

IN THE SENATE

SENATE BILL NO. 1352

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO HOUSING; AMENDING CHAPTER 65, TITLE 67, IDAHO CODE, BY THE ADDI-
2 TION OF A NEW SECTION 67-6541, IDAHO CODE, TO ESTABLISH PROVISIONS RE-
3 GARDING STARTER HOME SUBDIVISIONS AND TO PROVIDE A DEFINITION; PROVID-
4 ING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
5 DATE.
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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 67-6541, Idaho Code, and to read as follows:

11 67-6541. STARTER HOME SUBDIVISIONS. (1) No city shall enact or enforce
12 any ordinance within its jurisdiction that bans starter home subdivisions
13 in any residential zoning area. "Starter home subdivision" means a proposed
14 new subdivision for single-family dwellings located on land that is at least
15 four (4) acres in size.

16 (2) By October 1, 2026, by resolution or ordinance adopted, amended,
17 or repealed in accordance with the notice and hearing procedures provided in
18 section 67-6509, Idaho Code, each city governing board shall amend its com-
19 prehensive plan and land use regulations for all land zoned for single-fam-
20 ily residential use, except for lands falling within an area defined as a
21 historic district in section 67-4607, Idaho Code, to:

22 (a) Prohibit requiring minimum lot sizes exceeding one thousand four
23 hundred (1,400) square feet for lots located in starter home subdivi-
24 sions;

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

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

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

33 (e) Allow density restrictions of no less than twelve (12) dwelling
34 units per lot acre unless infrastructure limitations, lot configura-
35 tion, or environmental constraints make it unfeasible; and

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

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

- 1 (a) Building codes, fire safety standards, and flood plain regula-
- 2 tions;
- 3 (b) Laws regarding water, sewer, storm drainage, road access, and util-
- 4 ity services necessary to support the required density;
- 5 (c) Laws regarding environmental hazards, aquifer recharge zones,
- 6 steep slopes, or critical habitat protections; and
- 7 (d) Laws and regulations regarding setback requirements for rights-of-
- 8 way and easements.
- 9 (4) The provisions of this section shall apply only to cities with a
- 10 population greater than five thousand (5,000).

11 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared
12 to be severable and if any provision of this act or the application of such
13 provision to any person or circumstance is declared invalid for any reason,
14 such declaration shall not affect the validity of the remaining portions of
15 this act.

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