

House Engrossed Senate Bill  
malicious delay; enforcement; penalty

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

# SENATE BILL 1566

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.54; AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-269.31; AMENDING TITLE 12, CHAPTER 8, ARTICLE 2.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-1139; RELATING TO RESIDENTIAL CONSTRUCTION.

(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 9-500.54, to read:

4 9-500.54. Malicious delay; attorney general; violation; civil  
5 penalty; definitions

6 A. NOTWITHSTANDING ANY OTHER LAW, A CITY OR TOWN IN THIS STATE MAY  
7 NOT MALICIOUSLY DELAY ADOPTED LICENSING TIME FRAMES PURSUANT TO SECTION  
8 9-835 FOR SINGLE-FAMILY RESIDENTIAL CONSTRUCTION OR A RESPONSE TO AN  
9 APPLICATION FOR SINGLE-FAMILY RESIDENTIAL CONSTRUCTION.

10 B. THE ATTORNEY GENERAL, BASED ON A WRITTEN COMPLAINT BY A PROPERTY  
11 OWNER WITH AN APPLICATION BEFORE A CITY OR TOWN, MAY ENFORCE THIS SECTION.

12 C. FOLLOWING AN INVESTIGATION AND FINDINGS BY THE ATTORNEY GENERAL,  
13 A CITY OR TOWN IN THIS STATE THAT IS FOUND TO HAVE VIOLATED THIS SECTION  
14 BY CLEAR AND CONVINCING EVIDENCE IS SUBJECT TO A CIVIL PENALTY OF \$5,000  
15 PER VIOLATION REGARDLESS OF THE DURATION OF THE DELAY.

16 D. THIS SECTION DOES NOT MODIFY THE AUTHORITY OF A BUILDING CODE  
17 OFFICIAL TO WITHHOLD A CERTIFICATE OF OCCUPANCY IN ACCORDANCE WITH A  
18 CITY'S OR TOWN'S ADOPTED CODES AND ORDINANCES.

19 E. IF THE ATTORNEY GENERAL FINDS THAT A CITY OR TOWN VIOLATED THIS  
20 SECTION, THE CITY OR TOWN MAY BRING AN ACTION IN A COURT WITH APPROPRIATE  
21 JURISDICTION TO CHALLENGE THE FINDING OF A MALICIOUS DELAY.

22 F. FOR THE PURPOSES OF THIS SECTION:

23 1. "APPLICATION" MEANS A SITE PLAN, DEVELOPMENT PLAN, LAND  
24 DIVISION, LOT LINE ADJUSTMENT, LOT TIE, PRELIMINARY PLAT, FINAL PLAT, PLAT  
25 AMENDMENT OR BUILDING PERMIT FOR SINGLE-FAMILY RESIDENTIAL CONSTRUCTION.

26 2. "MALICIOUS":

27 (a) MEANS ACTING WITH SPECIFIC INTENT TO OBSTRUCT APPROVAL OF AN  
28 APPLICATION BY IMPOSING REQUIREMENTS NOT SPECIFICALLY AUTHORIZED BY CODE,  
29 ORDINANCE, STANDARD OR OTHER LEGAL REQUIREMENTS, REPEATED UNEXPLAINED  
30 DELAYS OF MORE THAN TWICE THE CITY'S OR TOWN'S ADOPTED LICENSING TIME  
31 FRAME PURSUANT TO SECTION 9-835 FOR SINGLE-FAMILY RESIDENTIAL CONSTRUCTION  
32 OR DELAYS RESULTING FROM OTHER PENDING APPLICATIONS BY THE SAME APPLICANT.

33 (b) DOES NOT INCLUDE ANY DELAYS DUE TO RESOURCE CONSTRAINTS, DELAYS  
34 CAUSED BY THE APPLICANT OR A THIRD PARTY, GOOD FAITH ERRORS OR ENFORCEMENT  
35 OF ADOPTED TECHNICAL CODES, INCLUDING FIRE, BUILDING, TRANSPORTATION AND  
36 TRAFFIC, UTILITIES FACILITIES AND PUBLIC NUISANCE CODES, ORDINANCES OR  
37 STANDARDS.

