

House Engrossed

religious institutions; development; allowed use

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2191

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-462.14; AMENDING TITLE 11, CHAPTER 6, ARTICLE 2, ARIZONA
REVISED STATUTES, BY ADDING SECTION 11-820.05; RELATING TO 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 9-462.14, to read:

4 9-462.14. Religious institutions; allowed use developments;
5 requirements; regulation; applicability;
6 definitions

7 A. NOTWITHSTANDING ANY LOCAL ZONING ORDINANCE, FOR A RELIGIOUS
8 INSTITUTION LOCATED IN AN AREA THAT IS ZONED AS OF JANUARY 1, 2025 FOR
9 SINGLE-FAMILY RESIDENTIAL USE, ANY SINGLE-FAMILY RESIDENTIAL HOUSING
10 DEVELOPMENT ON ANY ELIGIBLE SITE IS CONSIDERED AN ALLOWED USE DEVELOPMENT
11 IF THE DEVELOPMENT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

12 1. IS NOT WITHIN SEVENTY-FIVE FEET OF A NEIGHBORING SITE.

13 2. HAS AT LEAST ONE PARKING SPACE PER UNIT OR MEETS THE MUNICIPAL
14 ZONING REQUIREMENTS FOR PARKING, WHICHEVER IS LESS.

15 3. MEETS ALL LOCAL REGULATIONS FOR WATER AND SEWER ACCESS.

16 4. IS ON AN ELIGIBLE SITE THAT, AS OF JANUARY 1, 2025, HAS BEEN
17 OWNED EXCLUSIVELY BY A RELIGIOUS INSTITUTION FOR AT LEAST FIFTEEN
18 CONSECUTIVE YEARS, THAT HAS BEEN USED CONTINUOUSLY AND PRIMARILY FOR
19 RELIGIOUS WORSHIP, THAT IS CLASSIFIED AS TAX-EXEMPT AS PRESCRIBED IN
20 SECTION 42-11109 AND THAT WILL CONTINUE TO BE OWNED AND MAINTAINED BY THE
21 RELIGIOUS INSTITUTION.

22 5. IS ON AN ELIGIBLE SITE THAT IS NOT LOCATED WITHIN ONE-HALF MILE
23 OF HEAVY INDUSTRIAL USE, AN AIRPORT OR A MILITARY BASE.

24 B. THE HEIGHT REQUIREMENTS FOR AN ALLOWED USE DEVELOPMENT ON AN
25 ELIGIBLE SITE MUST BE NOT MORE THAN THIRTY FEET AND TWO FULL FLOORS.

26 C. MINIMUM SETBACK REQUIREMENTS FOR AN ALLOWED USE DEVELOPMENT ON
27 AN ELIGIBLE SITE MUST MEET ALL OF THE FOLLOWING:

28 1. BE AT LEAST TWENTY FEET FOR THE FRONT SETBACK OF THE ELIGIBLE
29 SITE.

30 2. BE AT LEAST FIFTEEN FEET FOR THE SIDE SETBACK OF THE ELIGIBLE
31 SITE.

32 3. BE AT LEAST TWENTY FEET FOR THE REAR SETBACK OF THE ELIGIBLE
33 SITE.

34 D. THE GREATEST MAXIMUM LOT COVERAGE FOR AN ALLOWED USE DEVELOPMENT
35 ON AN ELIGIBLE SITE MUST BE NOT MORE THAN COVERAGE OF EIGHTY PERCENT OF
36 THE ELIGIBLE SITE.

37 E. THE MAXIMUM DENSITY BONUS FOR AN ALLOWED USE DEVELOPMENT ON AN
38 ELIGIBLE SITE MAY NOT BE MORE THAN TWENTY PERCENT OF THE MAXIMUM DENSITY
39 ALLOWED BY THE APPLICABLE ZONING REGULATIONS OR SEVENTEEN DWELLING UNITS
40 PER ACRE, WHICHEVER IS LESS.

41 F. A MUNICIPALITY MAY NOT IMPOSE ANY ADDITIONAL RESTRICTIONS ON AN
42 ALLOWED USE DEVELOPMENT ON AN ELIGIBLE SITE OTHER THAN THE RESTRICTIONS
43 PROVIDED IN THIS SECTION.

44 G. A MUNICIPALITY MAY REQUIRE ADDITIONAL PERMITS FOR AN ALLOWED USE
45 DEVELOPMENT ON AN ELIGIBLE SITE IF THE SAME PERMITS ARE REQUIRED BY THE
46 MUNICIPALITY FOR A COMPARABLE DEVELOPMENT PROJECT. PERMITS REQUIRED BY A

1 MUNICIPALITY FOR AN ALLOWED USE DEVELOPMENT ON AN ELIGIBLE SITE SHALL BE
2 APPROVED BY THE MUNICIPALITY ADMINISTRATIVELY AND THE MUNICIPALITY MAY NOT
3 REQUIRE A PUBLIC HEARING.

