



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

ADDENDUM C

Staff Report: Z-TA-6-17

(Group Homes/Community Residences)

April 16, 2018

Application No Z-TA-6-17: Amend the following Sections of the Phoenix Zoning Ordinance regarding group homes, community residences, and associated uses and regulations:

Section 202 (Definitions), Section 311 (Disability Accommodation Committee), Section 603.A. (Suburban S-1 District—Ranch or Farm Residence), Section 605.A. (Residential Estate RE-43 District—One-Family Residence), Section 606.A. (Residential Estate RE-24 District—One-Family Residence), Section 608. (Residence Districts), Section 615.C. (R-3 Multifamily Residence District), Section 616.C. (R-3A Multifamily Residence District), Section 617.C. (R-4 Multifamily Residence District), Section 618.D. (R-5 Multifamily Residence District), Section 619.A. (Residential R-4A District—Multifamily Residence—General), Section 620.B. (Residential Office R-O District—Restricted Commercial), Section 622.D. (Commercial C-1 District—Neighborhood Retail), Section 623.D. (Commercial C-2 District—Intermediate Commercial), 642. (Urban Residential (UR) District), Section 646. (Capitol Mall Overlay District), Section 647.A.1. (Special Permit Uses), Section 649. (Mixed Use Agricultural (MUA) District), Section 658. (Deer Valley Airport Overlay (DVAO) District), Section 660. (Four Corners Overlay District), Section 701.E. (Separation Requirements—Registration), Section 702. (Off-Street Parking and Loading), Section 1204. (Land Use Matrix, Downtown Code), Section 1306. (Land Use Matrix, Walkable Urban Code), and Section 1307. (Parking standards, Walkable Urban Code).

Staff recommendation: Staff recommends approval of Z-TA-6-17 as shown in the recommended text in Exhibit A.

The purpose of this Addendum is to address minor revisions to the recommended text in Exhibit A. The proposed revisions are to adjust to the changes made to Senate Bill 1465 regarding sober living homes which was signed by the governor on April 11, 2018 and is expected to become effective late July or early August. The effective date is 90 days after the adjournment of the current legislative session (2018 – Fifty-third Legislature – Second Regular Session).

Additionally, there were corrections made to reflect the language as it is currently published in the Zoning Ordinance.

The proposed text amendment considerations and revisions are outlined below:

1. The definition of “Structured Sober Living Home” has been revised in the Senate Bill. However, since the city’s proposed licensing program is specific to structured sober living homes, as the current state statute affirms (Arizona Revised Statutes 9-500.40.), we are not proposing any changes to the definition or terminology at this time. This will ensure consistency between the city licensing and zoning regulation, until the state establishes a licensing program.

2. Senate Bill 1465 specifically prohibits disclosing addresses of sober living homes and affirms that a sober living home’s address is not subject to public records requests. This requires the removal of the public notification requirement related to requests for disability accommodations that are reviewed by the Zoning Disability Accommodation Committee. Additionally, to protect the anonymity of sober living homes and comply with the State Bill, the Committee review will be an administrative process and determination that is not subject to open meeting law. Changes have been made to the following sections of the proposed language:
 - Page 5, Section 311.A.: Adding the word “Administratively” in the first sentence.
 - Page 5, Section 311.A.: Removing language related public notification.
 - Page 6, Section 311.B.3.: The representatives from the registered neighborhood organization, and the community residence home or center industry shall be appointed by the City Manager rather than the Mayor.
 - Page 33 Section 701.E.3.b.: Removing language related public notification.

3. Corrections based on the language as it is currently published in the Zoning Ordinance, includes the following:
 - Page 33, Section 701.E.3.b.: Removing the word ”above” in the first sentence. This is not currently in the Zoning Ordinance and is not necessary.
 - Page 33, Section 701.E.3.b.: Making the word “Department” lowercase and striking through the word “Director” in the first sentence of the second paragraph.
 - Page 33, Section 701.E.3.b.: The word “if” is currently not published at the end of the fourth paragraph, therefore it was changed to all capital letters to be added into the Zoning Ordinance.

Exhibits

Exhibit A: Proposed Language (40 pages)

Exhibit B: Senate Bill 1465

EXHIBIT A
Text Amendment Z-TA-6-17: Group Homes/Community Residences and associated uses and regulations

Proposed Language:

Amend Chapter 2, Section 202 (Definitions) to read as follows and alphabetize accordingly:

Adult Day Care Home: A residential home providing care for one to ten adult persons INDIVIDUALS for less than 24 hours per day and for compensation. An Adult Day Care Home shall be licensed by the State of Arizona, IF REQUIRED BY THE APPROPRIATE STATE AGENCY.

~~*Assisted Living Center:* A residential care institution that provides resident rooms, or residential units, to 11 or more persons with a disability or elderly persons. The facility provides, or contracts to provide, supervisory care services, personal care services, or directed care services on a continuous basis. An assisted living center shall be licensed by the State of Arizona.~~

~~*Assisted Living Home:* A dwelling unit shared as their primary residence by one to ten persons with a disability or elderly persons living together as a single housekeeping unit, where staff persons provide on-site care, training, or support for the residents. The facility provides, or contracts to provide, supervisory care services, personal care services, or directed care services on a continuous basis. An assisted living home shall be licensed by the State of Arizona.~~

BLOCK FACE: ONE SIDE OF THE PROPERTIES ALONG A STREET THAT ARE UNINTERRUPTED BY A STREET, FULLY DEDICATED ALLEY, OR OPEN SPACE/COMMON AREA TRACT 50 FEET OR GREATER IN WIDTH.

Boarding House: See "Group Home".
A RESIDENTIAL HOME OR BUILDING(S) FOR 6 OR MORE UNRELATED INDIVIDUALS USED TO PROVIDE LODGING FOR COMPENSATION. A BOARDING HOUSE IS OCCUPIED BY INDIVIDUALS WHERE RENT OR A LODGING FEE IS CHARGED SEPARATELY FOR THE INDIVIDUAL ROOMS OR PARTITIONED AREAS OCCUPIED BY THE RENTER OR OCCUPANT. INDIVIDUAL LIVING UNITS MAY OR MAY NOT BE EQUIPPED WITH KITCHEN FACILITIES; CONGREGATE DINING FACILITIES MAY BE PROVIDED FOR THE GUESTS. A BOARDING HOUSE IS NOT A COMMUNITY RESIDENCE HOME OR CENTER, HOTEL, MOTEL, RESIDENTIAL INN, OR BED AND BREAKFAST.

COMMUNITY RESIDENCE CENTER: A RESIDENTIAL CARE INSTITUTION ON A PROPERTY, OR INCLUDING A MULTIFAMILY PROPERTY OR DEVELOPMENT THAT PROVIDES RESIDENT ROOMS OR RESIDENTIAL UNITS TO 11 OR MORE INDIVIDUALS WITH DISABILITIES (ADULTS OR MINORS). THE FACILITY PROVIDES ON-SITE CARE, TRAINING OR SUPPORT, OR HABILITATIVE OR REHABILITATIVE SERVICES, RELATED TO THE RESIDENTS' DISABILITIES. THIS USE INCLUDES STRUCTURED SOBER LIVING HOMES THAT PROVIDE RESIDENT ROOMS OR RESIDENTIAL UNITS TO 11 OR MORE INDIVIDUALS. A COMMUNITY RESIDENCE CENTER SHALL BE LICENSED BY THE STATE OF ARIZONA OR THE CITY OF PHOENIX.

~~A COMMUNITY RESIDENCE CENTER ALSO INCLUDES MULTIFAMILY PROPERTY OR DEVELOPMENT IS A COMMUNITY RESIDENCE CENTER IF 1) RESIDENTS IN MORE THAN TWO UNITS OR 20% OF THE TOTAL NUMBER OF UNITS (WHICHEVER IS GREATER) ON THE MULTIFAMILY PROPERTY OR DEVELOPMENT RECEIVE ON-SITE CARE, TRAINING OR SUPPORT, OR HABILITATIVE OR REHABILITATIVE SERVICES FROM A SERVICE PROVIDER, AND A PORTION OF THE COST FOR THE SERVICE IS PAID FOR BY A WHERE THE PROPERTY OWNER OR OPERATOR OF THE MULTIFAMILY PROPERTY OR DEVELOPMENT RECEIVES PAYMENT FROM ENTITIES AUTHORIZED TO PROVIDE HEALTH CARE INSURANCE PROVIDER AUTHORIZED TO PROVIDE HEALTH INSURANCE IN THE STATE OF ARIZONA; OR 2) MORE THAN TWO UNITS OR 20% OF THE TOTAL NUMBER OF UNITS (WHICHEVER IS GREATER) ARE OPERATED OR PROVIDED BY AN ENTITY THAT IS LICENSED BY THE STATE OF ARIZONA OR THE CITY OF PHOENIX TO PROVIDE HEALTH CARE SERVICES RELATING TO THE TREATMENT OF THE DISABILITIES FOR RESIDENTS LIVING IN MORE THAN TWO UNITS ON THE PROPERTY AND MORE THAN 20% OF THE TOTAL NUMBER OF UNITS ON THE MULTIFAMILY PROPERTY OR DEVELOPMENT.~~

COMMUNITY RESIDENCE HOME: EXCEPT AS REQUIRED BY STATE LAW, A COMMUNITY RESIDENCE HOME IS A RESIDENTIAL LIVING ARRANGEMENT FOR UP TO TEN UNRELATED INDIVIDUALS WITH DISABILITIES LIVING AS A SINGLE FUNCTIONAL FAMILY IN A SINGLE DWELLING UNIT WHO ARE IN NEED OF THE MUTUAL SUPPORT FURNISHED BY OTHER RESIDENTS OF THE COMMUNITY RESIDENCE HOME AS WELL AS THE SERVICES, IF ANY, PROVIDED BY THE STAFF OF THE COMMUNITY RESIDENCE HOME. RESIDENTS MAY BE SELF-GOVERNING OR SUPERVISED BY A SPONSORING ENTITY OR ITS STAFF, WHICH PROVIDES ON-SITE CARE, TRAINING OR SUPPORT, OR HABILITATIVE OR REHABILITATIVE SERVICES, RELATED TO THE RESIDENTS' DISABILITIES. A COMMUNITY RESIDENCE HOME SEEKS TO EMULATE A BIOLOGICAL FAMILY TO NORMALIZE ITS RESIDENTS AND INTEGRATE THEM INTO THE SURROUNDING COMMUNITY. ITS PRIMARY PURPOSE IS TO PROVIDE SHELTER IN A FAMILY-LIKE ENVIRONMENT; TREATMENT IS INCIDENTAL AS IN ANY HOME. SUPPORTIVE INTER-RELATIONSHIPS BETWEEN RESIDENTS ARE AN ESSENTIAL COMPONENT. A COMMUNITY RESIDENCE HOME SHALL BE CONSIDERED A RESIDENTIAL USE OF PROPERTY FOR PURPOSES OF THIS ZONING ORDINANCE. THE TERM DOES NOT INCLUDE ANY OTHER GROUP LIVING ARRANGEMENT FOR UNRELATED INDIVIDUALS WHO ARE NOT DISABLED NOR CORRECTIONAL TRANSITIONAL FACILITIES, OR RESIDENTIAL FACILITIES FOR SEX OFFENDERS. A COMMUNITY RESIDENCE HOME SHALL BE LICENSED BY THE STATE OF ARIZONA OR THE CITY OF PHOENIX.

