ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

COMMITTEE ON COMMERCE

Report of Regular Meeting
Tuesday, February 6, 2024

House Hearing Room 3 -- 2:00 P.M. OR UPON RECESS OR ADJOURNMENT OF FLOOR

Convened 3:01 A.M.
Recessed
Reconvened
Adjourned 6:05 A.M.

MINUTES RECEIVED
CHIEF CLERK'S OFFICE
2/7/24

Members Present
Representative Aguilar
Representative Austin
Representative Carter
Representative Gress
Representative Heap
Representative Hendrix
Representative Hernandez
Representative Ortiz
Representative Carbone, Vice-Chairman
Representative Wilmeth, Chairman

Members Absent

Agenda
Original Agenda – Attachment 1
Request to Speak
Report – Attachment 2
Committee Attendance
Report – Attachment 3

Committee Action

Bill	Action	Vote	Attachments
HB2210	DP	8-1-0-1	4, 5
HB2211	DP	8-1-0-1	6, 7
HB2212	DP	8-1-0-1	8, 9
HB2204	DPA	9-0-0-1	10, 11, 12
HB2609	DPA	9-0-0-1	13, 14, 15
HB2253	DP	8-1-0-1	16, 17
HCM2001	DP	6-4-0-0	18, 19
HB2297	DPA/SE	7-3-0-0	20, 21, 22, 23
HB2666	DP	8-2-0-0	24, 25
HB2505	DP	7-3-0-0	26, 27
HB2518	DPA	8-2-0-0	28, 29, 30
HB2316	DPA/SE	6-3-0-1	31, 32, 33

Susan Nelson, Committee Secretary
February 7, 2024

(Original attachments on file in the Office of the Chief Clerk; video archives available at http://www.azleg.gov)

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

CONVENED: 3:01 PM

ADJOURNED: 6:05PM

REGULAR MEETING AGENDA

COMMITTEE ON COMMERCE

DATE Tuesday, February 6, 2024 ROOM HHR 3 TIME 2:00 P.M. or upon recess or adjournment of floor

Members of the public may access a livestream of the meeting here:
https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2024021015

Members:

Representative Aguilar	Representative Gress	Representative Hernandez M
Representative Austin	Representative Heap	Representative Ortiz
Representative Carter	Representative Hendrix	Representative Carbone, Vice-Chairman
		Representative Wilmeth, Chairman

	Bills		Short Title	Strike Everything Title
4	HB2204	DPA	workers' compensation rates; deviation	
			(Livingston)	
		9.0.0.1	COM, RULES	
	~~HB2209~~		~~industrial commission of Arizona; continuation~~	
			~~(Livingston)~~	
			~~COM, RULES~~	
1	HB2210	DP	occupational safety advisory committee; continuation	
			(Livingston)	
		8.1.0.1	COM, RULES	
2	HB2211	DP	occupational safety review board; continuation	
			(Livingston)	
		8.1.0.1	COM, RULES	
3	HB2212	DP	boiler advisory board; continuation	
			(Livingston)	
		8.1.0.1	COM, RULES	

Attachment 1

Bills		Short Title	Strike Everything Title
6 HB2253	DP	board of technical registration; continuation (Wilmeth)	
	8.1.0.1	COM, RULES	
8 HB2297	DPA/SE	adaptive reuse; commercial buildings; zoning (Biasiucci: Bliss, Carbone, et al)	**S/E: same subject**
	7.3.0.0	COM, RULES	
12 HB2316	DPA/SE	private universities; Arizona teachers academy (Gress: Chaplik)	**S/E: mobile home; relocation; building codes**
	6.3.0.1	ED w/d, COM, RULES	
10 HB2505	DP	assisted living; refunds; escrow accounts (Gress: Biasiucci, Blattman, et al)	
	7.3.0.0	COM, RULES	
11 HB2518	DPA	municipalities; housing needs assessment; zoning (Gress)	
	8.2.0.0	COM, RULES	
5 HB2609	DPA	auto theft authority; fee overpayment (Livingston)	
	9.0.0.1	COM, RULES	
9 HB2666	DP	tourism advisory council; public entities (Biasiucci)	
	8.2.0.0	COM, RULES	
7 HCM2001	DP	reevaluate restrictions; chemical industry (Willoughby)	
	6.4.0.0	COM, RULES	

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

~~VC~~
~~RA~~
VC
~~01/31/2024~~
~~02/02/2024~~
02/05/2024

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032 or through Arizona Relay Service 7-1-1.

Information Registered on the Request to Speak System

House Commerce (2/6/2024)

HB2204, workers' compensation rates; deviation

Support:

Dan Bogert, AZ RESTAURANT ASSOCIATION; John Knobel , EMPLOYERS; Mackenzie Shane, GREATER PHOENIX CHAMBER OF COMMERCE

All Comments:

Mackenzie Shane, GREATER PHOENIX CHAMBER OF COMMERCE: Signing in supportive of HB 2204

HB2210, occupational safety advisory committee; continuation

Support:

Courtney Coolidge, AZ CHAMBER OF COMMERCE

HB2211, occupational safety review board; continuation

Support:

Courtney Coolidge, AZ CHAMBER OF COMMERCE

HB2212, boiler advisory board; continuation

Support:

Courtney Coolidge, AZ CHAMBER OF COMMERCE

HB2253, board of technical registration; continuation

Support:

Jeffrey Flemming, representing self; Susan Brenton, AZ ALARM ASSOCIATION; Robert Dalager, Arizona Society Of Landscape Architects; Janna Day, AZ AIA AMERICAN INSTITUTE OF ARCHITECTS; Christian Solorio, representing self; Kurt Winter, representing self; Allison Sadow, representing self; Tom Farley, American Council Of Engineering Companies Of Arizona; John Czarnecki, AZ AIA AMERICAN INSTITUTE OF ARCHITECTS

All Comments:

Jeffrey Flemming, Self: As a member of AIA Arizona; Kurt Winter, Self: Deputy Director of agency available for questions.; Allison Sadow, Self: Chair of government relations for the American Society of Civil Engineers

Attachment 2

HB2297, adaptive reuse; commercial buildings; zoning

Support:

Courtney Gilstrap LeVinus, Arizona Multihousing Association; Christian Solorio, representing self; Reid Butler, representing self; Marcus Dell'Artino, Tucson Metro Chamber Of Commerce; Kathyrn Busby, Arizona Nurses Association; Courtney Coolidge, AZ CHAMBER OF COMMERCE; Stephen Shadegg, Americans For Prosperity Arizona; Nicole LaSlavic, ARIZONA LODGING AND TOURISM ASSOCIATION; Teri Grunewald, representing self; Kristin Baumgartner, representing self; Mary Evelyn Simpson, representing self; Peter Asencio, representing self; Susan Garvey, representing self; Mackenzie Shane, GREATER PHOENIX CHAMBER OF COMMERCE; Garrett Sawyer, representing self; John Baumer, ARIZONA CHAPTER OF NAIOP; David Scott, representing self; Mark Fitzgerald, AZ MULTIHOUSING ASSOCIATION; Brent Kleinman, representing self

Neutral:

Harold Bergsma, representing self

Oppose:

Nick Ponder, PARADISE VALLEY, TOWN OF, PHOENIX, CITY OF, TUCSON, CITY OF, YUMA, CITY OF; Frank Cassidy, LEAGUE OF ARIZONA CITIES & TOWNS; Mayor Ginny Dickey, representing self; Tom Dorn, Arizona Planning Association; Craig McDermott, representing self; Rob Bohr, GILBERT, TOWN OF; Alisa McMahon, representing self; Michael Fiflis, representing self; Ryan Peters, CHANDLER, CITY OF; Jack W Lunsford, BUCKEYE, CITY OF; Jana Segal, representing self; Daniel Stormont, representing self; Vivian Harte, representing self; Scott Grzybowski, representing self; Councilwoman Sharron Grzybowski, representing self; Heather Bernacki Wilkey, QUEEN CREEK, TOWN OF; Ginna Carico, GOODYEAR, CITY OF; Allen Skillicorn - Personal Position , representing self; Dale Wiebusch, "SCOTTSDALE, CITY OF "; Liz Barker Alvarez, AVONDALE, CITY OF; Katy Proctor, City Of Maricopa; Andrea De La Cruz, MARANA, TOWN OF; Robert Wisler CITY OF APACHE JUNCTION, representing self; John Raeder, BUCKEYE, CITY OF

All Comments:

Kathyrn Busby, Arizona Nurses Association: Affordable housing is. Important to nurses not only for their public health but housing for essential workers such as nurses; Mary Evelyn Simpson, Self: YavGOP PC. Excellent idea for urban revitalization and taking advantage of unused building to help with the huge housing crisis; Garrett Sawyer, Self: I'm in favor but with amendments. The percentage of affordable units for low and moderate income should be increased to 25% and there needs to be provisions for allowing reuse only to projects with direct access to adequate public transportation.; David Scott, Self: This bill will speed up development of housing in Arizona. However, I recommend that the 10% allocation for low or moderate-income units be increased to 25% to ensure housing that meets the needs of all Arizonans, especially those with lower incomes.; Brent Kleinman, Self: This bill will speed up development of housing in Arizona. However, I recommend that the 10% allocation for low or moderate-income units be increased to 25% to ensure housing that meets the needs of all Arizonans, especially those with lower incomes.; Frank Cassidy, LEAGUE OF ARIZONA CITIES & TOWNS: Here to provide expert testimony on HB2297; Mayor Ginny Dickey, Self: I agree with the League position in opposition to HB2297.; Alisa McMahon, Self: Overreach into local matters. The building code definition in 9-1301 would exempt these buildings from being brought up to current code. Outdated codes subject residents to higher utility bills, an even bigger burden for lower income residents.; Michael Fiflis, Self: Gross overreach into local affairs.; Jana Segal, Self: Stop messing with local control.; Daniel Stormont, Self: This strike-everything amendment allows for multi-family residential construction that doesn't comply with local zoning requirements.; Councilwoman Sharron Grzybowski, Self: I agree with the concept of repurposing unused commercial buildings/land but we should allow local officials to make

decisions based on location and needs. I also feel like this skips the step of involving the public.; Allen Skillicorn - Personal Position , Self: Please protect single family housing. No against the Striker. Zoning hearings are transparent.; Harold Bergsma, Self: Worthy of discussion but maybe too broad in applicability. Should focus on sites on major corridors with frequent transit service. Also, more affordable housing than 10% should be required.

