

REFERENCE TITLE: historic structures; improper demolition; penalties

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 4074

Introduced by
Representatives Liguori: Hernandez A, Villegas

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-462.15; AMENDING TITLE 11, CHAPTER 6, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-820.05; AMENDING SECTION 41-511.04, ARIZONA REVISED STATUTES; RELATING TO HISTORIC PROPERTIES.

(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 6.1, Arizona Revised
3 Statutes, is amended by adding section 9-462.15, to read:

4 9-462.15. Historic properties; improper demolition; civil
5 penalties; enforcement; applicability;
6 definitions

7 A. A PERSON WHO KNOWINGLY OR NEGLIGENTLY CONDUCTS AN IMPROPER
8 DEMOLITION OF A HISTORIC PROPERTY IS SUBJECT TO A CIVIL PENALTY OF \$5,000
9 FOR EACH IMPROPER DEMOLITION. A CIVIL PENALTY IMPOSED PURSUANT TO THIS
10 SECTION IS IN ADDITION TO ANY OTHER PENALTY, REMEDY OR ACTION THAT IS
11 AUTHORIZED BY MUNICIPAL ORDINANCE OR STATE LAW.

12 B. CIVIL PENALTIES THAT ARE COLLECTED PURSUANT TO THIS SECTION
13 SHALL BE DEPOSITED IN THE IMPROPER DEMOLITION FUND ESTABLISHED BY SECTION
14 41-511.04.

15 C. THIS SECTION MAY BE ENFORCED BY ANY OF THE FOLLOWING:

- 16 1. THE MUNICIPALITY WHERE THE IMPROPER DEMOLITION OCCURRED.
- 17 2. THE ARIZONA STATE PARKS BOARD.

18 3. THE ATTORNEY GENERAL, ON REFERRAL FROM THE MUNICIPALITY WHERE
19 THE IMPROPER DEMOLITION OCCURRED OR ON REFERRAL FROM THE ARIZONA STATE
20 PARKS BOARD.

21 D. THIS SECTION APPLIES IN A MUNICIPALITY WITH A POPULATION OF
22 SEVENTY-FIVE THOUSAND OR MORE PERSONS.

23 E. A PERSON IS NOT SUBJECT TO A CIVIL PENALTY PURSUANT TO THIS
24 SECTION IF A MUNICIPAL OFFICIAL DETERMINED THAT THE IMPROPER DEMOLITION
25 WAS NECESSARY DUE TO AN IMMINENT THREAT TO PUBLIC HEALTH AND SAFETY AND
26 NOTICE OF THE IMPROPER DEMOLITION WAS PROVIDED TO THE APPLICABLE HISTORIC
27 PRESERVATION OFFICE AS SOON AS PRACTICABLE.

28 F. FOR THE PURPOSES OF THIS SECTION:

29 1. "HISTORIC PROPERTY" MEANS PROPERTY THAT IS:

30 (a) IN AN AREA THAT IS DESIGNATED AS A DISTRICT OF HISTORICAL
31 SIGNIFICANCE PURSUANT TO SECTION 9-462.01, SUBSECTION A, PARAGRAPH 10.

32 (b) IN AN AREA THAT IS DESIGNATED AS HISTORIC ON THE NATIONAL
33 REGISTER OF HISTORIC PLACES.

34 (c) IN AN AREA THAT IS DESIGNATED HISTORIC BY A LOCAL GOVERNMENT.

35 (d) IN AN AREA THAT IS DESIGNATED AS HISTORIC BY A REGISTER OF
36 HISTORIC PLACES IN THIS STATE.

37 2. "IMPROPER DEMOLITION" MEANS THE DEMOLITION, IN WHOLE OR IN
38 SUBSTANTIAL PART, OF A HISTORIC PROPERTY WITHOUT THE APPROVALS REQUIRED BY
39 APPLICABLE HISTORIC PRESERVATION ORDINANCES, RULE OR REVIEW PROCESS,
40 INCLUDING REVIEW AND APPROVAL FROM AN APPLICABLE HISTORIC PRESERVATION
41 OFFICE, COMMISSION OR BOARD.

