



Bill Number: S.B. 1229

Bolick Floor Amendment

Reference to: printed bill

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

1. Applies the home design standards to developments constructed after the effective date in a municipality with a population of more than 70,000 persons.
2. Specifies that a municipality is prohibited from requiring screening, walls or fences on residential land.
3. Removes the prohibition on a municipality from requiring private streets or roads.
4. Specifies that a municipality is precluded from adopting any ordinance or code that establishes:
 - a) for new developments that are 5 or more acres in size, minimum lot sizes that are more than 3,000, rather than 1,500, square feet; and
 - b) maximum or minimum lot coverage for a single-family home and any accessory structure on a lot smaller than 10,000 square feet.
3. Prohibits a front setback minimum from exceeding 18 feet from the back of the sidewalk or lot line for a portion of a home that is occupied by a garage facing the street.
4. States that the prescribed minimum lot size or setback requirements do not prohibit a municipality from allowing smaller lot sizes or setbacks.
5. Allows a municipality to require, as a condition of development and construction of new single-family homes, the construction of or payment for necessary public services needed to serve the new single-family homes in accordance with applicable state law and the U.S. Constitution, including development fee requirements.
6. States that the housing development standards do not supersede recorded utility easements as of the effective date or utility clearance requirements.

7. Allows a municipality to require the preparation and submission of acceptable electric and water utilities plans and specifications to ensure the safety and reliability of power and water utilities.
8. Removes the specification that the housing development standards apply to a municipality designated in whole or in part as an urban area by the U.S. Census Bureau or that is located on tribal land.
9. Defines *building code*, *fire code*, *fire code official* and a *shared feature or amenity*.
10. Makes technical and conforming changes.

BOLICK FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1229
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.

[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

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; definitions

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]~~ [EITHER] 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 [ON RESIDENTIAL PROPERTY].
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.

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

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

7 F. THIS SECTION APPLIES TO DEVELOPMENTS CONSTRUCTED AFTER THE
8 EFFECTIVE DATE OF THIS SECTION [IN A MUNICIPALITY WITH A POPULATION OF
9 MORE THAN SEVENTY THOUSAND PERSONS.]

10 G. FOR THE PURPOSES OF THIS SECTION:

11 1. "BUILDING CODE" MEANS THE CONSTRUCTION CODES ADOPTED BY THE
12 MUNICIPALITY, INCLUDING PLUMBING AND MECHANICAL CODES, ELECTRIC CODES,
13 RESIDENTIAL CONSTRUCTION CODES, WILDLAND URBAN INTERFACE CODES AND ENERGY
14 CONSERVATION CODES, HOWEVER DENOMINATED.

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

19 3. "FIRE CODE OFFICIAL" MEANS THE MUNICIPAL FIRE CHIEF OR OTHER
20 DESIGNATED AUTHORITY CHARGED WITH THE ADMINISTRATION AND ENFORCEMENT OF
21 THE FIRE CODE OR A DULY AUTHORIZED REPRESENTATIVE.

22 4. "SHARED FEATURE OR AMENITY" MEANS ANY, OR PART OF ANY, LAND,
23 BUILDING OR OTHER PROPERTY THAT WILL NOT BE OWNED BY AN INDIVIDUAL
24 HOMEOWNER IN FEE SIMPLE, INCLUDING A COMMON AREA.]

25 9-461.20. Planning; urban areas; home size; design: state
26 preemption; applicability; definitions

27 A. NOTWITHSTANDING ANY OTHER LAW, A MUNICIPALITY MAY NOT ADOPT OR
28 ENFORCE ANY CODE, ORDINANCE, REGULATION, STANDARD, STIPULATION OR OTHER
29 LEGAL REQUIREMENT ESTABLISHING, DIRECTLY OR INDIRECTLY, ANY OF THE
30 FOLLOWING:

31 1. FOR NEW DEVELOPMENTS THAT ARE FIVE OR MORE ACRES IN SIZE AND
32 THAT WILL BE PLATTED AND LOCATED IN AN AREA ZONED AS SINGLE-FAMILY
33 RESIDENTIAL, MINIMUM LOT SIZES THAT ARE MORE THAN ~~[ONE]~~ [THREE] THOUSAND
34 ~~[FIVE HUNDRED]~~ SQUARE FEET, EXCEPT THAT A MUNICIPALITY MAY ENFORCE ADOPTED
35 MINIMUM LOT SIZES OF MORE THAN ~~[ONE]~~ [THREE] THOUSAND ~~[FIVE HUNDRED]~~
36 SQUARE FEET WHERE MULTIPLE LOTS SMALLER THAN FIVE ACRES WITH EXISTING
37 DWELLING UNITS ARE AGGREGATED TOGETHER. [THIS PARAGRAPH DOES NOT PROHIBIT
38 A MUNICIPALITY FROM ALLOWING SMALLER LOT SIZES THAN THE LOT SIZES
39 PRESCRIBED BY THIS PARAGRAPH.]

