

House Engrossed

hotel; motel; vouchers; homeless; prohibition

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

HOUSE BILL 2379

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.49; AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-269.27; AMENDING SECTION 41-3953, ARIZONA REVISED STATUTES; RELATING TO HOMELESSNESS.

(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 8, Arizona Revised Statutes,
3 is amended by adding section 9-500.49 to read:

4 9-500.49. Hotel and motel homeless housing vouchers;
5 participation; prohibition; definitions

6 A. A CITY OR TOWN MAY NOT REQUIRE A HOTEL OR MOTEL TO PARTICIPATE
7 IN ANY PROGRAM THAT HOUSES HOMELESS INDIVIDUALS OR FAMILIES IN AN
8 UNOCCUPIED HOTEL OR MOTEL GUEST ROOM THROUGH THE USE OF A HOUSING VOUCHER.

9 B. FOR THE PURPOSES OF THIS SECTION:

10 1. "HOMELESS INDIVIDUALS OR FAMILIES" MEANS INDIVIDUALS OR FAMILIES
11 WHO LACK A FIXED, REGULAR AND ADEQUATE NIGHTTIME RESIDENCE OR WHO HAVE A
12 PRIMARY NIGHTTIME RESIDENCE IN A SHELTER, ON THE STREET, IN A PARK, IN A
13 VEHICLE OR IN AN ENCLOSURE THAT IS NOT AUTHORIZED FOR HUMAN HABITATION.

14 2. "HOTEL" OR "MOTEL" MEANS AN ESTABLISHMENT THAT PROVIDES FOR
15 PAYMENT TEMPORARY LODGING IN THE FORM OF OVERNIGHT ACCOMMODATIONS IN GUEST
16 ROOMS TO TRANSIENT PATRONS.

17 Sec. 2. Title 11, chapter 2, article 4, Arizona Revised Statutes,
18 is amended by adding section 11-269.27 to read:

19 11-269.27. Hotel and motel homeless housing vouchers;
20 participation; prohibition; definitions

21 A. A COUNTY MAY NOT REQUIRE A HOTEL OR MOTEL TO PARTICIPATE IN ANY
22 PROGRAM THAT HOUSES HOMELESS INDIVIDUALS OR FAMILIES IN AN UNOCCUPIED
23 HOTEL OR MOTEL GUEST ROOM THROUGH THE USE OF A HOUSING VOUCHER.

24 B. FOR THE PURPOSES OF THIS SECTION:

25 1. "HOMELESS INDIVIDUALS OR FAMILIES" MEANS INDIVIDUALS OR FAMILIES
26 WHO LACK A FIXED, REGULAR AND ADEQUATE NIGHTTIME RESIDENCE OR WHO HAVE A
27 PRIMARY NIGHTTIME RESIDENCE IN A SHELTER, ON THE STREET, IN A PARK, IN A
28 VEHICLE OR IN AN ENCLOSURE THAT IS NOT AUTHORIZED FOR HUMAN HABITATION.

29 2. "HOTEL" OR "MOTEL" MEANS AN ESTABLISHMENT THAT PROVIDES FOR
30 PAYMENT TEMPORARY LODGING IN THE FORM OF OVERNIGHT ACCOMMODATIONS IN GUEST
31 ROOMS TO TRANSIENT PATRONS.

32 Sec. 3. Section 41-3953, Arizona Revised Statutes, is amended to
33 read:

34 41-3953. Department powers and duties; definitions

35 A. The department is responsible for establishing policies,
36 procedures and programs that the department is authorized to conduct to
37 address the affordable housing issues confronting this state, including
38 housing issues of ~~low-income~~ LOW-INCOME families, ~~moderate-income~~
39 MODERATE-INCOME families, housing affordability, special needs populations
40 and decaying housing stock. Among other things, the department shall
41 provide to qualified housing participants and political subdivisions of
42 this state financial, advisory, consultative, planning, training and
43 educational assistance for the development of safe, decent and affordable
44 housing, including housing for low and moderate income households. The
45 department is responsible for maintaining and enforcing standards of

1 quality and safety for manufactured homes, mobile homes and factory-built
2 buildings.

