ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature – First Regular Session

COMMITTEE ON COUNTY AND MUNICIPAL AFFAIRS

Report of Regular Meeting
Monday, February 23, 2015
House Hearing Room 4 -- 2:00 p.m.

Convened 4:34 p.m.
Recessed
Reconvened
Adjourned 5:45 p.m.

Members Present
Mr. Bolding
Mr. Boyer
Mr. Espinoza
Ms. Fann
Mrs. Gabaldón
Mr. Gray
Mr. Rivero, Vice-Chairman
Mr. Coleman, Chairman

Members Absent

Request to Speak
Report – Attachment 1, 2, 3, 4, 5

Presentations

Name	Organization	Attachments (Handouts)
Chris Hallett	Neighborhood Services Director, City of Phoenix	6, 7
Michael Nowakowski	Councilman, City of Phoenix, District 7	

Committee Action

Bill	Action	Vote	Attachments (Summaries, Amendments, Roll Call)
SB1072	DPA	6-2-0-0	8, 9, 10

Kim Gammill, Chairman Assistant
February 24, 2015

(Original attachments on file in the Office of the Chief Clerk; video archives available at http://www.azleg.gov)

Information Registered on the Request to Speak System

House County and Municipal Affairs (2/23/2015)

SB1072, local planning; residential housing; prohibitions

Support:

Spencer Kamps, HOME BUILDERS ASSOCIATION OF CENTRAL AZ; Courtney Gilstrap LeVinus, Arizona Multihousing Association; Tom Farley, Arizona Association Of Realtors

Neutral:

Amanda Rusing, Arizona Planning Association

Oppose:

Adriana Marinez, City Of Tucson ; Sandy Bahr, Sierra Club - Grand Canyon Chapter; Dale Wiebusch, Legislative Associate, LEAGUE OF ARIZONA CITIES & TOWNS; Peter Bengtson, representing self

All Comments:

Sandy Bahr, Sierra Club - Grand Canyon Chapter: This bill limits good planning requirements for housing, including inclusionary zoning type of provisions.; Peter Bengtson, Self: This bill prohibits inclusionary zoning which can help ensure that there is affordable low income housing in our communities. Theis is a key to good urban planning and limiting economic segretion. Cities and towns should be able to do this.

Attachment 1

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD

HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on Graffitti Bill Number HB2425

Date 2.23.15 ☒ Support ☐ Oppose ☐ Neutral

Name Suzanne Thraen Need to Speak? ☒ Yes ☒ No

Representing Resident Are you a registered lobbyist? No

Complete Address 7545 W. Devonshire Ave

E-mail Address MSuzanneT@aol.com Phone Number 623-873-1955

Comments: _____

_____

*****FIVE-MINUTE SPEAKING LIMIT*****

Attachment 2

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD

HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on House of Representatives County & Municipal Affairs Bill Number HB 2425

Date 2-23-15 ☒ Support ☐ Oppose ☐ Neutral

Name PATRICIA AVERHOFF Need to Speak? ☒ Yes ☐ No

Representing CITY OF PHOENIX ANTI-GRAFFITI TASK FORCE Are you a registered lobbyist? ____

Complete Address 11829 S. 44th St, PHX 85044

E-mail Address GAVERHOFF@COX.NET Phone Number 602-702-4619

Comments: Speaking if necessary

_____

*****FIVE-MINUTE SPEAKING LIMIT*****

Attachment 3

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD

HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on County & Muni Bill Number 2425

Date 2-23-15 ☐ Support ☒ Oppose ☐ Neutral

Name Christina Phillis Need to Speak? ☒ Yes ☐ No

Representing Office of Public Advocate Are you a registered lobbyist? ____

Complete Address 777 W Southern Ave Suite 101, Mesa, Az 85210

E-mail Address phillis@mail.maricopa.gov Phone Number 602-372-6806

Comments: ____

*****FIVE-MINUTE SPEAKING LIMIT*****

Attachment 4

Michelle Ahlmer (Graffiti)
Julie Buchkowski
Mike Richey
John Arterburn
Javenah Neekormorman

