

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 543

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO HOMEOWNER'S ASSOCIATIONS; AMENDING CHAPTER 32, TITLE 55, IDAHO
2 CODE, BY THE ADDITION OF A NEW SECTION 55-3213, IDAHO CODE, TO PROVIDE
3 THAT A HOMEOWNER'S ASSOCIATION MAY NOT PROHIBIT THE OPERATION OF A FAM-
4 ILY DAYCARE HOME AND TO PROVIDE CERTAIN REQUIREMENTS; AND DECLARING AN
5 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
6

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

8 SECTION 1. That Chapter 32, Title 55, 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 55-3213, Idaho Code, and to read as follows:

11 55-3213. FAMILY DAYCARE HOMES. (1) On and after July 1, 2024, except
12 as otherwise provided in this section, no homeowner's association may add,
13 amend, or enforce any covenant, condition, or restriction in such a way that
14 prohibits or has the effect of prohibiting the operation of a family daycare
15 home as defined in section 39-1102, Idaho Code. This section shall not af-
16 fect any covenant, condition, or restriction in effect prior to July 1, 2024.

17 (2) The provisions of this section shall not supersede any of the home-
18 owner's association's regulations concerning architectural control, park-
19 ing, landscaping, noise, or other matters applicable to all homeowner asso-
20 ciation members.

21 (3) A homeowner's association may adopt reasonable rules in compliance
22 with any applicable laws or ordinances, including a requirement that a fam-
23 ily daycare home be licensed pursuant to the applicable provisions of chap-
24 ter 11, title 39, Idaho Code.

25 SECTION 2. An emergency existing therefor, which emergency is hereby
26 declared to exist, this act shall be in full force and effect on and after
27 July 1, 2024.