

IN THE SENATE

SENATE BILL NO. 1166

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO HOMELESS SHELTERS; AMENDING CHAPTER 65, TITLE 67, IDAHO CODE, BY
2 THE ADDITION OF A NEW SECTION 67-6540, IDAHO CODE, TO ESTABLISH PROVI-
3 SIONS RESTRICTING THE SITING OF NEW OR EXPANDING HOMELESS SHELTERS, TO
4 DEFINE A TERM, AND TO PROVIDE AN EXEMPTION; PROVIDING SEVERABILITY; AND
5 DECLARING AN EMERGENCY.
6

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

8 SECTION 1. That Chapter 65, Title 67, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 67-6540, Idaho Code, and to read as follows:

11 67-6540. RESTRICTIONS ON SITING OF HOMELESS SHELTERS. (1) In any city
12 with a population greater than one hundred thousand (100,000) according to
13 the most recent United States decennial census, no homeless shelter shall
14 be established, constructed, or operated within three hundred (300) feet
15 of the property line of any residentially zoned property as designated by
16 the applicable municipal or county zoning ordinance or of any property with
17 existing exclusive detached residential use. The distance specified in this
18 subsection shall be measured from the nearest property line of the proposed
19 homeless shelter to the nearest property line of any residentially zoned
20 property.

21 (2) For purposes of this section, "homeless shelter" means a facility,
22 whether publicly or privately operated, that provides temporary sleeping
23 accommodations to individuals or families who lack a fixed, regular, and
24 adequate nighttime residence. Additional services, including but not lim-
25 ited to food, hygiene support, counseling, and case management may also
26 be provided in conjunction with temporary sleeping accommodations. The
27 definition provided for in this subsection shall apply whether a facility
28 operates on a full-time, twenty-four (24) hour basis or on a part-time basis,
29 such as during nighttime hours only.

30 (3) The provisions of this section shall apply to new homeless shelters
31 seeking approval for construction, operation, or occupancy on and after the
32 effective date of this section. Existing homeless shelters that were oper-
33 ational prior to the effective date of this section will not be required to
34 relocate but shall be prohibited from expanding operations or capacity in a
35 manner that would violate the provisions of this section.

36 (4) Local governmental entities responsible for land use planning and
37 zoning shall ensure compliance with this section when considering any zoning
38 permit application, zoning designation, or zoning redesignation that would
39 allow or permit a homeless shelter. A local governmental entity may impose
40 additional reasonable conditions to mitigate impacts on nearby residential
41 neighborhoods or commercial uses, or both, including but not limited to re-

1 requirements for internal and external security measures, operational stan-
2 dards, and community engagement plans.

3 (5) If a permit application, zoning designation, or zoning redesigna-
4 tion that would allow or permit the establishment of a homeless shelter on
5 a specific parcel of property is denied, approved but overturned on appeal,
6 approved but not completed, or withdrawn, no new application, designation,
7 or redesignation for a homeless shelter on the same parcel shall be accepted
8 for a period of ten (10) years from the filing date of the previous applica-
9 tion.

10 (6) A landowner or organization may apply for an exemption from the re-
11 strictions set forth in this section by securing signed affidavits of ap-
12 proval from two-thirds (2/3) of property owners within three hundred (300)
13 feet of the proposed homeless shelter site. The local governing body shall
14 verify the authenticity of the affidavits and review the exemption request
15 before granting approval. If the signatures on the affidavits are confirmed
16 to be valid, the landowner or organization shall be granted an exemption from
17 the siting restrictions imposed by this section. A homeless shelter granted
18 an exemption from the provisions of this section must comply with all other
19 applicable local requirements. An exemption granted pursuant to this sub-
20 section alone is not presumptive evidence that no impacts will occur without
21 additional substantiating data and mitigation measures.

22 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared
23 to be severable and if any provision of this act or the application of such
24 provision to any person or circumstance is declared invalid for any reason,
25 such declaration shall not affect the validity of the remaining portions of
26 this act.

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