Attachment 5

GRC
GRAFFITI RESOURCE COUNCIL

Arizona House of Representatives

County and Municipal Affairs Committee Hearing

2/23/2015, 2:00 PM, Room HHR 4

Agenda:

1. Presentation on Graffiti by Chris Hallett, Neighborhood Services Director, City of Phoenix, and Councilman Michael Nowakowski
2. Public Testimony regarding Graffiti

Committee Members:

Mr. Bolding	Ms. Fann	Mr. Rivero (Vice-Chairman)	Mr. Espinoza
Mr. Boyer	Mrs. Gabaldón	Mr. Coleman (Chairman)	Mr. Gray

Presentation:

Good afternoon Mr. Chairman and Members of the Committee,

Thank you for the opportunity to speak to you today about the issue of lock-up. My name is Javaneh Nekoomaram, and I am Advocacy Counsel with the Graffiti Resource Council, a non-profit organization devoted to helping cities become graffiti-free. We are also Associate Members of the Arizona Retailers Association.

The GRC provides, free of charge, information, education, and legislative assistance to help communities develop effective policies that prevent graffiti vandalism. The GRC is funded by the aerosol coatings industry concerned about the negative impact of graffiti vandalism. We have been around for over 20 years, formerly known as the National Council to Prevent Delinquency.

So what does the GRC do? Simply put, we are here as a resource. The GRC identifies cities and states throughout the country that have introduced graffiti-related legislation or communities that want to create anti-graffiti programs. We are the only organization in North America with a large, searchable database of sale and display regulations for aerosol coatings in over 5,200 locations in the U.S. and Canada.

We also launched a new website last year, www.anti-graffiti.org, that has information about our research, street art, a newswire with the latest anti-graffiti news, an "Ask the Experts" page to provide technical guidance on techniques for difficult clean up or restoration projects. We also have a model anti-graffiti ordinance developed by the International Municipal Lawyers Association. The model ordinance provides a framework that defines and criminalizes graffiti vandalism, provides for necessary definitions, appropriate penalties, and a variety of abatement options among others. We have worked with a number of cities that have successfully adopted some portions of the IMLA model ordinance to best fit their needs.

Another valuable resource that we launched just last year is our Anti-Graffiti Marketplace, which is also on our website. On the online Marketplace, visitors can search for a range of products and services that will assist in clean-up and prevention activities. This includes anti-graffiti coatings, clean-up equipment, and surveillance technologies.

In addition to advising cities on anti-graffiti strategies, we are able to provide program assistance for special projects in graffiti-stricken cities. For example, last year, when the city of East Oakland, CA committed to a massive campaign to clean up graffiti, the GRC assisted the local beautification council by reaching out to the municipal paint collection program to ascertain whether they could provide recycled paint for the project. The collection program provided 200 gallons recycled paint to cover graffiti vandalism. The GRC also engages in outreach in order to educate young people about the damage inflicted by graffiti vandalism. In Washington, D.C., we hope to implement a Poster Contest designed to highlight the difference between street art and graffiti vandalism for middle and high school students.

So, we know that graffiti is a serious issue. It can promote crime, devalue property, slow economic growth and tourism, and damage the aesthetic value of a community. It is a problem that, if not addressed early on, will spread and multiply, causing larger issues down the line. We also know there is no one "golden" solution to the problem. We've seen cities focus on increasing penalties and amping up law enforcement resources. We've seen cities launch educational campaigns to deter graffiti. We've seen, especially in recent years, the rise in mural programs to encourage graffiti artists to display their art in a legitimate way. We've also seen great advances in technology with mobile apps to report graffiti vandalism. The most common solution we have seen is cities coming up with creative, aggressive abatement programs to quickly clean graffiti before it spreads

A less common approach is the topic for discussion for today, lock up. By taking a legitimate consumer product off of open shelves and requiring floor personnel to assist customers, these laws add time and inconvenience to the consumer purchase decision, thus dramatically cutting sales. **Currently, there are no states that have passed a state-wide statute to lock up spray paint**. This is typically an issue handled at the city level. Arizona's cities already have a variety of anti-graffiti requirements, so adding a layer of regulations will unnecessarily complicate a retailer's efforts to comply.

