

REFERENCE TITLE: **planning; home design; restrictions; prohibition**

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
First Regular Session  
2025

# **HB 2371**

Introduced by  
Representative Biasiucci

**AN ACT**

**AMENDING TITLE 9, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY  
ADDING SECTIONS 9-461.19 AND 9-461.20; RELATING TO MUNICIPAL 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 sections 9-461.19 and 9-461.20, to read:

4 9-461.19. Planning; home design; state preemption;  
5 applicability

6 A. A MUNICIPALITY MAY NOT INTERFERE WITH A HOME BUYER'S RIGHT TO  
7 CHOOSE THE FEATURES, AMENITIES, STRUCTURE, FLOOR PLAN AND INTERIOR AND  
8 EXTERIOR DESIGN OF A HOME.

9 B. NOTWITHSTANDING ANY OTHER LAW, A MUNICIPALITY MAY NOT REQUIRE  
10 ANY OF THE FOLLOWING:

11 1. A SHARED FEATURE OR AMENITY THAT WOULD REQUIRE A HOMEOWNERS'  
12 ASSOCIATION, A CONDOMINIUM ASSOCIATION OR ANY OTHER ASSOCIATION AS DEFINED  
13 IN SECTION 33-1802 TO MAINTAIN OR OPERATE THE FEATURE OR AMENITY, UNLESS  
14 REQUIRED BY FEDERAL LAW.

15 2. SCREENING, WALLS OR FENCES.

16 3. PRIVATE STREETS OR ROADS.

17 C. THE LEGISLATURE FINDS AND DETERMINES THAT THE CITIZENS OF THIS  
18 STATE CONTINUE TO EXPERIENCE THE SIGNIFICANT DETRIMENTAL EFFECTS OF A  
19 SEVERE CRISIS DUE TO THE SHORTAGE OF AVAILABLE HOUSING. IT HAS BECOME  
20 VIRTUALLY IMPOSSIBLE FOR MANY CITIZENS OF THIS STATE TO ACHIEVE THE  
21 AMERICAN DREAM OF OWNING THEIR OWN HOME. THIS STATEWIDE HOUSING CRISIS IS  
22 CAUSED IN NO SMALL PART BY HIGHLY RESTRICTIVE REGULATIONS IMPOSED BY  
23 MUNICIPALITIES. THE LEGISLATURE ALSO FINDS AND DETERMINES THAT, PURSUANT  
24 TO ARTICLE II, SECTION 2, CONSTITUTION OF ARIZONA, PROPERTY RIGHTS ARE A  
25 FUNDAMENTAL ELEMENT OF INDIVIDUAL RIGHTS AND PERSONAL FREEDOM. A PROPERTY  
26 OWNER'S RIGHT TO USE THE PROPERTY OWNER'S PROPERTY, PROTECTED FROM  
27 UNREASONABLE ABRIDGMENT BY MUNICIPAL REGULATION AND ENFORCEMENT, IS A  
28 MATTER OF STATEWIDE CONCERN AND IS NOT SUBJECT TO FURTHER REGULATION BY A  
29 MUNICIPALITY.

30 D. THIS SECTION DOES NOT SUPERSEDE APPLICABLE BUILDING CODES, FIRE  
31 CODES OR PUBLIC HEALTH AND SAFETY REGULATIONS.

32 E. THIS SECTION DOES NOT APPLY TO LOTS OR PARCELS THAT ARE LOCATED  
33 ON TRIBAL LAND, ON LAND IN A HIGH NOISE OR ACCIDENT POTENTIAL ZONE AS  
34 DEFINED IN SECTION 28-8461 OF A MILITARY AIRPORT OR ANCILLARY MILITARY  
35 FACILITY AS DEFINED IN SECTION 28-8461.

36 F. THIS SECTION APPLIES TO DEVELOPMENTS CONSTRUCTED AFTER THE  
37 EFFECTIVE DATE OF THIS SECTION.

38 9-461.20. Planning; urban areas; home size; design; state  
39 preemption; applicability; definitions

40 A. NOTWITHSTANDING ANY OTHER LAW, A MUNICIPALITY MAY NOT ADOPT OR  
41 ENFORCE ANY CODE, ORDINANCE, REGULATION, STANDARD, STIPULATION OR OTHER  
42 LEGAL REQUIREMENT ESTABLISHING, DIRECTLY OR INDIRECTLY, ANY OF THE  
43 FOLLOWING:

44 1. FOR NEW DEVELOPMENTS THAT ARE FIVE OR MORE ACRES IN SIZE AND  
45 THAT WILL BE PLATTED AND LOCATED IN AN AREA ZONED AS SINGLE-FAMILY

1 RESIDENTIAL, MINIMUM LOT SIZES THAT ARE MORE THAN ONE THOUSAND FIVE  
2 HUNDRED SQUARE FEET, EXCEPT THAT A MUNICIPALITY MAY ENFORCE ADOPTED  
3 MINIMUM LOT SIZES OF MORE THAN ONE THOUSAND FIVE HUNDRED SQUARE FEET WHERE  
4 MULTIPLE LOTS SMALLER THAN FIVE ACRES WITH EXISTING DWELLING UNITS ARE  
5 AGGREGATED TOGETHER.

