

Senate Engrossed

planning; home design; restrictions; prohibition.

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1112

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY
ADDING SECTIONS 9-461.18 AND 9-461.19; RELATING TO MUNICIPAL 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, Arizona Revised Statutes,
3 is amended by adding sections 9-461.18 and 9-461.19, to read:

4 9-461.18. Planning; home design; state preemption;
5 applicability

6 A. A MUNICIPALITY MAY NOT INTERFERE WITH A HOME BUYER'S RIGHT TO
7 CHOOSE THE FEATURES, AMENITIES, STRUCTURE, FLOOR PLAN AND INTERIOR AND
8 EXTERIOR DESIGN OF A HOME.

9 B. NOTWITHSTANDING ANY OTHER LAW, A MUNICIPALITY MAY NOT REQUIRE
10 ANY OF THE FOLLOWING:

11 1. A HOMEOWNERS' ASSOCIATION, A CONDOMINIUM ASSOCIATION OR ANY
12 OTHER ASSOCIATION. PROPERTY OWNERS MAY VOLUNTARILY FORM OR ESTABLISH A
13 HOMEOWNERS' ASSOCIATION, A CONDOMINIUM ASSOCIATION OR ANOTHER ASSOCIATION.

14 2. A SHARED FEATURE OR AMENITY THAT WOULD REQUIRE A HOMEOWNERS'
15 ASSOCIATION, A CONDOMINIUM ASSOCIATION OR ANY OTHER ASSOCIATION TO
16 MAINTAIN OR OPERATE THE FEATURE OR AMENITY, UNLESS NECESSARY FOR
17 STORMWATER MANAGEMENT.

18 3. SCREENING, WALLS OR FENCES.

19 4. PRIVATE STREETS OR ROADS.

20 C. THE LEGISLATURE FINDS AND DETERMINES THAT THE CITIZENS OF THIS
21 STATE CONTINUE TO EXPERIENCE THE SIGNIFICANT DETRIMENTAL EFFECTS OF A
22 SEVERE CRISIS DUE TO THE SHORTAGE OF AVAILABLE HOUSING. IT HAS BECOME
23 VIRTUALLY IMPOSSIBLE FOR MANY ARIZONANS TO ACHIEVE THE AMERICAN DREAM OF
24 OWNING THEIR OWN HOME. THIS STATEWIDE HOUSING CRISIS IS CAUSED IN NO
25 SMALL PART DUE TO HIGHLY RESTRICTIVE REGULATIONS IMPOSED BY
26 MUNICIPALITIES. THE LEGISLATURE ALSO FINDS AND DETERMINES THAT, PURSUANT
27 TO ARTICLE II, SECTION 2, CONSTITUTION OF ARIZONA, PROPERTY RIGHTS ARE A
28 FUNDAMENTAL ELEMENT OF INDIVIDUAL RIGHTS AND PERSONAL FREEDOM. A PROPERTY
29 OWNER'S RIGHT TO USE THE PROPERTY OWNER'S PROPERTY, PROTECTED FROM
30 UNREASONABLE ABRIDGMENT BY MUNICIPAL REGULATION AND ENFORCEMENT, IS A
31 MATTER OF STATEWIDE CONCERN AND IS NOT SUBJECT TO FURTHER REGULATION BY A
32 MUNICIPALITY.

33 D. THE PROVISIONS OF THIS SECTION DO NOT SUPERSEDE APPLICABLE
34 BUILDING CODES, FIRE CODES OR PUBLIC HEALTH AND SAFETY REGULATIONS.

35 E. THIS SECTION APPLIES TO DEVELOPMENTS CONSTRUCTED AFTER THE
36 EFFECTIVE DATE OF THIS SECTION.

37 9-461.19. Planning; urban areas; home size; design; state
38 preemption; applicability

39 A. NOTWITHSTANDING ANY OTHER LAW, A MUNICIPALITY MAY NOT ADOPT OR
40 ENFORCE ANY CODE, ORDINANCE, REGULATION, STANDARD, STIPULATION OR OTHER
41 REQUIREMENT ESTABLISHING, DIRECTLY OR INDIRECTLY, ANY OF THE FOLLOWING:

42 1. FOR NEW DEVELOPMENTS THAT ARE FIVE OR MORE ACRES IN SIZE AND
43 THAT WILL BE PLATTED AND LOCATED IN AN AREA ZONED FOR SINGLE-FAMILY HOMES,
44 MINIMUM LOT SIZES THAT ARE GREATER THAN ONE THOUSAND FIVE HUNDRED SQUARE
45 FEET EXCEPT A MUNICIPALITY MAY ENFORCE ADOPTED MINIMUM LOT SIZES GREATER

1 THAN ONE THOUSAND FIVE HUNDRED SQUARE FEET WHERE MULTIPLE LOTS SMALLER
2 THAN FIVE ACRES WITH EXISTING DWELLING UNITS ARE AGGREGATED TOGETHER.

3 2. MINIMUM SQUARE FOOTAGE OR DIMENSIONS FOR A SINGLE-FAMILY HOME.

4 3. MAXIMUM OR MINIMUM LOT COVERAGE FOR A SINGLE-FAMILY HOME AND ANY
5 ACCESSORY STRUCTURES.

6 4. MINIMUM BUILDING SETBACKS FOR A SINGLE-FAMILY HOME THAT ARE
7 GREATER THAN FIVE FEET FROM THE SIDE LOT LINES AND TEN FEET FROM THE FRONT
8 AND REAR LOT LINES.

9 5. DESIGN, ARCHITECTURAL OR AESTHETIC ELEMENTS FOR A SINGLE-FAMILY
10 HOME EXCEPT FOR A SINGLE-FAMILY HOME WITHIN AN AREA THAT IS DESIGNATED AS
11 A DISTRICT OF HISTORICAL SIGNIFICANCE PURSUANT TO SECTION 9-462.01,
12 SUBSECTION A, PARAGRAPH 10 OR AN AREA THAT IS DESIGNATED AS HISTORIC ON
13 THE NATIONAL REGISTER OF HISTORIC PLACES.

14 B. THE LEGISLATURE FINDS AND DETERMINES THAT THE CITIZENS OF THIS
15 STATE CONTINUE TO EXPERIENCE THE SIGNIFICANT DETRIMENTAL EFFECTS OF A
16 SEVERE CRISIS DUE TO THE SHORTAGE OF AVAILABLE HOUSING. IT HAS BECOME
17 VIRTUALLY IMPOSSIBLE FOR MANY ARIZONANS TO ACHIEVE THE AMERICAN DREAM OF
18 OWNING THEIR OWN HOME. THIS STATEWIDE HOUSING CRISIS IS CAUSED IN NO
19 SMALL PART DUE TO HIGHLY RESTRICTIVE REGULATIONS IMPOSED BY
20 MUNICIPALITIES. THE LEGISLATURE ALSO FINDS AND DETERMINES THAT, PURSUANT
21 TO ARTICLE II, SECTION 2, CONSTITUTION OF ARIZONA, PROPERTY RIGHTS ARE A
22 FUNDAMENTAL ELEMENT OF INDIVIDUAL RIGHTS AND PERSONAL FREEDOM. A PROPERTY
23 OWNER'S RIGHT TO USE THE PROPERTY OWNER'S PROPERTY, PROTECTED FROM
24 UNREASONABLE ABRIDGMENT BY MUNICIPAL REGULATION AND ENFORCEMENT, IS A
25 MATTER OF STATEWIDE CONCERN AND IS NOT SUBJECT TO FURTHER REGULATION BY A
26 MUNICIPALITY.

27 C. THE PROVISIONS OF THIS SECTION DO NOT SUPERSEDE APPLICABLE
28 BUILDING CODES, FIRE CODES, MINIMUM PARKING REQUIREMENTS OR PUBLIC HEALTH
29 AND SAFETY REGULATIONS.

30 D. THIS SECTION APPLIES TO DEVELOPMENTS CONSTRUCTED AFTER THE
31 EFFECTIVE DATE OF THIS SECTION IN A MUNICIPALITY WITH A POPULATION OF MORE
32 THAN SEVENTY THOUSAND PERSONS THAT IS DESIGNATED IN WHOLE OR IN PART AS AN
33 URBAN AREA BY THE UNITED STATES CENSUS BUREAU OR IN A MUNICIPALITY THAT IS
34 LOCATED ON TRIBAL LAND.

35 Sec. 2. Short title

36 This act may be cited as the "Arizona Starter Homes Act".