3 B. Under the direction of the director, the department shall:

4 1. Establish guidelines applicable to the programs and activities
5 of the department for the construction and financing of affordable housing
6 and housing for low and moderate income households in this state. These
7 guidelines shall meet or exceed all applicable state or local building and
8 health and safety code requirements and, if applicable, the national
9 manufactured home construction and safety standards act of 1974 and title
10 VI of the housing and community development act of 1974 (P.L. 93-383, as
11 amended by P.L. 95-128, 96-153 and ~~96-339~~ 96-399). Guidelines established
12 pursuant to this paragraph do not apply to the department's activities
13 prescribed in section 35-726, subsection E.

14 2. Accept and allocate any monies as from time to time may be
15 appropriated by the legislature for the purposes set forth in this
16 article.

17 3. Perform other duties necessary to administer this chapter.

18 4. Perform the duties prescribed in sections 35-726 and 35-728.

19 5. Stimulate and encourage all local, state, regional and federal
20 governmental agencies and all private persons and enterprises that have
21 similar and related objectives and purposes, cooperate with the agencies,
22 persons and enterprises and correlate department plans, programs and
23 operations with those of the agencies, persons and enterprises.

24 6. Conduct research on its own initiative or at the request of the
25 governor, the legislature or state or local agencies pertaining to any
26 department objectives.

27 7. Provide information and advice on request of any local, state or
28 federal agencies, private persons and business enterprises on matters
29 within the scope of department activities.

30 8. Consult with and make recommendations to the governor and the
31 legislature on all matters concerning department objectives.

32 9. Make annual reports to the governor and the legislature on its
33 activities, including the geographic location of its activities, its
34 finances and the scope of its operations.

35 10. Maintain and enforce standards of quality and safety for
36 manufactured homes, mobile homes and factory-built buildings and enforce
37 rules adopted by the board pursuant to section 41-4010.

38 C. Under the direction of the director, the department may:

39 1. Assist in securing construction and mortgage financing from
40 public and private sector sources.

41 2. Assist mortgage financing programs established by industrial
42 development authorities and political subdivisions of this state.

43 3. Assist in the acquisition and use of federal housing assistance
44 programs pertinent to enhance the economic feasibility of a proposed
45 residential development.

- 1 4. Assist in the compliance of a proposed residential development
2 with applicable federal, state and local codes and ordinances.
- 3 5. Prepare and publish planning and development guidelines for the
4 establishment and delivery of housing assistance programs.
- 5 6. Contract with a federal agency to carry out financial work on
6 the federal agency's behalf and accept payment for the work.
- 7 7. Subcontract for the financial work prescribed in paragraph 6 of
8 this subsection and make payments for that subcontracted work based on the
9 expectation that the federal agency will pay for that work.
- 10 8. Accept payment from a federal agency for work prescribed in
11 paragraph 6 of this subsection and deposit those payments in the Arizona
12 department of housing program fund established by section 41-3957.
- 13 9. Contract for the services of outside advisers, consultants and
14 aides reasonably necessary or desirable to enable the department to
15 adequately perform its duties.
- 16 10. Contract for and incur obligations reasonably necessary or
17 desirable within the general scope of department activities and operations
18 to enable the department to adequately perform its duties.
- 19 11. Use any media of communication, publication and exhibition in
20 the dissemination of information, advertising and publicity in any field
21 of its purposes, objectives or duties.
- 22 12. Adopt rules deemed necessary or desirable to govern its
23 procedures and business.
- 24 13. Contract with other agencies in furtherance of any department
25 program.
- 26 14. Use monies, facilities or services to provide contributions
27 under federal or other programs that further the objectives and programs
28 of the department.
- 29 15. Accept gifts, grants, matching monies or direct payments from
30 public or private agencies or private persons and enterprises for the
31 conduct of programs that are consistent with the general purposes and
32 objectives of this article and deposit these monies in the Arizona
33 department of housing program fund established by section 41-3957.
- 34 16. Establish and collect fees and receive reimbursement of costs
35 in connection with any programs or duties performed by the department and
36 deposit the fees and cost reimbursements in the Arizona department of
37 housing program fund established by section 41-3957.
- 38 17. Provide staff support to the board of manufactured housing.
- 39 D. For the purposes of this section, the department is exempt from
40 chapter 23 of this title.
- 41 E. The department is the designated state public housing agency as
42 defined in the United States housing act of 1937 (42 United States Code
43 sections 1401 through 1440) for the purpose of accepting federal housing
44 assistance monies and may participate in the housing assistance payments
45 program. Federal monies may be secured for all areas of this state

1 subject only to the limitations prescribed in subsection F of this
2 section.

