

REFERENCE TITLE: municipalities; unsheltered persons; temporary campsites

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1559

Introduced by
Senator Leach

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-500.52; AMENDING SECTION 41-3953, ARIZONA REVISED
STATUTES; RELATING TO MUNICIPAL AND COUNTY POWERS.

(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 8, Arizona Revised Statutes,
3 is amended by adding section 9-500.52, to read:

4 9-500.52. Temporary designated camping and sleeping sites;
5 certification; standards; publication;
6 inspection; civil action; applicability;
7 definitions

8 A. A MUNICIPALITY SHALL DESIGNATE PROPERTY THAT IS OWNED BY THE
9 MUNICIPALITY AND THAT IS WITHIN THE BOUNDARIES OF THE MUNICIPALITY TO BE
10 USED FOR CAMPING OR SLEEPING FOR UNSHELTERED PERSONS. THE MUNICIPALITY
11 MAY DESIGNATE PROPERTY FOR CAMPING OR SLEEPING FOR UNSHELTERED PERSONS FOR
12 NOT MORE THAN A CONTINUOUS TWELVE-MONTH PERIOD.

13 B. THE MUNICIPALITY SHALL REQUEST THAT THE ARIZONA DEPARTMENT OF
14 HOUSING CERTIFY THE PROPERTY FOR CAMPING OR SLEEPING FOR UNSHELTERED
15 PERSONS. THE CERTIFICATION REQUEST SHALL INCLUDE EVIDENCE OF ALL OF THE
16 FOLLOWING:

17 1. THERE IS NOT A SUFFICIENT NUMBER OF BEDS IN THE SHELTERS WITHIN
18 THE BOUNDARIES OF THE MUNICIPALITY TO SERVE THE UNSHELTERED POPULATION OF
19 THE MUNICIPALITY.

20 2. THE DESIGNATION OF THE PROPERTY FOR CAMPING OR SLEEPING FOR
21 UNSHELTERED PERSONS WOULD NOT ADVERSELY OR MATERIALLY AFFECT THE VALUE OF
22 THE PROPERTY.

23 3. THE DESIGNATION OF THE PROPERTY FOR CAMPING OR SLEEPING FOR
24 UNSHELTERED PERSONS WOULD NOT AFFECT THE SAFETY AND SECURITY OF EXISTING
25 RESIDENTIAL AND COMMERCIAL PROPERTY OR CHILDREN WITHIN THE AREA OF THE
26 DESIGNATED PROPERTY.

27 4. THE MUNICIPALITY HAS DEVELOPED A PLAN TO ESTABLISH AND MAINTAIN
28 STANDARDS REQUIRED BY SUBSECTION D OF THIS SECTION.

29 C. WITHIN TEN DAYS AFTER RECEIPT OF THE MUNICIPALITY'S
30 CERTIFICATION REQUEST PURSUANT TO SUBSECTION B OF THIS SECTION, THE
31 ARIZONA DEPARTMENT OF HOUSING SHALL NOTIFY THE MUNICIPALITY OF RECEIPT OF
32 THE CERTIFICATION REQUEST. THE ARIZONA DEPARTMENT OF HOUSING SHALL
33 CONSIDER A COMPLETE CERTIFICATION REQUEST WITHIN FORTY-FIVE DAYS AFTER
34 RECEIPT OF THE REQUEST. IF THE ARIZONA DEPARTMENT OF HOUSING DOES NOT
35 APPROVE OR DENY A COMPLETE CERTIFICATION REQUEST THAT COMPLIES WITH THE
36 REQUIREMENTS OF SUBSECTION B OF THIS SECTION WITHIN FORTY-FIVE DAYS AFTER
37 RECEIPT OF THE CERTIFICATION REQUEST, THE CERTIFICATION REQUEST IS DEEMED
38 APPROVED.

39 D. A MUNICIPALITY SHALL ESTABLISH AND MAINTAIN STANDARDS FOR THE
40 PROPERTY THAT IS DESIGNATED FOR CAMPING OR SLEEPING FOR UNSHELTERED
41 PERSONS. THE STANDARDS SHALL DO ALL OF THE FOLLOWING:

42 1. ENSURE THE SAFETY AND SECURITY OF THE UNSHELTERED PERSONS
43 CAMPING OR SLEEPING AT THE PROPERTY.

