



What To Do If Your Landlord Shuts Off Your Utility Service(s)?



Note: This guide is intended to provide general legal advice regarding what to do if your landlord illegally shuts off your utility service. If you need specific legal advice regarding your situation, please contact Idaho Legal Aid Services, Inc.'s Housing Advice Line at: (208) 746-7541.

Can My Landlord Shut Off My Utility Service?

Answer: In most situations, no.

Legal Temporary Shutoff of a Utility Service

It is legal for a landlord or utility company to shut off a utility for a reasonable amount of time if repairs are needed.

Step 1: Call Your Utility Service Provider

In most situations, your landlord cannot shut off your utility service. If your landlord shuts off your utility service, first call your utility service provider to ask that the utility service be changed from your landlord's name to your name on the account and for your utility service to be turned back on.

If this does not work because your utility service cannot change the account into your name or because the landlord controls the utility service, such as in some mobile home communities, please go to Step 2 below.

What if my landlord or the owner of my manufactured home pays my utility service for me?

A landlord or owner of a manufactured home community cannot shut off utility service even in this situation and you have the right to put the utility service in your name.

Did You Know?

The Idaho Public Utilities Commission bans public utilities from shutting off a customer's gas or electric heat during December, January, and February, **if**: (a) a customer can't pay the electric or gas bill and the customer has children; (b) the customer is elderly; or, (c) there are ill people living in the home.

Note: This applies only to public utilities.

Step 2: Give Your Landlord a Letter Stating that Shutting Off Utility Service Can be Considered an Illegal Eviction

Write a letter to your landlord demanding that the utility service be turned back on immediately.

In this letter, you should also tell the landlord that shutting off the utility service can be considered an unlawful or illegal eviction and that the landlord may face damages for an unlawful or illegal eviction if you have to sue the landlord in court. In your letter, you should refer to the Idaho Office of the Attorney General's Landlord Tenant Manual, on page 27, which states: "Landlords may not engage in any form of self-help to force a tenant out of a rental property. It is unlawful for a landlord to shut off the utilities or do anything other than institute lawful eviction proceedings."

You can find a copy of this Manual here: [Idaho Attorney General's Office Landlord Tenant Manual](#), which you can attach to your letter to your landlord, or you can write in your letter that this Manual can be found online at the Idaho Office of the Attorney General's website.

If your landlord does not turn your utility service back on after receiving this letter, please go to Step 3 below.

Step 3: Give Your Landlord a 3-Day Notice for Repairs for Shutting Off Your Utility Service

3-Day Notice for Repairs

If your landlord shuts off your utility service, it can be argued that this is a violation of the landlord's duties to the tenant. **Under Idaho Code Section 6-320, a landlord must provide the following services to a tenant:**

- (1) Reasonable waterproofing and weather protection of the premises;
- (2) Electrical, plumbing, heating, ventilating, cooling, or sanitary facilities, in good working order;
- (3) A premises that is not hazardous to the health or safety of the tenant;
- (4) Return a security deposit as and when required by law;
- (5) Breach of any term or provision of the lease or rental agreement materially affecting the health and safety of the tenant, whether explicitly or implicitly a part thereof; and,
- (6) Install approved smoke detectors in each dwelling unit, to include mobile homes, under the landlord's control, and to verify that smoke detectors have been installed and are in good working order in the dwelling unit before the lease term begins.

▪ *Note: However, it is the tenant's responsibility to maintain the smoke detectors in good working order during the tenant's rental period.*

If the landlord does not provide any of the above services to the tenant, including any utility service in good working order, the tenant may provide the landlord with a 3-day notice for repairs. This notice should demand that landlord turn the utility service back on and/or repair the service within 3 days.

Click here for a form you can use for a [3-Day Notice for Repairs](#).

How do I serve my landlord with the 3-Day Notice for Repairs?

There are three ways that you can serve (deliver) the 3-Day Notice for Repairs to your landlord:

1. To a landlord, or their agent*, in person; OR,
2. **IF** a landlord, or their agent*, was not at their usual place of business, you can leave a copy with an employee at the landlord's/agent's usual place of business; OR,
3. You can send a copy by certified mail, addressed to a landlord, or their agent, at the business's mailing address.

*Note: A property management company may be an agent of a landlord.

Legal Tip: Keep a copy of the 3-Day Notice for Repairs for your records and keep another for filing with the court if you have to sue your landlord as described in Step 3 below.

Affidavit of Service: If you have to sue your landlord in Step 3 below, you will need to file an Affidavit of Service form with the court, to show the court that you served (delivered) the 3-Day Notice for Repairs to your landlord in one of the above three ways. You can find this form here: [Affidavit of Service of the 3-Day Notice for Repairs](#).

Legal Tip: If you serve your landlord or his/her agent in person, you may want to bring a witness. that is over 18. with you when you serve the landlord to observe the delivery of the notice.

Step 4: Suing Your Landlord for Shutting Off Your Utility Service

If your landlord does not turn the utility service on within 3 days of you serving (delivering) the 3-Day Notice for Repairs, you have the right to sue your landlord for specific performance (for a court order that the landlord has to turn the utility service back) and for any damages you suffered as a result of the loss of utility service.

