

IN THE SENATE

SENATE BILL NO. 1280

BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

AN ACT

1 RELATING TO HOUSING; AMENDING CHAPTER 6, TITLE 55, IDAHO CODE, BY THE  
2 ADDITION OF A NEW SECTION 55-619, IDAHO CODE, TO PROHIBIT CERTAIN RE-  
3 STRICTIVE COVENANTS AGAINST TWIN HOMES AND DUPLEXES; AMENDING CHAPTER  
4 65, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6541, IDAHO  
5 CODE, TO ESTABLISH PROVISIONS REGARDING TWIN HOMES AND DUPLEXES AND TO  
6 DEFINE A TERM; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND  
7 PROVIDING AN EFFECTIVE DATE.  
8

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

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

13 55-619. TWIN HOMES AND DUPLEXES -- RESTRICTIVE COVENANTS PROHIB-  
14 ITED. (1) No restrictive covenant shall be entered into that prohibits or  
15 unreasonably restricts the construction of duplexes or twin homes, as de-  
16 fined in section 67-6541, Idaho Code, on lots where single-family dwellings  
17 are permitted, excepting lots falling within an area defined as a historic  
18 district under section 67-4607, Idaho Code. Any such covenant is hereby  
19 declared to be against public policy and is void and unenforceable. Any  
20 person attempting to create or enforce such a covenant shall be liable for  
21 any attorney's fees, court costs, and any other damages incurred by the other  
22 party.

23 (2) Any restrictive covenants as provided pursuant to the provisions of  
24 this section that existed before the effective date of this act shall be void  
25 and unenforceable.

26 SECTION 2. That Chapter 65, Title 67, Idaho Code, be, and the same is  
27 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
28 ignated as Section 67-6541, Idaho Code, and to read as follows:

29 67-6541. TWIN HOMES AND DUPLEXES. (1) No county or city shall enact or  
30 enforce any ordinance within its jurisdiction that bans twin homes or du-  
31 plexes in any residential zoning area where single-family dwellings are per-  
32 mitted. "Twin home" means a residential building that consists of two (2)  
33 separate living units that share a wall but where each unit is independently  
34 owned and maintained.

35 (2) By resolution or ordinance adopted, amended, or repealed in accor-  
36 dance with the notice and hearing procedures provided pursuant to section  
37 67-6509, Idaho Code, each governing board shall amend its comprehensive plan  
38 and land use regulations for all land zoned for single-family residential  
39 uses, except for lands falling within an area defined as a historic district  
40 under section 67-4607, Idaho Code, to:

1 (a) Permit the development of twin homes and duplexes on any lot where a  
2 detached single-family dwelling is permitted;

3 (b) Prohibit imposing minimum lot size requirements that would effec-  
4 tively prohibit twin homes or duplexes on a lot where a detached sin-  
5 gle-family dwelling is permitted;

6 (c) Prohibit requiring more than one (1) off-street parking space per  
7 dwelling unit; and

8 (d) Prohibit imposing impact fees or utility connection fees on twin  
9 homes or duplexes that are greater than those imposed on single-family  
10 dwellings.

11 (3) Twin home or duplex projects that meet the jurisdiction's estab-  
12 lished land use requirements shall be approved administratively and as a  
13 matter of right, without the need for discretionary approval, in the same  
14 manner as a single-family dwelling.

15 (4) Any approval standards, special conditions, and procedures for ap-  
16 proval adopted by a local government shall be clear and objective and shall  
17 not have the effect, either singularly or cumulatively, of discouraging the  
18 development of twin homes or duplexes through unreasonable cost or delay.  
19 Such standards shall not be more restrictive than those applicable to de-  
20 tached single-family dwellings.

21 (5) A property owner, housing developer, or other affected party may  
22 bring a private cause of action for injunctive relief, monetary damages,  
23 reasonable attorney's fees and costs, and any other appropriate relief  
24 available under law to enforce compliance with the provisions of this sec-  
25 tion.

26 SECTION 3. SEVERABILITY. The provisions of this act are hereby declared  
27 to be severable and if any provision of this act or the application of such  
28 provision to any person or circumstance is declared invalid for any reason,  
29 such declaration shall not affect the validity of the remaining portions of  
30 this act.

31 SECTION 4. An emergency existing therefor, which emergency is hereby  
32 declared to exist, this act shall be in full force and effect on and after  
33 July 1, 2026.