HB2316, private universities; Arizona teachers academy

Support:

Susan Brenton, MANUFACTURED HOUSING COMMUNITIES OF AZ INC; Shirley Dye, representing self; Lynne Weaver, representing self; Gary Johnson, representing self; Bill Blewster, representing self; Barbara Blewster, representing self; Christine Maceri Genge, representing self; Dennis Genge, representing self; Stephen Harris, representing self; Christian Solorio, representing self; Corinne Haynes, representing self; Buffalo Rick Galeener, representing self; Susan Bolt, representing self; Linda Busam, representing self; Carol Cherry, representing self; Bridget Nelke, representing self; Gary Saxhaug, representing self; James McFadzean, representing self; Phyllis Lester, representing self; Helen Hebert, representing self; Starr Costa, representing self; Barb Hinderland, representing self; Michael Mote, representing self; Bev Miller, representing self; Kay Bateman, representing self; Ryan Larson, representing self; Janna Day, MANUFACTURED HOUSING COMMUNITIES OF AZ INC.; James Roth, representing self

Neutral:

Dana Paschke, ARIZONA ASSOCIATION OF MANUFACTURED HOMEOWNERS; Destiny Ruiz, Wildfire AZ

Oppose:

Adam Babica, LEAGUE OF ARIZONA CITIES & TOWNS; Spencer Self, representing self; Craig McDermott, representing self; Drew Schaffer, WM E MORRIS INSTITUTE FOR JUSTICE; Robert Wisler CITY OF APACHE JUNCTION, representing self; Ilse Contreras, PHOENIX, CITY OF; Anamaria Ortega, representing self

All Comments:

Susan Brenton, MANUFACTURED HOUSING COMMUNITIES OF AZ INC: Support amendment; Shirley Dye, Self: Students in private college teaching programs should be entitled to the same Teacher Academy funding as those from public colleges. We need teachers with a more conservative world view teaching our kids.; Lynne Weaver, Self: Precinct Captain, State Committeeman. Please support this bill.; Bill Blewster, Self: As long as we have to have government schools this bill helps private schools to participate in the program.; Barbara Blewster, Self: The Schools of education at the universities need competition. This seems a step in the right direction.; Stephen Harris, Self: This bill enables private institutions to participate in the teacher's academy program, which is a good thing; Corinne Haynes, Self: Private institutions should be able to participate in the teachers' academy program.; Bridget Nelke, Self: i support this bill to expand to private universities opportunities for teacher academy; Gary Saxhaug, Self: I am a PC & SC. Good Bill.; James McFadzean, Self: Allowing private institutions to participate in teacher's academy program makes a lot of sense.; Helen Hebert, Self: gives a wide variety of teachers to take advantage of this .; Starr Costa, Self: This bill enables private institutions to participate in the teacher's academy program, which is a good thing.; Kay Bateman, Self: Private institutions should be able to participate in the teacher's academy program.; James Roth, Self: I am an AZ citizen and PC and support this bill. We need good teachers and this bill provides for the formation of solid future teachers.; Adam Babica, LEAGUE OF ARIZONA CITIES & TOWNS: In opposition in anticipation of S/E amendment; Spencer Self, Self: on behalf of the City of Phoenix.; Craig McDermott, Self: Re: the striker; Drew Schaffer, WM E MORRIS INSTITUTE FOR JUSTICE: The William E. Morris Institute for

Justice opposes Section 3 of the Strike-Everything Amendment to House Bill 2316, which would add a new Subsection F to A.R.S. Sec. 41-4006, mandating citation of mobile homeowners for code violations.; Ilse Contreras, PHOENIX, CITY OF: Opposed to the strike everything amendment relating to mobile homes.; Dana Paschke, ARIZONA ASSOCIATION OF MANUFACTURED HOMEOWNERS: AAMHO supports the modifications to the relocation fund statutes but opposes the Title 41 language relating to code citations.

HB2505, assisted living; refunds; escrow accounts

Support:

Jerry Holmes, representing self; Brendon Blake, AARP; James Steven, representing self; Leonard Kirschner, representing self; Harold Bergsma, representing self; Eileen Kendig, representing self; Carl Landrum, representing self; Tom Doescher , representing self

Oppose:

Don Isaacson, LEADINGAGE ARIZONA; Marie Isaacson, ARIZONA LEADINGAGE; Jim Coyle, representing self; Marcia Krone, representing self; Joan Olson, representing self; Jon Scott Williams, representing self; David Voepel, representing self; Joan Coyle, representing self; Megan Olson, representing self; Tom Olson, representing self

All Comments:

Jerry Holmes, Self: I support the refund of funds in an escrow account if the facility has been unable to fill a vacancy within a one year time limit. Doing otherwise places an undue burden on the contract holder.; Marcia Krone, Self: This is solving a problem for a few at the expense of the rest of the community.; Joan Olson, Self: this is interfering with my life care plan that I signed up for long ago. The new residents will not have the same skin in the game that I do. This is unfair to me.; Jon Scott Williams, Self: Bill as written will not get refunds to the people affected . It will increase entry buy-ins; Joan Coyle, Self: This hurts the residents that are at the facility currently.

HB2518, municipalities; housing needs assessment; zoning

Support:

Courtney Gilstrap LeVinus, Arizona Multihousing Association; Nick Ponder, LEAGUE OF ARIZONA CITIES & TOWNS, PARADISE VALLEY, TOWN OF, PHOENIX, CITY OF, TUCSON, CITY OF, YUMA, CITY OF; Marcus Dell'Artino, Tucson Metro Chamber Of Commerce; Emily Ryan, Southern Arizona Home Builders Association; Mayor Robyn Prud'homme-Bauer, representing self; Kathyrn Busby, Arizona Nurses Association; Rob Bohr, GILBERT, TOWN OF; Julie Rees, ARIZONA HOUSING COALITION; Elizabeth Goodman, WILDFIRE; Tom Savage, LEAGUE OF ARIZONA CITIES & TOWNS; Councilwoman Sharron Grzybowski, representing self; Harold Bergsma, representing self; Courtney Coolidge, AZ CHAMBER OF COMMERCE; Stephen Shadegg, Americans For Prosperity Arizona; Nicole LaSlavic, ARIZONA LODGING AND TOURISM ASSOCIATION; Reid Butler, representing self; Mackenzie Shane, GREATER PHOENIX CHAMBER OF COMMERCE; Clark Princell, VALLEY PARTNERSHIP; John Baumer, ARIZONA CHAPTER OF NAIOP; David Scott, representing self; Mark Fitzgerald, AZ MULTIHOUSING ASSOCIATION; Brent Kleinman, representing self

Oppose:

Craig McDermott, representing self; Alisa McMahon, representing self; Michael Fiflis, representing self; Allen Skillicorn - Personal Position , representing self

All Comments:

Kathyrn Busby, Arizona Nurses Association: The Az Nurses Association supports efforts to increase affordable housing for nurses and other workers but patients as well whose health is related to decent housing; Councilwoman Sharron Grzybowski, Self: As a councilwoman, I support process changes but any changes that take away the ability to have the public and local government involved is not acceptable.; David Scott, Self: This bill will provide data on the housing shortage and help ensure that all Arizonans have a home within reach. It will speed up the development process, creating more housing units for low-income individuals in areas with access to public transit.; Brent Kleinman, Self: This bill will provide data on the housing shortage and help ensure that all Arizonans have a home within reach. It will speed up the development process, creating more housing units for low-income individuals in areas with access to public transit.; Alisa McMahon, Self: Housing Needs Assessment would be an unfunded mandate. "Permanent" does not equal 25 years. "Municipality shall offer" does not accommodate situations where more height/density is a bad idea. Entire bill is legislative overreach into local matters.; Michael Fiflis, Self: This bill is an unfunded overreach into local affairs. It needs to be more flexible and allow for local factors incorporated into local zoning. A more refined version in these regards would be far better.; Allen Skillicorn - Personal Position , Self: Zoning is a promise. Changes cannot be rushed through. Homes are a huge investment. Residents > Developers

HB2609, auto theft authority; fee overpayment

Support:

Marc Osborn, ALLSTATE INSURANCE CO, Nationwide Insurance Company, GEICO, Farmers; Wendy Briggs, AMERICAN PROPERTY CASUALTY INSURANCE ASSOCIATION; Daniel Romm, ALLSTATE INSURANCE CO, American Family Insurance, Chubb Insurance , FARMERS INSURANCE GROUP OF COMPANIES, GOVERNMENT EMPLOYEES INSURANCE COMPANY (GEICO), NATIONWIDE MUTUAL INSURANCE COMPANY; Emily Raymond, CSAA INSURANCE; Terri Edwards, INDEPENDENT INSURANCE AGENTS & BROKERS OF AZ; Mackenzie Shane, GREATER PHOENIX CHAMBER OF COMMERCE; Don Isaacson, STATE FARM INSURANCE COMPANIES; Marie Isaacson, STATE FARM INSURANCE COMPANIES

Neutral:

Fausto Burruel, AZ DEPT. OF INSURANCE AND FINANCIAL INSTITUTIONS

Oppose:

Craig McDermott, representing self

All Comments:

Mackenzie Shane, GREATER PHOENIX CHAMBER OF COMMERCE: Signing in supportive of HB 2609.