38 Sec. 2. Title 11, chapter 2, article 4, Arizona Revised Statutes,  
39 is amended by adding section 11-269.31, to read:

40 11-269.31. Malicious delay; attorney general; violation;  
41 civil penalty; definitions

42 A. NOTWITHSTANDING ANY OTHER LAW, A COUNTY IN THIS STATE MAY NOT  
43 MALICIOUSLY DELAY ADOPTED LICENSING TIME FRAMES FOR SINGLE-FAMILY  
44 RESIDENTIAL CONSTRUCTION OR A RESPONSE TO AN APPLICATION FOR SINGLE-FAMILY  
45 RESIDENTIAL CONSTRUCTION.

1 B. THE ATTORNEY GENERAL, BASED ON A WRITTEN COMPLAINT BY A PROPERTY  
2 OWNER WITH AN APPLICATION BEFORE A COUNTY, MAY ENFORCE THIS SECTION.

3 C. FOLLOWING AN INVESTIGATION AND FINDINGS BY THE ATTORNEY GENERAL,  
4 A COUNTY IN THIS STATE THAT IS FOUND TO HAVE VIOLATED THIS SECTION BY  
5 CLEAR AND CONVINCING EVIDENCE IS SUBJECT TO A CIVIL PENALTY OF \$5,000 PER  
6 VIOLATION REGARDLESS OF THE DURATION OF THE DELAY.

7 D. THIS SECTION DOES NOT MODIFY THE AUTHORITY OF A BUILDING CODE  
8 OFFICIAL TO WITHHOLD A CERTIFICATE OF OCCUPANCY IN ACCORDANCE WITH A  
9 COUNTY'S ADOPTED CODES AND ORDINANCES.

10 E. IF THE ATTORNEY GENERAL FINDS THAT A COUNTY VIOLATED THIS  
11 SECTION, THE COUNTY MAY BRING AN ACTION IN A COURT WITH APPROPRIATE  
12 JURISDICTION TO CHALLENGE THE FINDING OF A MALICIOUS DELAY.

13 F. FOR THE PURPOSES OF THIS SECTION:

14 1. "APPLICATION" MEANS A SITE PLAN, DEVELOPMENT PLAN, LAND  
15 DIVISION, LOT LINE ADJUSTMENT, LOT TILE, PRELIMINARY PLAT, FINAL PLAT,  
16 PLAT AMENDMENT OR BUILDING PERMIT FOR SINGLE-FAMILY RESIDENTIAL  
17 CONSTRUCTION.

18 2. "MALICIOUS":

19 (a) MEANS ACTING WITH SPECIFIC INTENT TO OBSTRUCT APPROVAL OF AN  
20 APPLICATION BY IMPOSING REQUIREMENTS NOT SPECIFICALLY AUTHORIZED BY CODE,  
21 ORDINANCE OR STANDARD OR OTHER LEGAL REQUIREMENTS, REPEATED UNEXPLAINED  
22 DELAYS OF MORE THAN TWICE THE COUNTY'S ADOPTED LICENSING TIME FRAME FOR  
23 SINGLE-FAMILY RESIDENTIAL CONSTRUCTION OR DELAYS RESULTING FROM OTHER  
24 PENDING APPLICATIONS BY THE SAME APPLICANT.

25 (b) DOES NOT INCLUDE ANY DELAYS DUE TO RESOURCE CONSTRAINTS, DELAYS  
26 CAUSED BY THE APPLICANT OR A THIRD PARTY, GOOD FAITH ERRORS OR ENFORCEMENT  
27 OF ADOPTED TECHNICAL CODES, INCLUDING FIRE, BUILDING, TRANSPORTATION AND  
28 TRAFFIC, UTILITIES FACILITIES AND PUBLIC NUISANCE CODES, ORDINANCES OR  
29 STANDARDS.

