

Senate Engrossed

assisted living homes; occupancy; zoning

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

SENATE BILL 1473

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; occupancy cap; zoning
5 regulations; relief; state preemption;
6 applicability; definition

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 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 THAT IS LOWER THAN TEN RESIDENTS.

12 2. RESTRICTS AN ASSISTED LIVING HOME FROM OPERATING ON A PROPERTY
13 THAT IS ZONED FOR RESIDENTIAL USE BASED ON EITHER OF THE FOLLOWING:

14 (a) THE NUMBER OF RESIDENTS WHO RESIDE AT THE ASSISTED LIVING HOME
15 IF THE NUMBER OF RESIDENTS IS TEN OR FEWER.

16 (b) THE CLASSIFICATION OF THE ASSISTED LIVING HOME AS ASSISTED
17 LIVING USE.

18 3. REQUIRES AN ASSISTED LIVING HOME TO OBTAIN A VARIANCE,
19 CONDITIONAL USE PERMIT, REASONABLE ACCOMMODATION OR REZONING BASED SOLELY
20 ON THE NUMBER OF RESIDENTS WHO RESIDE AT THE ASSISTED LIVING HOME.

21 B. EXCEPT AS PROVIDED IN SUBSECTION A OF THIS SECTION, A
22 MUNICIPALITY MAY ENFORCE AND MAINTAIN ZONING, BUILDING, FIRE, SAFETY AND
23 HEALTH CODES AND REGULATIONS IF THE CODES AND REGULATIONS DO NOT HAVE THE
24 EFFECT OF IMPOSING AN OCCUPANCY LIMIT THAT IS MORE RESTRICTIVE THAN WHAT
25 IS ALLOWED PURSUANT TO THE ASSISTED LIVING HOME'S LICENSE.

26 C. A PERSON MAY ASSERT A VIOLATION OF THIS SECTION AND MAY BRING AN
27 ACTION FOR DECLARATORY OR INJUNCTIVE RELIEF IN A COURT OF COMPETENT
28 JURISDICTION. THE COURT MAY AWARD ATTORNEY FEES AND COSTS TO A PREVAILING
29 PLAINTIFF.

30 D. THE OCCUPANCY LIMIT OF AN ASSISTED LIVING HOME IS OF STATEWIDE
31 CONCERN. THE OCCUPANCY LIMIT OF AN ASSISTED LIVING HOME PURSUANT TO THIS
32 SECTION IS NOT SUBJECT TO FURTHER REGULATIONS BY A MUNICIPALITY AND
33 PREEMPTS ALL INCONSISTENT LAWS, ORDINANCES OR OTHER REGULATIONS ADOPTED BY
34 THE MUNICIPALITY.

35 E. THIS SECTION DOES NOT PROHIBIT OR RESTRICT A MUNICIPALITY FROM
36 ADOPTING A DISTANCE REQUIREMENT PRESCRIBED IN SECTION 9-462.09.

37 F. THIS SECTION APPLIES TO AN ASSISTED LIVING HOME THAT IS LICENSED
38 AS OF THE EFFECTIVE DATE OF THIS SECTION AND AN ASSISTED LIVING HOME THAT
39 IS LICENSED AFTER THE EFFECTIVE DATE OF THIS SECTION.

40 G. FOR THE PURPOSES OF THIS SECTION, "ASSISTED LIVING HOME" HAS THE
41 SAME MEANING PRESCRIBED IN SECTION 36-401.