HB2666, tourism advisory council; public entities

Support:

Nicole LaSlavic, ARIZONA LODGING AND TOURISM ASSOCIATION; Tom Dorn, LA PAZ COUNTY; Tyler Lopez, Arizona Office Of Tourism

HCM2001, reevaluate restrictions; chemical industry

Support:

Brian Tassinari, AMERICAN CHEMISTRY COUNCIL; Courtney Coolidge, AZ CHAMBER OF COMMERCE; Angelica Terrazas, AMERICAN CHEMISTRY COUNCIL

Oppose:

Pat VanMaanen, representing self; Rebecca Smith Gross, representing self; Craig McDermott, representing self; Beverly Janowitz-Price, representing self; Kenneth Bierman, representing self; Alisa McMahon, representing self; Michael Fiflis, representing self; Karen Cusano, representing self; Becky Sayler, representing self; Kathy Fraser, representing self; Kathryn Pensinger, representing self; Donna Walkuski, representing self; Jim Moran, representing self; Liana Moran, representing self; Nancy Santori, representing self; Jana Segal, representing self; Daniel Stormont, representing self; Vivian Harte, representing self; Dorothy Reed-Inman, representing self; Sherry Massie, representing self; joan hall, representing self; Lynn DeMuth, representing self; Theresa Paszkiewicz, representing self; Joseph Alexander, representing self; Chris Allen, representing self; Kurt Reuter, representing self; Charlene Hoffman, representing self; Donna Corbin, representing self; Amy Douglass, representing self; Ron Brinkman, representing self; Catherine Della Penta, representing self; Rivko Knox, representing self; Vania Guevara, CHISPA ARIZONA, A PROGRAM OF LEAGUE OF CONSERVATION VOTERS, INC; Valarie Bryant, representing self; Garrett Sawyer, representing self; Lyla Yango, representing self; Pat Jayson, representing self

All Comments:

Pat VanMaanen, Self: objection to new regulations on chemical industry but is unclear just which regulations they are including. If PFAS, these are the 'forever chemicals' that cause harmful health impacts and should have regulations.; Alisa McMahon, Self: This is ridiculous. I would like to see the Legislature working on something useful - for example, a clean fix to the election calendar problem.; Jana Segal, Self: Objects to new regulations on the chemical industry. My concern is that it will discourage much needed regulation on per- and polyfluoroalkyl substances (PFAS). People on the Southside of Tucson have experienced serious health problems due to PFAS.; Daniel Stormont, Self: The chemical industry has a long history of introducing new products with detrimental effects on human, animal, and environmental health. They shouldn't get a free pass - especially for compounds like PFAS.; Kurt Reuter, Self: The chemical industry has been notorious in minimizing the adverse health impacts of some of their products, such as PFAS, so appropriate levels of regulations are important for the protection of your constituents.; Donna Corbin, Self: You were sent to Phoenix to protect the citizens of AZ not to support chemical companies.; Lyla Yango, Self: The chemical industry must be regulated to protect public health and nature.

COMPLETE FORM FOR PUBLIC RECORD

STATE OF ARIZONA

HOUSE OF REPRESENTATIVES

REQUEST TO SPEAK

Committee on Commerce Date: 2-6-24 Bill Number: HB2505

Name: Barbara Taylor | ☒ Support ☐ Oppose ☐ Neutral | Need to Speak: ☒ Yes ☐ No

Representing: Support for HB2505 Registered Lobbyist ☐ Yes ☒ No

Address: 6986 E. Soaring Eagle Way City/State: Scottsdale AZ Zip Code: 85266

Email Address: barbarabtaylor2217@gmail.com Phone Number: 480-636-0410

Comments: I appreciate the opportunity to speak on HB2505... so that individuals in the future will be able to get Retirement initiation fees refunded in a timely manner.

SPEAKING TIME DETERMINED BY THE CHAIRMAN * Requesting 2 minutes to speak.

ARIZONA STATE LEGISLATURE

Fifty-sixth Legislature - Second Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON **COMMERCE**

CHAIRMAN: Justin Wilmeth VICE-CHAIRMAN: Michael Carbone

	DATE	02/06/24	/24	/24	/24	/24
	CONVENED	3:01p m	m	m	m	m
	RECESSED					
	RECONVENED					
	ADJOURNED	6:05pm				
MEMBERS						
Aguilar		✓				
Austin		✓				
Carter		✓				
Gress		✓				
Heap		✓				
Hendrix		✓				
Hernandez M		✓				
Ortiz		✓				
Carbone, Vice-Chairman		✓				
Wilmeth, Chairman		✓				

√ Present --- Absent exc Excused

Attachment 3

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2210: occupational safety advisory committee; continuation
Sponsor: Representative Livingston, LD 28
Committee on Commerce

Overview

Continues the Occupational Safety and Health Advisory Committee (Advisory Committee) for eight years.

History

Occupational Safety and Health Advisory Committee

The Advisory Committee was established in 1972 to provide recommendations and assistance to the Industrial Commission of Arizona (ICA) in the drafting of standards and regulations. The Advisory Committee consists of a reasonably balanced representation of person knowledgeable in safety and health appointed by the ICA. The number of members on the Advisory Committee is not specified by statute so long as it is a reasonably balanced representation of industries, including agriculture, labor and persons knowledgeable in safety and health. Statute requires the Director of the Division of Occupational Safety and Health serve as an "ex-officio" non-voting member (A.R.S. § 23-409).

Sunset Review Process

The sunset review process provides a system for the Legislature to evaluate the need to continue the existence of state agencies which are reviewed by a legislative committee of reference (COR). The COR is required to hold a public hearing, receive testimony from agency officials and the public and consider the agency's responses to the statutorily-outlined sunset factors in determining whether to recommend continuing, consolidating or terminating the agency (A.R.S 41-2954).

The House Commerce COR held a public meeting on January 16, 2024, and recommended that the Legislature continue the Advisory Committee for eight years. The Advisory Committee terminates on July 1, 2024, unless continued by the Legislature (A.R.S. § 41-3024.17).

Provisions

1. Continues, retroactive to July 1, 2024, the Advisory Committee for eight years until July 1, 2032. (Sec. 1, 2, 4)
2. Repeals the Advisory Committee on January 1, 2033. (Sec. 2)
3. Includes a purpose statement. (Sec. 3)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

Attachment 4

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. HB 2210

DATE February 06, 2024 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar		✓			
Austin		✓			
Carter		✓			
Gress					✓
Heap			✓		
Hendrix		✓			
Hernandez M		✓			
Ortiz		✓			
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		8	1	0	1

Susan Nelson
COMMITTEE SECRETARY

APPROVED:

JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman

ATTACHMENT 5

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2211: occupational safety review board; continuation
Sponsor: Representative Livingston, LD 28
Committee on Commerce

Overview

Continues the Occupational Safety and Health Review Board (Review Board) for eight years.

History

Occupational Safety and Health Review Board

The Review Board is established within the Industrial Commission of Arizona to hear and rule on appeals of administrative law judge decisions generated under the Division of Occupational Safety and Health. The Review Board consists of five members who are appointed by the Governor and who by reason of training, education or experience are qualified to carry out the powers and duties of the Review Board (A.R.S. § 23-422).

Sunset Review Process

The sunset review process provides a system for the Legislature to evaluate the need to continue the existence of state agencies which are reviewed by a legislative committee of reference (COR). The COR is required to hold a public hearing, receive testimony from agency officials and the public and consider the agency's responses to the statutorily-outlined sunset factors in determining whether to recommend continuing, consolidating or terminating the agency (A.R.S 41-2954).

The House Commerce COR held a public meeting on January 16, 2024, and recommended that the Legislature continue the Review Board for eight years. The Review Board terminates on July 1, 2024, unless continued by the Legislature (A.R.S. § 41-3024.19).

Provisions

1. Continues, retroactive to July 1, 2024, the Review Board for eight years until July 1, 2032. (Sec. 1, 2, 4)
2. Repeals the Review Board on January 1, 2033. (Sec. 2)
3. Includes a purpose statement. (Sec. 3)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. HB 2211

DATE February 06, 2024 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar		✓			
Austin		✓			
Carter		✓			
Gress					✓
Heap			✓		
Hendrix		✓			
Hernandez M		✓			
Ortiz		✓			
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		8	1	0	1

APPROVED:

JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman

Susan Nelson
COMMITTEE SECRETARY

ATTACHMENT 7

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2212: boiler advisory board; continuation
Sponsor: Representative Livingston, LD 28
Committee on Commerce

Overview

Continues the Boiler Advisory Board for eight years.

History

Boiler Advisory Board

The Boiler Advisory Board was established in 1977 to assist the Industrial Commission of Arizona (ICA) in the drafting standards and regulations related to boilers, lined hot water heaters and pressure vessels. The five ICA-appointed members of the Boiler Advisory Board consists of one member who represents the boiler, pressure vessel or lined hot water heater manufacturer industry, one member who represents a public utility, one member who represents a public utility, one member who is an owner or operator of a boiler, pressure vessel or lined hot water heater and one member who is a licensed contractor (A.R.S. § 23-486).

Sunset Review Process

The sunset review process provides a system for the Legislature to evaluate the need to continue the existence of state agencies which are reviewed by a legislative committee of reference (COR). The COR is required to hold a public hearing, receive testimony from agency officials and the public and consider the agency's responses to the statutorily-outlined sunset factors in determining whether to recommend continuing, consolidating or terminating the agency (A.R.S 41-2954).

The House Commerce COR held a public meeting on January 16, 2024, and recommended that the Legislature continue the Boiler Advisory Board for eight years. The Boiler Advisory Board terminates on July 1, 2024, unless continued by the Legislature (A.R.S. § 41-3024.18).

Provisions

1. Continues, retroactive to July 1, 2024, the Boiler Avisory Board for eight years until July 1, 2032. (Sec. 1, 2, 4)
2. Repeals the Boiler Advisory Board on January 1, 2033. (Sec. 2)
3. Includes a purpose statement. (Sec. 3)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. HB 2212

DATE February 06, 2024 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar		✓			
Austin		✓			
Carter		✓			
Gress					✓
Heap			✓		
Hendrix		✓			
Hernandez M		✓			
Ortiz		✓			
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		8	1	0	1

APPROVED:

JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman

COMMITTEE SECRETARY

ATTACHMENT 9

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2204: workers' compensation rates; deviation
Sponsor: Representative Livingston, LD 28
Committee on Commerce

Overview

Allows certain insurers to file for a premium credit from the rating organization's uniform rate filing.

History

The Department of Insurance and Financial Institutions (DIFI) oversees insurance rate regulation to promote the public welfare and prevent excessive, inadequate or discriminatory rates. DIFI designates a rating organization for the purpose of annually making and filing statewide workers' compensation insurance rates (A.R.S. §§ 20-341 and 20-371).

A workers' compensation or employers' liability insurer (insurer) must adhere to the statewide workers' compensation insurance rates filed with DIFI, except an insurer may file: 1) up to six uniform percentage deviations to adjust the statewide rate portion of the rating organization's rate filing; and 2) a subclassification rate related rule that deviates from the rating organization rules or schedule rating plan. An insurer may not simultaneously apply a deviation and a schedule rating to the same insured risk. If an insurer files more than one deviation, each must be consistent with underwriting rules based on criteria that would lead to a logical distinction of potential risk (A.R.S. § 20-359).