1 2. REQUIRE THAT UNSHELTERED PERSONS CAMPING OR SLEEPING AT THE
2 PROPERTY BE ASSIGNED SPECIFIC SUBLOTS, PARKING SPOTS OR OTHER LOCATIONS
3 WITHIN THE PROPERTY.

4 3. REQUIRE A REGISTRY OF UNSHELTERED PERSONS WHO HAVE CAMPED OR
5 SLEPT AT THE PROPERTY AND THE DATES OF USE.

6 4. REQUIRE SANITATION. SANITATION STANDARDS AT THE PROPERTY MUST
7 INCLUDE ACCESS TO ALL OF THE FOLLOWING:

8 (a) CLEAN AND OPERABLE TOILETS.

9 (b) CLEAN AND OPERABLE SHOWERS.

10 (c) RUNNING WATER.

11 5. REQUIRE COORDINATION WITH PROFESSIONALS TO PROVIDE ACCESS TO
12 BEHAVIORAL HEALTH SERVICES, INCLUDING SUBSTANCE ABUSE AND MENTAL HEALTH
13 TREATMENT RESOURCES.

14 6. PROHIBIT AND ENFORCE THE PROHIBITION OF ILLEGAL SUBSTANCE AND
15 ALCOHOL USE AT THE PROPERTY.

16 7. ENSURE THAT ALL OTHER LAWS AND REGULATIONS ARE ENFORCED.

17 E. WITHIN THIRTY DAYS AFTER CERTIFICATION, THE MUNICIPALITY SHALL
18 PUBLISH ON THE MUNICIPALITY'S OFFICIAL WEBSITE THE STANDARDS ESTABLISHED
19 PURSUANT TO SUBSECTION D OF THIS SECTION AND CONTINUE TO PUBLISH THE
20 STANDARDS AS LONG AS THE PROPERTY IS CERTIFIED AND IS USED FOR CAMPING OR
21 SLEEPING FOR UNSHELTERED PERSONS.

22 F. THE ARIZONA DEPARTMENT OF HOUSING MAY INSPECT A PROPERTY THAT IS
23 CERTIFIED FOR CAMPING OR SLEEPING FOR UNSHELTERED PERSONS. THE ARIZONA
24 DEPARTMENT OF HOUSING SHALL NOTIFY THE MUNICIPALITY OF AN INTENTION TO
25 CLOSE THE PROPERTY THAT IS CERTIFIED FOR CAMPING OR SLEEPING FOR
26 UNSHELTERED PERSONS IF THE PROPERTY IS NOT IN COMPLIANCE WITH ANY OF THE
27 REQUIREMENTS OF THIS SECTION. THE MUNICIPALITY SHALL PUBLISH ON THE
28 MUNICIPALITY'S OFFICIAL WEBSITE THE NOTICE OF POTENTIAL CLOSURE OF THE
29 PROPERTY WITHIN FIVE DAYS AFTER RECEIPT OF THE NOTICE FROM THE ARIZONA
30 DEPARTMENT OF HOUSING. THE MUNICIPALITY HAS TEN DAYS TO CURE THE ALLEGED
31 VIOLATION THAT IS THE SUBJECT OF THE NOTICE OF POTENTIAL CLOSURE.

32 G. A RESIDENT OF THE MUNICIPALITY, A BUSINESS LOCATED IN THE
33 MUNICIPALITY OR THE ATTORNEY GENERAL HAS STANDING TO BRING A CIVIL ACTION
34 TO ENFORCE THE REQUIREMENTS OF THIS SECTION. IF A RESIDENT OF THE
35 MUNICIPALITY OR A BUSINESS LOCATED IN THE MUNICIPALITY PREVAILS IN A CIVIL
36 ACTION BROUGHT TO ENFORCE THE REQUIREMENTS OF THIS SECTION, THE RESIDENT
37 OR BUSINESS IS ENTITLED TO AN AWARD OF REASONABLE ATTORNEY FEES AND COSTS.

38 H. THIS SECTION APPLIES TO MUNICIPALITIES WITH A POPULATION OF MORE
39 THAN FIVE HUNDRED THOUSAND PERSONS.

40 I. THIS SECTION DOES NOT PREVENT A MUNICIPALITY FROM ALLOWING OR
41 MAINTAINING TEMPORARY CAMPING IN A PUBLIC CAMPSITE.

