

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 282

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO PROPERTY; AMENDING SECTION 55-1002, IDAHO CODE, TO REVISE PRO-
2 VISIONS REGARDING HOMESTEAD PROPERTY; AMENDING SECTION 55-1008, IDAHO
3 CODE, TO REVISE PROVISIONS REGARDING THE HOMESTEAD EXEMPTION; AND
4 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
5

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

7 SECTION 1. That Section 55-1002, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 55-1002. FROM WHAT PROPERTY SELECTED. If the owner is married, the
10 homestead may consist of the community or jointly owned property of the
11 spouses or the separate property of either spouse: ~~Provided, that the same~~
12 ~~premises may not be claimed separately by the husband and wife with the ef-~~
13 ~~fect of increasing the net value of the homestead available to the marital~~
14 ~~community beyond the amount specified in section 55-1003, Idaho Code. Each~~
15 ~~spouse may separately claim a homestead exemption in the amount specified in~~
16 ~~section 55-1003, Idaho Code. When the owner is not married, the homestead~~
17 may consist of any of his or her property.

18 SECTION 2. That Section 55-1008, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 55-1008. HOMESTEAD EXEMPT FROM EXECUTION -- WHEN PRESUMED VALID. (1)
21 Except as provided in section 55-1005, Idaho Code, the homestead is exempt
22 from attachment and from execution or forced sale for the debts of the owner
23 up to the amount specified in section 55-1003, Idaho Code.

24 (2) The proceeds of the voluntary sale of the homestead in good faith
25 for the purpose of acquiring a new homestead, and proceeds from insurance
26 covering destruction of homestead property held for use in restoring or
27 replacing the homestead property, up to the amount specified in section
28 55-1003, Idaho Code, shall likewise be exempt for one (1) year from receipt,
29 and also such new homestead acquired with such proceeds.

30 (3) The provisions of subsection (2) of this section shall not apply to
31 the sale of homestead property in any bankruptcy proceeding under 11 U.S.C.

32 ~~(2)~~ (4) Every homestead created under this chapter is presumed to be
33 valid to the extent of all the property claimed exempt, until the validity
34 thereof is contested in a court of general jurisdiction in the county in
35 which the homestead is situated.

36 SECTION 3. An emergency existing therefor, which emergency is hereby
37 declared to exist, this act shall be in full force and effect on and after
38 July 1, 2025.