Damages could be a wide variety of things, such as reimbursement for the cost of refrigerated groceries going bad due to electricity being shut off, the cost of a motel or hotel if the rental premises was unlivable due to the utility being shut off (for example, heat being shut off in the middle of winter), damage to pipes if frozen, etc.

How to File Your Case

You will need to fill out and file the following three documents with the court to request a court order forcing the landlord to turn your utility service back on:

1. [Civil Case Information Sheet](#)
2. [Complaint for Specific Performance](#)
3. [Summons for Specific Performance and an Expedited Trial](#) *

You will also need to attach the following exhibits to your Complaint:

- Exhibit A: A copy of the **3-Day Notice for Repairs** you delivered to your landlord; and,
- Exhibit B: A copy of the **Affidavit of Service** for your 3-Day Notice for Repairs.

**Note: You may also find editable RTF versions of all these forms (compatible with Microsoft Word) online at: <https://courtselphelp.idaho.gov/Forms/housing>.*

Legal Tip: If you cannot afford court costs and fees to file a case, you can file a Motion and Affidavit for a Fee Waiver: [Motion and Affidavit](#) and [Order Regarding Fee Waiver](#) at the same time you file the above three documents and two exhibits with the courthouse. Call your local courthouse to inquire into court costs and fees.

Where Do I File My Case?

Once your paperwork is complete, take a copy of it with you to the court clerk's office in the courthouse in the county in which you reside/where the rental property is located.

If you are unsure where your county courthouse is located, please view the Idaho State Court Directory [here](#).

How do I serve (deliver) the Complaint and the Summons?

You must serve (deliver) the Complaint for Specific Performance and the Summons for Specific Performance and an Expedited Trial on the landlord, or their agent, in person, by handing the documents to the landlord or their agent.

Once the Complaint and Summons have been served on the landlord, you will need to file an Affidavit of Service with the court to show that you served (delivered) the Complaint and Summons to your landlord. You can find this form here: [Affidavit of Service of Complaint for Specific Performance and Summons for Specific Performance and an Expedited Trial](#).

Notary Public: You will need to sign and date this Affidavit of Service before a notary public before you can file it. You can fill out all other information on the form, other than your signature and the date, ahead of time. Your local courthouse should have a notary public who can witness your signature and date but a small fee may be charged for this service. Remember to bring a form of either state or federally-issued picture ID with you to verify your identity.

Step 5: Prepare for Your Trial

Once you have filed your documents, the court will schedule an expedited trial. An expedited trial is held within 12 days of the filing of your Complaint, Summons, and Civil Case Information Sheet.

Collect Evidence: To prepare for your trial, collect any documents that will help prove that: your landlord owns the rental property; has a rental agreement with you; that your utility service has been shut off by your landlord; that you have contacted the landlord regarding the shut off; that the landlord has refused to turn your utility service back on; and any proof of damages you suffered as a result of the shut off. For example, this evidence may include documents, such as a copy of your lease, receipts for items purchased and then damaged by the utility shutoff (such as refrigerated groceries), letters, or notices, photographs, recorded audio messages, or text messages. Bring this evidence with you to the court.* Please see Instructions for Filing a Repairs Case here for more information: [Instructions for Filing a Repair Case](#)

Before your hearing, write down in bullet points any information you think is important for the judge to hear related to the shut off of your utility service(s) so that you can quickly reference those bullet points if you forget what you wanted to talk about.

Fill out the [Judgment on Complaint for Specific Performance](#) in your case and bring it with you to your hearing for the judge.

***Remote Hearings:** If your hearing is a remote hearing online, you may have to file any evidence you would like the judge to consider in your case at least one day before the trial is scheduled. Please contact the court clerk's office at your courthouse to inquire into how to send this evidence ahead of time for remote hearings.

Practical Tips for the Trial

- Show up early to the courthouse so you can make sure you are on time for your hearing.
- Dress respectfully for the court. As a rule of thumb, dress like you would if you were going to a formal event.
- Although difficult, remain calm. Focus on being truthful about your utility service situation.
- If you do not understand a question, let the judge know.
- If possible, do not bring children to the hearing.

Attorney Services

You may represent yourself or hire an attorney for your trial.
If you need help finding an attorney, contact the following organizations:

- [Idaho Legal Aid Services, Inc.](#)
- [Idaho Volunteer Lawyers Program](#)
- [Idaho State Bar Association Attorney Referral Service](#)

Additional Utility Resources for Tenants

- Utility Bills Brochure: [Utility Bills Brochure - Advice for Renters](#)
- Idaho Office of the Attorney General's Landlord Tenant Manual: [Idaho Attorney General's Office Landlord Tenant Manual](#)
- Idaho Public Utilities Commission
 - General Number: (208) 334-0300
 - Number for Complaints: (208) 334-0369
 - Online Consumer Complaint/Inquiry Form: [Complaint or Question Form](#)