

Senate Engrossed

planning; home design; restrictions; prohibition.

State of Arizona  
Senate  
Fifty-seventh Legislature  
First Regular Session  
2025

# SENATE BILL 1229

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY  
ADDING SECTIONS 9-461.19 AND 9-461.20; 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. Title 9, chapter 4, article 6, Arizona Revised Statutes,  
3 is amended by adding sections 9-461.19 and 9-461.20, to read:

4 9-461.19. Planning; home design; state preemption;  
5 applicability; definitions

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

9 B. NOTWITHSTANDING ANY OTHER LAW, A MUNICIPALITY MAY NOT REQUIRE  
10 EITHER OF THE FOLLOWING:

11 1. A SHARED FEATURE OR AMENITY THAT WOULD REQUIRE A HOMEOWNERS'  
12 ASSOCIATION, A CONDOMINIUM ASSOCIATION OR ANY OTHER ASSOCIATION AS DEFINED  
13 IN SECTION 33-1802 TO MAINTAIN OR OPERATE THE FEATURE OR AMENITY, UNLESS  
14 REQUIRED BY FEDERAL LAW.

15 2. SCREENING, WALLS OR FENCES ON RESIDENTIAL PROPERTY.

16 C. THE LEGISLATURE FINDS AND DETERMINES THAT THE CITIZENS OF THIS  
17 STATE CONTINUE TO EXPERIENCE THE SIGNIFICANT DETRIMENTAL EFFECTS OF A  
18 SEVERE CRISIS DUE TO THE SHORTAGE OF AVAILABLE HOUSING. IT HAS BECOME  
19 VIRTUALLY IMPOSSIBLE FOR MANY CITIZENS OF THIS STATE TO ACHIEVE THE  
20 AMERICAN DREAM OF OWNING THEIR OWN HOME. THIS STATEWIDE HOUSING CRISIS IS  
21 CAUSED IN PART BY HIGHLY RESTRICTIVE REGULATIONS. THE LEGISLATURE ALSO  
22 FINDS AND DETERMINES THAT, PURSUANT TO ARTICLE II, SECTION 2, CONSTITUTION  
23 OF ARIZONA, PROPERTY RIGHTS ARE A FUNDAMENTAL ELEMENT OF INDIVIDUAL RIGHTS  
24 AND PERSONAL FREEDOM. A PROPERTY OWNER'S RIGHT TO USE THE PROPERTY  
25 OWNER'S PROPERTY, PROTECTED FROM UNREASONABLE ABRIDGMENT BY REGULATION AND  
26 ENFORCEMENT, IS A MATTER OF STATEWIDE CONCERN AND IS NOT SUBJECT TO  
27 FURTHER REGULATION BY A MUNICIPALITY.

28 D. THIS SECTION DOES NOT SUPERSEDE APPLICABLE BUILDING CODES, FIRE  
29 CODES OR PUBLIC HEALTH AND SAFETY REGULATIONS.

30 E. THIS SECTION DOES NOT APPLY TO LOTS OR PARCELS THAT ARE LOCATED  
31 ON TRIBAL LAND, ON LAND IN A HIGH NOISE OR ACCIDENT POTENTIAL ZONE AS  
32 DEFINED IN SECTION 28-8461 OF A MILITARY AIRPORT OR ANCILLARY MILITARY  
33 FACILITY AS DEFINED IN SECTION 28-8461.

34 F. THIS SECTION APPLIES TO DEVELOPMENTS CONSTRUCTED AFTER THE  
35 EFFECTIVE DATE OF THIS SECTION IN A MUNICIPALITY WITH A POPULATION OF MORE  
36 THAN SEVENTY THOUSAND PERSONS.