1 Sec. 2. Title 11, chapter 6, article 2, Arizona Revised Statutes,
2 is amended by adding section 11-820.05, to read:

3 11-820.05. Historic properties; improper demolition; civil
4 penalties; enforcement; applicability;
5 definitions

6 A. A PERSON WHO KNOWINGLY OR NEGLIGENTLY CONDUCTS AN IMPROPER
7 DEMOLITION OF A HISTORIC PROPERTY IS SUBJECT TO A CIVIL PENALTY OF \$5,000
8 FOR EACH IMPROPER DEMOLITION. A CIVIL PENALTY IMPOSED PURSUANT TO THIS
9 SECTION IS IN ADDITION TO ANY OTHER PENALTY, REMEDY OR ACTION THAT IS
10 AUTHORIZED BY COUNTY ORDINANCE OR STATE LAW.

11 B. CIVIL PENALTIES THAT ARE COLLECTED PURSUANT TO THIS SECTION
12 SHALL BE DEPOSITED IN THE IMPROPER DEMOLITION FUND ESTABLISHED BY SECTION
13 41-511.04.

14 C. THIS SECTION MAY BE ENFORCED BY ANY OF THE FOLLOWING:

15 1. THE COUNTY WHERE THE IMPROPER DEMOLITION OCCURRED.

16 2. THE ARIZONA STATE PARKS BOARD.

17 3. THE ATTORNEY GENERAL, ON REFERRAL FROM THE COUNTY WHERE THE
18 IMPROPER DEMOLITION OCCURRED OR ON REFERRAL FROM THE ARIZONA STATE PARKS
19 BOARD.

20 D. THIS SECTION APPLIES IN A COUNTY WITH A POPULATION OF
21 SEVENTY-FIVE THOUSAND OR MORE PERSONS.

22 E. A PERSON IS NOT SUBJECT TO A CIVIL PENALTY PURSUANT TO THIS
23 SECTION IF A COUNTY OFFICIAL DETERMINED THAT THE IMPROPER DEMOLITION WAS
24 NECESSARY DUE TO AN IMMINENT THREAT TO PUBLIC HEALTH AND SAFETY AND NOTICE
25 OF THE IMPROPER DEMOLITION WAS PROVIDED TO THE APPLICABLE HISTORIC
26 PRESERVATION OFFICE AS SOON AS PRACTICABLE.

27 F. FOR THE PURPOSES OF THIS SECTION:

28 1. "HISTORIC PROPERTY" MEANS PROPERTY THAT IS:

29 (a) IN AN AREA THAT IS DESIGNATED AS A DISTRICT OF HISTORICAL
30 SIGNIFICANCE PURSUANT TO SECTION 9-462.01, SUBSECTION A, PARAGRAPH 10.

31 (b) IN AN AREA THAT IS DESIGNATED AS HISTORIC ON THE NATIONAL
32 REGISTER OF HISTORIC PLACES.

33 (c) IN AN AREA THAT IS DESIGNATED HISTORIC BY A LOCAL GOVERNMENT.

34 (d) IN AN AREA THAT IS DESIGNATED AS HISTORIC BY A REGISTER OF
35 HISTORIC PLACES IN THIS STATE.

36 2. "IMPROPER DEMOLITION" MEANS THE DEMOLITION, IN WHOLE OR IN
37 SUBSTANTIAL PART, OF A HISTORIC PROPERTY WITHOUT THE APPROVALS REQUIRED BY
38 APPLICABLE HISTORIC PRESERVATION ORDINANCES, RULE OR REVIEW PROCESS,
39 INCLUDING REVIEW AND APPROVAL FROM AN APPLICABLE HISTORIC PRESERVATION
40 OFFICE, COMMISSION OR BOARD.

1 Sec. 3. Section 41-511.04, Arizona Revised Statutes, is amended to
2 read:

3 41-511.04. Duties; board; partnership fund; improper
4 demolition fund; state historic preservation
5 officer; definition

6 A. The board shall:

7 1. Select areas of scenic beauty, natural features and historical
8 properties now owned by ~~the~~ THIS state, except properties in the care and
9 custody of other agencies by virtue of agreement with ~~the~~ THIS state or as
10 established by law, for management, operation and further development as
11 state parks and historical monuments.