Provisions

1. Permits a rating organization's member insurer to file a premium credit of up to 5% from the rating organization's uniform rate filing based on a policyholder's membership in an association. (Sec. 2)
2. Defines *association* as a domestic nonprofit corporation with a professional, commercial, industrial or trade character of business. (Sec. 1)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

Fifty-sixth Legislature
Second Regular Session

Commerce
H.B. 2204

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2204

(Reference to printed bill)

Page 1, line 6, after the first "A" strike remainder of line

Strike line 7, insert "MEMBERSHIP ORGANIZATION WHOSE MEMBERSHIP IS COMPRISED OF PERSONS THAT ARE IN A SIMILAR OR RELATED LINE OF COMMERCE, THAT IS ORGANIZED TO PROMOTE AND IMPROVE BUSINESS CONDITIONS IN THAT LINE OF COMMERCE AND THAT IS NOT ENGAGED IN A REGULAR BUSINESS OF A KIND THAT IS ORDINARILY CARRIED ON FOR PROFIT AND THE NET EARNINGS OF THE MEMBERSHIP ORGANIZATION DO NOT INURE TO THE BENEFIT OF ANY MEMBER."

Amend title to conform

JUSTIN WILMETH

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Adopted ✓ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered ____ Analysts Initials ___

Attachment 11

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. HB 2204

DATE February 06, 2024 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar		✓			
Austin		✓			
Carter		✓			
Gress					✓
Heap		✓			
Hendrix		✓			
Hernandez M		✓			
Ortiz		✓			
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		9	0	0	1

APPROVED:

JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman

Susan Nelson
COMMITTEE SECRETARY

ATTACHMENT 12

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2609: auto theft authority; fee overpayment
Sponsor: Representative Livingston, LD 28
Committee on Commerce

Overview

Entitles an insurer to a refund or credit relating to overpayment of certain fees.

History

Established in the Department of Insurance and Financial Institutions (DIFI), the Automobile Theft Authority (Authority) is tasked with determining the scope of motor vehicle theft and the areas of the state where the problem is the greatest. The Authority may also analyze, develop and implement a plan to combat the problem of motor vehicle theft. The Authority allocates monies in the Automobile Theft Authority Fund (Fund) to public agencies for the purpose of establishing, maintaining and supporting programs that are designed to prevent motor vehicle theft.

Each insurer who issues a motor vehicle liability insurance policy is required to pay a semiannual fee of $0.50 per vehicle insured under the policy. Monies collected from the fee as well as 50% of civil penalties assessed against a scrap metal dealer who does not submit required vehicle information to the Arizona Department of Transportation are deposited into the Fund (A.R.S § 41-3451).

The Authority must notify DIFI of an insurer's failure to pay the semiannual fee. On receiving notice of an insurer's failure to pay the fee, DIFI may suspend the insurer's certificate of authority or impose a civil penalty to be deposited into the Fund. (A.R.S. § 41-3453).

Provisions

1. Entitles an insurer who overpaid the automobile theft authority fee to a refund of the overpaid amount or a credit of the overpaid amount to be applied against future fees. (Sec. 1)
2. Directs the insurer to submit a request for a refund or credit to the Authority with documentation or information proving the overpaid amount. (Sec 1)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2609

(Reference to printed bill)

Page 1, line 4, strike "credit" insert "underpayment; refund; audit"

Line 14, after "AMOUNT" strike remainder of line

Strike line 15

Line 16, strike "AUTHORITY FEES"; after the first "A" insert "WRITTEN"; strike "OR CREDIT"

Line 17, after "AUTHORITY" insert "WITHIN ONE YEAR AFTER THE DATE THAT THE OVERPAID ASSESSMENT WAS DUE AND PAYABLE PURSUANT TO THE DATES SPECIFIED IN SECTION 41-3451, SUBSECTION J," after "OR" insert "ANY OTHER";

Line 18, strike "SUBSTANTIATING" insert "SATISFACTORY TO THE DIRECTOR TO SUBSTANTIATE"; after "THE" insert "ACTUAL"; after the period insert: "THE DIRECTOR SHALL APPROVE OR DENY A REFUND OF THE AMOUNT SPECIFIED IN THE INSURER'S REQUEST. IF THE DIRECTOR APPROVES A REFUND REQUEST THE DIRECTOR SHALL REFUND TO THE INSURER THE AMOUNT SPECIFIED IN THE INSURER'S REQUEST FROM THE AUTOMOBILE THEFT AUTHORITY FUND ESTABLISHED BY SECTION 41-3451.

C. AN INSURER WHO HAS UNDERPAID THE FEE PRESCRIBED BY SECTION 41-3451 SHALL TRANSMIT TO THE AUTOMOBILE THEFT AUTHORITY WITHIN SIXTY DAYS AFTER THE FEE WAS DUE AND PAYABLE ON THE DATES SPECIFIED IN SECTION 41-3451, SUBSECTION J, THE DIFFERENCE BETWEEN THE TOTAL AMOUNT THAT WAS DUE AND PAYABLE AND THE TOTAL AMOUNT THAT THE INSURER ACTUALLY PAID FOR DEPOSIT IN THE AUTOMOBILE THEFT AUTHORITY FUND.

D. THE DIRECTOR MAY AUDIT AN INSURER THAT ISSUES MOTOR VEHICLE LIABILITY INSURANCE POLICIES IN THIS STATE FOR THE PURPOSES OF DETERMINING WHETHER THE INSURER IS IN COMPLIANCE WITH THIS CHAPTER. THE EXPENSES OF AN AUDIT CONDUCTED UNDER THIS SUBSECTION SHALL BE PAID BY THE INSURER."

Adopted ✓ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered ____ Analysts Initials ___

Attachment 14

1 Reletter to conform

2 Amend title to conform

JUSTIN WILMETH

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ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. HB 2609

DATE February 06, 2024 MOTION: D PA

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar		✓			
Austin		✓			
Carter		✓			
Gress					✓
Heap		✓			
Hendrix		✓			
Hernandez M		✓			
Ortiz		✓			
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		9	0	0	1

APPROVED:

JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman

Susan Nelson
COMMITTEE SECRETARY

ATTACHMENT 15

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2253: board of technical registration; continuation
Sponsor: Representative Wilmeth, LD 2
Committee on Commerce

Overview

Continues the Board of Technical Registration (BTR) for eight years.

History

Board of Technical Registration

Created in 1921, originally referred to as the State Board of Registration, the BTR provides for the safety, health and welfare of the public by establishing and enforcing standards of qualification for alarm agents, architects, engineers, geologists, home inspectors, landscape architects, and land surveyors and determining if applicants are qualified to be registered or certified. The BTR is a 90/10 board which requires 90% of fees and other revenues received by the BTR to be deposited into the Technical Registration Fund used to cover the BTR's operational expenses and 10% to be deposited into the state General Fund. The 11-member BTR consists of one architect, one professional engineer, one landscape architect, one geologist, one land surveyor and six public members with at least one of whom has a legal, construction or design product background. Members are appointed by the Governor for a three-year term and may not serve more than two consecutive terms (Title 32, Chapter 1, A.R.S.)

Sunset Review Process

The sunset review process provides a system for the Legislature to evaluate the need to continue the existence of state agencies which are reviewed by a legislative committee of reference (COR). The COR is required to hold a public hearing, receive testimony from agency officials and the public and consider the agency's responses to the statutorily-outlined sunset factors in determining whether to recommend continuing, consolidating or terminating the agency (A.R.S 41-2954).

The House Commerce COR held a public meeting on January 16, 2024, and recommended that the Legislature continue the BTR for eight years. The BTR terminates on July 1, 2024, unless continued by the Legislature (A.R.S. § 41-3024.11).

Provisions

1. Continues, retroactive to July 1, 2024, the BTR for eight years until July 1, 2032. (Sec. 1, 2, 4)
2. Repeals the BTR on January 1, 2033. (Sec. 2)
3. Includes a purpose statement. (Sec. 3)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐Emergency (40 votes)	☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. HB 2253

DATE February 06, 2024 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar		✓			
Austin		✓			
Carter		✓			
Gress					✓
Heap			✓		
Hendrix		✓			
Hernandez M		✓			
Ortiz		✓			
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		8	1	0	1

Susan Nelson
COMMITTEE SECRETARY

APPROVED:

JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman

ATTACHMENT 17

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HCM2001: reevaluate restrictions; chemical industry
Sponsor: Representative Willoughby, LD 13
Committee on Commerce

Overview

Urges the U.S. federal government to reevaluate proposed restrictions on the chemical industry.

Provisions

1. Urges U.S. President and Congress to:
   a) reevaluate proposed restrictions on the chemical industry and to ensure that regulations are based on sound science, promote innovation and support supply chain resiliency; and
   b) support frameworks that celebrate innovation and accelerate progress in the chemical industry.
2. Requests Arizona Secretary of State to transmit the memorial to the U.S. President, President of the U.S. Senate, Speaker of the U.S. House of Representatives, directors of relevent federal agencies and each member of Congress from Arizona.

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. HCM 2001

DATE February 06, 2024 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar			✓		
Austin			✓		
Carter		✓			
Gress		✓			
Heap		✓			
Hendrix		✓			
Hernandez M			✓		
Ortiz			✓		
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		6	4	0	0

APPROVED:

JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman

Susan Nelson
COMMITTEE SECRETARY

ATTACHMENT 19

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2297: adaptive reuse; commercial buildings; zoning
S/E: same subject
Sponsor: Representative Biasiucci, LD 30
Committee on Commerce

Summary of the Strike-Everything Amendment to HB 2297

Overview

Prescribes requirements relating to the *multifamily residential development* or *adaptive reuse* development of a commercial building or mixed use site.

History

Pursuant to A.R.S. § 9-462.01, the legislative body of any municipality by ordinance, to conserve and promote the public health, safety and general welfare, may:

1) regulate the use of buildings, structures and land between agriculture residence, industry and business;
2) regulate the location, height, bulk, number of stories and size of buildings and structures, the size and use of lots, yards, courts and other open spaces, the percentage of a lot that may be occupied by a building or structure, access to incident solar energy and the intensity of land use;
3) establish requirements for off-street parking and loading;
4) establish and maintain building setback lines; and
5) establish floodplain and age-specific community zoning districts and districts of historical significance.