37 G. FOR THE PURPOSES OF THIS SECTION:

38 1. "BUILDING CODE" MEANS THE CONSTRUCTION CODES ADOPTED BY THE  
39 MUNICIPALITY, INCLUDING PLUMBING AND MECHANICAL CODES, ELECTRIC CODES,  
40 RESIDENTIAL CONSTRUCTION CODES, WILDLAND URBAN INTERFACE CODES AND ENERGY  
41 CONSERVATION CODES, HOWEVER DENOMINATED.

42 2. "FIRE CODE" MEANS A SET OF STANDARDS AND REGULATIONS THAT ARE  
43 ADOPTED AND ENFORCED BY THE MUNICIPALITY'S FIRE CODE OFFICIAL IN  
44 COMPLIANCE WITH STATE LAW AND THAT ARE RELATED TO FIRE PREVENTION AND  
45 PROTECTION SYSTEMS FOR A SINGLE-FAMILY HOME.

1           3. "FIRE CODE OFFICIAL" MEANS THE MUNICIPAL FIRE CHIEF OR OTHER  
2 DESIGNATED AUTHORITY CHARGED WITH THE ADMINISTRATION AND ENFORCEMENT OF  
3 THE FIRE CODE OR A DULY AUTHORIZED REPRESENTATIVE.

4           4. "SHARED FEATURE OR AMENITY" MEANS ANY, OR PART OF ANY, LAND,  
5 BUILDING OR OTHER PROPERTY THAT WILL NOT BE OWNED BY AN INDIVIDUAL  
6 HOMEOWNER IN FEE SIMPLE, INCLUDING A COMMON AREA.

7           9-461.20. Planning; urban areas; home size; design; state  
8 preemption; applicability; definitions

9           A. NOTWITHSTANDING ANY OTHER LAW, A MUNICIPALITY MAY NOT ADOPT OR  
10 ENFORCE ANY CODE, ORDINANCE, REGULATION, STANDARD, STIPULATION OR OTHER  
11 LEGAL REQUIREMENT ESTABLISHING, DIRECTLY OR INDIRECTLY, ANY OF THE  
12 FOLLOWING:

13           1. FOR NEW DEVELOPMENTS THAT ARE FIVE OR MORE ACRES IN SIZE AND  
14 THAT WILL BE PLATTED AND LOCATED IN AN AREA ZONED AS SINGLE-FAMILY  
15 RESIDENTIAL, MINIMUM LOT SIZES THAT ARE MORE THAN THREE THOUSAND SQUARE  
16 FEET, EXCEPT THAT A MUNICIPALITY MAY ENFORCE ADOPTED MINIMUM LOT SIZES OF  
17 MORE THAN THREE THOUSAND SQUARE FEET WHERE MULTIPLE LOTS SMALLER THAN FIVE  
18 ACRES WITH EXISTING DWELLING UNITS ARE AGGREGATED TOGETHER. THIS  
19 PARAGRAPH DOES NOT PROHIBIT A MUNICIPALITY FROM ALLOWING SMALLER LOT SIZES  
20 THAN THE LOT SIZES PRESCRIBED BY THIS PARAGRAPH.

21           2. MINIMUM SQUARE FOOTAGE OR DIMENSIONS FOR A SINGLE-FAMILY HOME  
22 THAT ARE MORE THAN THE MINIMUM SQUARE FOOTAGE OR DIMENSIONS THE  
23 MUNICIPALITY REQUIRES FOR ANY OTHER TYPE OF DWELLING UNIT AS OF THE  
24 EFFECTIVE DATE OF THIS SECTION.

25           3. MAXIMUM OR MINIMUM LOT COVERAGE FOR A SINGLE-FAMILY HOME AND ANY  
26 ACCESSORY STRUCTURES ON A LOT LESS THAN TEN THOUSAND SQUARE FEET.

