

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 801

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO LOCAL LAND USE PLANNING; AMENDING CHAPTER 65, TITLE 67, IDAHO
2 CODE, BY THE ADDITION OF A NEW SECTION 67-6541, IDAHO CODE, TO ESTABLISH
3 PROVISIONS FOR THE REGULATION OF DEVELOPMENT ON RELIGIOUS LAND, TO DE-
4 FINE TERMS, TO PROVIDE APPLICABILITY, TO PROVIDE FOR ALLOWABLE USES, TO
5 PROHIBIT CERTAIN CITY REQUIREMENTS, TO PERMIT CERTAIN CITY REGULATION,
6 AND TO PROVIDE FOR A DUTY TO APPROVE CERTAIN DEVELOPMENT; AND DECLARING
7 AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
8

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

10 SECTION 1. That Chapter 65, Title 67, 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 67-6541, Idaho Code, and to read as follows:

13 67-6541. REGULATION OF DEVELOPMENT ON RELIGIOUS LAND. (1) As used in
14 this section:

15 (a) "Group home" means a residential facility that provides housing and
16 support services in a community-based environment for individuals who
17 require assistance due to physical, mental, developmental, or behav-
18 ioral disabilities.

19 (b) "Heavy industrial use" means a storage, processing, or manufactur-
20 ing use that:

21 (i) Uses flammable or explosive materials;

22 (ii) Presents hazardous conditions; or

23 (iii) Is noxious or offensive due to odors, smoke, noise, fumes, or
24 vibrations.

25 (c) "Housing organization" means:

26 (i) A trade or industry group consisting of local members primar-
27 ily engaged in the construction or management of housing units;

28 (ii) A nonprofit organization that provides or advocates for in-
29 creased access to housing and has participated in public comment
30 before the legislature; or

31 (iii) A nonprofit organization engaged in public policy research,
32 education, or outreach related to housing.

33 (d) "Mixed-use" means the use and development of a site consisting of
34 residential and nonresidential uses in which residential uses occupy at
35 least sixty-five percent (65%) of the total square footage of the devel-
36 opment.

37 (e) "Multifamily" means the use and development of a site for three (3)
38 or more dwelling units within one (1) or more buildings, including con-
39 dominiums.

40 (f) "Religious land" means land owned by a religious organization or
41 land leased by a religious organization for a term of no less than forty
42 (40) years.

1 (g) "Religious organization" means a nonprofit religious entity or-
2 ganized primarily for religious purposes, including those qualifying
3 under section 501(c)(3) or section 501(c)(4) of the Internal Revenue
4 Code.

5 (h) "Supportive housing" means residential accommodations that com-
6 bine housing with supportive services, designed to assist individuals
7 or families in maintaining stable housing and achieving independence.

8 (2) This section shall not apply to any portion of religious land lo-
9 cated within one-quarter (1/4) mile of a heavy industrial use, airport, or
10 military base.

11 (3) (a) A city shall permit multifamily and mixed-use development as al-
12 lowable uses on religious land.

13 (b) A city shall not require a zoning change, variance, conditional use
14 permit, or other special approval in order to permit such uses on reli-
15 gious land.

16 (4) For multifamily or mixed-use development on religious land, a city
17 shall not:

18 (a) Restrict building height to less than forty (40) feet or three (3)
19 stories;

20 (b) Require front setbacks greater than fifteen (15) feet, rear set-
21 backs greater than ten (10) feet, or side setbacks greater than five (5)
22 feet;

23 (c) Impose minimum parking requirements except as required by federal
24 law;

25 (d) Restrict development by limiting density, building coverage, or
26 unit size beyond what is provided in this section;

27 (e) Prohibit supportive housing or group homes; or

28 (f) Require the conversion of an existing building to exceed the inter-
29 national building code standards otherwise applicable.

30 (5) Nothing in this section shall be construed to prohibit a city from
31 applying generally applicable:

32 (a) Sewer and water access requirements;

33 (b) Stormwater management requirements; or

34 (c) Building codes not otherwise restricted by this section.

35 (6) (a) A city shall approve an application for a multifamily or mixed-
36 use development on religious land if it complies with applicable regu-
37 lations other than those prohibited in subsection (4) of this section.

38 (b) Approval under this section shall be ministerial.

39 (7) Nothing in this section shall be construed to:

40 (a) Allow for the building of homeless shelters;

41 (b) Direct any entity to approve a permit for a homeless shelter; or

42 (c) Infringe on any jurisdiction's ability to regulate or prohibit
43 homeless shelters.

44 (8) The provisions of this section shall apply to any application for
45 development on religious land received by a city on and after July 1, 2026.

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