Group Home: A residential HOME OR BUILDING(S) ~~facility~~ for 6 or more unrelated ~~persons~~ INDIVIDUALS providing living facilities, AND sleeping rooms, ~~and meals~~; and which ALSO PROVIDES LIMITED SERVICES, SUCH AS, BUT NOT LIMITED TO MEALS, SERVICES TO PROMOTE EMOTIONAL SUPPORT, LIFE SKILLS DEVELOPMENT AND/OR EMPLOYMENT TRAINING ~~have a permit issued by the appropriate government agency as a boarding house.~~

Hospice: A health care service agency or institution other than a hospital, assisted living home or center, COMMUNITY RESIDENCE HOME OR CENTER, or nursing home that provides inpatient beds or resident beds to persons who need continuous hospice services. A hospice does not include in-home hospice care. A hospice shall be licensed by the State of Arizona.

Nursing Home: A health care institution other than a hospital, ~~or an~~ assisted living home or center, OR A COMMUNITY RESIDENCE HOME OR CENTER that provides inpatient beds or resident beds to persons who need continuous nursing services. A nursing home shall be licensed by the State of Arizona.

OXFORD HOUSE: A SELF-GOVERNED COMMUNITY RESIDENCE HOME FOR PEOPLE IN RECOVERY THAT IS PART OF OXFORD HOUSE, INC. AN OXFORD HOUSE PLACES NO TIME LIMIT ON RESIDENCY, OPERATES AS A DEMOCRATIC SYSTEM AND UTILIZES SELF-SUPPORT TO PAY ALL THE HOUSEHOLD EXPENSES. SANCTIONED BY CONGRESS, EACH OXFORD HOUSE IS OPERATED IN ACCORD WITH THE OXFORD HOUSE MANUAL© AND IS SUBJECT TO ANNUAL INSPECTIONS WHICH SERVE AS THE FUNCTIONAL EQUIVALENT OF THE LICENSING OF COMMUNITY RESIDENCE HOMES REQUIRED BY THIS ORDINANCE.

~~*Residential Care Center:* A residential care institution that provides resident rooms or residential units to 11 or more persons (adults or minors). The facility provides on-site care, training or support for the residents, as well as health and rehabilitative services to persons with behavioral health or developmental disabilities. A Residential Care Center shall be licensed by the State of Arizona.~~

~~*Residential Care Home:* A dwelling unit shared as a primary residence by one to ten persons (adults or minors) living together as a single housekeeping unit, in which staff persons provide on-site care, training or support for the residents. A residential care home shall be licensed by the State of Arizona.~~

~~*Rest Home:* See "Assisted Living COMMUNITY RESIDENCE Center" or "Nursing Home."~~

~~*Sober Living Home:* Any premises, place or building that provides alcohol-free or drug-free housing, for individuals who are recovering from addiction. This does not include a private residence in which a related family member is required to receive outpatient behavioral health services for substance abuse or addiction treatment as a condition of continuing to reside in the family dwelling. A sober living home includes Structured Sober Living Home as defined in A.R.S. 9-500.40.C.~~

STRUCTURED SOBER LIVING HOME: ANY PREMISES, PLACE OR BUILDING THAT PROVIDES ALCOHOL-FREE OR DRUG-FREE HOUSING, PROMOTES INDEPENDENT LIVING AND LIFE SKILL DEVELOPMENT AND PROVIDES STRUCTURED ACTIVITIES THAT ARE DIRECTED PRIMARILY TOWARD RECOVERY FROM SUBSTANCE USE DISORDERS IN A SUPERVISED SETTING TO A GROUP OF UNRELATED INDIVIDUALS WHO ARE RECOVERING FROM DRUG OR ALCOHOL ADDICTION AND WHO ARE RECEIVING OUTPATIENT BEHAVIORAL HEALTH SERVICES FOR SUBSTANCE ABUSE OR ADDICTION TREATMENT WHILE LIVING IN THE HOME. THIS DOES NOT INCLUDE A PRIVATE RESIDENCE IN WHICH A RELATED FAMILY MEMBER IS REQUIRED TO RECEIVE OUTPATIENT BEHAVIORAL HEALTH SERVICES FOR SUBSTANCE ABUSE OR ADDICTION TREATMENT AS A CONDITION OF CONTINUING TO RESIDE IN THE FAMILY DWELLING.

Amend Chapter 3 to add new Section 311 Zoning Disability Accommodation Committee to read as follows:

311 ZONING DISABILITY ACCOMMODATION COMMITTEE.

- A. **RESPONSIBILITIES.** THE ZONING DISABILITY ACCOMMODATION COMMITTEE SHALL ADMINISTRATIVELY REVIEW DISABILITY ACCOMMODATION APPLICATIONS PURSUANT TO SECTION 701.E.3.B. ~~AND RELEVANT PUBLIC INPUT RELATING TO THE DISABILITY ACCOMMODATION APPLICATION.~~ THE COMMITTEE SHALL ISSUE A WRITTEN DECISION WITHIN 60 DAYS AFTER THE APPLICATION HAS BEEN DEEMED ADMINISTRATIVELY COMPLETE. AN APPLICATION IS NOT CONSIDERED ADMINISTRATIVELY COMPLETE UNTIL THE ~~PUBLIC NOTICE~~ REQUIREMENTS HAVE BEEN COMPLETED PURSUANT TO THE PLANNING AND DEVELOPMENT DEPARTMENT POLICY AND PROCEDURES ESTABLISHED FOR DISABILITY ACCOMMODATION REQUESTS. THE DECISION SHALL BE INCLUDED IN A REPORT WITH FINDINGS THAT ADDRESS THE FOLLOWING:
1. THE REQUESTING PARTY OR OCCUPANTS OF THE HOUSING FOR WHICH THE REQUEST IS MADE ARE PROTECTED UNDER THE FAIR HOUSING ACT AND/OR THE AMERICANS WITH DISABILITIES ACT BY DEMONSTRATING THAT THEY OR THE RESIDENTS OF THE PROPOSED HOUSING ARE INDIVIDUALS WITH DISABILITIES, AS DEFINED IN THIS ZONING ORDINANCE.
 2. THE PROPOSED DISABILITY ACCOMMODATIONS BEING SOUGHT ARE REASONABLE AND NECESSARY TO AFFORD THE SUBJECT INDIVIDUAL(S) WITH DISABILITIES AN EQUAL OPPORTUNITY TO USE AND ENJOY THE HOUSING THAT IS THE SUBJECT OF THE REQUEST.

3. A REQUEST FOR A DISABILITY ACCOMMODATION TO PERMIT MORE THAN TEN UNRELATED INDIVIDUALS TO OCCUPY A COMMUNITY RESIDENCE HOME MEETS THE STANDARDS FOR COMMUNITY RESIDENCE HOME AS DEFINED IN THIS ZONING ORDINANCE.
 - THE PRIMARY FUNCTION OF THE PROPOSED COMMUNITY RESIDENCE HOME IS RESIDENTIAL WHERE ANY TREATMENT IS MERELY INCIDENTAL TO THE RESIDENTIAL USE OF THE PROPERTY.
 - THE PROPOSED COMMUNITY RESIDENCE HOME EMULATES A BIOLOGICAL FAMILY AND OPERATES AS A FUNCTIONAL FAMILY RATHER THAN AS AN INSTITUTION, BOARDING HOUSE, NURSING HOME, SHORT TERM VACATION RENTAL, CONTINUING CARE FACILITY, MOTEL, HOTEL, TREATMENT CENTER, REHABILITATION CENTER, OR A NONRESIDENTIAL USE.
4. THE REQUESTED NUMBER OF RESIDENTS IN THE PROPOSED COMMUNITY RESIDENCE HOME WILL NOT INTERFERE WITH THE NORMALIZATION AND COMMUNITY INTEGRATION OF THE OCCUPANTS OF ANY EXISTING COMMUNITY RESIDENCE HOME, AND THAT THE HOME WILL MAINTAIN A RESIDENTIAL CHARACTER.

B. MEMBERSHIP. MEMBERS OF THE ZONING DISABILITY ACCOMMODATION COMMITTEE SHALL CONSIST OF FIVE MEMBERS COMPOSED AS FOLLOWS:

1. PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR, OR HIS OR HER DESIGNEE.
2. NEIGHBORHOOD SERVICES DEPARTMENT DIRECTOR, OR HIS OR HER DESIGNEE.
3. EQUAL OPPORTUNITY DEPARTMENT DIRECTOR, OR HIS OR HER DESIGNEE.

