

IN THE SENATE

SENATE BILL NO. 1279

BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

AN ACT

1 RELATING TO HOUSING; AMENDING CHAPTER 6, TITLE 55, IDAHO CODE, BY THE ADDI-  
2 TION OF A NEW SECTION 55-619, IDAHO CODE, TO PROHIBIT CERTAIN RESTRIC-  
3 TIVE COVENANTS AGAINST STARTER HOME SUBDIVISIONS; AMENDING CHAPTER 32,  
4 TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-3214, IDAHO  
5 CODE, TO PROVIDE PROHIBITIONS REGARDING CERTAIN COVENANTS, CONDITIONS,  
6 AND RESTRICTIONS ON STARTER HOME SUBDIVISIONS; AMENDING CHAPTER 65, TI-  
7 TLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6541, IDAHO CODE,  
8 TO ESTABLISH PROVISIONS REGARDING STARTER HOME SUBDIVISIONS IN THE LO-  
9 CAL LAND USE PLANNING ACT AND TO PROVIDE A DEFINITION; PROVIDING SEVER-  
10 ABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
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12 Be It Enacted by the Legislature of the State of Idaho:

13 SECTION 1. That Chapter 6, Title 55, Idaho Code, be, and the same is  
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
15 ignated as Section 55-619, Idaho Code, and to read as follows:

16 55-619. STARTER HOME SUBDIVISIONS -- RESTRICTIVE COVENANTS PROHIB-  
17 ITED. (1) On and after July 1, 2026, no restrictive covenant shall be entered  
18 into that strictly prohibits or unreasonably restricts the construction of  
19 starter home subdivisions as provided in section 67-6541, Idaho Code. Any  
20 such covenant is hereby declared to be against public policy and is void and  
21 unenforceable. Any person attempting to create or enforce such a covenant  
22 shall be subject to a cause of action and liable for any attorney's fees,  
23 court costs, and any other damages incurred by the other party.

24 (2) This section shall not apply to restrictive covenants against  
25 starter home subdivisions as provided in section 67-6541, Idaho Code, that  
26 are entered into prior to July 1, 2026.

27 SECTION 2. That Chapter 32, Title 55, Idaho Code, be, and the same is  
28 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
29 ignated as Section 55-3214, Idaho Code, and to read as follows:

30 55-3214. STARTER HOME SUBDIVISIONS. No covenant, condition, or re-  
31 striction may be added, amended, or enforced by a homeowner's association  
32 or any other parties in such a way that strictly prohibits or unreasonably  
33 restricts starter home subdivisions as provided in section 67-6541, Idaho  
34 Code. This section shall not affect any such covenant, condition, or re-  
35 striction in effect prior to July 1, 2026.

36 SECTION 3. That Chapter 65, Title 67, 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 67-6541, Idaho Code, and to read as follows:

1           67-6541. STARTER HOME SUBDIVISIONS. (1) No county or city shall enact  
2 or enforce any ordinance within its jurisdiction that bans starter home sub-  
3 divisions in any residential zoning area. "Starter home subdivision" means  
4 a proposed new subdivision for single-family dwellings located on vacant or  
5 undeveloped land that is at least four (4) acres in size.

6           (2) By resolution or ordinance adopted, amended, or repealed in accor-  
7 dance with the notice and hearing procedures provided in section 67-6509,  
8 Idaho Code, each governing board shall amend its comprehensive plan and land  
9 use regulations for all land zoned for single-family residential use, except  
10 for lands falling within an area defined as a historic district in section  
11 67-4607, Idaho Code, to:

12           (a) Prohibit requiring minimum lot sizes exceeding one thousand  
13 (1,000) square feet for lots located in starter home subdivisions;

14           (b) Prohibit requiring front or rear setbacks exceeding fifteen (15)  
15 feet or side setbacks exceeding five (5) feet for a primary residential  
16 structure on a lot;

17           (c) Prohibit requiring lot front widths exceeding thirty (30) feet for  
18 narrow lots;

19           (d) Prohibit requiring lot depths exceeding seventy (70) feet, unless  
20 overall lot shape, topography, or environmental or infrastructure con-  
21 straints require it;

22           (e) Allow density of at least twelve (12) dwelling units per lot acre  
23 unless infrastructure limitations, lot configuration, or environmen-  
24 tal constraints make it unfeasible; and

25           (f) Prohibit imposing permit fees, development impact fees, or util-  
26 ity connection fees for starter home subdivisions exceeding those that  
27 would be imposed on other single-family home subdivisions. A local  
28 government may provide incentives to builders through fee reductions or  
29 waivers for compliance with smaller lot and setback options.

30           (3) The provisions of this section shall not supersede state or local  
31 laws that protect public health, safety, and welfare, including:

32           (a) Building codes, fire safety standards, and flood plain regula-  
33 tions;

34           (b) Laws regarding water, sewer, storm drainage, road access, and util-  
35 ity services necessary to support the required density; and

36           (c) Laws regarding environmental hazards, aquifer recharge zones,  
37 steep slopes, or critical habitat protections.

38           (4) A property owner, housing developer, or other affected party may  
39 bring a private cause of action for injunctive relief, monetary damages,  
40 reasonable attorney's fees and costs, and any other appropriate relief  
41 available under law to enforce compliance with the provisions of this sec-  
42 tion.

43           SECTION 4. SEVERABILITY. The provisions of this act are hereby declared  
44 to be severable and if any provision of this act or the application of such  
45 provision to any person or circumstance is declared invalid for any reason,  
46 such declaration shall not affect the validity of the remaining portions of  
47 this act.

1           SECTION 5. An emergency existing therefor, which emergency is hereby  
2 declared to exist, this act shall be in full force and effect on and after  
3 July 1, 2026.