



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-seventh Legislature  
First Regular Session

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## **HB 2319: private property; design; regulations; prohibition**

**Sponsor: Representative Gillette, LD 30**

**Committee on Government**

### **Overview**

Prohibits municipalities from adopting or enforcing regulations on individually owned single-family lots in certain circumstances.

### **History**

Municipal general plans give a municipality the authority to create developmental policies that include the distribution of land for housing, recreation, education and other areas. The planning commission of the municipality may recommend the preparation of a specific plan. A specific plan is based off the general plan and can create regulations and legislation to carry out the goals of the general plan. Specific plans can recommend zoning ordinances and create regulations for the use of buildings, land and other structures (A.R.S. §§ [9-461.05](#), [9-461.08](#)).

Building codes create regulations based off the construction codes that were in place at the time of a building's construction. This includes mechanical codes, electric codes, residential construction codes and neighborhood preservation codes ([A.R.S. § 9-1301](#)).

### **Provisions**

1. Specifies private property rights are not subject to additional regulation by a city, town or other political subdivision. (Sec. 1)
2. Prohibits a municipality from adopting or enforcing any regulation, standard, stipulation or requirement on an individually owned single-family lot that:
  - a) limits the use of a building material or product, unless the use of such materials would violate an applicable building code;
  - b) creates any requirement that limits the use, placement or enjoyment of tangible personal property;
  - c) prohibits the sale or transfer and compatible use of any portion of a parcel or lot;
  - d) creates any requirement that is not uniformly verifiable by reference to an external and uniform benchmark;
  - e) prohibits the installation or use of energy or water conservation materials;
  - f) requires a specific design, layout, feature, product or element for a structure of a single-family home, accessory dwelling unit or off-street vehicle parking;
  - g) limits a property owner from growing food on their property; or
  - h) mandates a shared piece of infrastructure that would require a homeowners' association, unless required by federal law. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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3. Specifies the above prohibitions do not apply if the regulation, standard or stipulation is objective and strictly necessary to public health and safety or prevents a significant externality through the least restrictive means. (Sec. 1)
4. Defines *objective* and *significant externality*. (Sec. 1)
5. Contains a *legislative findings* clause. (Sec. 2)
6. Entitles this act as the *Arizona Property Bill of Rights*. (Sec. 3)