40 2. MINIMUM SQUARE FOOTAGE OR DIMENSIONS FOR A SINGLE-FAMILY HOME
41 THAT ARE MORE THAN THE MINIMUM SQUARE FOOTAGE OR DIMENSIONS THE
42 MUNICIPALITY REQUIRES FOR ANY OTHER TYPE OF DWELLING UNIT AS OF THE
43 EFFECTIVE DATE OF THIS SECTION.

44 3. MAXIMUM OR MINIMUM LOT COVERAGE FOR A SINGLE-FAMILY HOME AND ANY
45 ACCESSORY STRUCTURES [ON A LOT LESS THAN TEN THOUSAND SQUARE FEET].

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

1 REAR LOT LINES[, EXCEPT FOR A PORTION OF A HOME THAT IS OCCUPIED BY A
2 GARAGE FACING THE STREET, IN WHICH THE MINIMUM FRONT SETBACK MAY NOT
3 EXCEED EIGHTEEN FEET FROM THE BACK OF THE SIDEWALK OR LOT LINE. THIS
4 PARAGRAPH DOES NOT PROHIBIT A MUNICIPALITY FROM ALLOWING SMALLER SETBACKS
5 THAN THOSE ALLOWED BY THIS PARAGRAPH].

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

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

24 C. THIS SECTION DOES NOT SUPERSEDE APPLICABLE BUILDING CODES, FIRE
25 CODES, [UTILITY CLEARANCE REQUIREMENTS, UTILITY EASEMENTS THAT ARE
26 RECORDED AS OF THE EFFECTIVE DATE OF THIS SECTION,] MINIMUM PARKING
27 REQUIREMENTS OR PUBLIC HEALTH AND SAFETY REGULATIONS. [TO ENSURE THE
28 SAFETY AND RELIABILITY OF POWER AND WATER UTILITIES, A MUNICIPALITY MAY
29 REQUIRE THE PREPARATION AND SUBMISSION OF ACCEPTABLE ELECTRIC AND WATER
30 UTILITY PLANS AND SPECIFICATIONS.]

31 [D. AS A CONDITION OF DEVELOPMENT AND CONSTRUCTION OF NEW
32 SINGLE-FAMILY HOMES PURSUANT TO THIS SECTION, A MUNICIPALITY MAY REQUIRE
33 THE CONSTRUCTION OF OR PAYMENT FOR NECESSARY PUBLIC SERVICES NEEDED TO
34 SERVE THE NEW SINGLE-FAMILY HOMES IN ACCORDANCE WITH APPLICABLE STATE
35 STATUTES, INCLUDING SECTION 9-463.05, AND THE ARIZONA AND UNITED STATES
36 CONSTITUTIONS.]

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

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

1 ~~[F.]~~ [G.] FOR THE PURPOSES OF THIS SECTION:

2 [1. "BUILDING CODE" MEANS THE CONSTRUCTION CODES ADOPTED BY THE
3 MUNICIPALITY, INCLUDING PLUMBING AND MECHANICAL CODES, ELECTRIC CODES,
4 RESIDENTIAL CONSTRUCTION CODES, WILDLAND URBAN INTERFACE CODES AND ENERGY
5 CONSERVATION CODES, HOWEVER DENOMINATED.]

6 ~~[1.]~~ [2.] "FIRE CODE" MEANS A SET OF STANDARDS AND REGULATIONS
7 THAT ARE ADOPTED AND ENFORCED BY THE MUNICIPALITY'S FIRE CODE OFFICIAL IN
8 COMPLIANCE WITH STATE LAW AND THAT ARE RELATED TO FIRE PREVENTION AND
9 PROTECTION SYSTEMS FOR A SINGLE-FAMILY HOME.

10 ~~[2.]~~ [3.] "FIRE CODE OFFICIAL" MEANS THE MUNICIPAL FIRE CHIEF OR
11 OTHER DESIGNATED AUTHORITY CHARGED WITH THE ADMINISTRATION AND ENFORCEMENT
12 OF THE FIRE CODE OR A DULY AUTHORIZED REPRESENTATIVE.

13 Sec. 2. Short title

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

15 Enroll and engross to conform

16 Amend title to conform

SHAWNNA BOLICK

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