THE FOLLOWING MEMBERS SHALL BE APPOINTED BY THE ~~MAYOR AND REMOVED BY THE MAJORITY VOTE OF THE CITY COUNCIL~~ CITY MANAGER:

4. A REPRESENTATIVE FROM A CITY OF PHOENIX REGISTERED NEIGHBORHOOD ORGANIZATION.
5. A REPRESENTATIVE FROM THE COMMUNITY RESIDENCE HOME OR CENTER INDUSTRY.

- C. THE PLANNING AND DEVELOPMENT DIRECTOR SHALL APPOINT A COMMITTEE SECRETARY, ADOPT COMMITTEE PROCEDURES CONSISTENT WITH APPLICABLE ZONING ORDINANCE PROVISIONS, AND PROVIDE OTHER ADMINISTRATIVE SUPPORT FOR THE COMMITTEE.
- D. IF THE COMMITTEE DOES NOT ISSUE A DECISION WITHIN 60 DAYS AFTER THE APPLICATION HAS BEEN DEEMED ADMINISTRATIVELY COMPLETE, THE PLANNING AND DEVELOPMENT DIRECTOR MAY SHALL ISSUE A FINAL DECISION ON THE ACCOMMODATION REQUEST FILED PURSUANT TO THIS SECTION.

Amend Chapter 6, Section 603.A. (Suburban S-1 District—Ranch or Farm Residence) to read as follows and renumber section accordingly:

- ~~3.~~ Assisted living home; provided that:
 - a. ~~The home has no more than five residents, not including staff; or~~
 - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
 - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~
- 43. Residential care COMMUNITY RESIDENCE home, provided that:
 - a. The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or
 - b. For a home with six to ten residents, not including staff, the following conditions shall apply:
 - 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.

- 2) ~~No assisted living, residential care, or sober living COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living COMMUNITY RESIDENCE home that has been registered with six to ten residents.~~
 - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~
5. ~~Sober Living Home, provided that:~~
- a. ~~The home has no more than 5 residents, not including staff; or~~
 - b. ~~For a home with 6 to 10 residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - 2) ~~No Assisted Living, Residential Care, or Sober Living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another Assisted Living, Residential Care, or Sober Living home that has been registered with 6 to 10 residents.~~
 - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

Amend Chapter 6, Section 605.A. (Residential Estate RE-43 District—One-Family Residence) to read as follows and renumber section accordingly:

- 3. ~~Assisted living home; provided that:~~
 - a. ~~The home has no more than five residents, not including staff; or~~
 - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~

- 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~
43. ~~Residential care~~ COMMUNITY RESIDENCE home, provided that:
- a. The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or
 - b. For a home with six to ten residents, not including staff, the following conditions shall apply:
 - 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
 - 2) ~~No assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home that has been registered with six to ten residents.
 - 3) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.
5. ~~Sober living home, provided that:~~
- a. ~~The home has no more than five residents, not including staff; or~~
 - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
 - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

Amend Chapter 6, Section 606.A. (Residential Estate RE-24 District—One-Family Residence) to read as follows and renumber section accordingly:

- 3. ~~Assisted living home; provided that:~~

- a. ~~The home has no more than five residents, not including staff; or~~
 - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
 - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~
43. Residential care COMMUNITY RESIDENCE home, provided that:
- a. The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or
 - b. For a home with six to ten residents, not including staff, the following conditions shall apply:
 - 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
 - 2) No assisted living, residential care, or sober living COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living COMMUNITY RESIDENCE home that has been registered with six to ten residents.
 - 3) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.
5. ~~Sober living home, provided that:~~
- a. ~~The home has no more than five residents, not including staff; or~~
 - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~

- 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
- 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

Amend Chapter 6, Section 608. (Residence Districts) to read as follows and renumber/alphabetize section accordingly:

C. Permitted Uses.

Use	Permitted	Permitted With Conditions ⁽¹⁾	Use Permit And Conditions ⁽²⁾
Single-Family DU	X		
Governmental Uses	X		
Assisted Living Home		X	
Residential Care COMMUNITY RESIDENCE Home		X	
Sober Living Home		X	
BOARDING HOUSE		X	X
GROUP HOME		X	X
* * *			
1—6 Dependent Care Facility		X	
1—4 Adult Day Care Home		X	
Display for Sale of Vehicle		X	
Guestrooms		X	
Public Utility Buildings and Facilities		X	
Schools, Private		X	X
* * *			
5—10 Adult Day Care Home		X	X
Churches/Place of Worship		X	X
Construction Facilities and Storage		X	X

Home Occupations		X	X
Model Homes and/or Subdivision Sales Office		X	X
Nondaily Newspaper Delivery Service		X	X
Public Assembly—Residential		X	X
* * *			
7—12 Dependent Care Facility			X
Environmental Remediation Facility			X

D. Permitted Uses with Conditions.

2. ~~Assisted living home; provided that:~~
- a. ~~The home has no more than five residents, not including staff; or~~
 - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
 - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~
32. ~~Residential care~~ COMMUNITY RESIDENCE home, provided that:
- a. The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or
 - b. For a home with six to ten residents, not including staff, the following conditions shall apply:

- 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
- 2) No ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home that has been registered with six to ten residents.
- 3) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.

~~4. Sober living home, provided that:~~

- a. ~~The home has no more than five residents, not including staff; or~~
- b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
 - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

F. Permitted with a Use Permit Approval Pursuant to Section 307.

1. BOARDING HOUSE PERMITTED IN THE R-3, R-3A, R-4, R-4A, AND R-5 ZONING DISTRICTS, SUBJECT TO A USE PERMIT AND CONDITIONS AS OUTLINED IN EACH RESPECTIVE ZONING DISTRICT.
2. GROUP HOME PERMITTED IN THE R-3, R-3A, R-4, R-4A, AND R-5 ZONING DISTRICTS, SUBJECT TO A USE PERMIT AND CONDITIONS AS OUTLINED IN EACH RESPECTIVE ZONING DISTRICT.

Amend Chapter 6, Section 615.C. (R-3 Multifamily Residence District) to read as follows and renumber section accordingly:

2. BOARDING HOUSE, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
 - A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - B. NO BOARDING HOUSE SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER BOARDING HOUSE, GROUP HOME, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
 - C. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
 - D. A MINIMUM OF 100 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.
 - E. THE LOT SHALL ONLY HAVE VEHICULAR ACCESS FROM AN ARTERIAL OR COLLECTOR STREET.

23. ~~Assisted living or residential care~~ COMMUNITY RESIDENCE center, subject to a use permit and the following conditions:
 - A. SUCH CENTER SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - B. NO COMMUNITY RESIDENCE CENTER SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
 - C. DISABILITY ACCOMMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
 - aD. A maximum lot coverage of 25 percent.
 - bE. A minimum of 100 square feet of usable outdoor open space per bed shall be provided.
 - eF. The lot shall only have vehicular access from an arterial or collector street.

34. Group home, subject to a use permit AND THE FOLLOWING CONDITIONS:-

- A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
- B. NO GROUP HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER GROUP HOME, BOARDING HOUSE, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
- C. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
- D. A MINIMUM OF 100 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.
- E. THE LOT SHALL ONLY HAVE VEHICULAR ACCESS FROM AN ARTERIAL OR COLLECTOR STREET.

Amend Chapter 6, Section 616.C. (R-3A Multifamily Residence District) to read as follows and renumber section accordingly:

- 2. BOARDING HOUSE, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
 - A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - B. NO BOARDING HOUSE SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER BOARDING HOUSE, GROUP HOME, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
 - C. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
 - D. A MINIMUM OF 100 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.
 - E. THE LOT SHALL ONLY HAVE VEHICULAR ACCESS FROM AN ARTERIAL OR COLLECTOR STREET.

- 23. ~~Assisted living or residential care~~ COMMUNITY RESIDENCE center, subject to a use permit and the following conditions:

- A. SUCH CENTER SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - B. NO COMMUNITY RESIDENCE CENTER SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
 - C. DISABILITY ACCOMMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
 - aD. A maximum lot coverage of 25 percent.
 - bE. A minimum of 100 square feet of usable outdoor open space per bed shall be provided.
 - eF. The lot shall only have vehicular access from an arterial or collector street.
34. Group home, subject to a use permit AND THE FOLLOWING CONDITIONS:-
- A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - B. NO GROUP HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER GROUP HOME, BOARDING HOUSE, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
 - C. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
 - D. A MINIMUM OF 100 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.
 - E. THE LOT SHALL ONLY HAVE VEHICULAR ACCESS FROM AN ARTERIAL OR COLLECTOR STREET.

Amend Chapter 6, Section 617.C. (R-4 Multifamily Residence District) to read as follows and renumber section accordingly:

2. BOARDING HOUSE, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
 - A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - B. NO BOARDING HOUSE SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER BOARDING HOUSE, GROUP HOME, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
 - C. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
 - D. A MINIMUM OF 100 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.
 - E. THE LOT SHALL ONLY HAVE VEHICULAR ACCESS FROM AN ARTERIAL OR COLLECTOR STREET.

23. ~~Assisted living or residential care~~ COMMUNITY RESIDENCE center, subject to a use permit and the following conditions:
 - A. SUCH CENTER SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - B. NO COMMUNITY RESIDENCE CENTER SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
 - C. DISABILITY ACCOMMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
 - aD. A maximum lot coverage of 25 percent.
 - bE. A minimum of 100 square feet of usable outdoor open space per bed shall be provided.
 - eF. The lot shall only have vehicular access from an arterial or collector street.

34. Group home, subject to a use permit AND THE FOLLOWING CONDITIONS:-

- A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
- B. NO GROUP HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER GROUP HOME, BOARDING HOUSE, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
- C. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
- D. A MINIMUM OF 100 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.
- E. THE LOT SHALL ONLY HAVE VEHICULAR ACCESS FROM AN ARTERIAL OR COLLECTOR STREET.

Amend Chapter 6, Section 618.D. (R-5 Multifamily Residence District) to read as follows and renumber section accordingly:

- ~~2. Assisted living center, subject to a use permit and the following conditions:

 - ~~a. A maximum lot coverage of 25 percent.~~
 - ~~b. A minimum of 50 square feet of usable outdoor open space per bed shall be provided.~~~~

- 6. BOARDING HOUSE, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
 - A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - B. NO BOARDING HOUSE SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER BOARDING HOUSE, GROUP HOME, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.