Provisions

1. Requires a municipality to allow multifamily residential development or adaptive reuse development of any commercial building or mixed use site without an application for rezoning. (Sec. 1)
2. Specifies the multifamily residential development or adaptive reuse development must:
   a) have access to public sewer and water service for the entire development; and
   b) comply with all applicable building codes. (Sec. 1)
3. Stipulates the residential density must be the maximum residential density allowed under municipal zoning ordinances. (Sec. 1)
4. Asserts existing municipal setback requirements must be amended to support the maximum density allowed under existing municipal zoning ordinances and permits additional encroachments. (Sec. 1)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

5. Permits the multifamily residential development or adaptive reuse development to allow for the demolition of all or a portion of the existing building or buildings. (Sec. 1)
6. Stipulates the height of the existing commercial building or mixed use structure may remain and be considered nonconforming if the height exceeds the maximum height of the zoning district. (Sec. 1)
7. Adds any rooftop construction must be included within the height exemption. (Sec. 1)
8. Requires the multifamily residential development or adaptive reuse development of any commercial building or mixed use site to set aside at least 10% designated for either moderate-income housing or low-incoming housing or any combination of both. (Sec. 1)
9. Specifies the multifamily residential development or adaptive reuse development cannot be subject to the enforcement of any regulation that exceeds existing parking space requirements beyond what is required in the existing zoning code. (Sec. 1)
10. Asserts the multifamily residential development or adaptive reuse development requirements do not apply to any land:
    a) in an area that is designated as a district of historical significance or as historic on the national register of historic places;
    b) in the immediate vicinity of an airport or ancillary military facility; or
    c) in a municipality that is located on tribal land. (Sec. 1)
11. Defines pertinent terms. (Sec. 1)

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2297

(Reference to printed bill)

Strike everything after the enacting clause and insert:

"Section 1. Title 9, chapter 4, article 6.1, Arizona Revised Statutes, is amended by adding section 9-462.10, to read:

9-462.10. Commercial buildings; adaptive reuse; prohibition on rezoning; applicability; definitions

A. NOTWITHSTANDING ANY OTHER LAW, A MUNICIPALITY SHALL ALLOW MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE DEVELOPMENT OF ANY COMMERCIAL BUILDING OR MIXED USE SITE WITHOUT AN APPLICATION FOR REZONING.

B. THE MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE DEVELOPMENT MUST HAVE ACCESS TO PUBLIC SEWER AND WATER SERVICE FOR THE ENTIRE DEVELOPMENT AND SHALL COMPLY WITH ALL APPLICABLE BUILDING CODES.

C. THE RESIDENTIAL DENSITY SHALL BE THE MAXIMUM RESIDENTIAL DENSITY ALLOWED UNDER MUNICIPAL ZONING ORDINANCES.

D. EXISTING MUNICIPAL SETBACK REQUIREMENTS SHALL BE AMENDED TO SUPPORT THE MAXIMUM DENSITY ALLOWED UNDER EXISTING MUNICIPAL ZONING ORDINANCES. ADDITIONAL ENCROACHMENTS ARE ALLOWED.

E. THE MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE DEVELOPMENT MAY ALLOW FOR THE DEMOLITION OF ALL OR A PORTION OF THE EXISTING BUILDING OR BUILDINGS.

F. IF THE HEIGHT OF THE EXISTING COMMERCIAL BUILDING OR MIXED USE STRUCTURE EXCEEDS THE MAXIMUM HEIGHT OF THE ZONING DISTRICT, THE HEIGHT MAY REMAIN AND SHALL BE CONSIDERED NONCONFORMING. ANY ROOFTOP CONSTRUCTION SHALL BE INCLUDED WITHIN THE HEIGHT EXEMPTION.

G. THE MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE DEVELOPMENT OF ANY COMMERCIAL BUILDING OR MIXED USE SITE SHALL PROVIDE A MINIMUM SET ASIDE OF AT LEAST TEN PERCENT DESIGNATED FOR EITHER MODERATE-INCOME HOUSING OR LOW-INCOME HOUSING OR ANY COMBINATION OF BOTH MODERATE-INCOME HOUSING AND LOW-INCOME HOUSING.

H. THE MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE DEVELOPMENT MAY NOT BE SUBJECT TO ENFORCEMENT OF ANY REGULATION THAT EXCEEDS EXISTING PARKING SPACE REQUIREMENTS BEYOND WHAT IS REQUIRED IN THE EXISTING ZONING CODE FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE DEVELOPMENT.

I. THIS SECTION DOES NOT APPLY TO ANY LAND IN AN AREA THAT IS DESIGNATED AS A DISTRICT OF HISTORICAL SIGNIFICANCE PURSUANT TO SECTION 9-462.01 SUBSECTION A, PARAGRAPH 10, IN AN AREA THAT IS DESIGNATED AS HISTORIC ON THE NATIONAL REGISTER OF HISTORIC PLACES, IN THE IMMEDIATE VICINITY OF A MUNICIPAL, FEDERAL AVIATION ADMINISTRATION COMMERCIALLY LICENSED, GENERAL AVIATION OR MILITARY AIRPORT OR ANCILLARY MILITARY FACILITY AS DEFINED IN SECTION 28-8461 OR IN A MUNICIPALITY THAT IS LOCATED ON TRIBAL LAND.

J. FOR THE PURPOSES OF THIS SECTION:

1. "ADAPTIVE REUSE" MEANS CONVERTING AN EXISTING STRUCTURE FROM THE USE FOR WHICH IT WAS CONSTRUCTED TO A NEW USE BY MAINTAINING SOME OR ALL OF THE ELEMENTS OF THE STRUCTURE.

2. "BUILDING CODE" HAS THE SAME MEANING PRESCRIBED IN SECTION 9-1301.

3. "LOW-INCOME HOUSING" MEANS HOUSING FOR A PERSON OR PERSONS AT OR BELOW EIGHTY PERCENT OF THE AREA MEDIAN INCOME AS DETERMINED BY THE ARIZONA DEPARTMENT OF HOUSING AND ADJUSTED FOR HOUSEHOLD SIZE BASED ON THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

4. "MAXIMUM RESIDENTIAL DENSITY" MEANS A RESIDENTIAL DENSITY DEVELOPMENT THAT IS EQUAL TO OR GREATER THAN THE MAXIMUM RESIDENTIAL DENSITY ALLOWED UNDER THE LOCAL GENERAL PLAN AND MUNICIPAL ZONING ORDINANCES.

5. "MODERATE-INCOME HOUSING" MEANS HOUSING FOR A PERSON OR PERSONS AT OR BELOW ONE HUNDRED TWENTY PERCENT OF THE AREA MEDIAN INCOME AS DETERMINED BY THE ARIZONA DEPARTMENT OF HOUSING AND ADJUSTED FOR HOUSEHOLD SIZE BASED ON THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

6. "MULTIFAMILY RESIDENTIAL DEVELOPMENT" MEANS A BUILDING OR BUILDINGS THAT ARE DESIGNED AND USED FOR RESIDENTIAL PURPOSES AND THAT CONTAIN MORE THAN ONE APARTMENT OR DWELLING UNIT.

7. "NONCONFORMING" MEANS STRUCTURES THAT HAVE RECEIVED BUILDING AND ZONING PERMITS UNDER THE REGULATIONS IN PLACE AT THE TIME OF CONSTRUCTION.

8. "ROOFTOP CONSTRUCTION":

(a) MEANS ROOFTOP STRUCTURES THAT PRINCIPALLY HOUSE AIR CONDITIONING EQUIPMENT, SOLAR PANELS AND OTHER ENERGY PRODUCTION FACILITIES.

(b) INCLUDES OPEN SPACE FEATURES, SWIMMING POOLS, SPACE FOR USE BY RESIDENTS AND LANDSCAPING.

(c) DOES NOT INCLUDE DECORATIVE FEATURES, SPIRES, BELL TOWERS, DOMES, CUPOLAS, PEDIMENTS, OBELISKS OR MONUMENTS."

Amend title to conform

JUSTIN WILMETH

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Adopted ✓ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered ____ Analysts Initials ___

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. HB 2297

DATE February 06, 2024 MOTION: DPA/SE

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar		✓			
Austin		✓			
Carter			✓		
Gress		✓			
Heap			✓		
Hendrix			✓		
Hernandez M		✓			
Ortiz		✓			
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		7	3	0	0

APPROVED:

JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman

Susan Nelson
COMMITTEE SECRETARY

ATTACHMENT 22

AMA
Arizona Multihousing Association

Reid W. Butler/Butler Housing Company, Inc.

About:

During the last 39 years (dating back to 1984), Reid Butler has been involved as a developer and a principal in the acquisition, development, finance and planning of over 100 multifamily and single family housing communities with over 25,000 housing units in Arizona and California. Reid Butler has also been involved as the developer and a principal in the development of over 500 acres of master-planned communities in Metro Phoenix. Many of these housing and land development projects involved urban in-fill locations with substantial community engagement and revitalization.

Education:

- Stanford University (graduated 1978 with BA in International Relations).
- University of Michigan Law School (graduated in 1981 with a JD; licensed in AZ).

Career:

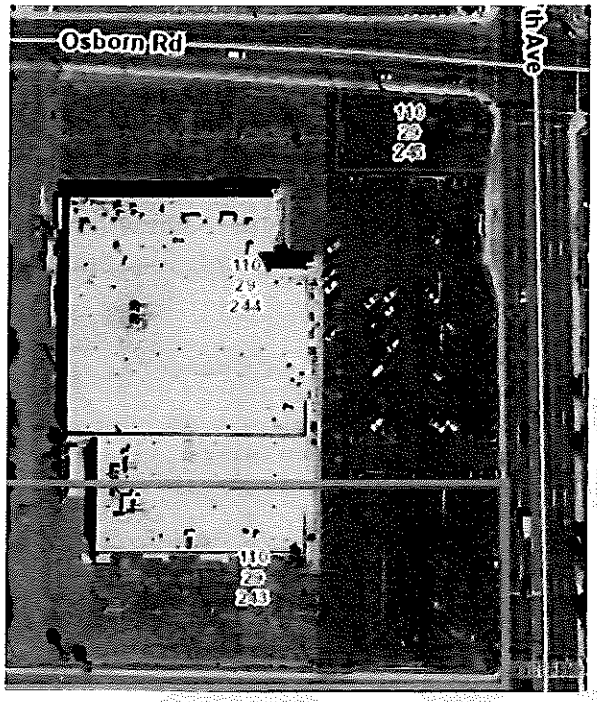
- Associate, Rogers & Wells, 1981 to 1983, New York City, (now Clifford Chance).
- Associate, Brown & Bain, Phoenix, 1983 (now Perkins Coie). Also a summer clerk for Brown & Bain in 1979 and 1980.
- Summer Clerk, Luce Forward Hamilton & Scripps, San Diego, 1980.
- Partner, Senior Vice President, Evans Withycombe, Phoenix, 1984-1996 (NYSE Public Company as a Real Estate Investment Trust with IPO in 1994 through sale to EQR in 1997).
- Regional Partner, Senior Vice President, Lincoln Property Company/Legacy Partners, Phoenix, 1997-2001.
- President, Urban Communities, The Ellman Companies, Phoenix and Glendale, 2006 to 2010.
- President/Owner, Butler Housing Company, Inc., Phoenix and Prescott, 1997 to current.