6 2. MINIMUM SQUARE FOOTAGE OR DIMENSIONS FOR A SINGLE-FAMILY HOME  
7 THAT ARE MORE THAN THE MINIMUM SQUARE FOOTAGE OR DIMENSIONS THE  
8 MUNICIPALITY REQUIRES FOR ANY OTHER TYPE OF DWELLING UNIT AS OF THE  
9 EFFECTIVE DATE OF THIS SECTION.

10 3. MAXIMUM OR MINIMUM LOT COVERAGE FOR A SINGLE-FAMILY HOME AND ANY  
11 ACCESSORY STRUCTURES.

12 4. MINIMUM BUILDING SETBACKS FOR A SINGLE-FAMILY HOME THAT ARE MORE  
13 THAN FIVE FEET FROM THE SIDE LOT LINES AND TEN FEET FROM THE FRONT AND  
14 REAR LOT LINES.

15 5. DESIGN, ARCHITECTURAL OR AESTHETIC ELEMENTS FOR A SINGLE-FAMILY  
16 HOME, EXCEPT FOR A SINGLE-FAMILY HOME ON LAND THAT IS DESIGNATED AS A  
17 DISTRICT OF HISTORICAL SIGNIFICANCE PURSUANT TO SECTION 9-462.01,  
18 SUBSECTION A, PARAGRAPH 10 OR AN AREA THAT IS DESIGNATED AS HISTORIC ON  
19 THE NATIONAL REGISTER OF HISTORIC PLACES.

20 B. THE LEGISLATURE FINDS AND DETERMINES THAT THE CITIZENS OF THIS  
21 STATE CONTINUE TO EXPERIENCE THE SIGNIFICANT DETRIMENTAL EFFECTS OF A  
22 SEVERE CRISIS DUE TO THE SHORTAGE OF AVAILABLE HOUSING. IT HAS BECOME  
23 VIRTUALLY IMPOSSIBLE FOR MANY CITIZENS OF THIS STATE TO ACHIEVE THE  
24 AMERICAN DREAM OF OWNING THEIR OWN HOME. THIS STATEWIDE HOUSING CRISIS IS  
25 CAUSED IN NO SMALL PART BY HIGHLY RESTRICTIVE REGULATIONS IMPOSED BY  
26 MUNICIPALITIES. THE LEGISLATURE ALSO FINDS AND DETERMINES THAT, PURSUANT  
27 TO ARTICLE II, SECTION 2, CONSTITUTION OF ARIZONA, PROPERTY RIGHTS ARE A  
28 FUNDAMENTAL ELEMENT OF INDIVIDUAL RIGHTS AND PERSONAL FREEDOM. A PROPERTY  
29 OWNER'S RIGHT TO USE THE PROPERTY OWNER'S PROPERTY, PROTECTED FROM  
30 UNREASONABLE ABRIDGMENT BY MUNICIPAL REGULATION AND ENFORCEMENT, IS A  
31 MATTER OF STATEWIDE CONCERN AND IS NOT SUBJECT TO FURTHER REGULATION BY A  
32 MUNICIPALITY.

33 C. THIS SECTION DOES NOT SUPERSEDE APPLICABLE BUILDING CODES, FIRE  
34 CODES, MINIMUM PARKING REQUIREMENTS OR PUBLIC HEALTH AND SAFETY  
35 REGULATIONS.

36 D. THIS SECTION DOES NOT APPLY TO LOTS OR PARCELS THAT ARE LOCATED  
37 ON TRIBAL LAND, ON LAND IN A HIGH NOISE OR ACCIDENT POTENTIAL ZONE AS  
38 DEFINED IN SECTION 28-8461 OF A MILITARY AIRPORT OR ANCILLARY MILITARY  
39 FACILITY AS DEFINED IN SECTION 28-8461.

40 E. THIS SECTION APPLIES TO DEVELOPMENTS CONSTRUCTED AFTER THE  
41 EFFECTIVE DATE OF THIS SECTION IN A MUNICIPALITY WITH A POPULATION OF MORE  
42 THAN SEVENTY THOUSAND PERSONS THAT IS DESIGNATED IN WHOLE OR IN PART AS AN  
43 URBAN AREA BY THE UNITED STATES CENSUS BUREAU OR IN A MUNICIPALITY THAT IS  
44 LOCATED ON TRIBAL LAND.

1 F. FOR THE PURPOSES OF THIS SECTION:

2 1. "FIRE CODE" MEANS A SET OF STANDARDS AND REGULATIONS THAT ARE  
3 ADOPTED AND ENFORCED BY THE MUNICIPALITY'S FIRE CODE OFFICIAL IN  
4 COMPLIANCE WITH STATE LAW AND THAT ARE RELATED TO FIRE PREVENTION AND  
5 PROTECTION SYSTEMS FOR A SINGLE-FAMILY HOME.

6 2. "FIRE CODE OFFICIAL" MEANS THE MUNICIPAL FIRE CHIEF OR OTHER  
7 DESIGNATED AUTHORITY CHARGED WITH THE ADMINISTRATION AND ENFORCEMENT OF  
8 THE FIRE CODE OR A DULY AUTHORIZED REPRESENTATIVE.

9 Sec. 2. Short title

10 This act may be cited as the "Arizona Starter Homes Act".