

House Engrossed

licensing; permitting; criteria; clarity

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HOUSE BILL 2019

AN ACT

AMENDING TITLE 9, CHAPTER 7, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-843; AMENDING TITLE 11, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-1613; RELATING TO LOCAL GOVERNMENT REGULATIONS.

(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 7, article 4, Arizona Revised Statutes,
3 is amended by adding section 9-843, to read:

4 9-843. Licensing; permitting; constitutionally protected
5 activities; land use; density; time frames;
6 criteria; clarity

7 A. NOTWITHSTANDING ANY OTHER LAW, IF A MUNICIPALITY REQUIRES A
8 LICENSE OR PERMIT FOR ANY CONSTITUTIONALLY PROTECTED ACTIVITY OR ANY
9 ACTIVITY THAT CHANGES THE USE, APPEARANCE OR DENSITY OF A STRUCTURE OR
10 LAND, THE MUNICIPALITY SHALL SPECIFY IN CLEAR AND UNAMBIGUOUS LANGUAGE THE
11 CRITERIA FOR GRANTING THE LICENSE OR PERMIT, UNLESS CRITERIA ARE
12 ESTABLISHED BY EXISTING FEDERAL LAW.

13 B. A MUNICIPALITY SHALL GRANT OR DENY AN APPLICATION SUBMITTED FOR
14 THE ACTIVITIES PRESCRIBED IN SUBSECTION A OF THIS SECTION WITHIN SIXTY
15 DAYS AFTER THE APPLICATION IS SUBMITTED UNLESS ANOTHER TIME FRAME IS
16 SPECIFIED BY A MUNICIPAL ORDINANCE OR STATE OR FEDERAL LAW. IF THE
17 MUNICIPALITY DOES NOT TAKE ACTION ON THE APPLICATION WITHIN THE APPLICABLE
18 TIME FRAME, THE APPLICATION IS DEEMED GRANTED, UNLESS THE APPLICATION IS
19 INCOMPLETE, THE MUNICIPALITY PROVIDES NOTICE PURSUANT TO SECTION 9-835 AND
20 THE APPLICANT FAILS TO COMPLETE THE APPLICATION.

21 C. IN A COURT PROCEEDING INVOLVING A DENIAL OF A LICENSE OR PERMIT
22 FOR ANY OF THE ACTIVITIES PRESCRIBED IN SUBSECTION A OF THIS SECTION, THE
23 COURT, WITHOUT DEFERENCE TO A PREVIOUS DETERMINATION MADE BY THE
24 MUNICIPALITY, SHALL DETERMINE WHETHER THE APPLICATION APPROVAL CRITERIA
25 LANGUAGE IS CLEAR AND UNAMBIGUOUS.

26 Sec. 2. Title 11, chapter 11, article 1, Arizona Revised Statutes,
27 is amended by adding section 11-1613, to read:

28 11-1613. Licensing; permitting; constitutionally protected
29 activities; land use; density; time frames;
30 criteria; clarity

31 A. NOTWITHSTANDING ANY OTHER LAW, IF A COUNTY REQUIRES A LICENSE OR
32 PERMIT FOR ANY CONSTITUTIONALLY PROTECTED ACTIVITY OR ANY ACTIVITY THAT
33 CHANGES THE USE, APPEARANCE OR DENSITY OF A STRUCTURE OR LAND, THE COUNTY
34 SHALL SPECIFY IN CLEAR AND UNAMBIGUOUS LANGUAGE THE CRITERIA FOR GRANTING
35 THE LICENSE OR PERMIT, UNLESS CRITERIA ARE ESTABLISHED BY EXISTING FEDERAL
36 LAW.

37 B. A COUNTY SHALL GRANT OR DENY AN APPLICATION SUBMITTED FOR THE
38 ACTIVITIES PRESCRIBED IN SUBSECTION A OF THIS SECTION WITHIN SIXTY DAYS
39 AFTER THE APPLICATION IS SUBMITTED UNLESS ANOTHER TIME FRAME IS SPECIFIED
40 BY A COUNTY ORDINANCE OR STATE OR FEDERAL LAW. IF THE COUNTY DOES NOT
41 TAKE ACTION ON THE APPLICATION WITHIN THE APPLICABLE TIME FRAME, THE
42 APPLICATION IS DEEMED GRANTED, UNLESS THE APPLICATION IS INCOMPLETE, THE
43 COUNTY PROVIDES NOTICE PURSUANT TO SECTION 11-1605 AND THE APPLICANT FAILS
44 TO COMPLETE THE APPLICATION.

1 C. IN A COURT PROCEEDING INVOLVING A DENIAL OF A LICENSE OR PERMIT
2 FOR ANY OF THE ACTIVITIES PRESCRIBED IN SUBSECTION A OF THIS SECTION, THE
3 COURT, WITHOUT DEFERENCE TO A PREVIOUS DETERMINATION MADE BY THE COUNTY,
4 SHALL DETERMINE WHETHER THE APPLICATION APPROVAL CRITERIA LANGUAGE IS
5 CLEAR AND UNAMBIGUOUS.