27           4. MINIMUM BUILDING SETBACKS FOR A SINGLE-FAMILY HOME THAT ARE MORE  
28 THAN FIVE FEET FROM THE SIDE LOT LINES AND TEN FEET FROM THE FRONT AND  
29 REAR LOT LINES, EXCEPT FOR A PORTION OF A HOME THAT IS OCCUPIED BY A  
30 GARAGE FACING THE STREET, IN WHICH THE MINIMUM FRONT SETBACK MAY NOT  
31 EXCEED EIGHTEEN FEET FROM THE BACK OF THE SIDEWALK OR LOT LINE. THIS  
32 PARAGRAPH DOES NOT PROHIBIT A MUNICIPALITY FROM ALLOWING SMALLER SETBACKS  
33 THAN THOSE ALLOWED BY THIS PARAGRAPH.

34           5. DESIGN, ARCHITECTURAL OR AESTHETIC ELEMENTS FOR A SINGLE-FAMILY  
35 HOME, EXCEPT FOR A SINGLE-FAMILY HOME ON LAND THAT IS DESIGNATED AS A  
36 DISTRICT OF HISTORICAL SIGNIFICANCE PURSUANT TO SECTION 9-462.01,  
37 SUBSECTION A, PARAGRAPH 10 OR AN AREA THAT IS DESIGNATED AS HISTORIC ON  
38 THE NATIONAL REGISTER OF HISTORIC PLACES.

39           B. THE LEGISLATURE FINDS AND DETERMINES THAT THE CITIZENS OF THIS  
40 STATE CONTINUE TO EXPERIENCE THE SIGNIFICANT DETRIMENTAL EFFECTS OF A  
41 SEVERE CRISIS DUE TO THE SHORTAGE OF AVAILABLE HOUSING. IT HAS BECOME  
42 VIRTUALLY IMPOSSIBLE FOR MANY CITIZENS OF THIS STATE TO ACHIEVE THE  
43 AMERICAN DREAM OF OWNING THEIR OWN HOME. THIS STATEWIDE HOUSING CRISIS IS  
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4 ENFORCEMENT, IS A MATTER OF STATEWIDE CONCERN AND IS NOT SUBJECT TO  
5 FURTHER REGULATION BY A MUNICIPALITY.

6 C. THIS SECTION DOES NOT SUPERSEDE APPLICABLE BUILDING CODES, FIRE  
7 CODES, UTILITY CLEARANCE REQUIREMENTS, UTILITY EASEMENTS THAT ARE RECORDED  
8 AS OF THE EFFECTIVE DATE OF THIS SECTION, MINIMUM PARKING REQUIREMENTS OR  
9 PUBLIC HEALTH AND SAFETY REGULATIONS. TO ENSURE THE SAFETY AND  
10 RELIABILITY OF POWER AND WATER UTILITIES, A MUNICIPALITY MAY REQUIRE THE  
11 PREPARATION AND SUBMISSION OF ACCEPTABLE ELECTRIC AND WATER UTILITY PLANS  
12 AND SPECIFICATIONS.

13 D. AS A CONDITION OF DEVELOPMENT AND CONSTRUCTION OF NEW  
14 SINGLE-FAMILY HOMES PURSUANT TO THIS SECTION, A MUNICIPALITY MAY REQUIRE  
15 THE CONSTRUCTION OF OR PAYMENT FOR NECESSARY PUBLIC SERVICES NEEDED TO  
16 SERVE THE NEW SINGLE-FAMILY HOMES IN ACCORDANCE WITH APPLICABLE STATE  
17 STATUTES, INCLUDING SECTION 9-463.05, AND THE ARIZONA AND UNITED STATES  
18 CONSTITUTIONS.

19 E. THIS SECTION DOES NOT APPLY TO LOTS OR PARCELS THAT ARE LOCATED  
20 ON TRIBAL LAND, ON LAND IN A HIGH NOISE OR ACCIDENT POTENTIAL ZONE AS  
21 DEFINED IN SECTION 28-8461 OF A MILITARY AIRPORT OR ANCILLARY MILITARY  
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38 Sec. 2. Short title

39 This act may be cited as the "Arizona Starter Homes Act".