

LEGISLATURE OF THE STATE OF IDAHO
Sixty-eighth Legislature First Regular Session - 2025

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 404

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO URBAN AGRICULTURE; AMENDING SECTION 22-1002, IDAHO CODE, TO DEFINE A TERM AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 10, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-1003, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CHICKEN OWNERSHIP; 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 Section 22-1002, Idaho Code, be, and the same is hereby amended to read as follows:

22-1002. DEFINITIONS. (1) "Chickens" means domesticated fowl (genus Gallus) raised primarily for the residential, noncommercial production of eggs or meat to support self-sufficiency and household consumption or for trade.

(2) "Community gardening" means a single plot of land that is gardened collectively by a group of people. Community gardens can be further divided into single plots or maintained as one (1) large plot. Entities, including but not limited to schools, food pantries, and faith-based organizations, often host community gardens. City or county land bank properties as well as privately owned plots are used for community gardens.

~~(2)~~ (3) "Market gardening" means small-scale production of agricultural products grown to sell through marketing channels such as farmers markets and community supported agriculture shares.

~~(3)~~ (4) "Urban farming" means farming that produces food crops for sale to others and can be larger in scale than market gardening. Urban farms may be organized as for-profit businesses operated by individuals or as nonprofit social enterprises designed to provide food to address food insecurity, provide vocational training, or address another community issue, typically at the neighborhood level. Urban farms operated as social enterprises are typically managed by nongovernmental organizations. Urban farming includes indoor controlled-environment production, including hydroponic and aquaponic systems.

~~(4)~~ (5) "Victory gardening" means producing food at one's residence primarily for household consumption or donation.

SECTION 2. That Chapter 10, Title 22, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 22-1003, Idaho Code, and to read as follows:

22-1003. CHICKEN OWNERSHIP. (1) The Idaho legislature maintains that, as recognized in section 22-4501, Idaho Code, the right to farm is a natural right and is recognized as a permitted use throughout the state of Idaho. Therefore, no deed restrictions, covenants, or similar binding agreements

1 running with the land shall prohibit or have the effect of prohibiting own-
2 ership or pasturing of chickens, as that term is defined in section 22-1002,
3 Idaho Code.

4 (2) A homeowner's association shall not prohibit chicken ownership en-
5 tirely, but may adopt reasonable rules related to the housing and pasturing
6 of chickens, including but not limited to rules regarding manure and odor
7 management or a prohibition or restriction on the ownership of roosters,
8 provided that such rules do not impose undue burdens on the homeowner's
9 rights to raise chickens for personal use.

10 (3) Chicken owners shall assume the responsibility for education re-
11 garding chicken health and ownership, including learning about manure, dis-
12 ease management, and other liabilities regarding chicken ownership.

13 (4) City, county, and other local ordinances shall prevail over this
14 section.

15 (5) This section applies to single-family dwellings only and does not
16 apply to multifamily units such as duplexes, apartments, or other attached
17 housing buildings or to single-family dwellings that are on lots smaller
18 than one-quarter (.25) acre.

19 (6) This section does not apply to agricultural zones, rural proper-
20 ties, farms, or hobby farms where existing zoning regulations permit the
21 keeping of poultry, including urban farming zones where local regulations
22 allow for chicken ownership.

23 SECTION 3. SEVERABILITY. The provisions of this act are hereby declared
24 to be severable and if any provision of this act or the application of such
25 provision to any person or circumstance is declared invalid for any reason,
26 such declaration shall not affect the validity of the remaining portions of
27 this act.

28 SECTION 4. An emergency existing therefor, which emergency is hereby
29 declared to exist, this act shall be in full force and effect on and after
30 July 1, 2025.