- C. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
- D. A MINIMUM OF 50 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.

- 8. COMMUNITY RESIDENCE CENTER, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
 - A. SUCH CENTER SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - B. NO COMMUNITY RESIDENCE CENTER SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
 - C. DISABILITY ACCOMMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
 - D. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
 - E. A MINIMUM OF 50 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.

- 4012. Group Home, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
 - A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - B. NO GROUP HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER GROUP HOME, BOARDING HOUSE, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
 - C. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
 - D. A MINIMUM OF 50 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.

18. ~~Residential care center, subject to a use permit and the following conditions:~~
 - a. ~~A maximum lot coverage of 25 percent.~~
 - b. ~~A minimum of 50 square feet of usable outdoor open space per bed shall be provided.~~

Amend Chapter 6, Section 619.A. (Residential R-4A District—Multifamily Residence—General) to read as follows and renumber section accordingly:

4. ~~Assisted living center, subject to a use permit and the following conditions:~~
 - a. ~~A maximum lot coverage of 25 percent.~~
 - b. ~~A minimum of 50 square feet of usable outdoor open space per bed shall be provided.~~

5. BOARDING HOUSE, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
 - A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - B. NO BOARDING HOUSE SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER BOARDING HOUSE, GROUP HOME, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
 - C. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
 - D. A MINIMUM OF 50 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.
6. COMMUNITY RESIDENCE CENTER, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:

- A. SUCH CENTER SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
- B. NO COMMUNITY RESIDENCE CENTER SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
- C. DISABILITY ACCOMMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
- D. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
- E. A MINIMUM OF 50 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.

68. Group Home, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:

- A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
- B. NO GROUP HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER GROUP HOME, BOARDING HOUSE, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
- C. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
- D. A MINIMUM OF 50 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.

~~10. Residential care center, subject to a use permit and the following conditions:~~

- ~~a. A maximum lot coverage of 25 percent.~~

- b. ~~A minimum of 50 square feet of usable outdoor open space per bed shall be provided.~~

Amend Chapter 6, Section 620.B. (Residential Office R-O District—Restricted Commercial), to read as follows and renumber section accordingly:

- 2. ~~Assisted living home; provided, that:~~
 - a. ~~The home has no more than five residents, not including staff; or~~
 - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
 - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

- 32. ~~Residential care~~ COMMUNITY RESIDENCE home, provided that:
 - a. The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or
 - b. For a home with six to ten residents, not including staff, the following conditions shall apply:
 - 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
 - 2) ~~No assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home that has been registered with six to ten residents.
 - 3) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.

- 4. ~~Sober living home, provided that:~~

- a. ~~The home has no more than five residents, not including staff; or~~
- b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
 - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

Amend Chapter 6, Section 622.D. (Commercial C-1 District – Neighborhood Retail) to read as follows and renumber section accordingly:

~~7. Assisted Living Center, subject to a use permit.~~

20. BOARDING HOUSE, SUBJECT TO A USE PERMIT.

38. COMMUNITY RESIDENCE CENTER, SUBJECT TO A USE PERMIT.

76. GROUP HOME, SUBJECT TO A USE PERMIT.

~~148. Residential Care Center, subject to a use permit.~~

Amend Chapter 6, Section 623.D. (Commercial C-2 District – Intermediate Commercial) to read as follows and renumber section accordingly:

10. ~~Assisted Living Center~~

51. COMMUNITY RESIDENCE CENTER.

Amend Chapter 6, Section 642. (Urban Residential (UR) District) to read as follows and renumber section accordingly:

C. Permitted uses.

1. **Primary uses.**

- a. ~~Assisted living home; provided that:~~
- (1) ~~The home has no more than five residents, not including staff; or~~
 - (2) ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - (a) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - (b) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
 - (c) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~
- bA. Residential care COMMUNITY RESIDENCE home, provided that:
- (1) The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or
 - (2) For a home with six to ten residents, not including staff, the following conditions shall apply:

- (a) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
- (b) No ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home that has been registered with six to ten residents.
- (c) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.

~~e. Sober living home, provided that:~~

- ~~(1) The home has no more than five residents, not including staff; or~~
- ~~(2) For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - ~~(a) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - ~~(b) No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
 - ~~(c) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

Amend Chapter 6, Section 646. (Capitol Mall Overlay District) to read as follows:

F. Special Permit Uses.

1. Land in the CMO district may be used for the following purposes, subject to the procedures and standards of Section 504.1 regarding special permits.

- b. A group home, BOARDING HOUSE or rooming house shall be a minimum of 1,500 feet from another such home.

Amend Chapter 6, Section 647.A.1. (Special Permit Uses) to read as follows and renumber section accordingly:

- A. BOARDING HOUSE, PROVIDED THAT NOT MORE THAN TEN INDIVIDUALS SHALL OCCUPY A SINGLE DWELLING; FURTHER, NO MORE THAN TWO INDIVIDUALS SHALL OCCUPY EACH BEDROOM; AND SUBJECT TO THE FOLLOWING CONDITIONS:
 - (1) SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - (2) NO BOARDING HOUSE SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER BOARDING HOUSE, GROUP HOME, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.

- fG. Group home provided that not more than ten ~~persons~~ INDIVIDUALS shall occupy a single dwelling; further, no more than two ~~persons~~ INDIVIDUALS shall occupy each bedroom.; AND SUBJECT TO THE FOLLOWING CONDITIONS:
 - (1) SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.

- (2) NO GROUP HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER GROUP HOME, BOARDING HOUSE, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.

Amend Chapter 6, Section 649. (Mixed Use Agricultural (MUA) District) to read as follows and renumber section accordingly:

- C. **Permitted Primary Uses.** The following uses are permitted in accordance with the regulations and special standards established below.

6. ~~Assisted living home; provided that:~~
- a. ~~The home has no more than five residents, not including staff; or~~
 - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
 - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

4443. ~~Residential care~~ COMMUNITY RESIDENCE home, provided that:
- a. The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or
 - b. For a home with six to ten residents, not including staff, the following conditions shall apply:

- 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
- 2) No ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home that has been registered with six to ten residents.
- 3) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.

49. ~~Sober living home, provided that:~~
- a. ~~The home has no more than five residents, not including staff; or~~
 - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
 - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

Amend Chapter 6, Section 658. (Deer Valley Airport Overlay (DVAO) District) to read as follows and renumber/alphabetize section accordingly:

- C. Regulation Areas: The DVAO District is divided into three separate regulation areas. When a parcel falls partially into one or more of the regulation areas, the most restrictive regulation area shall apply to the entire parcel.

2. Prohibited uses, Areas 2 & 3: Same as Area 1 and the following:

c. ~~Assisted Living Home or Center~~ BOARDING HOUSE.

E. COMMUNITY RESIDENCE HOME OR CENTER.

H. GROUP HOME.

m. ~~Residential care home or center.~~

p. ~~Sober living home.~~

Amend Chapter 6, Section 660. (Four Corners Overlay District) to read as follows and alphabetize section accordingly:

C. **Permitted SPECIAL PERMIT Uses.** The Four Corners Overlay District is established to encourage the development of neighborhood serving retail uses and limited community serving uses. Uses listed in the underlying commercial district are permitted except that certain uses and the sale of certain products will be permitted only subject to a special permit approval in accordance with Section 504.1 of the Zoning Ordinance. These include:

* ~~Assisted living center;~~

* BOARDING HOUSE;

* COMMUNITY RESIDENCE CENTER;

* GROUP HOME;

Amend Chapter 7, Section 701.E. (Separation Requirements—Registration) to read as follows:

E. Separation Requirements—Registration AND DISABILITY ACCOMMODATIONS

2. Establishment of registered use.

Establishment of a registered use shall be evidenced by and shall occur on the date a certificate of occupancy is issued for such use. Application for and issuance of a certificate of occupancy shall be according to the procedures established in the Construction Code. If, at the expiration of the time period specified in subsection 1 of this section, the registered use has been established, no other use which under the provisions of this ordinance is required to maintain a minimum separation from the registered use may subsequently be established closer to the registered use than the minimum distance prescribed by this ordinance.

- a. The applicant may provide evidence to the Planning and Development Department staff that a registered facility within the spacing requirements is no longer operating. The Planning and Development Department staff will verify the status of the facility within 30 business days and update the registered use documents.

3. Request for a disability accommodation.

- a. **ADMINISTRATIVE STAFF REVIEW.** An applicant may request a disability accommodation from a separation requirement if the requirement prohibits an ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home (~~“registered care home”~~) OR CENTER for a person with disabilities ~~on a lot~~. FOR THE PURPOSES OF DETERMINING CONFORMANCE FOR COMMUNITY RESIDENCE HOMES, ONLY OTHER COMMUNITY RESIDENCE HOME LOCATIONS SHALL BE CONSIDERED. ALL COMMUNITY RESIDENCE HOMES OR CENTERS THAT ARE CONSIDERED FOR DETERMINING CONFORMANCE WITH THIS SECTION SHALL BE WITHIN RESIDENTIAL ZONING DISTRICTS.

The Planning and Development Department Director’s designee may administratively approve such requests if there are no more than five ~~registered care~~ COMMUNITY RESIDENCE homes with six to ten residents OR CENTERS, within a one-half-mile area (2,640-foot radius), MEASURED IN A STRAIGHT LINE IN ANY DIRECTION, OF THE LOT LINES OF A PROPOSED COMMUNITY RESIDENCE HOME WITH SIX TO TEN RESIDENTS OR CENTER, EXCEPT THAT:-

~~A registered care home is not deemed within the one-half mile area if separated from the proposed lot by a natural or manmade barrier including, but not limited to, any of the following:~~

- (1) A COMMUNITY RESIDENCE HOME OR CENTER IS NOT DEEMED WITHIN THE ONE-HALF MILE AREA IF SEPARATED FROM THE PROPOSED COMMUNITY RESIDENCE HOME OR CENTER BY A NATURAL OR MANMADE BARRIER INCLUDING, BUT NOT LIMITED TO, ANY OF THE FOLLOWING:
 - (4) (A) Arizona Canal,
Central Arizona Project Canal,
Elliot Canal,
Grand Canal,
Highline Canal,
Roosevelt Irrigation District Canal, and
Western Canal;
 - (2) (B) Municipal open space that is at least ten acres in size (such as a park or golf course);
 - (3) (C) Railroad; or
 - (4) (D) Freeway.

