

Senate Engrossed

municipalities; planned communities; design; prohibition

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SENATE BILL 1431

AN ACT

AMENDING SECTION 9-461.15, ARIZONA REVISED STATUTES; AMENDING TITLE 9,
CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION
9-461.21; 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. Section 9-461.15, Arizona Revised Statutes, is amended
3 to read:

4 9-461.15. Requirement of planned community; shared features;
5 prohibited; applicability; definitions

6 A. The planning agency of a municipality, in exercising its
7 authority pursuant to this title, shall not require as part of a
8 subdivision regulation or zoning ordinance that a subdivider or developer
9 establish ~~an A HOMEOWNER'S~~ association ~~as defined in section 33-1802~~. A
10 subdivider or developer shall not be penalized because a real estate
11 subdivision or development does not constitute or include a planned
12 community.

13 B. NOTWITHSTANDING ANY OTHER LAW, A MUNICIPALITY MAY NOT REQUIRE AS
14 PART OF A DEVELOPMENT OR SUBDIVISION EITHER OF THE FOLLOWING:

15 1. A SHARED FEATURE OR AMENITY THAT WOULD REQUIRE A HOMEOWNERS'
16 ASSOCIATION, A CONDOMINIUM ASSOCIATION OR ANY OTHER ASSOCIATION TO
17 MAINTAIN OR OPERATE THE FEATURE OR AMENITY, EXCEPT IF REQUIRED BY FEDERAL
18 LAW.

19 2. A GATE, WALL, FENCE OR OTHER PERIMETER ENCLOSURE OR ANY TYPE OF
20 CONTROLLED ACCESS.

21 ~~B.~~ C. A municipality may require a subdivider or developer to
22 establish ~~an A HOMEOWNER'S~~ association to maintain private, common or
23 ~~community owned~~ COMMUNITY-OWNED improvements that are approved and
24 installed as part of a preliminary plat, final plat or specific plan. A
25 municipality shall not require that ~~an A HOMEOWNER'S~~ association be formed
26 or operated other than for the maintenance of common areas or ~~community~~
27 ~~owned~~ COMMUNITY-OWNED property. This subsection applies only to planned
28 communities that are established in plats recorded after ~~the effective~~
29 ~~date of this section~~ JULY 24, 2014.

30 ~~C.~~ D. This section does not limit the subdivider or developer in
31 the establishment or authority of any planned community established
32 pursuant to title 33, chapter 16 or limit a subdivider, a developer or ~~an~~
33 ~~A HOMEOWNER'S~~ association from requesting and entering into a maintenance
34 agreement with a municipality.

35 E. SUBSECTION B OF THIS SECTION DOES NOT SUPERSEDE APPLICABLE
36 BUILDING CODES, FIRE CODES OR PUBLIC HEALTH AND SAFETY REGULATIONS.

37 F. FOR THE PURPOSES OF THIS SECTION:

38 1. "CONDOMINIUM ASSOCIATION" MEANS AN ASSOCIATION AS DEFINED IN
39 SECTION 33-1202.

40 2. "HOMEOWNERS' ASSOCIATION" MEANS AN ASSOCIATION AS DEFINED IN
41 SECTION 33-1802.

1 Sec. 2. Title 9, chapter 4, article 6, Arizona Revised Statutes, is
2 amended by adding section 9-461.21, to read:

3 9-461.21. Planning; home design; restrictions; prohibition;
4 applicability: definitions

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

8 B. NOTWITHSTANDING ANY OTHER LAW, A MUNICIPALITY MAY NOT ADOPT OR
9 ENFORCE ANY CODE, ORDINANCE, REGULATION, STANDARD, STIPULATION OR OTHER
10 LEGAL REQUIREMENT THAT DIRECTLY OR INDIRECTLY ESTABLISHES ANY OF THE
11 FOLLOWING REQUIREMENTS FOR A SINGLE-FAMILY HOME OR AN ACCESSORY DWELLING
12 UNIT:

13 1. SCREENING, WALLS OR FENCES ON RESIDENTIAL PROPERTY.