30 Sec. 3. Title 12, chapter 8, article 2.1, Arizona Revised Statutes,  
31 is amended by adding section 12-1139, to read:

32 12-1139. Property right claims; malicious delay; land use  
33 claims; expedited review; definitions

34 A. A PLAINTIFF THAT FILES A COMPLAINT IN SUPERIOR COURT THAT  
35 ASSERTS A MALICIOUS DELAY CLAIM PURSUANT TO SECTIONS 9-500.54 OR 11-269.31  
36 FOR A SINGLE-FAMILY RESIDENTIAL APPLICATION IS ENTITLED TO EXPEDITED  
37 JUDICIAL REVIEW OF THE CLAIM.

38 B. WITHIN TEN CALENDAR DAYS AFTER THE SERVICE OF THE COMPLAINT, THE  
39 COURT SHALL SET AN INITIAL CASE MANAGEMENT CONFERENCE WITH THE PARTIES TO  
40 ESTABLISH AN EXPEDITED SCHEDULE FOR DISCOVERY, BRIEFING AND HEARINGS.

41 C. UNLESS OTHERWISE ORDERED FOR GOOD CAUSE, ALL FACT DISCOVERY IN  
42 THE ACTION SHALL BE COMPLETED AS EXPEDITIOUSLY AS POSSIBLE AFTER THE  
43 INITIAL CASE CONFERENCE.

44 D. THE COURT SHALL CONSIDER AND RULE ON ALL MOTIONS FOR SUMMARY  
45 JUDGMENT OR OTHER DISPOSITIVE MOTIONS AS SOON AS PRACTICABLE.

1 E. THE COURT SHALL SET A TRIAL OR FINAL HEARING DATE AS SOON AS  
2 PRACTICABLE AFTER THE CASE MANAGEMENT CONFERENCE, ABSENT A FINDING OF GOOD  
3 CAUSE.

4 F. AN APPEAL TO THE COURT OF APPEALS FROM A SUPERIOR COURT JUDGMENT  
5 IN AN ACTION DESCRIBED IN SUBSECTION A OF THIS SECTION IS ENTITLED TO A  
6 SCHEDULING PREFERENCE ON THE APPELLATE DOCKET, AND THE COURT OF APPEALS  
7 SHALL EXPEDITE BRIEFING SCHEDULES AND ORAL ARGUMENT CONSISTENT WITH THE  
8 INTERESTS OF JUSTICE UNLESS THE COURT FINDS FOR GOOD CAUSE THAT EXPEDITED  
9 REVIEW IS NOT FEASIBLE.

10 G. A PARTY MAY PETITION FOR SPECIAL ACTION RELIEF IN THE COURT OF  
11 APPEALS OR SUPREME COURT AND SUCH ACTIONS SHALL RECEIVE EXPEDITED  
12 PROCESSING.

13 H. FOR THE PURPOSES OF THIS SECTION:

14 1. "APPLICATION" MEANS ANY OF THE FOLLOWING FOR SINGLE-FAMILY  
15 RESIDENTIAL DEVELOPMENT:

- 16 (a) A SITE PLAN.
- 17 (b) A DEVELOPMENT PLAN.
- 18 (c) A LAND DIVISION.
- 19 (d) A LOT LINE ADJUSTMENT.
- 20 (e) A LOT TIE.
- 21 (f) A PRELIMINARY OR FINAL PLAT.
- 22 (g) A PLAT AMENDMENT.
- 23 (h) A BUILDING PERMIT.

24 Sec. 4. Legislative findings

25 The legislature finds and declares that the purpose of section  
26 12-1139, Arizona Revised Statutes, as added by this act, is to ensure that  
27 actions in which a plaintiff asserts a malicious delay property claim  
28 pursuant to section 9-500.54 or 11-269.31, Arizona Revised Statutes, as  
29 added by this act for a single-family residential application is resolved  
30 in a timely and efficient manner to prevent undue harm resulting from  
31 prolonged uncertainty.