

IN THE SENATE

SENATE BILL NO. 1353, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO HOUSING; AMENDING CHAPTER 65, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6541, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING TWIN HOMES AND DUPLEXES AND TO DEFINE A TERM; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

67-6541. TWIN HOMES AND DUPLEXES. (1) No city shall enact or enforce any ordinance within its jurisdiction that bans twin homes or duplexes in any residential zoning district where single-family dwellings are permitted. "Twin home" means a residential building that consists of two (2) separate living units that share a wall but where each unit is independently owned and maintained and where each owner owns the underlying land in fee simple ownership.

(2) By February 1, 2027, by resolution or ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided pursuant to section 67-6509, Idaho Code, each city governing board shall amend its comprehensive plan and land use regulations for all land zoned for single-family residential uses, except for lands falling within an area defined as a historic district under section 67-4607, Idaho Code, or designated as a historic property pursuant to section 67-4614, Idaho Code, to:

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

(b) Prohibit imposing minimum lot size requirements that would effectively prohibit twin homes or duplexes on a lot where a detached single-family dwelling is permitted;

(c) Prohibit requiring more than one (1) off-street parking space per dwelling unit, provided that the lot is on a street that is paved and designed or constructed for on-street parking or is within one-fourth (1/4) mile of transit, an available designated parking area, an employment area, or commercial services; and

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

(3) Twin home or duplex projects that meet the jurisdiction's established land use requirements shall be approved administratively and as a matter of right, without the need for discretionary approval, in the same manner as a single-family dwelling, provided that there are no infrastructure constraints or emergency access or international fire code conflicts. Cities may require minimum lot frontage of twenty-five (25) to thirty (30)

1 feet to allow for utility connections spacing requirements, to accommo-
2 date off-street parking, if provided, and to allow increased setbacks if
3 on-street snow storage is impractical due to road width. Cities may impose
4 objective maximum impervious coverage ratios and on-site stormwater reten-
5 tion standards.

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

12 (5) The provisions of this section shall apply only to cities with a
13 population greater than ten thousand (10,000).

14 (6) Nothing in this section shall prohibit a city from enacting regula-
15 tions, standards, or conditions that are less restrictive than the require-
16 ments of this section.

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

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

21 (b) Laws regarding water, sewer, storm drainage, road access, roadway
22 classification or conditions, infrastructure capacity constraints,
23 and utility services necessary to support the required density;

24 (c) Laws regarding environmental hazards, aquifer recharge zones,
25 steep slopes, and critical habitat protections; and

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

28 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared
29 to be severable and if any provision of this act or the application of such
30 provision to any person or circumstance is declared invalid for any reason,
31 such declaration shall not affect the validity of the remaining portions of
32 this act.

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