- (2) NO MORE THAN ONE COMMUNITY RESIDENCE HOME OR CENTER MAY LOCATE ON THE SAME BLOCK FACE; ABUTTING TO THE REAR OR ABUTTING CATTYCORNER (INCLUDING LOTS SEPARATED BY AN ALLEY); OR ACROSS A STREET FROM A BLOCK FACE WITH A PROPOSED OR EXISTING COMMUNITY RESIDENCE HOME OR CENTER.

- b. **ZONING DISABILITY ACCOMMODATION COMMITTEE REVIEW.** If the ABOVE disability accommodation ADMINISTRATIVE STAFF REVIEW APPROVAL CONDITIONS ARE ~~request is denied~~ NOT MET, the applicant may ~~appeal the denial to the~~ REQUEST FUTURE REVIEW BY THE ZONING DISABILITY ACCOMMODATION COMMITTEE ~~Planning and Development Department Director (“the Department Director”).~~ ADDITIONALLY, AN APPLICANT MAY REQUEST A DISABILITY ACCOMMODATION FROM ANY ZONING REQUIREMENT IF THE REQUIREMENT PROHIBITS A COMMUNITY RESIDENCE HOME, CENTER, OR ANY OTHER FORM OF HOUSING FOR INDIVIDUALS WITH DISABILITIES.

The applicant shall submit to the PLANNING AND DEVELOPMENT Department ~~Director~~ a written request for accommodation and the reason why the accommodation is required. The written request shall contain sufficient facts to allow the ZONING DISABILITY ACCOMMODATION COMMITTEE TO PROVIDE A DECISION TO THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR (“THE DEPARTMENT DIRECTOR”), ~~Department Director~~ to make an individualized determination of the proposed ~~registered care home’s~~ COMMUNITY RESIDENCE’S needs, to address the city’s safety and welfare concerns, and to assure compliance with this section.

~~THE APPLICANT SHALL COMPLY WITH THE PUBLIC NOTICE REQUIREMENTS PURSUANT TO THE PLANNING AND DEVELOPMENT DEPARTMENT POLICY AND PROCEDURES ESTABLISHED FOR DISABILITY ACCOMMODATION REQUESTS. PUBLIC NOTICE IS REQUIRED IN ORDER TO ALLOW THE OPPORTUNITY FOR NEIGHBORING PROPERTIES AND NEIGHBORHOOD ORGANIZATIONS TO PROVIDE RELEVANT PUBLIC INPUT RELATING TO THE DISABILITY ACCOMMODATION APPLICATION.~~

THE ZONING DISABILITY ACCOMMODATION COMMITTEE SHALL REVIEW THE WRITTEN REQUEST AND RELEVANT PUBLIC INPUT RELATING TO THE DISABILITY ACCOMMODATION APPLICATION. THE COMMITTEE SHALL AND PROVIDE A DECISION PER THE PROCEDURES OUTLINED IN SECTION 311. ~~The Department Director shall review the written request~~ DISABILITY ACCOMMODATION COMMITTEE DECISION and THE COMMITTEE SHALL determine IF:

- (1) ~~Whether an accommodation should be made pursuant to the requirements of the Fair Housing Act; and~~
 THE REQUESTING PARTY OR OCCUPANTS OF THE HOUSING FOR WHICH THE REQUEST IS MADE ARE PROTECTED UNDER THE FAIR HOUSING ACT AND/OR THE AMERICANS WITH DISABILITIES ACT BY DEMONSTRATING THAT THEY OR THE RESIDENTS OF THE PROPOSED HOUSING ARE INDIVIDUALS WITH DISABILITIES, AS DEFINED IN THIS ZONING ORDINANCE.
- (2) ~~If so, the nature of the accommodation taking into consideration the requirements of the Fair Housing Act, public safety and welfare concerns, and the residential character of the neighborhood.~~
 THE PROPOSED DISABILITY ACCOMMODATIONS BEING SOUGHT ARE REASONABLE AND NECESSARY TO AFFORD THE SUBJECT INDIVIDUAL(S) WITH DISABILITIES AN EQUAL OPPORTUNITY TO USE AND ENJOY THE HOUSING THAT IS THE SUBJECT OF THE REQUEST.
- (3) A REQUEST FOR A DISABILITY ACCOMMODATION TO PERMIT MORE THAN TEN UNRELATED INDIVIDUALS TO OCCUPY A COMMUNITY RESIDENCE HOME MEETS THE STANDARDS FOR COMMUNITY RESIDENCE HOME AS DEFINED IN THIS ZONING ORDINANCE.
- THE PRIMARY FUNCTION OF THE PROPOSED COMMUNITY RESIDENCE HOME IS RESIDENTIAL WHERE ANY TREATMENT IS MERELY INCIDENTAL TO THE RESIDENTIAL USE OF THE PROPERTY.
 - THE PROPOSED COMMUNITY RESIDENCE HOME EMULATES A BIOLOGICAL FAMILY AND OPERATES AS A FUNCTIONAL FAMILY RATHER THAN AS AN INSTITUTION, BOARDING HOUSE, NURSING HOME, SHORT TERM VACATION RENTAL, CONTINUING CARE FACILITY, MOTEL, HOTEL, TREATMENT CENTER, REHABILITATION CENTER, OR A NONRESIDENTIAL USE.

- (4) THE REQUESTED NUMBER OF RESIDENTS IN THE PROPOSED COMMUNITY RESIDENCE HOME WILL NOT INTERFERE WITH THE NORMALIZATION AND COMMUNITY INTEGRATION OF THE OCCUPANTS OF ANY EXISTING COMMUNITY RESIDENCE HOME, AND THAT THE HOME WILL MAINTAIN A RESIDENTIAL CHARACTER.

The accommodation shall be made only to the extent necessary to comply with the Fair Housing Act. The ~~Planning and Development~~ ZONING DISABILITY ACCOMMODATION COMMITTEE OR PLANNING AND DEVELOPMENT Department Director's determination constitutes a final administrative action.

Amend Chapter 7, Section 702. (Off-Street Parking and Loading) to read as follows and alphabetize accordingly:

C. Parking Requirements.

Group Home OR BOARDING HOUSE	1 space per 2 resident beds
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Assisted Living and Residential Care COMMUNITY RESIDENCE Center, Nursing Home, Specialized Treatment Facility, STRUCTURED SOBER LIVING HOME (WITH MORE THAN TEN RESIDENTS), and Hospice	1 space per 2 resident/patient beds.
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STRUCTURED SOBER LIVING HOME (WITH SIX TO TEN RESIDENTS)	4 SPACES PER 1 DWELLING UNIT, 2 OF WHICH MAY BE LOCATED WITHIN THE REQUIRED FRONT YARD SETBACK.
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Amend Chapter 12, Section 1204. (Land Use Matrix) to read as follows and alphabetize accordingly:

C. The following shall apply to uses that are permitted with conditions (pc) as indicated with a number that corresponds with the Land Use Matrix in Section 1204.D:

DISPERSAL & ESTABLISHMENT OF A REGISTERED USE:

~~3429. Assisted living, residential care, and sober living~~ COMMUNITY RESIDENCE homes, subject to the following:

- a. The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or
- b. For a home with six to ten residents, not including staff, the following conditions shall apply:
 - 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
 - 2) No ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home that has been registered with six to ten residents.
 - 3) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.

D. Land Use Matrix

LAND USE CATEGORIES	CHARACTER AREAS															
	ACTIVE USE	BioMed	BC	Central Park	Community Corridor	Downtown Gateway	East Evergreen	Evans Churchill East	Evans Churchill West	McDowell Corridor	Roosevelt East	Roosevelt North	Roosevelt South	Townsend Park	Van Buren	Warehouse

Residential Uses

Assisted Living Home		pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34
BOARDING HOUSE		PC414	PC41	SP, PC41, 2, 13	PC41, 13	PC41	PC41	PC41	PC41, 2013	PC41, 2013	SP, PC41, 2013	UP, PC41, 2013	PC41, 2013	PC41	PC41	PC41
COMMUNITY RESIDENCE HOME		PC3429	PC3429	PC3429	PC3429	PC3429	PC3429	PC3429	PC3429	PC3429	PC3429	PC3429	PC3429	PC3429	PC3429	PC3429

Group Home		pc414	pc41	SP, pc41, 2013	pc41, 13	pc41	pc41	pc41	pc41, 2013	pc41, 2013	SP, pc41, 2013	UP, pc41, 2013	pc41, 2013	pc41	pc41	pc41
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Residential Care Home		pe 34	pe 34	pe 34	pe 34	pe 34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34
Sober Living Home		pe 34	pe 34	pe 34	pe 34	pe 34	pe 34	pe 34	pe 34	pe 34	pe 34	pe 34	pe 34	pe 34	pe 34	pe 34

Health and Support Services																
Residential Care COMMUNITY RESIDENCE Center	x	p	p	sp	p	p	p	p	p	p	p	sp	up	p	p	p

Amend Chapter 13, Section 1306. (Land Use Matrix) to read as follows, and alphabetize accordingly:

TABLE 1306.1 LAND USE MATRIX

CATEGORY: RESIDENTIAL USES	T3	T4	T5:2	T5:3	T5:5	T5:6	T5:7	T6:7 T6:15	T6:22 T6:H WR

Assisted Living Home 1-10 residents	PC	PC	PC	PC	PC	PC	P	P	P
Assisted Living Center 11+ residents	NP	UP	UP	P	P	P	P	P	P
BOARDING HOUSE	NP	UP	UP	UP	P	P	P	P	P
COMMUNITY RESIDENCE HOME	PC	PC	PC	PC	PC	PC	P	P	P

1-10 RESIDENTS									
COMMUNITY RESIDENCE CENTER	NP	UP	UP	P	P	P	P	P	P
11+ RESIDENTS									

Group Home	UNP	UP	UP	UP	P	P	NP	NP	NP

Residential Care Home	PG	PG	PG	PG	PG	PG	P	P	P
1-10 residents									
Residential Care Center	NP	UP	UP	P	P	P	P	P	P
11+ residents									
Sober Living Home	PG	PG	PG	PG	PG	PG	P	P	P
1-10 residents									

C. Residential Uses, Land Use Conditions.

2. ~~Assisted Living, Residential Care, and Sober Living~~ COMMUNITY RESIDENCE Home.

