

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HOUSE BILL 2593

AN ACT

AMENDING SECTION 33-439, ARIZONA REVISED STATUTES; AMENDING TITLE 33, CHAPTER 16, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-1815; RELATING TO PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 33-439, Arizona Revised Statutes, is amended to
3 read:

4 33-439. Restrictions on installation or use of solar energy
5 devices invalid; exception

6 A. Any covenant, restriction or condition contained in any deed,
7 contract, security agreement or other instrument affecting the transfer or
8 sale of, or any interest in, real property which effectively prohibits the
9 installation or use of a solar energy device as defined in section 44-1761 is
10 void and unenforceable.

11 B. ~~A deed, contract, security agreement or other instrument affecting~~
12 ~~the transfer or sale of, or any interest in, real property entered into~~
13 ~~before April 17, 1980 shall not be subject to the provisions of this section.~~
14 THIS SECTION APPLIES WITHOUT REGARD TO THE EFFECTIVE DATE OF THE DEED,
15 CONTRACT, SECURITY AGREEMENT OR OTHER INSTRUMENT AFFECTING THE REAL PROPERTY.

16 Sec. 2. Title 33, chapter 16, article 1, Arizona Revised Statutes, is
17 amended by adding section 33-1815, to read:

18 33-1815. Solar energy devices; reasonable restrictions

19 A. NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, AN
20 ASSOCIATION SHALL NOT PROHIBIT THE INSTALLATION OR USE OF A SOLAR ENERGY
21 DEVICE AS DEFINED IN SECTION 44-1761.

22 B. AN ASSOCIATION MAY ADOPT REASONABLE RULES REGARDING THE PLACEMENT
23 OF A SOLAR ENERGY DEVICE IF THOSE RULES DO NOT IMPAIR THE FUNCTIONING OF THE
24 DEVICE OR UNREASONABLY RESTRICT ITS USE OR ADVERSELY AFFECT THE COST OR
25 EFFICIENCY OF THE DEVICE.

26 C. NOTWITHSTANDING ANY PROVISION OF THE COMMUNITY DOCUMENTS, THE COURT
27 SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS TO ANY PARTY WHO SUBSTANTIALLY
28 PREVAILS IN AN ACTION AGAINST THE BOARD OF DIRECTORS OF THE ASSOCIATION FOR A
29 VIOLATION OF THIS SECTION.