

IN THE SENATE

SENATE BILL NO. 1352, As Amended

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 resi-
14 dential subdivision on at least four (4) acres of land that is designed to
15 provide attainable homeownership opportunities with single-family detached
16 dwellings on smaller lots that are no greater than one thousand five hundred
17 (1,500) square feet per lot, have compact home sizes, and have efficient site
18 design that reduces development costs while maintaining compatibility with
19 surrounding neighborhoods.

20 (2) By February 1, 2027, by resolution or ordinance adopted, amended,
21 or repealed in accordance with the notice and hearing procedures provided
22 in section 67-6509, Idaho Code, each city governing board shall amend its
23 comprehensive plan and land use regulations to allow starter home subdivi-
24 sions in residential zoning districts, except for lands falling within an
25 area defined as a historic district in section 67-4607, Idaho Code, or des-
26 ignated as a historic property pursuant to section 67-4614, Idaho Code. For
27 starter home subdivisions, a city's comprehensive plan and land use regula-
28 tions shall be amended to:

29 (a) Prohibit requiring minimum lot sizes exceeding one thousand five
30 hundred (1,500) square feet for lots located in starter home subdivi-
31 sions unless infrastructure limitations, lot configuration, or envi-
32 ronmental constraints make it unfeasible;

33 (b) Prohibit requiring front or rear setbacks exceeding fifteen (15)
34 feet or side setbacks exceeding five (5) feet for a primary residential
35 structure on a lot, provided, however, that setbacks along the perime-
36 ter of a project may be required to match setbacks of abutting zoning
37 districts;

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

40 (d) Prohibit requiring lot depths exceeding seventy (70) feet, unless
41 overall lot shape, topography, or environmental or infrastructure con-
42 straints require it; and

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

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

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

10 (b) Laws regarding water, sewer, storm drainage, road access, roadway
11 classifications or conditions, infrastructure capacity constraints,
12 and utility services necessary to support the required density;

13 (c) Laws regarding environmental hazards, aquifer recharge zones,
14 steep slopes, or critical habitat protections; and

15 (d) Laws and regulations regarding setback requirements for rights-of-
16 way and easements.

17 (4) The provisions of this section shall apply only to cities with a
18 population greater than ten thousand (10,000).

19 (5) Cities may condition or deny approval of a starter home subdivision
20 where the city determines that existing or planned infrastructure is inade-
21 quate to support the subdivision, to the same extent and under the same stan-
22 dards the city applies to other residential subdivisions.

23 (6) Nothing in this section shall prohibit a city from enacting regula-
24 tions, standards, or conditions that are less restrictive than the require-
25 ments provided in this section.

26 SECTION 2. 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 3. 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.