

REFERENCE TITLE: private property; design; regulations; prohibition

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2319

Introduced by
Representatives Gillette: Carbone, Hendrix, Kupper

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY
ADDING SECTION 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 section 9-461.19, to read:

4 9-461.19. Private property; rights; state preemption; design;
5 materials; regulations; prohibition;
6 applicability; definitions

7 A. PRIVATE PROPERTY RIGHTS AND THE REGULATION OF PRIVATE PROPERTY
8 RIGHTS ARE A MATTER OF STATEWIDE CONCERN. THE REGULATION OF PRIVATE
9 PROPERTY RIGHTS PURSUANT TO THIS SECTION IS NOT SUBJECT TO FURTHER
10 REGULATION BY A CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE.

11 B. NOTWITHSTANDING ANY OTHER LAW, A MUNICIPALITY MAY NOT ADOPT OR
12 ENFORCE ANY REGULATION, STANDARD, STIPULATION OR OTHER REQUIREMENT ON AN
13 INDIVIDUALLY OWNED SINGLE-FAMILY LOT THAT DOES ANY OF THE FOLLOWING:

14 1. LIMITS THE USE OF A BUILDING MATERIAL OR PRODUCT, UNLESS THE
15 SPECIFIC USE OF THE BUILDING MATERIAL OR PRODUCT WOULD VIOLATE AN
16 APPLICABLE BUILDING CODE.

17 2. IMPOSES AN AESTHETIC DESIGN REQUIREMENT OR ANY OTHER REQUIREMENT
18 THAT VIOLATES THE FIRST AMENDMENT OF THE CONSTITUTION OF THE UNITED
19 STATES.

20 3. IMPOSES ANY REQUIREMENT THAT DIRECTLY OR INDIRECTLY LIMITS THE
21 USE, PLACEMENT OR ENJOYMENT OF TANGIBLE PERSONAL PROPERTY.

22 4. DIRECTLY OR INDIRECTLY PROHIBITS THE SALE OR TRANSFER AND
23 COMPATIBLE USE OF ANY PORTION OF A PARCEL OR LOT.

24 5. IS NOT UNIFORMLY VERIFIABLE BY REFERENCE TO AN EXTERNAL AND
25 UNIFORM BENCHMARK, STANDARD OR CRITERION THAT IS AVAILABLE AND KNOWABLE TO
26 THE PROPERTY OWNER.

27 6. PREVENTS THE INSTALLATION OR USE OF ENERGY OR WATER CONSERVATION
28 PRODUCTS OR MATERIALS.

29 7. REQUIRES A SINGLE-FAMILY HOME, ACCESSORY DWELLING UNIT AS
30 DEFINED IN SECTION 9-461.18, WALL, FENCE OR OTHER STRUCTURE TO INCLUDE A
31 SPECIFIC DESIGN, LAYOUT, MATERIAL, FEATURE, PRODUCT OR ANY REQUIREMENT
32 THAT IS RELATED TO THE FORM OR DESIGN OF OFF-STREET VEHICLE PARKING.

33 8. REQUIRES A FEATURE, PRODUCT OR DESIGN ELEMENT THAT THE PROPERTY
34 OWNER DOES NOT WANT OR CANNOT AFFORD.

35 9. DIRECTLY OR INDIRECTLY LIMITS A PROPERTY OWNER FROM GROWING FOOD
36 ON THEIR PROPERTY.

37 10. REQUIRES A SHARED FEATURE, SHARED AMENITY OR INFRASTRUCTURE
38 THAT WOULD REQUIRE A HOMEOWNERS' ASSOCIATION OR OTHER ASSOCIATION AS
39 DEFINED IN SECTION 33-1802 TO MAINTAIN OR OPERATE, UNLESS REQUIRED BY
40 FEDERAL LAW.

41 C. THIS SECTION DOES NOT APPLY IF THE REGULATION, STANDARD,
42 STIPULATION OR OTHER REQUIREMENT IS OBJECTIVE AND STRICTLY NECESSARY TO
43 PROTECT PUBLIC HEALTH AND SAFETY OR PREVENT A SIGNIFICANT EXTERNALITY AND
44 IS THROUGH THE LEAST RESTRICTIVE MEANS.

1 D. FOR THE PURPOSES OF THIS SECTION:

2 1. "OBJECTIVE" MEANS INVOLVING NO PERSONAL OR SUBJECTIVE JUDGMENT
3 BY A MUNICIPAL EMPLOYEE OR OFFICIAL AND BEING UNIFORMLY VERIFIABLE BY
4 REFERENCE TO AN EXTERNAL AND UNIFORM BENCHMARK, STANDARD OR CRITERION THAT
5 IS AVAILABLE AND KNOWABLE BY BOTH A PROPERTY OWNER AND A MUNICIPAL
6 EMPLOYEE OR OFFICIAL.

7 2. "SIGNIFICANT EXTERNALITY":

8 (a) MEANS A NONTRIVIAL NEGATIVE IMPACT ON A PERSON BEYOND THE
9 PROPERTY LINES OR SOCIETY AT LARGE.

10 (b) INCLUDES NOISE, LIGHT OR AIR POLLUTION.

11 (c) DOES NOT INCLUDE A SUBJECTIVE PREFERENCE.

12 Sec. 2. Legislative findings

13 The legislature finds:

14 1. That pursuant to article II, section 2, Constitution of Arizona,
15 property rights are a fundamental element of individual rights and
16 personal freedom.

17 2. That the ability to buy, sell and use property to its highest
18 and best use, as protected in the fifth amendment of the Constitution of
19 the United States, is essential to freedom and prosperity for citizens of
20 the state.

21 3. That the opportunity for each Arizona citizen to build a life
22 for their family and pursue the American dream shall not be abridged by
23 unreasonable municipal regulation and enforcement.

24 Sec. 3. Short title

25 This act may be cited as the "Arizona Property Bill of Rights".