The principal concern with applying supply-side controls to the graffiti problem is that they do not prevent or eliminate graffiti vandalism. Lockup ordinances have not been shown to eliminate graffiti vandalism and, rather, have a negative effect on retail sales and a loss of valuable tax revenue for a city. Not only are aerosol coating sales reduced by approximately one third with lock up, but lock up also reduces ancillary sales (meaning sales on products that are typically purchased along with spray paint) and walk-in sales.

The idea behind lock up is to prevent theft of graffiti implements used to commit vandalism or prevent minors from purchasing it. But, as a practical matter, because graffiti vandals have

alternative sources of paint and are quite willing to use alternative tools such as markers, paint sticks and etching tools, supply-side controls simply cannot control the supply. Graffiti vandals have numerous alternative sources of paint and other tools, or graffiti vandals who are adults (over the age of 18) can still easily commit the crime after purchasing the product from a retailer. Graffiti vandals can also purchase spray paint legally online and avoid retail stores altogether.

Overall, there are significant burdens on consumers and retailers to take into account when considering lock up. The GRC does not support lock up which restricts the supply of aerosol coatings to legitimate consumers; but rather, it encourages more comprehensive approaches involving education, law enforcement, community involvement and most importantly, swift abatement.

Tackling graffiti vandalism takes hard work that requires community commitment. Each city must assess its needs and consider a variety of strategies that best works for them. **The GRC is here to help, and we welcome you to take a look at our website for more information.**

Thank you for the opportunity to provide information regarding this issue. I would be happy to answer any questions you have, and if you have a question that I cannot answer, I would be happy to consult with our experts and get you an appropriate response.

WHO CAN USE the GRC'S SERVICES?

Anyone interested in preventing and cleaning up graffiti vandalism.

- City mayors
- City managers
- Downtown beautification organizations
- Law enforcement
- Nonprofits
- Schools and educational groups
- Art councils
- Businesses
- Members of city council
- Procurement officers
- Transportation officials
- Graffiti task force members

WHO SHOULD I CONTACT TO LEARN MORE?

If you would like to learn more about the GRC, please visit our website at ***www.anti-graffiti.org***,

OR contact

Executive Director
Heidi McAuliffe
hmcauliffe@paint.org

Advocacy Counsel
Javaneh Nekoomaram
jnekoomaram@paint.org

GRC℠

GRAFFITI **RESOURCE** COUNCIL℠

PRACTICAL **SOLUTIONS** FOR ELIMINATING GRAFFITI VANDALISM

Attachment 7

The GRAFFITI RESOURCE COUNCIL

You may already know us as the National Council to Prevent Delinquency (NCPD)... but we've changed our name to the Graffiti Resource Council (GRC). The GRC is a non-profit organization devoted to helping cities and communities become graffiti-free.

A LITTLE BIT OF OUR HISTORY

Although graffiti vandalism has been around for centuries, it wasn't until the 1980s that its spread became significant in major urban areas in the United States. By the early 1990s, several California cities responded by requiring retail stores to "lock up" spray paint and markers, and in 1993, the city of Chicago banned the sale of spray paint in all retail stores.

In 1994, the NCPD was created to help cities and municipalities develop effective programs to prevent and eliminate graffiti vandalism that did not restrict the sale of aerosol paints and coatings to legitimate consumers. For the next 20 years, the NCPD worked diligently in cities and municipalities all over the United States to implement practical and effective programs that really work to eliminate and prevent such vandalism. In celebration of our 20th anniversary, and in recognition of our renewed focus on providing practical solutions for cities and municipalities besieged by graffiti vandalism, the NCPD has now become the **Graffiti Resource Council.**

WE CAN HELP YOUR COMMUNITY BY...

1. Providing important information relevant to preventing and eliminating graffiti vandalism, including:
   a. The regulatory landscape of neighboring areas;
   b. The number of retail stores that are likely to sell aerosol coatings in your community;
2. Suggesting best practices for identifying the scope of the problem in your community;
3. Providing model language for a comprehensive regulatory framework that criminalizes graffiti vandalism and provides for appropriate penalties, along with abatement programs;
4. Suggesting strategies for a volunteer corp;
5. Providing technical advice to law enforcement;
6. Providing an electronic catalog of anti-graffiti and clean-up products, including anti-graffiti coatings, clean-up products and equipment, surveillance technology, and consultants;
7. Providing links to successful programs in other cities that can serve as models;
8. Offering technical advice from coatings experts, when faced with the delicate clean-up projects.