- a. The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), Arizona Revised Statutes); or
- b. For a home with six to ten residents, not including staff, the following conditions shall apply:
 - 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
 - 2) No ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home that has been registered with six to ten residents.
 - 3) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.

Amend Chapter 13, Section 1307. (Parking standards) to read as follows:

TABLE 1307.1. MINIMUM REQUIRED VEHICULAR PARKING

USE	Measure	T3	T4	T5 1-5 stories	T5 6-10 stories	T6

Assisted Living and Residential Care BOARDING HOUSE, COMMUNITY RESIDENCE Center; Group Home; STRUCTURED SOBER LIVING HOME (WITH MORE THAN TEN RESIDENTS); and Hospice	per bedroom	1	0.75	0.75		0.5

EXHIBIT B

Senate Engrossed

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

SENATE BILL 1465**AN ACT**

AMENDING SECTION 9-500.39, ARIZONA REVISED STATUTES; AMENDING SECTION 9-500.40, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, FIRST SPECIAL SESSION, CHAPTER 1, SECTION 1; AMENDING SECTION 11-269.17, ARIZONA REVISED STATUTES; AMENDING SECTION 11-269.18, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, FIRST SPECIAL SESSION, CHAPTER 1, SECTION 3; AMENDING TITLE 36, CHAPTER 18, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4; RELATING TO SOBER LIVING HOMES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 9-500.39, Arizona Revised Statutes, is amended to read:

9-500.39. Limits on regulation of vacation rentals and short-term rentals; state preemption; definitions

A. A city or town may not prohibit vacation rentals or short-term rentals.

B. A city or town may not restrict the use of or regulate vacation rentals or short-term rentals based on their classification, use or occupancy. □ A city or town may regulate vacation rentals or short-term rentals for the following purposes:

1. Protection of the public's health and safety, including rules and regulations related to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste and pollution control, and designation of an emergency point of contact, if the city or town demonstrates that the rule or regulation is for the primary purpose of protecting the public's health and safety.

2. Adopting and enforcing residential use and zoning ordinances, including ordinances related to noise, protection of welfare, property maintenance and other nuisance issues, if the ordinance is applied in the same manner as other property classified under sections 42-12003 and 42-12004.

3. Limiting or prohibiting the use of a vacation rental or short-term rental for the purposes of housing sex offenders, operating or maintaining a **structured** sober living home, selling illegal drugs, liquor control or pornography, obscenity, nude or topless dancing and other adult-oriented businesses.

C. This section does not exempt an owner of a residential rental property, as defined in section 33-1901, from maintaining with the assessor of the county in which the property is located information required under title 33, chapter 17, article 1.

D. For the purposes of this section:

1. "Transient" has the same meaning prescribed in section 42-5070.

2. "Vacation rental" or "short-term rental" means any individually or collectively owned single-family or one-to-four-family house or dwelling unit or any unit or group of units in a condominium, cooperative or timeshare, that is also a transient public lodging establishment or owner-occupied residential home offered for transient use if the accommodations are not classified for property taxation under section 42-12001. Vacation rental and short-term rental

do not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center or another similar use.

Sec. 2. Section 9-500.40, Arizona Revised Statutes, as amended by Laws 2018, first special session, chapter 1, section 1, is amended to read:

9-500.40. Sober living homes; standards; definitions

A. A city or town may adopt by ordinance standards for **structured** sober living homes that comply with state and federal fair housing laws and the Americans with disabilities act. If adopted, the standards for **structured** sober living homes may include:

1. A written notification from all **structured** sober living homes that includes:

(a) The name, **TELEPHONE NUMBER** and address of the **structured** sober living home. **A CITY OR TOWN MAY NOT DISCLOSE THE ADDRESS OF A SOBER LIVING HOME EXCEPT TO LOCAL LAW ENFORCEMENT AND EMERGENCY PERSONNEL. A SOBER LIVING HOME'S ADDRESS IS NOT A PUBLIC RECORD AND IS NOT SUBJECT TO TITLE 39, CHAPTER 1, ARTICLE 2.**

(b) The following information regarding the property:

(i) The property owner's name, address and contact telephone number.

(ii) If the property is leased, a copy of the lease that states that the property will be used as a **structured** sober living home.

2. Supervision requirements in the **structured** sober living home for the residents during all hours of operation.

3. The establishment and maintenance of an operation plan that facilitates the rehabilitative process, including discharge planning, and that addresses the maintenance of the property and noise abatement consistent with local ordinances.

B. A city or town that adopts standards for **structured** sober living homes pursuant to subsection A of this section:

1. Shall require **structured** sober living homes to develop policies and procedures to allow individuals on medication-assisted treatment to continue to receive this treatment while living in the **structured** sober living home.

2. May exclude from regulation any **structured** sober living home that is subject to adequate oversight by another governmental entity or contractor.

C. For the purposes of this section:

1. "Medication-assisted treatment" has the same meaning prescribed in section 32-3201.01.

2. "**Structured** Sober living home" :-

~~(a) means any premises, place or building that provides alcohol-free or drug-free housing, AND THAT:~~

~~(a) Promotes independent living and life skill development. and provides structured~~

~~(b) MAY PROVIDE activities that are directed primarily toward recovery from substance use disorders. in~~

~~(c) PROVIDES a supervised setting to a group of unrelated individuals who are recovering from drug or alcohol addiction and who are receiving outpatient behavioral health services for substance abuse or addiction treatment while living in the home SUBSTANCE USE DISORDERS.~~

~~(b) Does not include a private residence in which a related family member is required to receive outpatient behavioral health services for substance abuse or addiction treatment as a condition of continuing to reside in the family dwelling.~~

~~(d) DOES NOT PROVIDE ANY MEDICAL OR CLINICAL SERVICES OR MEDICATION ADMINISTRATION ON-SITE, EXCEPT FOR VERIFICATION OF ABSTINENCE.~~

Sec. 3. Section 11-269.17, Arizona Revised Statutes, is amended to read:

11-269.17. Limits on regulation of vacation rentals and short-term rentals; state preemption; definitions

A. A county may not prohibit vacation rentals or short-term rentals.

B. A county may not restrict the use of or regulate vacation rentals or short-term rentals based on their classification, use or occupancy. □ A county may regulate vacation rentals or short-term rentals for the following purposes:

1. Protection of the public's health and safety, including rules and regulations related to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste and pollution control, and designation of an emergency point of contact, if the county demonstrates that the rule or regulation is for the primary purpose of protecting the public's health and safety.

2. Adopting and enforcing residential use and zoning ordinances, including ordinances related to noise, protection of welfare, property maintenance and other nuisance issues, if the ordinance is applied in the same manner as other property classified under sections 42-12003 and 42-12004.

3. Limiting or prohibiting the use of a vacation rental or short-term rental for the purposes of housing sex offenders, operating or maintaining a **structured** sober living home, selling illegal drugs, liquor control or pornography, obscenity, nude or topless dancing and other adult-oriented businesses.

C. This section does not exempt an owner of a residential rental property, as defined in section 33-1901, from maintaining with the assessor of the county in which the property is located information required under title 33, chapter 17, article 1.

D. For the purposes of this section:

1. "Transient" has the same meaning prescribed in section 42-5070.

2. "Vacation rental" or "short-term rental" means any individually or collectively owned single-family or one-to-four-family house or dwelling unit or any unit or group of units in a condominium, cooperative or timeshare, that is also a transient public lodging establishment or owner-occupied residential home offered for transient use if the accommodations are not classified for property taxation under section 42-12001. □ Vacation rental and short-term rental do not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center or another similar use.

Sec. 4. Section 11-269.18, Arizona Revised Statutes, as amended by Laws 2018, first special session, chapter 1, section 3, is amended to read:

11-269.18. Sober living homes; standards; definitions

A. A county may adopt by ordinance standards for **structured** sober living homes that comply with state and federal fair housing laws and the Americans with disabilities act. If adopted, the standards for **structured** sober living homes may include:

1. A written notification from all **structured** sober living homes that includes:

(a) The name, **TELEPHONE NUMBER** and address of the **structured** sober living home. **A COUNTY MAY NOT DISCLOSE THE ADDRESS OF A SOBER LIVING HOME EXCEPT TO LOCAL LAW ENFORCEMENT AND EMERGENCY PERSONNEL. □ A SOBER LIVING HOME'S ADDRESS IS NOT A PUBLIC RECORD AND IS NOT SUBJECT TO TITLE 39, CHAPTER 1, ARTICLE 2.**

(b) The following information regarding the property:

(i) The property owner's name, address and contact telephone number.

(ii) If the property is leased, a copy of the lease that states that the property will be used as a **structured** sober living home.

2. Supervision requirements in the **structured** sober living home for the residents during all hours of operation.

3. The establishment and maintenance of an operation plan that facilitates the rehabilitative process, including discharge planning, and that addresses the maintenance of the property and noise abatement consistent with local ordinances.

B. A county that adopts standards for **structured** sober living homes pursuant to subsection A of this section:

1. Shall require **structured** sober living homes to develop policies and procedures to allow individuals on medication-assisted treatment to continue to receive this treatment while living in the **structured** sober living home.

2. May exclude from regulation any **structured** sober living home that is subject to adequate oversight by another governmental entity or contractor.

C. For the purposes of this section:

1. "Medication-assisted treatment" has the same meaning prescribed in section 32-3201.01.

