

IN THE SENATE

SENATE BILL NO. 1278

BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

AN ACT

1 RELATING TO LOCAL LAND USE PLANNING; AMENDING CHAPTER 65, TITLE 67, IDAHO
2 CODE, BY THE ADDITION OF A NEW SECTION 67-6541, IDAHO CODE, TO ESTAB-
3 LISH PROVISIONS FOR THE REGULATION OF DEVELOPMENT ON RELIGIOUS LAND, TO
4 DEFINE TERMS, TO PROVIDE APPLICABILITY, TO PROVIDE FOR ALLOWABLE USES,
5 TO PROHIBIT CERTAIN CITY OR COUNTY REQUIREMENTS, TO PERMIT CERTAIN CITY
6 OR COUNTY REGULATION, TO PROVIDE FOR A DUTY TO APPROVE CERTAIN DEVEL-
7 OPMENT, AND TO PROVIDE FOR ENFORCEMENT; AND DECLARING AN EMERGENCY AND
8 PROVIDING AN EFFECTIVE DATE.
9

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

11 SECTION 1. That Chapter 65, Title 67, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
13 ignated as Section 67-6541, Idaho Code, and to read as follows:

14 67-6541. REGULATION OF DEVELOPMENT ON RELIGIOUS LAND. (1) As used in
15 this section:

16 (a) "Group home" means a residential facility that provides housing and
17 support services in a community-based environment for individuals who
18 require assistance due to physical, mental, developmental, or behav-
19 ioral disabilities.

20 (b) "Heavy industrial use" means a storage, processing, or manufactur-
21 ing use that:

22 (i) Uses flammable or explosive materials;

23 (ii) Presents hazardous conditions; or

24 (iii) Is noxious or offensive due to odors, smoke, noise, fumes, or
25 vibrations.

26 (c) "Housing organization" means:

27 (i) A trade or industry group consisting of local members primar-
28 ily engaged in the construction or management of housing units;

29 (ii) A nonprofit organization that provides or advocates for in-
30 creased access to housing and has participated in public comment
31 before the legislature; or

32 (iii) A nonprofit organization engaged in public policy research,
33 education, or outreach related to housing.

34 (d) "Mixed-use" means the use and development of a site consisting of
35 residential and nonresidential uses in which residential uses occupy at
36 least sixty-five percent (65%) of the total square footage of the devel-
37 opment.

38 (e) "Multifamily" means the use and development of a site for three (3)
39 or more dwelling units within one (1) or more buildings, including con-
40 dominiums.

1 (f) "Religious land" means land owned by a religious organization or
2 land leased by a religious organization for a term of no less than forty
3 (40) years.

4 (g) "Religious organization" means a nonprofit religious entity or-
5 ganized primarily for religious purposes, including those qualifying
6 under section 501(c) (3) or section 501(c) (4) of the Internal Revenue
7 Code.

8 (h) "Supportive housing" means residential accommodations that com-
9 bine housing with supportive services, designed to assist individuals
10 or families in maintaining stable housing and achieving independence.

11 (2) This section shall not apply to any portion of religious land lo-
12 cated within one-quarter (1/4) mile of a heavy industrial use, airport, or
13 military base.

14 (3) (a) A city or county shall permit multifamily and mixed-use develop-
15 ment as allowable uses on religious land.

16 (b) A city or county shall not require a zoning change, variance, con-
17 ditional use permit, or other special approval in order to permit such
18 uses on religious land.

19 (4) For multifamily or mixed-use development on religious land, a city
20 or county shall not:

21 (a) Restrict building height to less than forty (40) feet or three (3)
22 stories;

23 (b) Require front setbacks greater than fifteen (15) feet, rear set-
24 backs greater than ten (10) feet, or side setbacks greater than five (5)
25 feet;

26 (c) Impose minimum parking requirements except as required by federal
27 law;

28 (d) Restrict development by limiting density, building coverage, or
29 unit size beyond what is provided in this section;

30 (e) Prohibit supportive housing or group homes; or

31 (f) Require the conversion of an existing building to exceed the inter-
32 national building code standards otherwise applicable.

33 (5) Nothing in this section shall be construed to prohibit a city or
34 county from applying generally applicable:

35 (a) Sewer and water access requirements;

36 (b) Stormwater management requirements; or

37 (c) Building codes not otherwise restricted by this section.

38 (6) (a) A city or county shall approve an application for a multifamily
39 or mixed-use development on religious land if it complies with appli-
40 cable regulations other than those prohibited in subsection (4) of this
41 section.

42 (b) Approval under this section shall be ministerial.

43 (7) (a) A person aggrieved by a violation of this section or a housing
44 organization may bring an action in the district court of the county in
45 which the property is located.

46 (b) The court may issue declaratory or injunctive relief or writs of
47 mandamus and award damages for economic losses caused by a violation.

48 (c) The court shall award reasonable attorney's fees and costs to a pre-
49 vailing plaintiff.

1 (d) Governmental immunity is waived to the extent necessary to enforce
2 this section.

3 (8) Nothing in this section shall be construed to:

4 (a) Allow for the building of homeless shelters;

5 (b) Direct any entity to approve a permit for a homeless shelter; or

6 (c) Infringe on any jurisdiction's ability to regulate or prohibit
7 homeless shelters.

8 (9) The provisions of this section shall apply to any application for
9 development on religious land received by a city or county on and after July
10 1, 2026.

11 SECTION 2. 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, 2026.