OUR SERVICES ARE 100% FREE!!!

IS IT REALLY POSSIBLE TO HAVE A GRAFFITI-FREE COMMUNITY?

Yes, it is possible – but it is hard work, and every community needs to be committed to the goal of prevention and elimination. It takes the cooperation of law enforcement officials, the juvenile justice system, transportation agencies, street and sanitation agencies and the support of your local elected officials. The GRC believes that your city can become and stay graffiti-free. It takes a continuing commitment, along with a regulatory framework that clearly defines and criminalizes graffiti vandalism, effective penalties for violators, protocols for graffiti removal, and appropriate outreach to retailers and consumers.

HOUSE OF REPRESENTATIVES

SB 1072

local planning; residential housing; prohibitions
Sponsors: Senator Smith; Representative Mitchell: Senator Meza, et al.

X Committee on County and Municipal Affairs

Caucus and COW

House Engrossed

OVERVIEW

SB 1072 restricts municipalities and counties from establishing the sales or lease price for residential housing or dwelling lots and requiring the sale or lease to any particular class or group of residents.

HISTORY

Arizona Revised Statutes (A.R.S.) §§ 9-462.01 & 11-811 requires municipalities and counties to establish zoning and rezoning ordinances or regulations consistent with the municipality's general plan and the county's comprehensive plan. Statute outlines what municipalities and counties may regulate by ordinance in order to conserve and promote the public health, safety and general welfare.

Inclusionary zoning typically refers to a program adopted by political subdivisions through ordinance which requires a percentage of housing units in new residential developments be made available to individuals with low and moderate incomes. In some states, inclusionary zoning programs offer developers incentives, such as density bonuses, expedited approval and fee waivers to reduce construction costs.

A.R.S. § 33-1329 prohibits cities and towns, including charter cities, from having the power to impose rent controls on private residential housing units. Cities and towns are not precluded from controlling the rent of residential property that is owned, financed, insured or subsidized by any state agency, city or town.

PROVISIONS

1. Prohibits a municipality or county from adopting land use regulations, general or specific plan provisions, or imposing as a condition for approving a building or use permit a requirement or fee that has the effect of any of the following:
   a. Establishing the sales or lease price for a residential housing unit, residential dwelling lot or parcel; or
   b. Requiring a residential housing unit or residential dwelling lot or parcel be designated for sale or lease to any particular class or group of residents.
2. Asserts that this Act does not limit the authority of a municipality or county to adopt or enforce a land use regulation, general or specific plan provision or condition of approval that creates or implements an incentive, density bonus or other voluntary provision or condition designed to increase the supply of moderate or lower cost housing.
3. Applies retroactively to January 1, 2015.
4. Makes technical and conforming changes.

Fifty-second Legislature
First Regular Session

CMA
S.B. 1072

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1072

(Reference to Senate engrossed bill)

Page 1, line 16, strike "DESTINY" insert "DENSITY"

Page 5, line 38, strike "DESTINY" insert "DENSITY"

Amend title to conform

DOUG COLEMAN

1072-p1-coleman
2/20/15
2:48 PM
H:laa

Attachment 9

Adopted ✓ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered ____ Analysts Initials ___

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON COUNTY AND MUNICIPAL AFFAIRS BILL NO. SB 1072

DATE February 23, 2015 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Bolding		✓			
Mr. Boyer		✓			
Mr. Espinoza			✓		
Ms. Fann		✓			
Mrs. Gabaldón			✓		
Mr. Gray		✓			
Mr. Rivero, Vice-Chairman		✓			
Mr. Coleman, Chairman		✓			
		6	2	0	0

Patty Wrenn
COMMITTEE SECRETARY

APPROVED:
Douglas Coleman
DOUG COLEMAN, Chairman
TONY RIVERO, Vice-Chairman

ATTACHMENT 10