

REFERENCE TITLE: assisted living homes; occupancy; zoning

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

SB 1473

Introduced by
Senator Kavanagh

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; RELATING TO MUNICIPAL AND COUNTY ZONING.

(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. Assisted living homes; assisted living facilities;
5 occupancy cap; zoning regulations; relief;
6 applicability; statewide preemption; definitions

7 A. A MUNICIPALITY MAY NOT ADOPT, ENFORCE OR MAINTAIN ANY LAW,
8 ORDINANCE OR OTHER REGULATION RELATING TO THE OPERATION OF AN ASSISTED
9 LIVING HOME OR ASSISTED LIVING FACILITY THAT DOES ANY OF THE FOLLOWING:

10 1. IMPOSES A CAP ON THE NUMBER OF RESIDENTS WHO MAY RESIDE AT AN
11 ASSISTED LIVING HOME OR ASSISTED LIVING FACILITY THAT IS LOWER THAN THE
12 NUMBER OF RESIDENTS THAT ARE ALLOWED PURSUANT TO TITLE 36, CHAPTER 4,
13 RULES ADOPTED BY THE DEPARTMENT OF HEALTH SERVICES OR THE ASSISTED LIVING
14 HOME'S OR ASSISTED LIVING FACILITY'S LICENSE.

15 2. RESTRICTS AN ASSISTED LIVING HOME OR ASSISTED LIVING FACILITY
16 FROM OPERATING IN AN AREA THAT IS ZONED FOR RESIDENTIAL USE BASED ON
17 EITHER OF THE FOLLOWING:

18 (a) THE NUMBER OF RESIDENTS WHO RESIDE AT THE ASSISTED LIVING HOME
19 OR ASSISTED LIVING FACILITY IF THE NUMBER OF RESIDENTS IS IN COMPLIANCE
20 WITH THE NUMBER OF RESIDENTS THAT ARE ALLOWED PURSUANT TO TITLE 36,
21 CHAPTER 4, RULES ADOPTED BY THE DEPARTMENT OF HEALTH SERVICES OR THE
22 ASSISTED LIVING HOME'S OR ASSISTED LIVING FACILITY'S LICENSE.

23 (b) THE CLASSIFICATION OF THE ASSISTED LIVING HOME OR ASSISTED
24 LIVING FACILITY AS A HEALTH CARE INSTITUTION OR ASSISTED LIVING USE.

25 3. REQUIRES AN ASSISTED LIVING HOME OR ASSISTED LIVING FACILITY TO
26 OBTAIN A VARIANCE, CONDITIONAL USE PERMIT, REASONABLE ACCOMMODATION OR
27 REZONING BASED SOLELY ON THE NUMBER OF RESIDENTS WHO RESIDE AT THE
28 ASSISTED LIVING HOME OR ASSISTED LIVING FACILITY.

29 B. A MUNICIPALITY MAY ENFORCE APPLICABLE BUILDING, FIRE, SAFETY AND
30 HEALTH CODES AND REGULATIONS IF THE CODES AND REGULATIONS ARE BOTH OF THE
31 FOLLOWING:

32 1. APPLIED UNIFORMLY TO ALL SIMILAR RESIDENTIAL DWELLINGS.

33 2. DO NOT HAVE THE EFFECT OF IMPOSING AN OCCUPANCY LIMIT THAT IS
34 MORE RESTRICTIVE THAN THOSE THAT ARE ALLOWED PURSUANT TO TITLE 36, CHAPTER
35 4, RULES ADOPTED BY THE DEPARTMENT OF HEALTH SERVICES OR THE ASSISTED
36 LIVING HOME'S OR ASSISTED LIVING FACILITY'S LICENSE.

37 C. A PERSON MAY ASSERT A VIOLATION OF THIS SECTION AND MAY BRING AN
38 ACTION FOR DECLARATORY OR INJUNCTIVE RELIEF IN A COURT OF COMPETENT
39 JURISDICTION. THE COURT MAY AWARD ATTORNEY FEES AND COSTS TO A PREVAILING
40 PLAINTIFF.

41 D. THE OCCUPANCY OR ZONING REGULATION OF AN ASSISTED LIVING HOME OR
42 ASSISTED LIVING FACILITY IS OF STATEWIDE CONCERN. THE OCCUPANCY OR ZONING
43 REGULATION OF AN ASSISTED LIVING HOME OR ASSISTED LIVING FACILITY PURSUANT
44 TO THIS SECTION IS NOT SUBJECT TO FURTHER REGULATIONS BY A MUNICIPALITY

1 AND PREEMPTS ALL INCONSISTENT LAWS, ORDINANCES OR OTHER REGULATIONS
2 ADOPTED BY THE MUNICIPALITY.

3 E. FOR THE PURPOSES OF THIS SECTION:

4 1. "ASSISTED LIVING FACILITY" HAS THE SAME MEANING PRESCRIBED IN
5 SECTION 36-401.

6 2. ASSISTED LIVING HOME" HAS THE SAME MEANING PRESCRIBED IN SECTION
7 36-401.

8 3. "HEALTH CARE INSTITUTION" HAS THE SAME MEANING PRESCRIBED IN
9 SECTION 36-401.

