

Moved by Schroeder

Seconded by Cook

IN THE SENATE
SENATE AMENDMENT TO H.B. NO. 166

AMENDMENT TO THE BILL

1
2 On page 1 of the printed bill, delete lines 13 through 39; and delete page
3 2, and insert:

4 "SECTION 1. That Chapter 32, Title 55, Idaho Code, be, and the same is
5 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
6 ignated as Section 55-3212, Idaho Code, and to read as follows:

7 55-3212. INTERNAL ACCESSORY DWELLING UNITS. (1) No covenant, condi-
8 tion, or restriction may be added, amended, or enforced by a homeowner's as-
9 sociation or any other parties in such a way that strictly prohibits internal
10 accessory dwelling units, as defined in subsection (3) of this section. The
11 provisions of this section shall not be construed to protect more than one
12 (1) internal accessory dwelling unit per homestead.

13 (2) Notwithstanding the prohibitions provided in subsection (1) of
14 this section, a homeowner's association may adopt reasonable rules govern-
15 ing the use of internal accessory dwelling units otherwise allowed by law,
16 including but not limited to size limits, height limits, setback require-
17 ments, open space requirements, parking controls, and bedroom requirements.

18 (3) (a) An "internal accessory dwelling unit" means a self-contained
19 living unit that:

20 (i) Includes its own cooking, sleeping, and sanitation facili-
21 ties;

22 (ii) Is located within a detached, owner-occupied homestead, as
23 defined in section 63-701, Idaho Code, or such homestead's at-
24 tached or detached garage; and

25 (iii) Is used for the purpose of housing relatives of the owner of
26 the homestead or for the purpose of renting to a residential tenant
27 for a period exceeding thirty (30) days.

28 (b) An internal accessory dwelling unit does not include an alternative
29 detached structure, motor home, camper, recreational vehicle, tiny
30 home on wheels, or other such similar dwellings on wheels.

31 (4) Nothing in this section shall be construed to restrict a home-
32 owner's association from adopting a less restrictive definition of acces-
33 sory dwelling units.

34 (5) The provisions of this section do not apply to any rentals defined
35 in section 63-1803(4), Idaho Code.

36 SECTION 2. That Chapter 6, Title 55, Idaho Code, be, and the same is
37 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
38 ignated as Section 55-618, Idaho Code, and to read as follows:

1 55-618. INTERNAL ACCESSORY DWELLING UNITS -- RESTRICTIVE COVENANTS
2 PROHIBITED. (1) On and after July 1, 2023, no restrictive covenant may be
3 entered into that prohibits an internal accessory dwelling unit, as defined
4 in section 55-3212, Idaho Code. Any such covenant is hereby declared to be
5 against public policy and is void and unenforceable. Any person attempting
6 to create or enforce such a covenant shall be liable for any attorney's fees,
7 court costs, and any other damages incurred by the other party. The provi-
8 sions of this section shall not be construed to protect more than one (1)
9 internal accessory dwelling unit per homestead.

10 (2) This section does not apply to a restrictive covenant against in-
11 ternal accessory dwelling units entered into prior to July 1, 2023.

12 SECTION 3. An emergency existing therefor, which emergency is hereby
13 declared to exist, this act shall be in full force and effect on and after its
14 passage and approval."

15 CORRECTION TO TITLE

16 On page 1, delete lines 2 through 11, and insert:

17 "RELATING TO INTERNAL ACCESSORY DWELLING UNITS; AMENDING CHAPTER 32, TITLE
18 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-3212, IDAHO CODE, TO
19 ESTABLISH PROVISIONS REGARDING INTERNAL ACCESSORY DWELLING UNITS AND
20 HOMEOWNER'S ASSOCIATIONS AND TO DEFINE A TERM; AMENDING CHAPTER 6, TI-
21 TLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-618, IDAHO CODE,
22 TO PROHIBIT CERTAIN RESTRICTIVE COVENANTS AGAINST INTERNAL ACCESSORY
23 DWELLING UNITS; AND DECLARING AN EMERGENCY."