2. "~~Structured~~ Sober living home" :-

~~(a) means any premises, place or building that provides alcohol-free or drug-free housing, AND THAT:~~

~~(a) Promotes independent living and life skill development. and provides structured~~

~~(b) MAY PROVIDE activities that are directed primarily toward recovery from substance use disorders. in~~

~~(c) PROVIDES a supervised setting to a group of unrelated individuals who are recovering from drug or alcohol addiction and who are receiving outpatient behavioral health services for substance abuse or addiction treatment while living in the home~~ **SUBSTANCE USE DISORDERS.**

~~(b) Does not include a private residence in which a related family member is required to receive outpatient behavioral health services for substance abuse or addiction treatment as a condition of continuing to reside in the family dwelling.~~

~~(d) DOES NOT PROVIDE ANY MEDICAL OR CLINICAL SERVICES OR MEDICATION ADMINISTRATION ON-SITE, EXCEPT FOR VERIFICATION OF ABSTINENCE.~~

Sec. 5. Title 36, chapter 18, Arizona Revised Statutes, is amended by adding article 4, to read:

ARTICLE 4. SOBER LIVING HOMES

36-2061. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "CERTIFYING ORGANIZATION" MEANS AN ORGANIZATION THAT CERTIFIES HOMES AS SOBER LIVING HOMES AND IS AFFILIATED WITH A NATIONAL ORGANIZATION RECOGNIZED BY THE DEPARTMENT WHOSE PRIMARY FUNCTION IS TO IMPROVE ACCESS TO AND THE QUALITY OF SOBER LIVING RESIDENCES THROUGH STANDARDS, EDUCATION, RESEARCH AND ADVOCACY.

2. "MEDICATION-ASSISTED TREATMENT" MEANS THE USE OF PHARMACOLOGICAL MEDICATIONS THAT ARE APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION, IN COMBINATION WITH COUNSELING AND BEHAVIORAL THERAPIES, TO PROVIDE A WHOLE PATIENT APPROACH TO THE TREATMENT OF SUBSTANCE USE DISORDERS.

3. "SOBER LIVING HOME" MEANS ANY PREMISES, PLACE OR BUILDING THAT PROVIDES ALCOHOL-FREE OR DRUG-FREE HOUSING AND THAT:

(a) PROMOTES INDEPENDENT LIVING AND LIFE SKILLS DEVELOPMENT.

(b) MAY PROVIDE ACTIVITIES THAT ARE DIRECTED PRIMARILY TOWARD RECOVERY FROM SUBSTANCE USE DISORDERS.

(c) PROVIDES A SUPERVISED SETTING TO A GROUP OF UNRELATED INDIVIDUALS WHO ARE RECOVERING FROM SUBSTANCE USE DISORDERS.

(d) DOES NOT PROVIDE ANY MEDICAL OR CLINICAL SERVICES OR MEDICATION ADMINISTRATION ON-SITE, EXCEPT FOR VERIFICATION OF ABSTINENCE.

36-2062. Licensure; standards; civil penalties; inspections; use of title

A. THE DIRECTOR SHALL ADOPT RULES TO ESTABLISH MINIMUM STANDARDS AND REQUIREMENTS FOR THE LICENSURE OF SOBER LIVING HOMES IN THIS STATE NECESSARY TO ENSURE THE PUBLIC HEALTH, SAFETY AND WELFARE. □ THE DIRECTOR MAY USE THE CURRENT STANDARDS ADOPTED BY ANY RECOGNIZED NATIONAL ORGANIZATION APPROVED BY THE DEPARTMENT AS GUIDELINES IN PRESCRIBING THE MINIMUM STANDARDS AND REQUIREMENTS UNDER THIS SUBSECTION. □ THE STANDARDS SHALL INCLUDE:

1. A REQUIREMENT THAT EACH SOBER LIVING HOME TO DEVELOP POLICIES AND PROCEDURES TO ALLOW INDIVIDUALS WHO ARE ON MEDICATION-ASSISTED TREATMENT TO CONTINUE TO RECEIVE THIS TREATMENT WHILE LIVING IN THE SOBER LIVING HOME.

2. CONSISTENT AND FAIR PRACTICES FOR DRUG AND ALCOHOL TESTING, INCLUDING FREQUENCY, THAT PROMOTE THE RESIDENTS' RECOVERY.

3. POLICIES AND PROCEDURES FOR THE RESIDENCE TO MAINTAIN AN ENVIRONMENT THAT PROMOTES THE SAFETY OF THE SURROUNDING NEIGHBORHOOD AND THE COMMUNITY AT LARGE.

4. POLICIES AND PROCEDURES FOR DISCHARGE PLANNING OF PERSONS LIVING IN THE RESIDENCE THAT DO NOT NEGATIVELY IMPACT THE SURROUNDING COMMUNITY.

5. A GOOD NEIGHBOR POLICY TO ADDRESS NEIGHBORHOOD CONCERNS AND COMPLAINTS.

6. A REQUIREMENT THAT THE OPERATOR OF EACH SOBER LIVING HOME HAVE AVAILABLE FOR EMERGENCY PERSONNEL AN UP-TO-DATE LIST OF CURRENT MEDICATIONS AND MEDICAL CONDITIONS OF EACH PERSON LIVING IN THE HOME.

7. A POLICY THAT ENSURES RESIDENTS ARE INFORMED OF ALL SOBER LIVING HOME RULES, RESIDENCY REQUIREMENTS AND RESIDENT AGREEMENTS.

8. POLICIES AND PROCEDURES FOR THE MANAGEMENT OF ALL MONIES RECEIVED AND SPENT BY THE SOBER LIVING HOME IN ACCORDANCE WITH STANDARD ACCOUNTING PRACTICES, INCLUDING MONIES RECEIVED FROM RESIDENTS OF THE SOBER LIVING HOME.

9. A REQUIREMENT THAT EACH SOBER LIVING HOME POST A STATEMENT OF RESIDENT RIGHTS THAT INCLUDES THE RIGHT TO FILE A COMPLAINT ABOUT THE RESIDENCE OR PROVIDER AND INFORMATION ABOUT HOW TO FILE A COMPLAINT.

10. POLICIES THAT PROMOTE RECOVERY BY REQUIRING RESIDENTS TO PARTICIPATE IN TREATMENT, SELF-HELP GROUPS OR OTHER RECOVERY SUPPORTS.

11. POLICIES REQUIRING ABSTINENCE FROM ALCOHOL AND ILLICIT DRUGS.

12. PROCEDURES REGARDING THE APPROPRIATE USE AND SECURITY OF MEDICATION BY A RESIDENT.

13. POLICIES REGARDING THE MAINTENANCE OF SOBER LIVING HOMES, INCLUDING THE INSTALLATION OF FUNCTIONING SMOKE DETECTORS, CARBON MONOXIDE DETECTORS AND FIRE EXTINGUISHERS AND COMPLIANCE WITH LOCAL FIRE CODES APPLICABLE TO COMPARABLE DWELLINGS OCCUPIED BY SINGLE FAMILIES.

14. POLICIES AND PROCEDURES THAT PROHIBIT A SOBER LIVING HOME OWNER, EMPLOYEE OR ADMINISTRATOR FROM REQUIRING A RESIDENT TO SIGN ANY DOCUMENT FOR THE PURPOSE OF RELINQUISHING THE RESIDENT'S PUBLIC ASSISTANCE BENEFITS, INCLUDING MEDICAL ASSISTANCE BENEFITS, CASH ASSISTANCE AND SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS.

15. POLICIES AND PROCEDURES FOR MANAGING COMPLAINTS ABOUT SOBER LIVING HOMES.

16. REQUIREMENTS FOR THE NOTIFICATION OF A FAMILY MEMBER OR OTHER EMERGENCY CONTACT DESIGNATED BY A RESIDENT UNDER CERTAIN CIRCUMSTANCES, INCLUDING DEATH DUE TO AN OVERDOSE.

B. THE LICENSURE OF A SOBER LIVING HOME UNDER THIS ARTICLE IS FOR ONE YEAR. □ A PERSON OPERATING A SOBER LIVING HOME IN THIS STATE THAT HAS FAILED TO ATTAIN OR MAINTAIN LICENSURE OF THE SOBER LIVING HOME SHALL PAY A CIVIL PENALTY OF UP TO ONE THOUSAND DOLLARS FOR EACH VIOLATION.

C. TO RECEIVE AND MAINTAIN LICENSURE, A SOBER LIVING HOME MUST COMPLY WITH ALL FEDERAL, STATE AND LOCAL LAWS, INCLUDING THE AMERICANS WITH DISABILITIES ACT OF 1990. □

D. A TREATMENT FACILITY THAT IS LICENSED BY THE DEPARTMENT FOR THE TREATMENT OF SUBSTANCE USE DISORDERS AND THAT HAS ONE OR MORE SOBER LIVING HOMES ON THE SAME CAMPUS AS THE FACILITY'S PROGRAM SHALL OBTAIN LICENSURE FOR EACH SOBER LIVING HOME PURSUANT TO THIS ARTICLE.

E. ONCE THE DIRECTOR ADOPTS THE MINIMUM STANDARDS AS REQUIRED IN SUBSECTION A OF THIS SECTION, A PERSON MAY NOT ESTABLISH, CONDUCT OR MAINTAIN IN THIS STATE A SOBER LIVING HOME UNLESS THAT PERSON HOLDS A CURRENT AND VALID LICENSE ISSUED BY THE

DEPARTMENT OR IS CERTIFIED AS PRESCRIBED IN SECTION 36-2064. THE LICENSE IS VALID ONLY FOR THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF THE SOBER LIVING HOME. □ THE LICENSEE MAY NOT:

1. IMPLY BY ADVERTISING, DIRECTORY LISTING OR OTHERWISE THAT THE LICENSEE IS AUTHORIZED TO PERFORM SERVICES MORE SPECIALIZED OR OF A HIGHER DEGREE OF CARE THAN IS AUTHORIZED BY THIS ARTICLE AND THE UNDERLYING RULES FOR SOBER LIVING HOMES.

2. TRANSFER OR ASSIGN THE LICENSE. □ A LICENSE IS VALID ONLY FOR THE PREMISES OCCUPIED BY THE SOBER LIVING HOME AT THE TIME OF ITS ISSUANCE.