4 H. A MUNICIPALITY MAY REQUIRE ON-SITE AND OFF-SITE IMPROVEMENTS,
5 IMPACT FEES, PLANS AND COMPLIANCE FOR AN ALLOWED USE DEVELOPMENT ON AN
6 ELIGIBLE SITE THAT ARE THE SAME AS ON-SITE AND OFF-SITE IMPROVEMENTS,
7 IMPACT FEES, PLANS AND COMPLIANCE THAT ARE REQUIRED BY THE MUNICIPALITY
8 FOR A COMPARABLE DEVELOPMENT PROJECT.

9 I. A RELIGIOUS INSTITUTION THAT ALLOWS AN ALLOWED USE DEVELOPMENT
10 ON AN ELIGIBLE SITE THAT IS OWNED BY THE RELIGIOUS INSTITUTION SHALL
11 NOTIFY THE COUNTY ASSESSOR IN THE COUNTY WHERE THE PROPERTY IS LOCATED IN
12 WRITING PURSUANT TO SECTION 42-11152 THAT THE PROPERTY IS NO LONGER USED
13 FOR THE PURPOSES THAT QUALIFY FOR EXEMPTION FROM TAXATION.

14 J. AN ALLOWED USE DEVELOPMENT ON AN ELIGIBLE SITE THAT IS DEVELOPED
15 PURSUANT TO THIS SECTION SHALL BE SUBJECT TO A VALIDLY EXECUTED LAND TRUST
16 AGREEMENT. THE LAND TRUST AGREEMENT SHALL SPECIFY BOTH OF THE FOLLOWING:

17 1. THE GOVERNANCE AND MISSION-ALIGNED HOUSING OVERSIGHT AND THE
18 ROLE OF THE RELIGIOUS INSTITUTION.

19 2. THAT THE RELIGIOUS INSTITUTION MAY DELEGATE DECISION-MAKING
20 AUTHORITY TO A SELECTED MANAGEMENT ENTITY. THE SELECTED MANAGEMENT ENTITY
21 SHALL BE ONE OF THE FOLLOWING:

22 (a) A NEWLY FORMED, SEPARATE NONPROFIT AND RELIGIOUS
23 INSTITUTION-AFFILIATED COMMUNITY LAND TRUST.

24 (b) A PARTNERSHIP WITH AN EXISTING COMMUNITY LAND TRUST.

25 (c) ANY OTHER QUALIFIED RESIDENTIAL HOUSING PROPERTY MANAGER.

26 K. AN ALLOWED USE DEVELOPMENT ON AN ELIGIBLE SITE THAT IS DEVELOPED
27 PURSUANT TO THIS SECTION SHALL BE SUBJECT TO A VALIDLY EXECUTED GROUND
28 LEASE AGREEMENT. THE GROUND LEASE AGREEMENT SHALL PROVIDE ALL OF THE
29 FOLLOWING:

30 1. PROTECTION OF THE RELIGIOUS INSTITUTION AND THE SINGLE-FAMILY
31 RESIDENTIAL HOMEOWNERS.

32 2. LONG-TERM AFFORDABILITY AND COMMUNITY PUBLIC BENEFITS.

33 3. A MONTHLY LEASE FEE FOR SINGLE-FAMILY RESIDENTIAL HOMEOWNERS
34 THAT PROMOTES LONG-TERM AFFORDABILITY. THE MONTHLY LEASE FEES MAY BE USED
35 BY MANAGEMENT OF THE ALLOWED USE DEVELOPMENT FOR COMPLIANCE AND MANAGEMENT
36 OF THE PROJECT.

37 4. A REQUIREMENT THAT A SINGLE-FAMILY RESIDENTIAL HOME THAT IS
38 DEVELOPED PURSUANT TO THIS SECTION INCLUDE HOUSEHOLDS THAT EARN NOT MORE
39 THAN ONE HUNDRED TWENTY PERCENT OF THE AREA MEDIAN INCOME.

40 5. A RESALE SHARING EQUITY CLAUSE THAT ALLOWS THE HOMEOWNER OF A
41 SINGLE-FAMILY RESIDENTIAL HOME THAT IS DEVELOPED ON AN ELIGIBLE SITE TO
42 RETAIN A PERCENTAGE OF THE SINGLE-FAMILY RESIDENTIAL HOME'S APPRECIATION
43 EQUITY AND ALLOWS THE RELIGIOUS INSTITUTION OR HOUSING ENTITY TO KEEP A
44 PERCENTAGE OF THE SINGLE-FAMILY RESIDENTIAL HOME'S APPRECIATION EQUITY FOR
45 REINVESTMENT IN HOUSING PROGRAMS OR OTHER RELIGIOUS INSTITUTION

1 PRIORITIES. THE RELIGIOUS INSTITUTION SHALL DETERMINE THE EQUITY SHARING
2 PERCENTAGES WHEN EXECUTING THE GROUND LEASE AGREEMENT.

