

Senate Engrossed House Bill

licensing; permitting; criteria; clarity

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

CHAPTER 86

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.

APPROVED BY THE GOVERNOR APRIL 18, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2023.