36-2063. Fees; licensure; inspections; complaints; investigation; civil penalty; sanctions

A. THE DEPARTMENT SHALL ESTABLISH FEES FOR INITIAL LICENSURE AND LICENSE RENEWAL AND A FEE FOR THE LATE PAYMENT OF LICENSING FEES THAT INCLUDES A GRACE PERIOD. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, NINETY PERCENT OF THE FEES COLLECTED PURSUANT TO THIS SECTION IN THE HEALTH SERVICES LICENSING FUND ESTABLISHED BY SECTION 36-414 AND TEN PERCENT OF THE FEES COLLECTED PURSUANT TO THIS SECTION IN THE STATE GENERAL FUND.

B. ON A DETERMINATION BY THE DIRECTOR THAT THERE IS REASONABLE CAUSE TO BELIEVE A SOBER LIVING HOME IS NOT ADHERING TO THE LICENSING REQUIREMENTS OF THIS ARTICLE, THE DIRECTOR AND ANY DULY DESIGNATED EMPLOYEE OR AGENT OF THE DIRECTOR MAY ENTER ON AND INTO THE PREMISES OF ANY SOBER LIVING HOME THAT IS LICENSED OR REQUIRED TO BE LICENSED PURSUANT TO THIS ARTICLE AT ANY REASONABLE TIME FOR THE PURPOSE OF DETERMINING THE STATE OF COMPLIANCE WITH THIS ARTICLE, THE RULES ADOPTED PURSUANT TO THIS ARTICLE AND LOCAL FIRE ORDINANCES OR RULES. ANY APPLICATION FOR LICENSURE UNDER THIS ARTICLE CONSTITUTES PERMISSION FOR AND COMPLETE ACQUIESCENCE IN ANY ENTRY OR INSPECTION OF THE PREMISES DURING THE PENDENCY OF THE APPLICATION AND, IF LICENSED, DURING THE TERM OF THE LICENSE. IF AN INSPECTION REVEALS THAT THE SOBER LIVING HOME IS NOT ADHERING TO THE LICENSING REQUIREMENTS ESTABLISHED PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY TAKE ACTION AUTHORIZED BY THIS ARTICLE. ANY SOBER LIVING HOME WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED IN ACCORDANCE WITH THIS ARTICLE IS SUBJECT TO INSPECTION ON APPLICATION FOR RELICENSURE OR REINSTATEMENT OF LICENSE.

C. THE DIRECTOR MAY IMPOSE A CIVIL PENALTY ON A PERSON THAT VIOLATES THIS ARTICLE OR THE RULES ADOPTED PURSUANT TO THIS ARTICLE IN AN AMOUNT OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR EACH VIOLATION. □ EACH DAY THAT A VIOLATION OCCURS CONSTITUTES A SEPARATE VIOLATION. □ THE DIRECTOR MAY ISSUE A NOTICE THAT INCLUDES THE PROPOSED AMOUNT OF THE CIVIL PENALTY ASSESSMENT. □ IF A PERSON REQUESTS A HEARING TO APPEAL AN ASSESSMENT, THE DIRECTOR MAY NOT TAKE FURTHER ACTION TO ENFORCE AND COLLECT THE ASSESSMENT UNTIL THE HEARING PROCESS IS COMPLETE. □ THE DIRECTOR SHALL IMPOSE A CIVIL PENALTY ONLY FOR THOSE DAYS FOR WHICH THE VIOLATION HAS BEEN DOCUMENTED BY THE DEPARTMENT.

D. THE DEPARTMENT MAY IMPOSE SANCTIONS AND COMMENCE DISCIPLINARY ACTIONS AGAINST A LICENSED SOBER LIVING HOME, INCLUDING REVOKING THE LICENSE. A LICENSE MAY NOT BE SUSPENDED OR REVOKED UNDER THIS ARTICLE WITHOUT AFFORDING THE LICENSEE NOTICE AND AN OPPORTUNITY FOR A HEARING AS PROVIDED IN TITLE 41, CHAPTER 6, ARTICLE 10.

E. THE DEPARTMENT MAY CONTRACT WITH A THIRD PARTY TO ASSIST THE DEPARTMENT WITH LICENSURE AND INSPECTIONS.

36-2064. Certified sober living homes

A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A SOBER LIVING HOME IN THIS STATE THAT IS CERTIFIED BY A CERTIFYING ORGANIZATION MAY OPERATE IN THIS STATE AND RECEIVE REFERRALS PURSUANT TO SECTION 36-2065. □ A SOBER LIVING HOME CERTIFICATION IS IN LIEU OF LICENSURE UNTIL THE SOBER LIVING HOME IS LICENSED. □ A CERTIFIED SOBER LIVING HOME SHALL APPLY TO THE DEPARTMENT FOR LICENSURE WITHIN NINETY DAYS AFTER THE DEPARTMENT'S INITIAL LICENSURE RULES ARE FINAL. □ THE DEPARTMENT SHALL NOTIFY THE CERTIFYING ORGANIZATION WHEN THE DEPARTMENT'S INITIAL LICENSURE RULES ARE FINAL.

B. IN LIEU OF AN INITIAL ON-SITE LICENSURE SURVEY AND ANY ANNUAL ON-SITE SURVEY, THE DEPARTMENT SHALL ISSUE A LICENSE TO A SOBER LIVING HOME THAT SUBMITS AN APPLICATION PRESCRIBED BY THE DEPARTMENT AND THAT MEETS THE FOLLOWING REQUIREMENTS:

1. IS CURRENTLY CERTIFIED AS A SOBER LIVING HOME BY A CERTIFYING ORGANIZATION.
2. MEETS ALL DEPARTMENT LICENSURE REQUIREMENTS.

36-2065. State contracts; referrals

BEGINNING JANUARY 1, 2019:

1. A STATE AGENCY OR A STATE-CONTRACTED VENDOR THAT DIRECTS SUBSTANCE ABUSE TREATMENT SHALL REFER A PERSON ONLY TO A CERTIFIED OR LICENSED SOBER LIVING HOME.

2. ONLY A CERTIFIED OR LICENSED SOBER LIVING HOME MAY BE ELIGIBLE FOR FEDERAL OR STATE FUNDING TO DELIVER SOBER LIVING HOME SERVICES IN THIS STATE.

3. PERSONS WHOSE SUBSTANCE ABUSE TREATMENT IS FUNDED WITH FEDERAL OR STATE MONIES MAY BE REFERRED ONLY TO A CERTIFIED OR LICENSED SOBER LIVING HOME.

4. A STATE OR COUNTY COURT SHALL GIVE FIRST CONSIDERATION TO A CERTIFIED OR LICENSED SOBER LIVING HOME WHEN MAKING RESIDENTIAL RECOMMENDATIONS FOR INDIVIDUALS UNDER ITS SUPERVISION.

5. A HEALTH CARE INSTITUTION THAT PROVIDES SUBSTANCE ABUSE TREATMENT AND THAT IS LICENSED BY THE DEPARTMENT SHALL REFER A PATIENT OR CLIENT ONLY TO A CERTIFIED OR LICENSED SOBER LIVING HOME.

6. A BEHAVIORAL HEALTH PROVIDER WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 33 SHALL REFER A PATIENT OR CLIENT ONLY TO A CERTIFIED OR LICENSED SOBER LIVING HOME.

36-2066. Posting; confidential information

THE DEPARTMENT SHALL POST ON ITS PUBLIC WEBSITE THE NAME AND TELEPHONE NUMBER OF EACH CERTIFIED AND LICENSED SOBER LIVING HOME AND SHALL UPDATE THE LIST QUARTERLY. THE DEPARTMENT MAY NOT DISCLOSE THE ADDRESS OF A CERTIFIED OR LICENSED SOBER LIVING HOME EXCEPT TO A LOCAL JURISDICTION FOR ZONING PURPOSES, LOCAL LAW ENFORCEMENT AND EMERGENCY PERSONNEL. A SOBER LIVING HOME'S ADDRESS IS NOT A PUBLIC RECORD AND IS NOT SUBJECT TO TITLE 39, CHAPTER 1, ARTICLE 2.

36-2067. Department; annual report

A. BEGINNING JANUARY 2, 2020 AND EACH JANUARY 2 THEREAFTER, THE DEPARTMENT SHALL SUBMIT TO THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE AND THE HOUSE OF REPRESENTATIVES HEALTH COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, A REPORT ON LICENSED SOBER LIVING HOMES IN THIS STATE THAT INCLUDES:

1. THE NUMBER OF LICENSED SOBER LIVING HOMES IN EACH CITY, TOWN AND COUNTY.
2. THE NUMBER OF SOBER LIVING HOMES THAT ARE LICENSED EACH YEAR.
3. THE NUMBER OF COMPLAINTS AGAINST LICENSED SOBER LIVING HOMES THAT THE DEPARTMENT INVESTIGATES ANNUALLY.
4. THE NUMBER OF ENFORCEMENT ACTIONS THE DEPARTMENT TAKES AGAINST LICENSED SOBER LIVING HOMES ANNUALLY.

B. THE DEPARTMENT SHALL PROVIDE A COPY OF THE REPORT SUBMITTED PURSUANT TO SUBSECTION A OF THIS SECTION TO THE SECRETARY OF STATE.

Sec. 6. Department of health services; rulemaking; exemption

For the purposes of title 36, chapter 18, article 4, Arizona Revised Statutes, as added by this act, the department of health services is exempt from the rulemaking requirements of title 41, chapter 6, Arizona Revised Statutes, for two years after the effective date of this act.

Sec. 7. Conditional repeal; notice

A. Sections 9-500.40 and 11-269.18, Arizona Revised Statutes, as amended by this act, are repealed ninety days after the date that the director of the department of health services finalizes rules relating to the licensure of sober living homes pursuant to title 36, chapter 18, article 4, Arizona Revised Statutes, as added by this act.

B. The director of the department of health services shall notify in writing the director of the Arizona legislative council and each city, town and county in this state of the date the rules are finalized.