12 2. Manage, develop and operate state parks, monuments or trails
13 established or acquired pursuant to law, or previously granted to the
14 state for park or recreation purposes, except those falling under the
15 jurisdiction of other state agencies as established by law.

16 3. Investigate lands owned by ~~the~~ THIS state to determine, in
17 cooperation with the agency that manages the land, which tracts should be
18 set aside and dedicated for use as state parks, monuments or trails.

19 4. Investigate federally owned lands to determine, their
20 desirability for use as state parks, monuments or trails and negotiate
21 with the federal agency having jurisdiction over such lands for the
22 transfer of title to the Arizona state parks board.

23 5. Investigate privately owned lands to determine their
24 desirability as state parks, monuments or trails and negotiate with
25 private owners for the transfer of title to the Arizona state parks board.

26 6. Enter into agreements with the United States, other states or
27 local governmental units, private societies or persons for the development
28 and protection of state parks, monuments and trails.

29 7. Plan, coordinate and administer a state historic preservation
30 program, including the program established pursuant to the national
31 historic preservation act of 1966, as amended.

32 8. Advise, assist and cooperate with federal and state agencies,
33 political subdivisions of this state and other persons in identifying and
34 preserving properties of historic or prehistoric significance.

35 9. Keep and administer an Arizona register of historic places
36 composed of districts, sites, buildings, structures and objects
37 significant in this state's history, architecture, archaeology,
38 engineering and culture that meet criteria that the board establishes or
39 that are listed on the national register of historic places. Entry on the
40 register requires nomination by the state historic preservation officer
41 and owner notification in accordance with rules that the board adopts.

42 10. Accept, on behalf of the state historic preservation officer,
43 applications for classification as historic property received from the
44 county assessor.

- 1 11. Adopt rules with regard to classification of historic property
2 including:
- 3 (a) Minimum maintenance standards for the property.
4 (b) Requirements for documentation.
- 5 12. Monitor the performance of state agencies in ~~the management of~~
6 **MANAGING** historic properties as provided in chapter 4.2 of this title.
- 7 13. Advise the governor on historic preservation matters.
- 8 14. Plan and administer a statewide parks and recreation program,
9 including the programs established pursuant to the land and water
10 conservation fund act of 1965 (P.L. 88-578; 78 Stat. 897).
- 11 15. Prepare, maintain and update a comprehensive plan ~~for the~~
12 ~~development of~~ **TO DEVELOP** the outdoor recreation resources of this state.
- 13 16. Initiate and carry out studies to determine the recreational
14 needs of this state and the counties, cities and towns.
- 15 17. Coordinate recreational plans and developments of federal,
16 state, county, city, town and private agencies.
- 17 18. Receive applications for projects to be funded through the land
18 and water conservation fund and the state lake improvement fund on behalf
19 of the Arizona outdoor recreation coordinating commission.
- 20 19. Provide staff support to the Arizona outdoor recreation
21 coordinating commission.
- 22 20. Maintain a statewide off-highway vehicle recreational
23 plan. The plan shall be updated at least once every five years and shall
24 be used by all participating agencies to guide distribution and
25 expenditure of monies under section 28-1176. The plan shall be open to
26 public input and shall include the priority recommendations for allocating
27 available monies in the off-highway vehicle recreation fund established by
28 section 28-1176.
- 29 21. Collaborate with the state forester in presentations to
30 legislative committees on issues associated with forest management and
31 wildfire prevention and suppression as provided by section 37-1302,
32 subsection B.
- 33 B. Notwithstanding section 41-511.21, the board may annually
34 collect and ~~expend~~ **SPEND** monies to plan and administer the land and water
35 conservation fund program, in conjunction with other administrative tasks
36 and recreation plans, as a surcharge to subgrantees in a proportionate
37 amount, not to exceed ten percent, of the cost of each project. The
38 surcharge monies shall be set aside to fund staff support for the land and
39 water conservation fund program.
- 40 C. ~~A~~ **THE** partnership fund is established consisting of monies
41 received pursuant to subsection B of this section, monies received from
42 intergovernmental agreements pursuant to title 11, chapter 7, article 3
43 and monies received pursuant to section 35-148. The board shall
44 administer the fund monies as a continuing appropriation for the purposes
45 provided in these sections.