3 F. For areas of this state where an existing public housing
4 authority has not been established pursuant to section 36-1404, subsection
5 A, the department acting as a public housing agency may undertake all
6 activities under the section 8 tenant-based rental housing assistance
7 payment program, except that the department shall not undertake a section
8 8 tenant-based rental housing assistance payment program within the
9 boundaries of a city, town or county unless authorized by resolution of
10 the governing body of the city, town or county. If the department accepts
11 monies for a section 8 tenant-based rental housing assistance payment
12 program for areas of this state where an existing public housing authority
13 has been established pursuant to section 36-1404, subsection A, the
14 department shall only accept and secure federal monies to provide housing
15 for the seriously mentally ill or other populations with
16 disabilities. The department may accept and secure federal monies for
17 undertaking all contract administrator activities authorized under a
18 section 8 project-based rental housing assistance payment program in all
19 areas of this state and this participation does not require the
20 authorization of any local governing body.

21 G. The department shall not itself directly own, construct, operate
22 or rehabilitate any housing units, except as may be necessary to protect
23 the department's collateral or security interest arising out of any
24 department programs.

25 H. Notwithstanding any other provision of this section, the
26 department may obligate monies as loans or grants applicable to programs
27 and activities of the department for the purpose of providing housing
28 opportunities for low or moderate income households or for housing
29 affordability or to prevent or combat decaying housing stock. Unless
30 otherwise required by federal or state law, any loan repayments shall be
31 deposited in the Arizona department of housing program fund established by
32 section 41-3957.

33 I. For any construction project financed by the department pursuant
34 to subsection C of this section, except for contract administration
35 activities in connection with the project-based section 8 program, the
36 department shall notify a city, town, county or tribal government that a
37 project is planned for its jurisdiction and, before proceeding, shall seek
38 comment from the governing body of the city, town, county or tribal
39 government or an official authorized by the governing body of the city,
40 town, county or tribal government. The department shall not interfere
41 with or attempt to override the local jurisdiction's planning, zoning or
42 land use regulations.

1 J. The department has the administrative responsibility through its
2 hearing officer function concerning alleged violations of the Arizona
3 mobile home parks residential landlord and tenant act under title 33,
4 chapter 11.

5 K. The ARIZONA department OF HOUSING shall act consistently with
6 the minimum standards of the United States department of housing and urban
7 development so as to be designated the ~~state inspector~~ for
8 manufactured homes and related industries. The ARIZONA department OF
9 HOUSING shall implement all existing laws and regulations established by
10 the federal government, its agencies and this state for that purpose.

11 L. NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT MAY NOT REQUIRE A
12 HOTEL OR MOTEL TO PARTICIPATE IN ANY PROGRAM THAT HOUSES HOMELESS
13 INDIVIDUALS OR FAMILIES IN AN UNOCCUPIED HOTEL OR MOTEL GUEST ROOM THROUGH
14 THE USE OF A HOUSING VOUCHER.

15 M. FOR THE PURPOSES OF THIS SECTION:

16 1. "HOMELESS INDIVIDUALS OR FAMILIES" MEANS INDIVIDUALS OR FAMILIES
17 WHO LACK A FIXED, REGULAR AND ADEQUATE NIGHTTIME RESIDENCE OR WHO HAVE A
18 PRIMARY NIGHTTIME RESIDENCE IN A SHELTER, ON THE STREET, IN A PARK, IN A
19 VEHICLE OR IN AN ENCLOSURE THAT IS NOT AUTHORIZED FOR HUMAN HABITATION.

20 2. "HOTEL" OR "MOTEL" MEANS AN ESTABLISHMENT THAT PROVIDES FOR
21 PAYMENT TEMPORARY LODGING IN THE FORM OF OVERNIGHT ACCOMMODATIONS IN GUEST
22 ROOMS TO TRANSIENT PATRONS.