

House Engrossed

assisted living; distance requirements; prohibition

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2724

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-462.09; AMENDING TITLE 11, CHAPTER 6, ARTICLE 2, ARIZONA
REVISED STATUTES, BY ADDING SECTION 11-820.02; RELATING TO LOCAL PLANNING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 6.1, Arizona Revised
3 Statutes, is amended by adding section 9-462.09, to read:

4 9-462.09. Assisted living; distance requirements;
5 administrative procedure; notice; definition

6 A. IF A MUNICIPALITY HAS A ZONING ORDINANCE THAT RESTRICTS THE
7 DISTANCE BETWEEN ASSISTED LIVING HOMES, THE MUNICIPALITY SHALL ESTABLISH
8 AN ADMINISTRATIVE PROCEDURE IN WHICH A DEVIATION FROM THE SEPARATION
9 REQUIREMENT MAY BE GRANTED AS A REASONABLE ACCOMMODATION UNDER THE FAIR
10 HOUSING ACT (P.L. 90-281; 82 STAT. 81; 42 UNITED STATES CODE SECTION
11 3604).

12 B. ON REGISTRATION AS AN ASSISTED LIVING HOME OR WHEN A LAND USE
13 APPLICATION FOR AN ASSISTED LIVING HOME IS FILED, THE MUNICIPALITY SHALL
14 PROVIDE WRITTEN NOTICE OF THE ADMINISTRATIVE PROCEDURE TO REQUEST A
15 REASONABLE ACCOMMODATION AS PRESCRIBED IN SUBSECTION A OF THIS SECTION.

16 C. IF A MUNICIPALITY HAS A ZONING ORDINANCE THAT RESTRICTS THE
17 DISTANCE BETWEEN ASSISTED LIVING HOMES, THE DISTANCE SHALL BE MEASURED ON
18 A LINEAR FOOT BASIS FROM LOT LINE TO LOT LINE.

19 D. FOR THE PURPOSES OF THIS SECTION, "ASSISTED LIVING HOME" HAS THE
20 SAME MEANING PRESCRIBED IN SECTION 36-401.

21 Sec. 2. Title 11, chapter 6, article 2, Arizona Revised Statutes,
22 is amended by adding section 11-820.02, to read:

23 11-820.02. Assisted living; distance requirements;
24 administrative procedure; notice; definition

25 A. IF A COUNTY HAS A ZONING REGULATION THAT RESTRICTS THE DISTANCE
26 BETWEEN ASSISTED LIVING HOMES, THE COUNTY SHALL ESTABLISH AN
27 ADMINISTRATIVE PROCEDURE IN WHICH A DEVIATION FROM THE SEPARATION
28 REQUIREMENT MAY BE GRANTED AS A REASONABLE ACCOMMODATION UNDER THE FAIR
29 HOUSING ACT (P.L. 90-281; 82 STAT. 81; 42 UNITED STATES CODE SECTION
30 3604).

31 B. ON REGISTRATION AS AN ASSISTED LIVING HOME OR WHEN A LAND USE
32 APPLICATION FOR AN ASSISTED LIVING HOME IS FILED, THE COUNTY SHALL PROVIDE
33 WRITTEN NOTICE OF THE ADMINISTRATIVE PROCEDURE TO REQUEST A REASONABLE
34 ACCOMMODATION AS PRESCRIBED IN SUBSECTION A OF THIS SECTION.

35 C. IF A COUNTY HAS A ZONING REGULATION THAT RESTRICTS THE DISTANCE
36 BETWEEN ASSISTED LIVING HOMES, THE DISTANCE SHALL BE MEASURED ON A LINEAR
37 FOOT BASIS FROM LOT LINE TO LOT LINE.

38 D. FOR THE PURPOSES OF THIS SECTION, "ASSISTED LIVING HOME" HAS THE
39 SAME MEANING PRESCRIBED IN SECTION 36-401.