

REFERENCE TITLE: local planning; residential housing; prohibitions

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

# SB 1104

Introduced by  
Senator Mendez: Representative Salman

AN ACT

AMENDING SECTIONS 9-461.16 AND 11-819, ARIZONA REVISED STATUTES; RELATING TO LOCAL PLANNING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-461.16, Arizona Revised Statutes, is amended  
3 to read:

4 9-461.16. Residential housing; requirements; fees;  
5 prohibition

6 A. Except as provided in subsection B of this section, a city or  
7 town WITH A POPULATION OF LESS THAN TEN THOUSAND PERSONS shall not adopt a  
8 land use regulation or general or specific plan provision, or impose as a  
9 condition for approving a building or use permit, a requirement or fee  
10 that has the effect of establishing the sales or lease price for a  
11 residential housing unit or residential dwelling lot or parcel or that  
12 requires a residential housing unit or residential dwelling lot or parcel  
13 to be designated for sale or lease to any particular class or group of  
14 residents.

15 B. This section does not limit the authority of a city or town WITH  
16 A POPULATION OF LESS THAN TEN THOUSAND PERSONS to adopt or enforce a land  
17 use regulation, general or specific plan provision or condition of  
18 approval creating or implementing an incentive, density bonus or other  
19 voluntary provision or condition designed to increase the supply of  
20 moderate or lower cost housing.

21 Sec. 2. Section 11-819, Arizona Revised Statutes, is amended to  
22 read:

23 11-819. Residential housing; requirements; fees; prohibition

24 A. Except as provided in subsection B of this section, a county  
25 WITH A POPULATION OF LESS THAN TWO HUNDRED FIFTY THOUSAND PERSONS shall  
26 not adopt a land use regulation or general plan provision, or impose as a  
27 condition for approving a building or use permit, a requirement or fee  
28 that has the effect of establishing the sales or lease price for a  
29 residential housing unit or residential dwelling lot or parcel or that  
30 requires a residential housing unit or residential dwelling lot or parcel  
31 to be designated for sale or lease to any particular class or group of  
32 residents.

33 B. This section does not limit the authority of a county WITH A  
34 POPULATION OF LESS THAN TWO HUNDRED FIFTY THOUSAND PERSONS to adopt or  
35 enforce a land use regulation, general or specific plan provision or  
36 condition of approval creating or implementing an incentive, density bonus  
37 or other voluntary provision or condition designed to increase the supply  
38 of moderate or lower cost housing.