

PLEASE NOTE: In most BUT NOT ALL instances, the page and line numbering of bills on this web site correspond to the page and line numbering of the official printed version of the bills.

REFERENCE TITLE: **property valuation; common areas**

State of Arizona
Senate
Forty-sixth Legislature
Second Regular Session
2004

SB 1105

Introduced by
Senator Harper

AN ACT

**AMENDING SECTION 42-13402, ARIZONA REVISED STATUTES; RELATING TO VALUATION OF
LOCALLY ASSESSED PROPERTY.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 42-13402, Arizona Revised Statutes, is amended to
3 read:

4 42-13402. Identifying common areas; definition

5 A. The county assessor shall identify common areas for valuation under
6 this article.

7 B. In general, common areas consist of improved or unimproved real
8 property that is intended for the use of owners and residents of a
9 residential subdivision or development and invited guests of the owners or
10 residents and include common beautification areas and common areas used as an
11 airport. Areas that do not qualify as common areas shall be valued using
12 standard appraisal techniques. The following are not considered to be common
13 areas:

14 1. Common elements of a condominium, as defined in section 33-1202.

15 2. A golf course, as defined in section 42-13151 and valued pursuant
16 to article 4 of this chapter.

17 C. Property must meet all of the following requirements to be
18 considered a common area:

19 1. The property must be owned by a nonprofit homeowners' association,
20 community association or corporation.

21 2. The association or corporation must be organized and operated to
22 provide for the maintenance and management of the common area property.

23 3. All residential property owners in the development must be ~~required~~
24 ~~to be and must actually be members of~~ OFFERED MEMBERSHIP IN the association
25 or corporation, ~~or must~~ AND AS A MEMBER be obligated to pay mandatory
26 assessments to maintain and manage the common areas.

27 4. All members of the association or ~~residential property owners in~~
28 ~~the development~~ CORPORATION, their immediate families and, if provided by
29 rules of the association or corporation, guests must have a right to use and
30 enjoy the common areas. This right must be appurtenant to and pass with
31 title to each lot and parcel. The association or corporation may assess fees
32 for particular uses of individual common areas.

33 5. The common areas must be deeded to the association or corporation.

34 D. For THE purposes of this section, "airport" means runways and
35 taxiways that are used primarily by residents of the residential subdivision
36 but that may be designated as a reliever airport by the federal aviation
37 administration and that ~~receives~~ RECEIVE no public funding.