Boards/Associations:

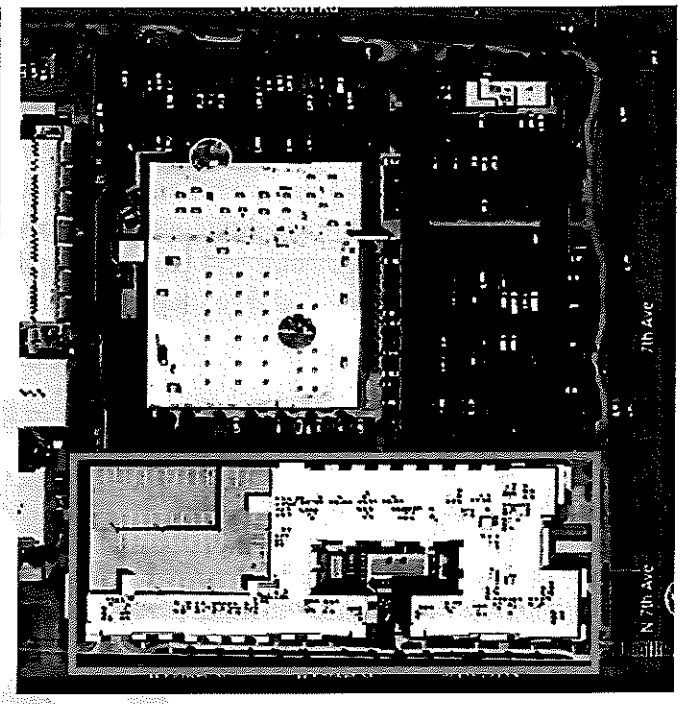
- Commissioner, Arizona Housing Commission, 2004 to 2011.
- Commissioner, Phoenix Historic Preservation Commission, 10 years total in separate terms to 2006.
- Board Member, Roosevelt Action Association, 2004-2010.
- Founder, former Co-President and Vice President, Hance Park Conservancy, 2010 to 2013.
- Board Member, Arizona Multihousing Association, 2002 to current (past Chair).
- Trustee, Board of Trustees, A.T. Still University, 2011 to current.
- Board Member, Trellis, 2012-2022.
- Steering Committee Member, Founder, Downtown Voices Coalition, 2004 to 2014.

Example of what we can develop through HB2297

The inspiration behind HB2297 stems from a successful reconversion project in Phoenix located at 7th Avenue and Osborne, southwest corner. This development was formerly an abandoned CVS store vacant for over a decade, the developer demolished the empty building, reconfigured the land, and constructed 190 housing units, complete with a parking structure.



Before demolition and construction



After demolition and construction

How many properties are there? The Phoenix area has 47.5 feet of retail space per capita (CoStar, 2018). In comparison, the United States averages 24.5 feet per capita of retail space per person (Lincoln Institute of Land Policy, 2019)

Cities Financially Benefit

Before Development: The abandoned CVS was initially valued at around $600,000 FCV (full cash value) before the reconstruction.

Post Re-development: This same plot of land is now appraised at $57,425,200 FCV (2024) and generates an annual property tax revenue of $419,930; $65,9553 for the City of Phoenix (2023).

Schools Financially Benefit

School districts (Osborne Elementary, Phoenix High School, and Maricopa Community College District) received over $350,000 in property tax from the three converted land parcels.

AMA
Arizona Multihousing Association

House Commerce Committee Meeting

February 6, 2024

What buildings will apply to HB2297:

Whether its commercial buildings that have exceeded their useful life, empty big box or half empty business centers, these properties are ready for reconstruction and renewal.

How many properties are there?

The Phoenix area has 47.5 feet of retail space per capita (CoStar,2018). In comparison, the United States averages 24.5 feet per capita of retail space per person (Lincoln Institute of Land Policy, 2019).



Abandoned Fry's Food Store at Alma School and Warner roads in Chandler

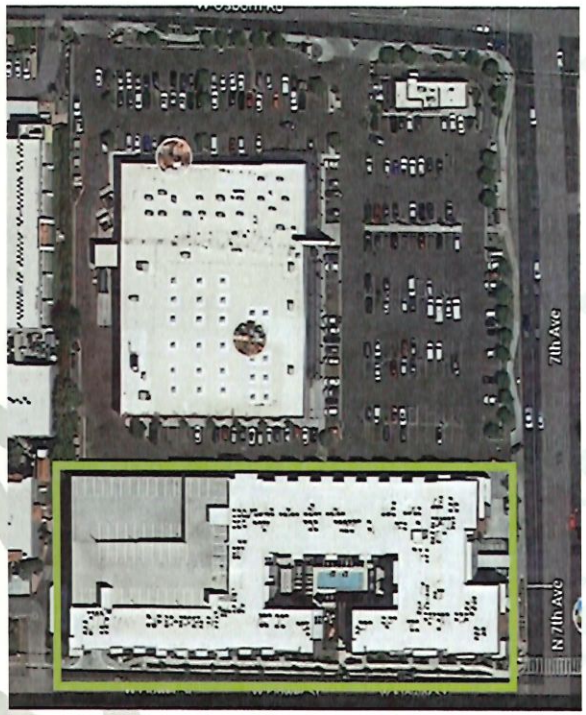
Example of what we can develop through HB2297:

The inspiration behind HB2297 stems from a successful commercial to multiuse (including residential) project in Phoenix located at 7th Avenue and Osborne, southwest corner.

This development was formerly an abandoned CVS store vacant for over a decade, the developer demolished the empty building, reconfigured the land, and constructed 190 housing units, complete with a parking structure.



Before demolition and construction



After demolition and construction

Cities will financially benefit from HB2297

AMA
Arizona Multihousing Association

Development on 7th Avenue and Osborne

Before Development: The abandoned CVS was initially valued at around **$600,000 FCV (Full cash value)** before the reconstruction.

Post Re-development: This same plot of land is now appraised at **$57,425,200 FCV (2024)** and generates an annual property tax revenue of **$419,930; $65,955 for the City of Phoenix (2023) and over $350,000 for school districts.**

AMA
Arizona Multihousing Association

Thank You!

Contact: Courtney Levinus, President & CEO
Email: Clevinus@azmultihousing.org

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2666: tourism advisory council; public entities
Sponsor: Representative Biasiucci, LD 30
Committee on Commerce

Overview

Amends statute pertaining to the Tourism Advisory Council (Council).

History

The Arizona Office of Tourism (AOT) is responsible for promoting and developing tourism in Arizona. The AOT is led by a Director who is appointed by the Governor. The Director is assisted and advised by the Council with establishing the budget, policies and programs (A.R.S. § 41-2302).

The Council consists of 15 members, appointed by the Governor, serving five-year terms. The members must be from recreational and tourist attractions, transportation and hospitality, other tourism-related businesses, and the general public. There must be at least one member from each of the six geographical planning areas, as follows: Area 1 Maricopa; Area 2 Pima; Area 3 Apache, Coconino, Navajo and Yavapai; Area 4 Mohave and Yuma; Area 5 Gila and Pinal; Area 6 Graham, Greenlee, Cochise and Santa Cruz. The Council may exercises its statutory powers and duties by engaging in joint venture activities with private corporations (A.R.S. § 41-2304).

Provisions

1. Adds La Paz County to Area 4 of the six geographical planning areas of Arizona for purposes relating to the appointment of members to the Council. (Sec. 1)
2. Allows the Council to engage with public entities, including cities, towns and counties, in addition to private corporations, to further the goals of the AOT. (Sec. 1)
3. Makes technical changes. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. HB 2666

DATE February 06, 2024 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar		✓			
Austin		✓			
Carter			✓		
Gress		✓			
Heap		✓			
Hendrix			✓		
Hernandez M		✓			
Ortiz		✓			
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		8	2	0	0

Susan Nelson
COMMITTEE SECRETARY

APPROVED:

JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman

ATTACHMENT 25

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2505: assisted living; refunds; escrow accounts
Sponsor: Representative Gress, LD 4
Committee on Commerce

Overview

Stipulates the contract holder must receive the entrance fee associated with a life care contract when specified conditions are met.

History

A life care contract is a contractual agreement between a provider and a person (contract holder) to provide for nursing services, medical services or health-related services, in addition to board and lodging for the person in a facility or services in the person's private residence with the right to future access to services, board and lodging in a facility, and is conditioned on the transfer of an entrance fee to the provider for such services. Life care contracts may only be offered by persons who are issued a permit as a provider by the Department of Insurance and Financial Institution (DIFI).

As a condition for issuing the permit, DIFI requires the provider to maintain on a current basis and in escrow an amount equal to the aggregate principal and interest payments due during the next twelve months on account of any first mortgage or other long-term financing of the facility. Additionally, the provider must establish an escrow account and place any entrance fee in escrow prior to occupancy in the facility or providing services. Statute outlines the conditions for releasing entrance fee monies to the provider.

An entrance fee that is held in escrow may be returned to the person who had made payment to the provider at any time by the escrow agent on receipt of notice from the provider that such person is entitled to a refund of the entrance fee (Title 20, Chapter 8, A.R.S.).

Provisions

1. Requires the entrance fee, minus deductions for expenses or other fees be returned to the contract holder when the resident's occupancy terminates with the facility and on the first occurance of either the resident's former living unit is inhabited by a new resident or within one year. (Sec. 1)
2. Contains technical changes. (Sec 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. HB 2505

DATE February 06, 2024 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar		✓			
Austin		✓			
Carter			✓		
Gress		✓			
Heap			✓		
Hendrix			✓		
Hernandez M		✓			
Ortiz		✓			
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		7	3	0	0

APPROVED:

JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman

Susan Nelson
COMMITTEE SECRETARY

ATTACHMENT 27

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2518: municipalities; housing needs assessment; zoning
Sponsor: Representative Gress, LD 4
Committee on Commerce

Overview

Establishes requirements relating to zoning ordinances and an assessment and annual report regarding housing.

