

Senate Engrossed

assisted living homes; occupancy; zoning

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

CHAPTER 19

SENATE BILL 1473

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-462.15; AMENDING TITLE 11, CHAPTER 6, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-820.05; RELATING TO MUNICIPAL AND COUNTY ZONING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 9, chapter 4, article 6.1, Arizona Revised Statutes, is amended by adding section 9-462.15, to read:

9-462.15. Assisted living homes; occupancy cap; zoning regulations; relief; state preemption; applicability; definition

A. A MUNICIPALITY MAY NOT ADOPT, ENFORCE OR MAINTAIN ANY LAW, ORDINANCE OR OTHER REGULATION RELATING TO THE OPERATION OF AN ASSISTED LIVING HOME THAT DOES ANY OF THE FOLLOWING:

1. IMPOSES A CAP ON THE NUMBER OF RESIDENTS WHO MAY RESIDE AT AN ASSISTED LIVING HOME THAT IS LOWER THAN TEN RESIDENTS.

2. RESTRICTS AN ASSISTED LIVING HOME FROM OPERATING ON A PROPERTY THAT IS ZONED FOR RESIDENTIAL USE BASED ON EITHER OF THE FOLLOWING:

(a) THE NUMBER OF RESIDENTS WHO RESIDE AT THE ASSISTED LIVING HOME IF THE NUMBER OF RESIDENTS IS TEN OR FEWER.

(b) THE CLASSIFICATION OF THE ASSISTED LIVING HOME AS ASSISTED LIVING USE.

3. REQUIRES AN ASSISTED LIVING HOME TO OBTAIN A VARIANCE, CONDITIONAL USE PERMIT, REASONABLE ACCOMMODATION OR REZONING BASED SOLELY ON THE NUMBER OF RESIDENTS WHO RESIDE AT THE ASSISTED LIVING HOME.

B. EXCEPT AS PROVIDED IN SUBSECTION A OF THIS SECTION, A MUNICIPALITY MAY ENFORCE AND MAINTAIN ZONING, BUILDING, FIRE, SAFETY AND HEALTH CODES AND REGULATIONS IF THE CODES AND REGULATIONS DO NOT HAVE THE EFFECT OF IMPOSING AN OCCUPANCY LIMIT THAT IS MORE RESTRICTIVE THAN WHAT IS ALLOWED PURSUANT TO THE ASSISTED LIVING HOME'S LICENSE.

C. A PERSON MAY ASSERT A VIOLATION OF THIS SECTION AND MAY BRING AN ACTION FOR DECLARATORY OR INJUNCTIVE RELIEF IN A COURT OF COMPETENT JURISDICTION. ♦ THE COURT MAY AWARD ATTORNEY FEES AND COSTS TO A PREVAILING PLAINTIFF.

D. THE OCCUPANCY LIMIT OF AN ASSISTED LIVING HOME IS OF STATEWIDE CONCERN. ♦ THE OCCUPANCY LIMIT OF AN ASSISTED LIVING HOME PURSUANT TO THIS SECTION IS NOT SUBJECT TO FURTHER REGULATIONS BY A MUNICIPALITY AND PREEMPTS ALL INCONSISTENT LAWS, ORDINANCES OR OTHER REGULATIONS ADOPTED BY THE MUNICIPALITY.

E. THIS SECTION DOES NOT PROHIBIT OR RESTRICT A MUNICIPALITY FROM ADOPTING A DISTANCE REQUIREMENT PRESCRIBED IN SECTION 9-462.09.

F. THIS SECTION APPLIES TO AN ASSISTED LIVING HOME THAT IS LICENSED AS OF THE EFFECTIVE DATE OF THIS SECTION AND AN ASSISTED LIVING HOME THAT IS LICENSED AFTER THE EFFECTIVE DATE OF THIS SECTION.