3 6. A LIMITED APPRECIATION CLAUSE THAT RESTRICTS THE RESALE VALUE OF
4 A SINGLE-FAMILY RESIDENTIAL HOME THAT IS DEVELOPED ON AN ELIGIBLE SITE FOR
5 THE FIRST FIVE TO TEN YEARS AFTER DEVELOPMENT. THE LIMITED APPRECIATION
6 RESTRICTION MAY BE DETERMINED BY THE RELIGIOUS INSTITUTION AND MAY BE
7 CALCULATED USING ONE OF THE FOLLOWING METHODS:

8 (a) AN INDEXED RATE THAT TIES THE RESALE PRICE OF A SINGLE-FAMILY
9 HOME THAT IS DEVELOPED ON AN ELIGIBLE SITE TO AN ANNUAL CONSUMER PRICE
10 INDEX.

11 (b) A FIXED ANNUAL APPRECIATION RATE.

12 L. A RELIGIOUS INSTITUTION THAT ALLOWS AN ALLOWED USE DEVELOPMENT
13 ON AN ELIGIBLE SITE THAT IS OWNED BY THE RELIGIOUS INSTITUTION SHALL
14 NOTIFY IN WRITING ALL OF THE RESIDENTIAL NEIGHBORHOODS LOCATED WITHIN
15 ONE-HALF MILE OF THE RELIGIOUS INSTITUTION ABOUT THE PROPOSED ALLOWED USE
16 DEVELOPMENT. THE RELIGIOUS INSTITUTION SHALL CONDUCT A COMMUNITY MEETING
17 TO RECEIVE FEEDBACK FROM RESIDENTIAL NEIGHBORHOODS LOCATED WITHIN ONE-HALF
18 MILE OF THE PROPOSED ALLOWED USE DEVELOPMENT.

19 M. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

20 1. LAND LOCATED IN THE TERRITORY IN THE VICINITY OF A FEDERAL
21 AVIATION ADMINISTRATION COMMERCIALY LICENSED AIRPORT, A MILITARY AIRPORT
22 OR A GENERAL AVIATION OR A PUBLIC AIRPORT AS DEFINED IN SECTION 28-8486.

23 2. LAND THAT IS ZONED FOR INDUSTRIAL USE.

24 3. LAND IN AN AREA DESIGNATED AS A DISTRICT OF HISTORICAL
25 SIGNIFICANCE AS PRESCRIBED IN SECTION 9-462.01, SUBSECTION A, PARAGRAPH
26 10.

27 4. LAND IN AN AREA DESIGNATED AS HISTORIC BY A LOCAL GOVERNMENT.

28 5. LAND IN AN AREA LISTED AS HISTORIC ON THE NATIONAL REGISTER OF
29 HISTORIC PLACES.

30 N. FOR THE PURPOSES OF THIS SECTION:

31 1. "ELIGIBLE SITE" MEANS NOT LESS THAN THREE ACRES OF LAND ON ONE
32 OR MORE CONTIGUOUS PARCELS THAT ARE OWNED BY A RELIGIOUS INSTITUTION.

33 2. "GROUND LEASE" MEANS A SHARED EQUITY AGREEMENT ENTERED INTO
34 BETWEEN THE OWNER OF A PIECE OF LAND AND THE OWNER OF A PIECE OF REAL
35 PROPERTY LOCATED ON THE LAND THAT ALLOWS FOR AN EQUAL DIVISION BETWEEN THE
36 OWNER OF THE LAND AND THE OWNER OF A PIECE OF REAL PROPERTY LOCATED ON THE
37 LAND OF THE APPRECIATED EQUITY IN THE LAND ON THE SALE OF THE LAND.

38 3. "NEIGHBORING SITE" MEANS A PARCEL THAT DIRECTLY ABUTS AN
39 ELIGIBLE SITE ALONG AN EXISTING ROAD.

40 4. "RELIGIOUS INSTITUTION" MEANS AN INSTITUTION THAT IS OWNED,
41 CONTROLLED, OPERATED AND MAINTAINED BY A CHURCH, RELIGIOUS DENOMINATION OR
42 RELIGIOUS ORGANIZATION THAT IS LAWFULLY OPERATING AS A NONPROFIT RELIGIOUS
43 CORPORATION.

44 5. "SINGLE-FAMILY RESIDENTIAL" MEANS A DETACHED SINGLE-FAMILY HOME
45 THAT IS INTENDED FOR USE AS PERMANENT HOUSING.

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. Religious institutions; allowed use developments;
4 requirements; regulation; applicability;
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24 PARAGRAPH 10.

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