History

Statute authorizes municipalities to adopt zoning ordinances and codes to conserve and promote the public health, safety and general welfare and outlines zoning guidelines and requirements. Municipalities must adopt, by ordinance, a citizen review process that applies to all rezoning and specific plan applications that require a public hearing. If a municipality has a planning commission or a hearing officer, the commission or officer must hold a public hearing on any zoning ordinance. At least 15 days before the hearing, a notice of the hearing must be published at least once in a newspaper of general circulation in the municipality or posted on the affected property in a manner as to be legible from the public right-of-way and printed so that the word "zoning" is visible from a distance of 100 feet.

Municipalities, by ordinance, must establish a zoning administrator office which is responsible for zoning ordinance enforcement. Appeals on decisions of the zoning administrator are heard and decided on by a municipal board of adjustment. Notices of hearings of the adjustment board must be published in a newspaper of general circulation in the municipality and posted in conspicuous places close to the affected property (Title 9, Ch.4, Art. 6.1, A.R.S.).

Municipalities are statutory required to have in place an overall time frame for issuing licenses during which the municipality will either grant or deny each type of license that it issues. The overall time frame for each license type must separately state the administrative completeness review and the substantive review time frame. The municipality must issue a notice of administrative completeness or deficiencies to a license applicant within the administrative completeness review time frame. If the municipality does not issue a notice of administrative completeness or deficiencies within the time frame, the application for the license is deemed administratively complete. If the municipality issues a timely notice of deficiencies, an application is not complete until all required information has been received by the municipality (A.R.S. § 9-835).

Provisions

Zoning Ordinance Amendment

1. Instructs a municipality, by January 1, 2025, to adopt an amendment to the zoning ordinance that requires the determination of whether a zoning application is administratively complete within 30 after receiving the application. (Sec. 3)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

2. Stipulates the municipality that determines the application is not administratively complete must follow the statutory procedures relating to administrative completeness for licensure until the application is administratively complete. (Sec. 3)
3. Instructs a municipality to determine whether a resubmitted application is administratively complete within 15 days after receiving the resubmitted application. (Sec. 3)
4. Requires the municipality to approve or deny the application within 180 days after determining that the application is administratively complete. (Sec. 3)
5. Provides reasons for which a municipality may extend the time frame to approve or deny the request beyond 180 days. (Sec. 3)
6. Specifies the requirements for a zoning ordinance amendment do not apply to:
   a) land that is designated as a district of historical significance:
   b) an area that is designated as historic on the national register of historic places; or
   c) planned area developments. (Sec. 3)

Housing Needs Assessment; Annual Report

7. Instructs a municipality, beginning January 1, 2025, and every five years thereafter, to publish a housing needs assessment. (Sec. 4)
8. Outlines information that the housing needs assessment must include. (Sec. 4)
9. Instructs a municipality, beginning January 1, 2025, to submit an annual report to the Arizona Department of Housing which accounts for the total number of:
   a) proposed residential housing units submitted to the municipality;
   b) net new residential housing units submitted to the municipality; and
   c) new residential housing units that are entitled, platted, permitted and have received a certificate of occupancy. (Sec. 4)
10. Outlines information that must be included in the annual report. (Sec. 4)
11. Requires a municipality that has previously conducted a housing needs assessment report to amend the report to include the required information as outlined. (Sec. 4)
12. Exempts a municipality from the requirement to fulfill certain required projections in the housing needs assessment. (Sec. 4)
13. Exempts a municipality from the housing needs assessment and annual reporting requirements that is located on tribal land or has a population of less than 30,000 persons. (Sec. 4)

Miscellaneous

14. Removes the requirement for a public hearing notice to be published at least once in a newspaper of general circulation in the municipality. (Sec. 1)
15. Removes the requirement for a municipality's board of adjustment to give notice of the hearing by publication in a newspaper of general circulation in the municipality. (Sec. 2)

Fifty-sixth Legislature
Second Regular Session

Commerce
H.B. 2518

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2518

(Reference to printed bill)

Page 1, between lines 1 and 2, insert:

"Section 1. Title 9, chapter 4, article 6, Arizona Revised Statutes, is amended by adding section 9-461.18, to read:

9-461.18. Affordable housing; density; height; applicability; definitions

A. NOTWITHSTANDING ANY OTHER LAW OR ORDINANCE, ON OR BEFORE JANUARY 1, 2025, A MUNICIPALITY SHALL OFFER, IN ANY MIXED USE OR MULTIFAMILY RESIDENTIALLY ZONED DISTRICT WITHIN ONE-HALF MILE OF A LIGHT RAIL OR STREETCAR STOP, A HEIGHT OR DENSITY BONUS OF TEN PERCENT ADDITIONAL DWELLING UNITS FOR EITHER OF THE FOLLOWING:

1. A PROPOSED MULTIFAMILY RESIDENTIAL HOUSING DEVELOPMENT THAT DEDICATES AT LEAST TWENTY PERCENT OF THE UNITS TO PERMANENT AFFORDABLE HOUSING.

2. A PROPOSED RESIDENTIAL HOUSING DEVELOPMENT THAT QUALIFIES FOR THE LOW-INCOME HOUSING TAX CREDIT PROGRAM AS DEFINED IN SECTION 42-13601, SUBJECT TO ALL OTHER DEVELOPMENT STANDARDS OF THE MUNICIPALITY.

B. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

1. ANY LAND IN THE IMMEDIATE VICINITY OF A MUNICIPAL AIRPORT, A FEDERAL AVIATION ADMINISTRATION COMMERCIALLY LICENSED AIRPORT OR A GENERAL AVIATION AIRPORT.

2. ANY TERRITORY IN THE VICINITY OF A MILITARY AIRPORT OR ANCILLARY MILITARY FACILITY AS DEFINED IN SECTION 28-8461.

Adopted ✓ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered _____ Analysts Initials _____

Attachment 29

3. ANY AREA THAT IS DESIGNATED AS A DISTRICT OF HISTORICAL SIGNIFICANCE PURSUANT TO SECTION 9-462.01, SUBSECTION A, PARAGRAPH 10.

4. ANY AREA THAT IS DESIGNATED AS HISTORIC ON THE NATIONAL REGISTER OF HISTORIC PLACES.

5. TRIBAL LAND.

6. ANY AREA WHERE AN EXISTING MOBILE HOME PARK AS DEFINED IN SECTION 33-1409 MAY BE DISPLACED.

C. FOR THE PURPOSES OF THIS SECTION:

1. "DEDICATED" OR "DEDICATES" MEANS TO RECORD IN THE FORM AND MANNER REQUIRED BY A MUNICIPALITY A LEGALLY BINDING DOCUMENT ON THE PROPERTY THAT LIMITS THE PRICE AT WHICH THE PROPERTY MAY BE SOLD OR LEASED FOR A PERIOD OF AT LEAST TWENTY-FIVE YEARS.

2. "MULTIFAMILY RESIDENTIAL DEVELOPMENT" MEANS A BUILDING OR BUILDINGS THAT ARE DESIGNED AND USED FOR RESIDENTIAL PURPOSES AND THAT CONTAIN MORE THAN ONE APARTMENT OR DWELLING UNIT.

3. "PERMANENT AFFORDABLE HOUSING" MEANS UNITS THAT ARE DEDICATED TO EITHER OF THE FOLLOWING:

(a) OWNER-OCCUPIED HOUSING FOR WHICH THE TOTAL ANNUAL COST OF OWNERSHIP, INCLUDING PRINCIPAL, INTEREST, TAXES, INSURANCE AND HOMEOWNERS' ASSOCIATION FEES, DOES NOT EXCEED THIRTY PERCENT OF THE GROSS ANNUAL INCOME OF A HOUSEHOLD THAT IS AT EIGHTY PERCENT OF THE AREA MEDIAN INCOME.

(b) RENTAL HOUSING FOR WHICH THE TOTAL ANNUAL RENT COST DOES NOT EXCEED THIRTY PERCENT OF THE GROSS ANNUAL INCOME OF A HOUSEHOLD THAT IS AT EIGHTY PERCENT OF THE AREA MEDIAN INCOME."

Renumber to conform

Page 1, line 11, strike "~~shall be published at least once in a newspaper of~~"

Strike line 12

Line 13, strike "~~there is none, it~~" insert "shall be published at least once in a newspaper of general circulation published or circulated in the municipality, or if there is none, it"

Page 4, strike lines 17 through 45

Strike page 5

House Amendments to H.B. 2518

Page 6, strike lines 1 through 21
Renumber to conform
Page 8, between lines 5 and 6, insert:
"D. THE ARIZONA DEPARTMENT OF HOUSING SHALL COMPILE THE REPORTS RECEIVED PURSUANT TO SUBSECTION B OF THIS SECTION AND SUBMIT THE REPORTS TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES."
Reletter to conform
Amend title to conform

MATT GRESS

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ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. HB 2518

DATE February 06, 2024 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar		✓			
Austin		✓			
Carter		✓			
Gress		✓			
Heap			✓		
Hendrix			✓		
Hernandez M		✓			
Ortiz		✓			
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		8	2	0	0

Susan Nelson
COMMITTEE SECRETARY

APPROVED:

JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman

ATTACHMENT 30

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2316: private universities; Arizona teachers academy
S/E: mobile home; relocation; building codes
Sponsor: Representative Gress, LD 4
Committee on Commerce

Summary of the Strike-Everything Amendment to HB 2316

Overview

Increases certain disbursements from the Mobile Home Relocation Fund (Fund). Asserts a mobile home's owner is to be cited for certain violations.

History

The Fund provides relief to mobile home park tenants that relocated due to: 1) a change in use or redevelopment of the mobile home park; 2) rent increases; or 3) a change in age-restricted community use. Tenants who relocated due to rent increases or a change in age-restricted community use are eligible to receive Fund disbursements of up to $7,500 for a single-section mobile home or up to $12,500 for a multi-section mobile home (A.R.S. §§ 33-1476.04 and 33-1476.05).

Each owner of a mobile home located in a mobile home park who does not own the land on which the mobile home is located are annually assessed a rate of $.5 per $100 of a taxable assessed valuation. Monies collected from the annual assessment are deposited into the Fund. If the Fund balance exceeds $8,000,000 in any year, the assessments are waived and reinstated if the Fund balance is less than $6,000,000 at the end of the fiscal year. (A.R.S. § 33-1476.03).