G. FOR THE PURPOSES OF THIS SECTION, "ASSISTED LIVING HOME" HAS THE SAME MEANING PRESCRIBED IN SECTION 36-401.

Sec. 2. Title 11, chapter 6, article 2, Arizona Revised Statutes, is amended by adding section 11-820.05, to read:

11-820.05. Assisted living homes; occupancy cap; zoning regulations; relief; state preemption; applicability; definition

A. A COUNTY MAY NOT ADOPT, ENFORCE OR MAINTAIN ANY LAW, ORDINANCE OR OTHER REGULATION RELATING TO THE OPERATION OF AN ASSISTED LIVING HOME THAT DOES ANY OF THE FOLLOWING:

1. IMPOSES A CAP ON THE NUMBER OF RESIDENTS WHO MAY RESIDE AT AN ASSISTED LIVING HOME THAT IS LOWER THAN TEN RESIDENTS.

2. RESTRICTS AN ASSISTED LIVING HOME FROM OPERATING ON A PROPERTY THAT IS ZONED FOR RESIDENTIAL USE BASED ON EITHER OF THE FOLLOWING:

(a) THE NUMBER OF RESIDENTS WHO RESIDE AT THE ASSISTED LIVING HOME IF THE NUMBER OF RESIDENTS IS TEN OR FEWER RESIDENTS.

(b) THE CLASSIFICATION OF THE ASSISTED LIVING HOME AS ASSISTED LIVING USE.

3. REQUIRES AN ASSISTED LIVING HOME TO OBTAIN A VARIANCE, CONDITIONAL USE PERMIT, REASONABLE ACCOMMODATION OR REZONING BASED SOLELY ON THE NUMBER OF RESIDENTS WHO RESIDE AT THE ASSISTED LIVING HOME.

B. EXCEPT AS PROVIDED IN SUBSECTION A OF THIS SECTION, A COUNTY MAY ENFORCE AND MAINTAIN ZONING, BUILDING, FIRE, SAFETY AND HEALTH CODES AND REGULATIONS IF THE CODES AND REGULATIONS DO NOT HAVE THE EFFECT OF IMPOSING AN OCCUPANCY LIMIT THAT IS MORE RESTRICTIVE THAN WHAT IS ALLOWED PURSUANT TO THE ASSISTED LIVING HOME'S LICENSE.

C. A PERSON MAY ASSERT A VIOLATION OF THIS SECTION AND MAY BRING AN ACTION FOR DECLARATORY OR INJUNCTIVE RELIEF IN A COURT OF COMPETENT JURISDICTION. ♦ THE COURT MAY AWARD ATTORNEY FEES AND COSTS TO A PREVAILING PLAINTIFF.

D. THE OCCUPANCY LIMIT OF AN ASSISTED LIVING HOME IS OF STATEWIDE CONCERN. ♦ THE OCCUPANCY LIMIT OF AN ASSISTED LIVING HOME PURSUANT TO THIS SECTION IS NOT SUBJECT TO FURTHER REGULATIONS BY A COUNTY AND PREEMPTS ALL INCONSISTENT LAWS, ORDINANCES OR OTHER REGULATIONS ADOPTED BY THE COUNTY.

E. THIS SECTION DOES NOT PROHIBIT OR RESTRICT A MUNICIPALITY FROM ADOPTING A DISTANCE REQUIREMENT PRESCRIBED IN SECTION 11-820.02.

F. THIS SECTION APPLIES TO AN ASSISTED LIVING HOME THAT IS LICENSED AS OF THE EFFECTIVE DATE OF THIS SECTION AND AN ASSISTED LIVING HOME THAT IS LICENSED AFTER THE EFFECTIVE DATE OF THIS SECTION.

G. FOR THE PURPOSES OF THIS SECTION, "ASSISTED LIVING HOME" HAS THE SAME MEANING PRESCRIBED IN SECTION 36-401.

Sec. 3. Severability

If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

APPROVED BY THE GOVERNOR APRIL 7, 2026.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2026.