



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: APPROP DP 9-6-1-1

HB 2815: religious institutions; use-by-right development

Sponsor: Representative Quiñonez, LD 11

House Engrossed

Overview

Allows religious institutions to develop housing by-right without requiring discretionary review by municipalities or counties (local governments).

History

Municipalities may generally enact ordinances to promote public health, safety and general welfare, including regulating the use of buildings, establishing height regulations, enacting parking requirements and maintaining building setback lines ([A.R.S. § 9-462.01](#)). Similarly, counties may adopt a zoning ordinance to promote public health, safety, convenience and general welfare. County zoning ordinances and rezonings must conform to an adopted comprehensive plan ([A.R.S. § 11-811](#)).

Both types of local governments must conduct a public hearing to establish or amend a zoning ordinance or to rezone property ([A.R.S. §§ 9-462.04; 11-813](#)).

Provisions

1. Prohibits local governments from requiring a discretionary review for a use-by-right development. (Sec. 1, 2)
2. Outlines by-right density provisions, including number of units per acre and height, for both residential zoned developments and non-residential zoned developments. (Sec. 1, 2)
3. Limits ancillary uses of a use-by-right development in a single-family residential zone. (Sec. 1, 2)
4. Allows a development to include commercial uses that do not require a use or development permit if the development is located outside of a single-family residential zone. (Sec. 1, 2)
5. Designates up to 50% of the use-by-right development's housing for moderate-income households, up to 10% for the staff of the religious institution that owns the land and the remainder (except for property managers units) for low-income households. (Sec. 1, 2)
6. Requires the religious institution to record a deed restriction allocating at least 40% of the use-by-right development for low-income households for 55 years. (Sec. 1, 2)
7. Outlines off-street parking requirements for a use-by-right development. (Sec. 1, 2)
8. Restricts local governments from:
 - a) requiring a use-by-right development to have any additional setback, open space or lot coverage requirements; and

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note

- b) imposing increased fees or impact fees on the basis of the development being use-by-right. (Sec. 1, 2)
- 9. Permits a local government to issue a subsequent permit if it is required for building plan and health and safety standards. (Sec. 1, 2)
- 10. Specifies that a religious institution may only allow a use-by-right development on land it owned as of 2023. (Sec. 1, 2)
- 11. Directs the religious institution to notify the county assessor that the property is no longer uses for tax-exempt purposes. (Sec. 1, 2)
- 12. Defines *religious institution*. (Sec. 1, 2)
- 13. Defines *use-by-right* as a development project that both:
 - a) is located on land owned by a religious institution on or before January 1, 2025; and
 - b) complies with all objective development standards of the local government that are not waived. (Sec. 1, 2)