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

12 11-820.05. Assisted living homes; assisted living facilities;
13 occupancy cap; zoning regulations; relief;
14 applicability; statewide preemption; definitions

15 A. A COUNTY MAY NOT ADOPT, ENFORCE OR MAINTAIN ANY LAW, ORDINANCE
16 OR OTHER REGULATION RELATING TO THE OPERATION OF AN ASSISTED LIVING HOME
17 OR ASSISTED LIVING FACILITY THAT DOES ANY OF THE FOLLOWING:

18 1. IMPOSES A CAP ON THE NUMBER OF RESIDENTS WHO MAY RESIDE AT AN
19 ASSISTED LIVING HOME OR ASSISTED LIVING FACILITY THAT IS LOWER THAN THE
20 NUMBER OF RESIDENTS THAT ARE ALLOWED PURSUANT TO TITLE 36, CHAPTER 4,
21 RULES ADOPTED BY THE DEPARTMENT OF HEALTH SERVICES OR THE ASSISTED LIVING
22 HOME'S OR ASSISTED LIVING FACILITY'S LICENSE.

23 2. RESTRICTS AN ASSISTED LIVING HOME OR ASSISTED LIVING FACILITY
24 FROM OPERATING IN AN AREA THAT IS ZONED FOR RESIDENTIAL USE BASED ON
25 EITHER OF THE FOLLOWING:

26 (a) THE NUMBER OF RESIDENTS WHO RESIDE AT THE ASSISTED LIVING HOME
27 OR ASSISTED LIVING FACILITY IF THE NUMBER OF RESIDENTS IS IN COMPLIANCE
28 WITH THE NUMBER OF RESIDENTS THAT ARE ALLOWED PURSUANT TO TITLE 36,
29 CHAPTER 4, RULES ADOPTED BY THE DEPARTMENT OF HEALTH SERVICES OR THE
30 ASSISTED LIVING HOME'S OR ASSISTED LIVING FACILITY'S LICENSE.

31 (b) THE CLASSIFICATION OF THE ASSISTED LIVING HOME OR ASSISTED
32 LIVING FACILITY AS A HEALTH CARE INSTITUTION OR ASSISTED LIVING USE.

33 3. REQUIRES AN ASSISTED LIVING HOME OR ASSISTED LIVING FACILITY TO
34 OBTAIN A VARIANCE, CONDITIONAL USE PERMIT, REASONABLE ACCOMMODATION OR
35 REZONING BASED SOLELY ON THE NUMBER OF RESIDENTS WHO RESIDE AT THE
36 ASSISTED LIVING HOME OR ASSISTED LIVING FACILITY.

37 B. A COUNTY MAY ENFORCE APPLICABLE BUILDING, FIRE, SAFETY AND
38 HEALTH CODES AND REGULATIONS IF THE CODES AND REGULATIONS ARE BOTH OF THE
39 FOLLOWING:

40 1. APPLIED UNIFORMLY TO ALL SIMILAR RESIDENTIAL DWELLINGS.

41 2. DO NOT HAVE THE EFFECT OF IMPOSING AN OCCUPANCY LIMIT THAT IS
42 MORE RESTRICTIVE THAN THOSE THAT ARE ALLOWED PURSUANT TO TITLE 36,
43 CHAPTER 4, RULES ADOPTED BY THE DEPARTMENT OF HEALTH SERVICES OR THE
44 ASSISTED LIVING HOME'S OR ASSISTED LIVING FACILITY'S LICENSE.

1 C. A PERSON MAY ASSERT A VIOLATION OF THIS SECTION AND MAY BRING AN
2 ACTION FOR DECLARATORY OR INJUNCTIVE RELIEF IN A COURT OF COMPETENT
3 JURISDICTION. THE COURT MAY AWARD ATTORNEY FEES AND COSTS TO A PREVAILING
4 PLAINTIFF.

5 D. THE OCCUPANCY OR ZONING REGULATION OF AN ASSISTED LIVING HOME OR
6 ASSISTED LIVING FACILITY IS OF STATEWIDE CONCERN. THE OCCUPANCY OR ZONING
7 REGULATION OF AN ASSISTED LIVING HOME OR ASSISTED LIVING FACILITY IS NOT
8 SUBJECT TO FURTHER REGULATIONS BY A COUNTY AND PREEMPTS ALL INCONSISTENT
9 LAWS, ORDINANCES OR OTHER REGULATIONS ADOPTED BY THE COUNTY.

10 E. FOR THE PURPOSES OF THIS SECTION:

11 1. "ASSISTED LIVING FACILITY" HAS THE SAME MEANING PRESCRIBED IN
12 SECTION 36-401.

13 2. "ASSISTED LIVING HOME" HAS THE SAME MEANING PRESCRIBED IN SECTION
14 36-401.

15 3. "HEALTH CARE INSTITUTION" HAS THE SAME MEANING PRESCRIBED IN
16 SECTION 36-401.

17 Sec. 3. Severability

18 If a provision of this act or its application to any person or
19 circumstance is held invalid, the invalidity does not affect other
20 provisions or applications of the act that can be given effect without the
21 invalid provision or application, and to this end the provisions of this
22 act are severable.