42 J. FOR THE PURPOSES OF THIS SECTION:

43 1. "CAMPING" MEANS TO SLEEP ON, OCCUPY OR OTHERWISE USE PUBLIC
44 PROPERTY THAT IS NOT DESIGNATED AS A CAMPSITE.

1 2. "UNSHELTERED PERSON" MEANS A PERSON WHOSE PRIMARY NIGHTTIME
2 RESIDENCE IS IN A PLACE NOT MEANT FOR HUMAN HABITATION.

3 Sec. 2. Section 41-3953, Arizona Revised Statutes, is amended to
4 read:

5 41-3953. Department powers and duties

6 A. The department is responsible for establishing policies,
7 procedures and programs that the department is authorized to conduct to
8 address the affordable housing issues confronting this state, including
9 housing issues of ~~low-income~~ LOW-INCOME families, moderate income
10 families, housing affordability, special needs populations and decaying
11 housing stock. Among other things, the department shall provide to
12 qualified housing participants and political subdivisions of this state
13 financial, advisory, consultative, planning, training and educational
14 assistance for the development of safe, decent and affordable housing,
15 including housing for low and moderate income households. The department
16 is responsible for maintaining and enforcing standards of quality and
17 safety for manufactured homes, mobile homes and factory-built buildings.

18 B. Under the direction of the director, the department shall:

19 1. Establish guidelines applicable to the programs and activities
20 of the department for the construction and financing of affordable housing
21 and housing for low and moderate income households in this state. These
22 guidelines shall meet or exceed all applicable state or local building and
23 health and safety code requirements and, if applicable, the national
24 manufactured home construction and safety standards act of 1974 and title
25 VI of the housing and community development act of 1974 (P.L. 93-383, as
26 amended by P.L. 95-128, 96-153 and ~~96-339~~ 96-399). Guidelines established
27 pursuant to this paragraph do not apply to the department's activities
28 prescribed in section 35-726, subsection E.

29 2. Accept and allocate any monies as from time to time may be
30 appropriated by the legislature for the purposes set forth in this
31 article.

32 3. Perform other duties necessary to administer this chapter.

33 4. Perform the duties prescribed in sections 35-726 and 35-728.

34 5. Stimulate and encourage all local, state, regional and federal
35 governmental agencies and all private persons and enterprises that have
36 similar and related objectives and purposes, cooperate with the agencies,
37 persons and enterprises and correlate department plans, programs and
38 operations with those of the agencies, persons and enterprises.

39 6. Conduct research on its own initiative or at the request of the
40 governor, the legislature or state or local agencies pertaining to any
41 department objectives.

42 7. Provide information and advice on request of any local, state or
43 federal agencies, private persons and business enterprises on matters
44 within the scope of department activities.

1 8. Consult with and make recommendations to the governor and the
2 legislature on all matters concerning department objectives.

3 9. Make annual reports to the governor and the legislature on its
4 activities, including the geographic location of its activities, its
5 finances and the scope of its operations.

6 10. Maintain and enforce standards of quality and safety for
7 manufactured homes, mobile homes and factory-built buildings and enforce
8 rules adopted by the board pursuant to section 41-4010.

9 11. REVIEW CERTIFICATION REQUESTS AND ISSUE CERTIFICATIONS TO
10 MUNICIPALITIES FOR PROPERTY DESIGNATED FOR CAMPING OR SLEEPING FOR
11 UNSHELTERED PERSONS AND PERFORM INSPECTIONS OF PROPERTY CERTIFIED FOR
12 CAMPING OR SLEEPING FOR UNSHELTERED PERSONS PURSUANT TO SECTION 9-500.52.

13 C. Under the direction of the director, the department may:

14 1. Assist in securing construction and mortgage financing from
15 public and private sector sources.

16 2. Assist mortgage financing programs established by industrial
17 development authorities and political subdivisions of this state.

18 3. Assist in the acquisition and use of federal housing assistance
19 programs pertinent to enhance the economic feasibility of a proposed
20 residential development.

21 4. Assist in the compliance of a proposed residential development
22 with applicable federal, state and local codes and ordinances.

23 5. Prepare and publish planning and development guidelines for the
24 establishment and delivery of housing assistance programs.

25 6. Contract with a federal agency to carry out financial work on
26 the federal agency's behalf and accept payment for the work.

27 7. Subcontract for the financial work prescribed in paragraph 6 of
28 this subsection and make payments for that subcontracted work based on the
29 expectation that the federal agency will pay for that work.

