term rental restriction was added to the CCRs—nor any subsequent purchaser or owner of the property since that time, expressly agreed to the restriction. The HOA appealed, contending the district court erroneously interpreted section 55-3211 to protect the property when the statute protects only the owner of the property at the time the restriction on short-term rentals was added.

The Idaho Supreme Court affirmed the district court's judgment. The Court first held that Idaho Code section 55-3211 unambiguously prohibits a homeowner's association from adding a rental restriction to any property within its jurisdiction unless the property owner expressly agrees in writing to that restriction at the time it is added. The Court then held that because it was undisputed that no owner of the property ever agreed to the rental restriction, the short-term rental restriction contained in the 2016 amendment to the CCRS does not encumber the property and cannot be enforced by the Homeowners.

******This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.******