14 2. AESTHETIC DESIGN STANDARDS OR DESIGN, ARCHITECTURAL OR AESTHETIC
15 ELEMENTS OR GUIDELINES AND REQUIREMENTS FOR ANY OF THE FOLLOWING:

16 (a) MATERIALS OR FINISHES, INCLUDING MINIMUM PERCENTAGES OF
17 MATERIAL OR FINISHES, OR SPECIFIED MATERIALS.

18 (b) COLORS OR COLOR PALETTES.

19 (c) WINDOW PLACEMENT, CONFIGURATION OR STYLE.

20 (d) ROOF FORM OR PITCH.

21 (e) FAÇADE DESIGN, ARTICULATION, NONSTRUCTURAL ORNAMENTATION OR
22 ARCHITECTURAL STYLE.

23 (f) LAYOUT, FLOOR PLAN OR CONFIGURATION OF THE LIVABLE AREA.

24 (g) GARAGES OR OTHER SPECIFIED VEHICLE ENCLOSURES.

25 (h) DECORATIVE LIGHTING FIXTURES, INCLUDING CARRIAGE LIGHTS.

26 (i) PATIOS, DECKS, PORCHES, HARDSCAPING OR OTHER OUTDOOR
27 IMPROVEMENTS.

28 (j) PAVING OR SURFACING OF DRIVEWAYS.

29 C. A MUNICIPALITY MAY NOT DENY, DELAY OR CONDITIONALLY APPROVE A
30 BUILDING PERMIT OR OTHER ENTITLEMENT BASED ON A REQUIREMENT THAT IS
31 PROHIBITED BY THIS SECTION.

32 D. THIS SECTION DOES NOT SUPERSEDE ANY OF THE FOLLOWING:

33 1. APPLICABLE BUILDING CODES OR FIRE CODES.

34 2. PUBLIC HEALTH AND SAFETY REGULATIONS.

35 3. UTILITY CLEARANCE REQUIREMENTS OR UTILITY EASEMENTS THAT ARE
36 RECORDED AS OF THE EFFECTIVE DATE OF THIS SECTION.

37 4. MINIMUM PARKING REQUIREMENTS.

38 5. DARK SKY ORDINANCES.

39 E. A MUNICIPALITY MAY REQUIRE PREPARING AND SUBMITTING ACCEPTABLE
40 ELECTRIC AND WATER UTILITY PLANS AND SPECIFICATIONS.

41 F. THIS SECTION DOES NOT APPLY TO:

42 1. A SINGLE-FAMILY HOME THAT IS ON EITHER OF THE FOLLOWING:

43 (a) LAND THAT IS DESIGNATED AS A DISTRICT OF HISTORICAL
44 SIGNIFICANCE PURSUANT TO SECTION 9-462.01, SUBSECTION A, PARAGRAPH 10.

- 1 (b) AN AREA THAT IS DESIGNATED AS HISTORIC ON THE NATIONAL REGISTER
2 OF HISTORIC PLACES.
- 3 2. LOTS OR PARCELS THAT ARE LOCATED ON EITHER OF THE FOLLOWING:
- 4 (a) TRIBAL LAND.
- 5 (b) LAND IN A HIGH NOISE OR ACCIDENT POTENTIAL ZONE AS DEFINED IN
6 SECTION 28-8461 OF A MILITARY AIRPORT OR AN ANCILLARY MILITARY FACILITY AS
7 DEFINED IN SECTION 28-8461.
- 8 G. FOR THE PURPOSES OF THIS SECTION:
- 9 1. "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING PRESCRIBED IN
10 SECTION 9-461.18.
- 11 2. "BUILDING CODE":
- 12 (a) MEANS THE CONSTRUCTION CODES THAT ARE ADOPTED BY THE
13 MUNICIPALITY.
- 14 (b) INCLUDES PLUMBING AND MECHANICAL CODES, ELECTRIC CODES,
15 RESIDENTIAL CONSTRUCTION CODES, WILDLAND URBAN INTERFACE CODES AND ENERGY
16 CONSERVATION CODES, HOWEVER DENOMINATED.