30 8. Accept payment from a federal agency for work prescribed in
31 paragraph 6 of this subsection and deposit those payments in the Arizona
32 department of housing program fund established by section 41-3957.

33 9. Contract for the services of outside advisers, consultants and
34 aides reasonably necessary or desirable to enable the department to
35 adequately perform its duties.

36 10. Contract for and incur obligations reasonably necessary or
37 desirable within the general scope of department activities and operations
38 to enable the department to adequately perform its duties.

39 11. Use any media of communication, publication and exhibition in
40 the dissemination of information, advertising and publicity in any field
41 of its purposes, objectives or duties.

42 12. Adopt rules deemed necessary or desirable to govern its
43 procedures and business.

44 13. Contract with other agencies in furtherance of any department
45 program.

1 14. Use monies, facilities or services to provide contributions
2 under federal or other programs that further the objectives and programs
3 of the department.

4 15. Accept gifts, grants, matching monies or direct payments from
5 public or private agencies or private persons and enterprises for the
6 conduct of programs that are consistent with the general purposes and
7 objectives of this article and deposit these monies in the Arizona
8 department of housing program fund established by section 41-3957.

9 16. Establish and collect fees and receive reimbursement of costs
10 in connection with any programs or duties performed by the department and
11 deposit the fees and cost reimbursements in the Arizona department of
12 housing program fund established by section 41-3957.

13 17. Provide staff support to the board of manufactured housing.

14 D. For the purposes of this section, the department is exempt from
15 chapter 23 of this title.

16 E. The department is the designated state public housing agency as
17 defined in the United States housing act of 1937 (42 United States Code
18 sections 1401 through 1440) for the purpose of accepting federal housing
19 assistance monies and may participate in the housing assistance payments
20 program. Federal monies may be secured for all areas of this state
21 subject only to the limitations prescribed in subsection F of this
22 section.

23 F. For areas of this state where an existing public housing
24 authority has not been established pursuant to section 36-1404, subsection
25 A, the department acting as a public housing agency may undertake all
26 activities under the section 8 tenant-based rental housing assistance
27 payment program, except that the department shall not undertake a section
28 8 tenant-based rental housing assistance payment program within the
29 boundaries of a city, town or county unless authorized by resolution of
30 the governing body of the city, town or county. If the department accepts
31 monies for a section 8 tenant-based rental housing assistance payment
32 program for areas of this state where an existing public housing authority
33 has been established pursuant to section 36-1404, subsection A, the
34 department shall only accept and secure federal monies to provide housing
35 for the seriously mentally ill or other populations with disabilities.
36 The department may accept and secure federal monies for undertaking all
37 contract administrator activities authorized under a section 8
38 project-based rental housing assistance payment program in all areas of
39 this state and this participation does not require the authorization of
40 any local governing body.

41 G. The department shall not itself directly own, construct, operate
42 or rehabilitate any housing units, except as may be necessary to protect
43 the department's collateral or security interest arising out of any
44 department programs.

H. Notwithstanding any other provision of this section, the department may obligate monies as loans or grants applicable to programs and activities of the department for the purpose of providing housing opportunities for low or moderate income households or for housing affordability or to prevent or combat decaying housing stock. Unless otherwise required by federal or state law, any loan repayments shall be deposited in the Arizona department of housing program fund established by section 41-3957.

I. For any construction project financed by the department pursuant to subsection C of this section, except for contract administration activities in connection with the project-based section 8 program, the department shall notify a city, town, county or tribal government that a project is planned for its jurisdiction and, before proceeding, shall seek comment from the governing body of the city, town, county or tribal government or an official authorized by the governing body of the city, town, county or tribal government. The department shall not interfere with or attempt to override the local jurisdiction's planning, zoning or land use regulations.

J. The department has the administrative responsibility through its hearing officer function concerning alleged violations of the Arizona mobile home parks residential landlord and tenant act under title 33, chapter 11.

K. The ARIZONA department OF HOUSING shall act consistently with the minimum standards of the United States department of housing and urban development so as to be designated the ~~state inspector~~ for manufactured homes and related industries. The ARIZONA department OF HOUSING shall implement all existing laws and regulations established by the federal government, its agencies and this state for that purpose.

Sec. 3. Effective date

Section 9-500.52, Arizona Revised Statutes, as added by this act, is effective from and after December 31, 2025.

Sec. 4. Short title

This act may be cited as the "Authorized Temporary Shelter Act".