

Senate Engrossed House Bill  
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; free speech or assembly; land  
5 use; density; time frames; criteria; clarity

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

12 B. A MUNICIPALITY SHALL APPROVE OR DENY APPLICATION SUBMITTALS FOR  
13 THE ACTIVITIES PRESCRIBED IN SUBSECTION A OF THIS SECTION WITHIN SIXTY  
14 DAYS AFTER A SUBMITTAL IS DEEMED ADMINISTRATIVELY COMPLETE PURSUANT TO  
15 SECTION 9-835 UNLESS ANOTHER TIME FRAME IS SPECIFIED BY A MUNICIPAL  
16 ORDINANCE OR STATE OR FEDERAL LAW. IF THE MUNICIPALITY DOES NOT TAKE  
17 ACTION ON A SUBMITTAL WITHIN THE APPLICABLE TIME FRAME, THE SUBMITTAL IS  
18 DEEMED APPROVED, UNLESS THE SUBMITTAL IS INCOMPLETE, THE MUNICIPALITY  
19 PROVIDES NOTICE PURSUANT TO SECTIONS 9-495 AND 9-835 AND THE APPLICANT  
20 FAILS TO COMPLETE THE SUBMITTAL.

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 APPROVAL CRITERIA LANGUAGE IS  
25 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; free speech or assembly; land  
29 use; density; time frames; criteria; clarity

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

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

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 APPROVAL CRITERIA LANGUAGE IS CLEAR AND  
5 UNAMBIGUOUS.