



## City of Glendale Housing Legislative Update- May 23rd 2024



This housing update summarizes the many housing and zoning bills that have debated at the Arizona Legislature this legislative session.

For questions about a particular bill, please contact Hayley Barry at [hbarry@glendaleaz.com](mailto:hbarry@glendaleaz.com)

**HB2721 Middle Housing (Signed)**

HB2721 will now require a city or town with 75,000 or more people to authorize and incorporate the development of multi-plex homes and townhomes as a permitted use on lots identified by the City in new developments of 10 acres or more that already zoned for single-family residential use. The amendment that was adopted in the Senate that we agreed is that now these properties can't be use for Short-term rentals and it cleans up the definitions of duplex, triplex, fourplex and building codes. It further removes the development agreement language since that seems to create an exception that consumes the rule. These properties must also be within a mile of a central business district.

#### **HB2720 Accessory Dwelling Unit (Signed)**

HB2720 will now require a municipality with a population of more than 75,000 to allow on any lot or parcel where a single-family dwelling is allowed: at least one attached, detached or internal accessory dwelling unit (also known as casitas); at least one additional accessory dwelling unit for each accessory dwelling unit on the lot or parcel that is a "restricted-affordable dwelling unit"; and an accessory dwelling unit that is 75% of the gross floor area of the single-family dwelling on the same lot or parcel or 1,000 square feet, whichever is less. The following provision have been added to allow cities to decide whether we will require a kitchen. Unfortunately, the Arizona Legislature did not agree to prohibiting the use of these ADUs as Airbnb's.

#### **SB1162 Residential zoning; housing; assessment; hearings (Signed)**

SB1162 will make zoning more efficient and streamline the administrative review of zoning applications by requiring municipalities to determine administrative completeness within 30 days and make an approval or denial decision within 180 days. This bill maintains the public hearing processes of planning and zoning commissions, ensuring transparency and adherence to existing procedures. It also prioritizes data-driven decisions by mandating municipalities to conduct a comprehensive housing needs assessment every five years, providing valuable data on population growth projections, the demand for residential housing across income levels, and the total housing production. This assessment equips cities and towns with crucial information to plan and address the diverse housing needs of their communities.

#### **HB2297 Commercial buildings; adaptive reuse (Signed)**

HB2297 streamlines the process to redevelop underutilized commercial properties into much-needed housing, including apartments, condominiums, townhomes, and "plex" developments. This allows locating residential buildings adjacent to existing services and retail without straining municipal infrastructure or services. The bill also preserves commercially zoned land that will be used for economic development projects. The urban west valley municipalities included in this bill only have around 4.5% of land zoned for commercial use, which is critical to preserve to maintain the economic vitality of their community. HB2297 is directed at affordability, protects historic neighborhoods, and allows cities and towns to manage their utility infrastructure while also providing a pathway for developers to bring more housing units to the market.

#### **HB 2584 residential building materials; requirements; prohibition (A majority of the Senate voted no on the final vote so the bill is dead in its current form)**

If passed, HB2584 will prohibit cities and towns from implementing aesthetic guidelines to ensure residential construction is built with quality materials. The proposed amendments prohibit any design or aesthetic requirements for residential construction, neglecting the crucial role that such standards play in ensuring quality housing development. This move raises concerns about the potential degradation of community aesthetics and overall appeal. One-sized-fits-all measures that weaken the quality of housing while failing to guarantee affordability risk years of thoughtful planning to create desirable communities for all residents.

## Bills Still in Play

### **SB1665 Municipal development; permits; review**

The Arizona House adopted an amendment to SB1665 that if passed would now do the following:

1. Includes additions to an application that must be approved or responded to by the municipality before authorization for a third-party review.
2. Specifies that a qualified third party may not be a person with a financial or proprietary interest in the application or property that is the subject of the application other than compensation for the work performed.
3. Removes a person who is employed by another municipality to review residential building permit applications or employed as a building inspector within the municipality or another as a qualified third-party.
4. Adds that a qualified third-party can be a person certified by an international council on model codes and standards for building safety who also has a credential specific to the residential code on single-family dwelling construction.
5. Includes a person who is employed by a third-party vendor identified on a list of approved vendors by the municipality if the list of approved vendors has more than one vendor as a qualified third-party for an inspection.
6. Removes specification that an appeal is to the governing body of a municipality.
7. Clarifies that an appeal must be filed within 15 working days after the date of the decision or result being appealed.
8. Specifies that if a decision is not rendered within 60 working days after filing, the appeal is deemed approved.
9. Establishes that the applicant is responsible for any fees and costs associated with a third-party review or inspection and must pay them either directly to the third-party vendor or in an agreed alternative manner.
10. Declares that a municipality is not responsible for assessing or collecting any fees or costs associated with a third-party review or inspection

Currently, cities are opposing this bill because we should not be liable for third party inspections, especially if we cannot hold a certification class or remove authority away from third party inspectors who approve incompetent work. This bill can actually be a positive tool if the city is short staffed, or growth has overwhelmed inspectors. Cities have offered nearly a dozen amendments and would move to support if:

1. Cities asking for the authority to create a certification or training program for third party inspectors in order to ensure the homes are inspected properly.
2. Control over which inspectors are authorized to sign off on inspections and who can be removed from the list if they are deemed to be a liability to the City. The lobbyists are saying cities have final say when issuing the Certificate of Occupancy (COO). While this is true, cities do not want to weaponize the COO and it is very difficult to inspect behind walls, under concrete or under roof tiles when the home has already been built.

There is no scheduled vote for this bill

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Thank you again for your participation in Glendale's Legislative Link Program.

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