

House Engrossed  
state tree; residential planning

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

# HOUSE BILL 2441

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-461.18; AMENDING TITLE 11, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-810.01; RELATING TO MUNICIPAL AND COUNTY PLANNING.

(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, Arizona Revised Statutes,  
3 is amended by adding section 9-461.18, to read:

4 9-461.18. Residential planning; state tree

5 NOTWITHSTANDING ANY OTHER LAW, A MUNICIPALITY MAY NOT ADOPT A LAND  
6 USE REGULATION OR GENERAL OR SPECIFIC PLAN PROVISION, ENFORCE ANY  
7 ORDINANCE, CODE OR REGULATION OR IMPOSE AS A CONDITION FOR APPROVING A  
8 BUILDING OR USE PERMIT ANY REGULATION THAT PROHIBITS OR RESTRICTS THE USE  
9 OR PLACEMENT OF THE STATE TREE AS PRESCRIBED IN SECTION 41-856 IN A  
10 RESIDENTIAL HOUSING DEVELOPMENT. THIS SECTION DOES NOT APPLY TO THE  
11 ENFORCEMENT OF EASEMENTS, PRESCRIPTIVE RIGHTS, RULES OR REGULATIONS OF A  
12 UTILITY FOR SAFETY AND RELIABILITY.

13 Sec. 2. Title 11, chapter 6, article 1, Arizona Revised Statutes,  
14 is amended by adding section 11-810.01, to read:

15 11-810.01. Residential planning; state tree

16 NOTWITHSTANDING ANY OTHER LAW, A COUNTY MAY NOT ADOPT A LAND USE  
17 REGULATION OR GENERAL OR SPECIFIC PLAN PROVISION, ENFORCE ANY ORDINANCE,  
18 CODE OR REGULATION OR IMPOSE AS A CONDITION FOR APPROVING A BUILDING OR  
19 USE PERMIT ANY REGULATION THAT PROHIBITS OR RESTRICTS THE USE OR PLACEMENT  
20 OF THE STATE TREE AS PRESCRIBED IN SECTION 41-856 IN A RESIDENTIAL HOUSING  
21 DEVELOPMENT. THIS SECTION DOES NOT APPLY TO THE ENFORCEMENT OF EASEMENTS,  
22 PRESCRIPTIVE RIGHTS, RULES OR REGULATIONS OF A UTILITY FOR SAFETY AND  
23 RELIABILITY.