

IN THE SENATE

SENATE BILL NO. 1026

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO URBAN AGRICULTURE; AMENDING SECTION 22-1002, IDAHO CODE, TO RE-  
2 VISE A DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER  
3 10, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-1003, IDAHO  
4 CODE, TO ESTABLISH PROVISIONS REGARDING THE KEEPING OF CHICKENS; AND  
5 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 22-1002, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 22-1002. DEFINITIONS. (1) "Community gardening" means a single plot  
11 of land that is gardened collectively by a group of people. Community gar-  
12 dens can be further divided into single plots or maintained as one (1) large  
13 plot. Entities, including but not limited to schools, food pantries, and  
14 faith-based organizations, often host community gardens. City or county  
15 land bank properties as well as privately owned plots are used for community  
16 gardens.

17 (2) "Market gardening" means small-scale production of agricultural  
18 products grown to sell through marketing channels such as farmers markets  
19 and community supported agriculture shares.

20 (3) "Urban farming" means farming that produces food crops or raises  
21 animals for personal use or for sale to others and can be larger in scale than  
22 market gardening. Urban farms may be organized as for-profit businesses op-  
23 erated by individuals or as nonprofit social enterprises designed to pro-  
24 vide food to address food insecurity, provide vocational training, or ad-  
25 dress another community issue, typically at the neighborhood level. Urban  
26 farms operated as social enterprises are typically managed by nongovernmen-  
27 tal organizations. Urban farming can include ~~includes~~ indoor controlled-  
28 environment production, including hydroponic and aquaponic systems, and may  
29 involve the responsible rearing of small-scale livestock or poultry to sup-  
30 port food production goals.

31 (4) "Victory gardening" means producing food at one's residence pri-  
32 marily for household consumption or donation.

33 SECTION 2. That Chapter 10, Title 22, Idaho Code, be, and the same is  
34 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
35 ignated as Section 22-1003, Idaho Code, and to read as follows:

36 22-1003. CHICKEN OWNERSHIP. (1) No deed restrictions, covenants, or  
37 similar binding agreements running with the land shall prohibit or have the  
38 effect of prohibiting ownership or pasturing of up to four (4) chickens per  
39 two-tenths (.2) of an acre.

1           (2) A homeowner's association may adopt reasonable rules, subject to  
2 applicable statutes and ordinances, regarding the housing and pasturing of  
3 chickens, including a prohibition or restriction on ownership or pasturing  
4 of roosters.

5           (3) This section applies to single-family dwellings only and does not  
6 apply to multifamily units such as duplexes, apartments, or other attached  
7 housing buildings.

8           (4) This section shall not apply to agricultural zones, rural proper-  
9 ties, farms, or hobby farms where existing zoning regulations permit the  
10 keeping of poultry.

11           SECTION 3. An emergency existing therefor, which emergency is hereby  
12 declared to exist, this act shall be in full force and effect on and after  
13 July 1, 2025.