Provisions

1. Increases the amount of Fund monies a tenant who relocates due to rent increases or a change in age-restricted community use may receive from:
   a) $7,500 to $12,500 for a single-section mobile home; or
   b) $12,500 to $20,000 for a multi-section mobile home. (Sec. 1, 2)
2. Removes, as a qualifier to be eligible to receive relocation expenses from the Fund due to an increase in rent, the requirement:
   a) that the tenant's contract to move the mobile home state by a specified date; and
   b) to have moved the mobile home within 45 days after the date of the rent increase. (Sec. 1)
3. Removes, as a qualifier to be eligible to receive relocation expenses from the Fund due to a change in the age-restricted com, the requirement:

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

a) that the tenant's contract to move the mobile home or manufactured home state by a specified date; and
b) to have moved the mobile home or manufactured home within 45 days after notice from the Director approving payment of relocation expenses. (Sec. 2)

4. Increase the percentage amount, from 25% to 40%, of the maximum allowable moving expense that a tenant may receive from the Fund for relocation expenses due to an increase in rent who alternatively abandons the mobile home. (Sec. 1)
5. Asserts no building code or local enforcement agency can require the owner of a mobile home park to correct a violation that is found in or on a mobile home. (Sec. 3)
6. Stipulates the mobile home's owner must be cited if a violation is found in or on a mobile home in a mobile home park. (Sec. 3)

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2316

(Reference to printed bill)

Strike everything after the enacting clause and insert:

"Section 1. Section 33-1476.04, Arizona Revised Statutes, is amended to read:

33-1476.04. Relocations due to rent increase; mobile home relocation fund; applicability

A. A tenant is eligible for payment from the mobile home relocation fund if all of the following conditions are met:

1. The tenant resides in a mobile home that is owned by the tenant and that is located in a mobile home park.

2. A rent increase will be effective at the expiration or renewal of the tenant's rental agreement.

3. The rent increase either singly or in combination during any consecutive twelve-month period is more than a total of ten percent plus the current increase in the consumer price index over the most recent one-year period before the date of the notice of the rent increase. For the purposes of this paragraph, "consumer price index" means the "west-A" index that is published by the United States department of labor, bureau of labor statistics, and that demonstrates changes in prices in certain cities in the western United States.

B. A landlord who increases rent as prescribed by subsection A of this section shall give written notice of the applicability of this section to all affected tenants.

Adopted ✓ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered ____ Analysts Initials ___

Attachment 32

C. A tenant is eligible to receive relocation expenses pursuant to subsection A of this section as follows:

1. At least thirty days before the effective date of the rent increase that exceeds the limits prescribed by subsection A of this section, the tenant shall submit a contract for relocation of the mobile home to the director for approval and to the landlord.

2. Before the effective date of the rent increase, the tenant shall have a fully signed contract with a licensed installer or contractor to move the mobile home to a specific location ~~by a specific date and must have moved the mobile home pursuant to that contract within forty-five days after the effective date of the rent increase~~.

3. The director shall approve or disapprove the contract submitted within fifteen days after receipt of the contract, and the contract is deemed to be approved on the sixteenth day if the director takes no action.

4. If the contract is approved, the payment of relocation expenses shall be made to the installer or contractor when both of the following are complete:

(a) The installer or contractor obtains valid permits to move the mobile or manufactured home to a new location.

(b) The installer or contractor provides documentation to the department that the installation of the mobile or manufactured home at the new location is complete and has been inspected by the department or its designee and is approved for occupancy.

5. If the contract is not approved, the tenant may appeal to an administrative law judge pursuant to title 41, chapter 37, article 5. The tenant shall provide notice pursuant to section 33-1451, subsection A, paragraph 6 if the tenant relocates.

6. On approval, the tenant is eligible for the lesser of the actual moving expenses of relocating the mobile home or ~~seven thousand five hundred dollars~~ $12,500 for a single-section mobile home or ~~twelve thousand five hundred dollars~~ $20,000 for a multisection mobile home. Compensable

moving expenses include the cost of taking down, moving and setting up the mobile home in the new location if the mobile home is relocated to a residential location within a one hundred-mile radius of the vacated mobile home park.

D. As an alternative to receiving payment as prescribed in subsection C of this section, a tenant who is eligible to receive payment pursuant to subsection A of this section may abandon the mobile home in the mobile home park and collect an amount equal to ~~one-fourth~~ FORTY PERCENT of the maximum allowable moving expense for that mobile home from the mobile home relocation fund. To qualify for an abandonment payment pursuant to this subsection, the tenant shall deliver to the landlord the current title to the mobile home with the notarized endorsement of the owner of record together with complete releases of all liens that are shown on the title and proof that all taxes owing on the mobile home have been paid to date. The tenant shall provide a copy of these documents to the Arizona department of housing in support of the tenant's application for payment. If the tenant chooses to abandon the mobile home pursuant to this subsection, the landlord is exempt from making the payments to the fund prescribed in section 33-1476.01, subsection D.

E. This section does not apply to rent increases that are prescribed in a written rental agreement.

F. This section does not make any rent increase unreasonable.

Sec. 2. Section 33-1476.05, Arizona Revised Statutes, is amended to read:

33-1476.05. Relocations due to change in age-restricted community use; payment from mobile home relocation fund; applicability

A. The landlord shall notify the director and all tenants in writing of a change in use at least sixty days before a change in the age-restricted community to an all-age community use as defined by the housing for older persons act of 1995.

B. A tenant is eligible for payment from the mobile home relocation fund if both of the following conditions are met:

1. The tenant resides in a mobile home or manufactured home that is owned by the tenant and that is located in an age-restricted mobile home park.

2. The landlord implements a change from an age-restricted community to an all-age community as defined by the housing for older persons act of 1995.

C. A landlord who changes a mobile home park designation from an age-restricted community shall give written notice of the applicability of this section to all affected tenants.

D. A tenant is eligible to receive relocation expenses pursuant to subsection B of this section as follows:

1. Within one hundred eighty days after the effective date of notification of the change in the age-restricted community's use, the tenant shall submit a contract for relocation of the mobile or manufactured home to the director for approval and to the landlord.

2. After notice of approval by the director for the payment of relocation expenses, the tenant shall have a fully signed contract with a licensed installer or contractor to move the mobile or manufactured home to a specific location ~~by a specific date and must have moved the mobile or manufactured home pursuant to that contract within forty-five days after notice from the director~~.

3. The director shall approve or disapprove the contract submitted within fifteen days after receipt of the contract, and the contract is deemed to be approved on the sixteenth day if the director takes no action.

4. If the contract is approved, the payment of relocation expenses shall be made to the installer or contractor when both of the following are complete:

(a) The installer or contractor obtains valid permits to move the mobile or manufactured home to a new location.

(b) The installer or contractor provides documentation to the department that the installation of the mobile or manufactured home at the new location is complete and has been inspected by the department or its designee and is approved for occupancy.

5. If the contract is not approved, the tenant may appeal to an administrative law judge pursuant to title 41, chapter 37, article 5. The tenant shall provide notice pursuant to section 33-1451, subsection A, paragraph 6 if the tenant relocates.

6. On approval, the tenant is eligible for the lesser of the actual moving expenses of relocating the mobile home or ~~seven thousand five hundred dollars~~ $12,500 for a single-section mobile home or ~~twelve thousand five hundred dollars~~ $20,000 for a multisection mobile home. Compensable moving expenses include the cost of taking down, moving and setting up the mobile home in the new location if the mobile home is relocated to another age-restricted community within a one hundred-mile radius of the vacated mobile home park.

E. The landlord shall not be responsible for making any payment into the mobile home relocation fund for any mobile or manufactured home moved pursuant to this section.

Sec. 3. Section 41-4006, Arizona Revised Statutes, is amended to read:

41-4006. Preemption of local building codes; responsibility for maintenance of utility connections

A. No building code or local enforcement agency or its adopted building codes may require, as a condition of entry into or sale in any county or municipality, that any unit that has been certified pursuant to this chapter be subjected to any local enforcement inspection to determine compliance with any standard covering any aspect of the unit that is inspected pursuant to this article.

B. Except where a local enforcement agency participates in the office permit and certificate issuance program for the installation of

manufactured homes, mobile homes, factory-built buildings and accessory structures and inspection of such installations, no local enforcement agency shall subject any unit installed to any local inspections or charge a fee for any services provided pursuant to this article.

C. A local enforcement agency in any county or municipality shall recognize the minimum standards of the act as equal to any nationally accepted or locally adopted building code standard.

D. Nothing in subsection A, B or C of this section shall prevent the application of local codes and ordinances governing zoning requirements, fire zones, building setback, maximum area and fire separation requirements, site development and property line requirements and requirements for on-site utility terminals for factory-built buildings, manufactured homes and mobile homes.

E. Notwithstanding any other provision of this section, the owner of a manufactured home or mobile home located in a park subject to title 33, chapter 11 is responsible for the maintenance of utility connections from any outlets furnished by the landlord pursuant to section 33-1434 to the unit, except that the landlord is responsible for the maintenance of connections for any distance greater than twenty-five feet to the point at which the utility connections are the property of the providing utility company if the outlet is located outside the lot line of the owner's unit and is more than twenty-five feet from the unit. A local enforcement agency that determines that local code requirements are not being met or that maintenance or safety activities are needed for utility connections may not require anyone except the responsible party to perform or pay for such activities.

F. NO BUILDING CODE OR LOCAL ENFORCEMENT AGENCY OR ITS ADOPTED BUILDING CODES MAY REQUIRE THE OWNER OF A MOBILE HOME PARK, AS DEFINED IN SECTION 33-1409, IF A VIOLATION IS FOUND IN OR ON A MOBILE HOME, TO CORRECT SUCH VIOLATION. IF A VIOLATION IS FOUND IN OR ON A MOBILE HOME IN A MOBILE HOME PARK AS THOSE TERMS ARE DEFINED IN SECTION 33-1409, THE MOBILE HOME'S

OWNER AS SHOWN IN THE RECORDS OF THE ARIZONA MOTOR VEHICLE DIVISION MUST BE CITED FOR THE VIOLATION, AND NOT THE MOBILE HOME PARK LANDLORD."

Amend title to conform

MATT GRESS

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ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. HB 2316

DATE February 06, 2024 MOTION: DPA/SE

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar			✓		
Austin			✓		
Carter		✓			
Gress		✓			
Heap		✓			
Hendrix		✓			
Hernandez M			✓		
Ortiz					✓
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		6	3	0	1

APPROVED:

JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman

Susan Nelson
COMMITTEE SECRETARY

ATTACHMENT 33