1 D. THE IMPROPER DEMOLITION FUND IS ESTABLISHED CONSISTING OF MONIES
2 DEPOSITED PURSUANT TO SECTIONS 9-462.15 AND 11-820.05. THE BOARD SHALL
3 ADMINISTER THE FUND. MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE
4 APPROPRIATION. MONIES IN THE FUND MAY BE USED FOR ANY OF THE FOLLOWING:

- 5 1. HISTORIC PRESERVATION GRANTS.
- 6 2. TECHNICAL ASSISTANCE TO MUNICIPAL OR COUNTY HISTORIC
7 PRESERVATION PROGRAMS.
- 8 3. EDUCATION, OUTREACH AND COMPLIANCE ASSISTANCE RELATED TO
9 HISTORIC PRESERVATION.

10 ~~D.~~ E. The state historic preservation officer shall:

11 1. In cooperation with federal and state agencies, political
12 subdivisions of this state and other persons, direct and conduct a
13 comprehensive statewide survey of historic properties and historic private
14 burial sites and historic private cemeteries and maintain inventories of
15 historic properties and historic private burial sites and historic private
16 cemeteries.

17 2. Identify and nominate eligible properties to the national
18 register of historic places and the Arizona register of historic places
19 and otherwise administer applications for listing historic properties on
20 the national and state registers.

21 3. Administer grants-in-aid for historic preservation projects
22 within this state.

23 4. Advise, assist and monitor, as appropriate, federal and state
24 agencies and political subdivisions of this state in carrying out their
25 historic preservation responsibilities and cooperate with federal and
26 state agencies, political subdivisions of this state and other persons to
27 ensure that historic properties and historic private burial sites and
28 historic private cemeteries are taken into consideration at all levels of
29 planning and development.

30 5. Develop and make available information concerning professional
31 methods and techniques for the preservation of historic properties and
32 historic private burial sites and historic private cemeteries.

33 6. Make recommendations on the certification, classification and
34 eligibility of historic properties and historic private burial sites and
35 historic private cemeteries for property tax and investment tax
36 incentives.

37 ~~E.~~ F. The state historic preservation officer may:

38 1. Collect and receive information for historic private burial
39 sites and historic private cemeteries from public and private sources and
40 maintain a record of the existence and location of such burial sites and
41 cemeteries located on private or public lands in this state.

42 2. Assist and advise the owners of the properties on which the
43 historic private burial sites and historic private cemeteries are located
44 regarding the availability of tax exemptions applicable for such property.

1 3. Make the records available to assist in locating the families of
2 persons buried in the historic private burial sites and historic private
3 cemeteries.

4 F. For the purposes of this section, "historic private burial sites
5 and historic private cemeteries" means places where burials or interments
6 of human remains first occurred more than fifty years ago, that are not
7 available for burials or interments by the public and that are not
8 regulated under title 32, chapter 20, article 6.

9 Sec. 4. Legislative findings

10 The legislature finds and declares that:

11 1. Historic homes and districts contribute to the cultural,
12 economic and architectural character of Arizona's communities and support
13 neighborhood stability and long-term economic vitality.

14 2. Municipalities with established historic preservation processes
15 rely on compliance with those processes to appropriately balance
16 preservation, growth and redevelopment.

17 3. Unauthorized demolition of historic properties undermines
18 locally adopted historic preservation ordinances and erodes public trust
19 in land use and licensing systems.

20 4. The purpose of this act is not to restrict lawful development or
21 alter local historic preservation standards, but to ensure that existing
22 local approval processes are followed.

23 5. This act establishes a uniform statewide baseline consequence
24 for the improper demolition of historic properties in municipalities with
25 sufficient administrative capacity, while preserving local control over
26 historic designation, review criteria and approval procedures.

27 6. The legislature intends the civil penalties assessed under this
28 act be reinvested in historic preservation efforts statewide, including
29 education, technical assistance and support for local historic
30 preservation programs.

31 7. Nothing in this act is intended to do any of the following:

32 (a) Require a city or town to designate new historic properties or
33 historic districts.

34 (b) Prevent demolition that is lawfully approved under applicable
35 local processes.

36 (c) Interfere with emergency actions necessary to protect public
37 health or safety.