

MINUTES  
**HOUSE BUSINESS COMMITTEE**

**DATE:** Thursday, February 23, 2023

**TIME:** 1:30 P.M.

**PLACE:** Room EW41

**MEMBERS:** Chairman Clow, Vice Chairman Ehlers, Representatives Crane(13), Palmer, Barbieri, Dixon(1), Andrus, Furniss, Mitchell, Cornilles, Crane(12), Lanting, Petzke, Redman, Berch, Green, Rubel

**ABSENT/  
EXCUSED:** None

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Clow** called the meeting to order at 1:30 p.m.

**H 76:** **Sen. Nichols** explained the purpose of **H 76** is to permit and encourage programs and policies which sustain greater local food security and to improve access to healthy foods, and it will protect the inherent rights of citizens to sustain themselves on their own property by growing and raising food and will encourage the protection of sustainable cultivation of fresh produce and protein at all levels of production in Idaho. She further shared the inspiration for this legislation was when a constituent came to her concerned about rising food prices and how HOA rules go beyond their local ordinances preventing people from being able to grow and raise their own food.

In response to committee questions, **Sen. Nichols** shared there are HOAs located outside of city boundaries. She further explained approximately forty city and county ordinances have been verified to already contain limits on the size of lots which permit certain kinds of animals. **Sen. Nichols** further shared there were no cities or counties found during their research which didn't have ordinances regarding the keeping and processing of animals. She explained cities tend to be more restrictive. For example, many will allow hens but not roosters. **Sen. Nichols** also shared there is no grandfather allowance in the legislation.

**Chairman Clow** opened the legislation to public testimony.

**Amy Weidner** explained how HOA rules have impacted her gardening and farming students' ability to grow and raise food which is why she worked with **Sen. Nichols** to write **H 76**. She also explained during her research, she found in Canyon County alone, there are more than 4000 HOAs, 75% of which have restrictions or outright prohibitions of any agricultural activities. She further shared these restrictive HOAs include larger, 10 acre-sized pieces of property.

**Rep. Crane(13)** said while he is sympathetic to food security issues, asked **Mrs. Weidner** if she would be amenable to amending the bill to limit it to smaller animals. **Mrs. Weidner** explained that state, county and city ordinances already address the humane keeping and care of animals.

**Kim Yanecko, Ryan Kuhns, and Lyle Johnstone** testified in support of **H 76** explaining their concerns about the rising costs and supply shortage of food, being able to grow one's own food is important but HOAs often stand in the way.

In testimony **opposed to H 76**, **Scott Emerich**, president of Hillsdale Estates HOA, **Bob Van Arnem**, and **Bill Schultz** president of Kingsbridge HOA, shared their concerns about the nuisances animals might bring onto properties and concerns about owners who already purchased their properties in HOAs because of the strict covenants. **Brittany Bones**, attorney representing Idaho CAI Legislative Action Committee shared the legislation undermines the purpose of CC&Rs and explained, concerns about growing food would be better addressed by changing rules through the HOA. **Brindee Collins** representing Idaho CAI Legislative Action Committee, shared concerns about the definitions of town homes in the legislation and how **H 76** is far reaching. **Max Pond** from Idaho Association of Realtors shared concerns about the legislation's impact on property values. **Michelle Stanovich**, association manager, shared her concerns as to the way the bill is written and how it would be enforced. She doesn't believe it would be practical to implement.

In response to committee questions, **Brittany Bones** said the bill would cover home subdivisions that do not have HOAs but do have restrictive covenants. She also explained the restrictive covenants HOAs use are living documents which can be altered by their communities. She shared most covenants deal with the correction of nuisance issues like lack of maintenance and not the improvement of gardening.

In response to committee questions, **Max Pond** said the existence of a HOA doesn't impact a property's value.

In her closing remarks, **Sen. Nichols** reiterated the intent is to rely on local jurisdiction for food growing ordinances. She shared examples of existing city ordinances which address animal care and keeping. Sen. Nichols also read an excerpt from Title 22, chapter 45 of Idaho Code, which includes the statement: the right to farm is a natural right and is recognized as a permitted use throughout the state of Idaho. She also explained a bill which was signed by the governor in 2022 restricted HOAs from superseding Idaho Code in regards to solar panels, political signs and flags, paint colors and restrictions on rentals. Sen. Nichols told the committee she shared **H 76** with the Attorney General's Office which found no legal issues with the bill. HOAs prevent people from being self-sufficient. Local ordinances already cover problems which could arise like smell, maintenance, animal neglect and so on.

In response to committee questions, **Sen. Nichols** said if the committee is willing to work with her and her constituent to come up with an amicable solution, she would be agreeable to amending the legislation.

**MOTION:** **Rep. Jordan** made a motion to send **H 76** to General Orders.

**SUBSTITUTE MOTION:** **Rep. Rubel** made a substitute motion to hold **H 76** in committee.

Speaking to that motion, **Rep. Rubel** shared general orders is helpful when small changes are needed, however when there's a substantial rewrite needed it's not ideal. Rep. Rubel shared there is still enough time in the session to get a new bill introduced.

Speaking in **support** of the substitute motion, **Rep. Berch** commented he doesn't see a balance being struck in the bill as written between those who want to be more self-sufficient and their neighbors.

**VOTE ON MOTION:** **Motion carried by voice vote.**

**Chairman Clow** put the committee at ease at 3:01 p.m.

**Chairman Clow** resumed the meeting at 3:06 p.m.

**MOTION:** **Rep. Crane** made a motion to hold **DOCKET No: 24-3910-2201** subject to the call of the chair. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 3:14 p.m.

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Representative Clow  
Chair

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Michelle Anderson  
Secretary