



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

KATIE HOBBS
GOVERNOR

EXECUTIVE OFFICE

March 18, 2024

The Honorable Ben Toma
Speaker of the House
Arizona State House
1700 W. Washington Street
Phoenix, AZ 85007

RE: House Bill 2570: planning; home design; restrictions; prohibition

Speaker Toma,

Today, I have vetoed HB 2570. I was elected on a promise to bring thoughtful leadership to the Governor's Office and always do the right thing for the people of this state, even when it's hard. Unfortunately, this expansive bill is a step too far and I know we can strike a better balance. This is unprecedented legislation that would put Arizonans at the center of a housing reform experiment with unclear outcomes. It lacks the nuance necessary for statewide reform, and I do not believe it is in the best interest of the people in this state.

The bill has unexplored, unintended consequences that are of great concern. For instance, the Department of Defense contacted my office while this bill was on my desk to state their opposition. They expressed very serious concerns that the increased density near military installations would put military operations and homeowners at risk, putting dense development within Accident Potential Zones. Firefighters shared significant public safety concerns highlighting that increased density without corresponding improvements to roads and public infrastructure could lead to traffic congestion during evacuations or delays in emergency response times. These are the examples that demonstrate the potential risks that come with the kind of sweeping reforms in this proposal.

In addition, hundreds of Arizonans and community leaders from across the state have contacted my office about this legislation, with over 90% requesting a veto. Over forty mayors and city council members – Democrats and Republicans from Nogales to Superior to Tucson to Yuma, and every other corner of our state – have expressed concerns about the impacts on infrastructure, water consumption, land use planning, lack of affordability guarantees, and potential legal consequences.

While this expansive proposal is not the right step for our state, I believe there is great promise in other legislative efforts to build more attainable housing. I am supportive of ongoing efforts in the legislature to reach a more balanced solution on other reforms that are still moving through the process including proposals related to accessory dwelling units (ADUs, also known as casitas), missing middle housing options, commercial repurpose and reuse, and streamlining local approval processes. And I ask that interested stakeholders engage productively in those conversations.

As Governor, I have worked relentlessly to address Arizona's housing affordability challenges. From securing a historic \$150 million to build housing for working-class Arizonans, to maximizing our state's leverage of federal tax credits to build more affordable rental units, to developing the Arizona is Home mortgage assistance program, my administration is serious about producing the housing affordability that our state needs. Regretfully, this bill is not the compromise Arizonans are looking for.

Our constituents want us to take action to make housing more affordable for hard working Arizonans, because the status quo is not acceptable. Building that housing is an important piece of the solution. I am committed to working with stakeholders and members of the legislature to deliver that in more targeted ways. I will continue to champion policies and programs to bring down housing costs for Arizonans and I look forward to working to make that happen.

Sincerely,

A handwritten signature in black ink, appearing to be 'Katie Hobbs', with a long, sweeping horizontal line extending to the right.

Katie Hobbs
Governor
State of Arizona

cc:

The Honorable Warren Petersen
The Honorable Leo Biasiucci
The Honorable Adrian Fontes

House Engrossed

planning; home design; restrictions; prohibition

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2570

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY
ADDING SECTIONS 9-461.18 AND 9-461.19; 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 9-461.18 and 9-461.19, to read:

4 9-461.18. 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 HOMEOWNERS' ASSOCIATION, A CONDOMINIUM ASSOCIATION OR ANY
12 OTHER ASSOCIATION. PROPERTY OWNERS MAY VOLUNTARILY FORM OR ESTABLISH A
13 HOMEOWNERS' ASSOCIATION, A CONDOMINIUM ASSOCIATION OR ANOTHER ASSOCIATION.

14 2. A SHARED FEATURE OR AMENITY THAT WOULD REQUIRE A HOMEOWNERS'
15 ASSOCIATION, A CONDOMINIUM ASSOCIATION OR ANY OTHER ASSOCIATION TO
16 MAINTAIN OR OPERATE THE FEATURE OR AMENITY, UNLESS NECESSARY FOR
17 STORMWATER MANAGEMENT.

18 3. SCREENING, WALLS OR FENCES.

19 4. PRIVATE STREETS OR ROADS.

20 C. 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 ARIZONANS TO ACHIEVE THE AMERICAN DREAM OF
24 OWNING THEIR OWN HOME. THIS STATEWIDE HOUSING CRISIS IS CAUSED IN NO
25 SMALL PART DUE TO 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 D. THE PROVISIONS OF THIS SECTION DO NOT SUPERSEDE APPLICABLE
34 BUILDING CODES, FIRE CODES OR PUBLIC HEALTH AND SAFETY REGULATIONS.

35 E. THIS SECTION APPLIES TO DEVELOPMENTS CONSTRUCTED AFTER THE
36 EFFECTIVE DATE OF THIS SECTION.

37 9-461.19. Planning; urban areas; home size; design; state
38 preemption; applicability

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

42 1. FOR NEW DEVELOPMENTS THAT ARE FIVE OR MORE ACRES IN SIZE AND
43 THAT WILL BE PLATTED AND LOCATED IN AN AREA ZONED FOR SINGLE-FAMILY HOMES,
44 MINIMUM LOT SIZES THAT ARE GREATER THAN ONE THOUSAND FIVE HUNDRED SQUARE
45 FEET EXCEPT A MUNICIPALITY MAY ENFORCE ADOPTED MINIMUM LOT SIZES GREATER

1 THAN ONE THOUSAND FIVE HUNDRED SQUARE FEET WHERE MULTIPLE LOTS SMALLER
2 THAN FIVE ACRES WITH EXISTING DWELLING UNITS ARE AGGREGATED TOGETHER.

3 2. MINIMUM SQUARE FOOTAGE OR DIMENSIONS FOR A SINGLE-FAMILY HOME.

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

6 4. MINIMUM BUILDING SETBACKS FOR A SINGLE-FAMILY HOME THAT ARE
7 GREATER THAN FIVE FEET FROM THE SIDE LOT LINES AND TEN FEET FROM THE FRONT
8 AND REAR LOT LINES.

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

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

27 C. THE PROVISIONS OF THIS SECTION DO NOT SUPERSEDE APPLICABLE
28 BUILDING CODES, FIRE CODES, MINIMUM PARKING REQUIREMENTS OR PUBLIC HEALTH
29 AND SAFETY REGULATIONS.

30 D. THIS SECTION APPLIES TO DEVELOPMENTS CONSTRUCTED AFTER THE
31 EFFECTIVE DATE OF THIS SECTION IN A MUNICIPALITY WITH A POPULATION OF MORE
32 THAN SEVENTY THOUSAND PERSONS THAT IS DESIGNATED IN WHOLE OR IN PART AS AN
33 URBAN AREA BY THE UNITED STATES CENSUS BUREAU OR IN A MUNICIPALITY THAT IS
34 LOCATED ON TRIBAL LAND.

35 Sec. 2. Short title

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

Passed the House February 22, 20 24

Passed the Senate March 6, 20 24

by the following vote: 33 Ayes,

by the following vote: 16 Ayes,

26 Nays, 0 Not Voting
1 vacant

13 Nays, 1 Not Voting

[Signature]

Speaker of the House

Pro Tempore

[Signature]

President of the Senate

Pro Tempore

[Signature]

Chief Clerk of the House

Deputy Chief Clerk

[Signature]

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

12 day of March, 20 24

at 2:36 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 18th day of

March 2024

at 11:25 o'clock A M.

VETO

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20 _____

at _____ o'clock _____ M.

H.B. 2570

Secretary of State