

REFERENCE TITLE: home sales; water supply disclosure

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2247

Introduced by
Representatives Ableser, Barnes, Garcia M, Mason, Pancrazi, Senator Burton
Cahill: Representatives Campbell CL, Jones, McGuire, Quelland

AN ACT

AMENDING TITLE 33, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING
SECTION 33-425; 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. Title 33, chapter 4, article 2, Arizona Revised Statutes,
3 is amended by adding section 33-425, to read:

4 33-425. Disclosure of water supply status: recording:
5 exemption: definition

6 A. BEGINNING JANUARY 1, 2010, A SUBDIVIDER WHO SELLS ONE OR MORE LOTS
7 IN A SUBDIVISION LOCATED OUTSIDE OF AN ACTIVE MANAGEMENT AREA AS ESTABLISHED
8 PURSUANT TO TITLE 45, CHAPTER 2, ARTICLE 2 SHALL RECORD A DOCUMENT THAT
9 CONTAINS A STATEMENT OF WATER ADEQUACY OR INADEQUACY FOR THAT SUBDIVISION AS
10 DETERMINED PURSUANT TO SECTION 45-108.

11 B. THE DOCUMENT PRESCRIBED IN SUBSECTION A OF THIS SECTION SHALL BE
12 RECORDED IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY IN WHICH THE
13 SUBDIVISION IS LOCATED AND SHALL BE RECORDED WITH THE PLAT FOR THE
14 SUBDIVISION. THE DOCUMENT SHALL CONTAIN A LEGAL DESCRIPTION OF THE LAND THAT
15 IS SUBJECT TO THE SUBDIVISION PLAT AND SHALL STATE WHETHER THE SUBDIVISION IS
16 SERVED BY A WATER SUPPLY THAT HAS BEEN DETERMINED TO BE ADEQUATE OR
17 INADEQUATE.

18 C. IF AFTER AN INITIAL RECORDING PURSUANT TO THIS SECTION A WATER
19 SUPPLY FOR A SUBDIVISION IS SUBSEQUENTLY DETERMINED TO BE AN ADEQUATE WATER
20 SUPPLY BY THE DEPARTMENT OF WATER RESOURCES, AT THE REQUEST OF AN OWNER OF A
21 LOT IN THE SUBDIVISION, THE DEPARTMENT OF WATER RESOURCES SHALL PROVIDE THE
22 OWNER WITH NOTICE OF THE ADEQUACY OF THE WATER SUPPLY IN A RECORDABLE FORMAT
23 FOR THE SUBDIVISION. THE OWNER OF THE SUBDIVISION SHALL RECORD THE NOTICE OF
24 ADEQUATE WATER SUPPLY IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY IN
25 WHICH THE LOT IS LOCATED.

26 D. THE DOCUMENT RECORDED BY THE SUBDIVIDER OR AN OWNER PURSUANT TO
27 THIS SECTION SHALL COMPLY WITH THE REQUIREMENTS FOR RECORDING DOCUMENTS AS
28 OTHERWISE PROVIDED BY LAW.

29 E. A SUBDIVIDER THAT IS REQUIRED TO PROVIDE THE RECORDED DISCLOSURE OF
30 WATER ADEQUACY STATEMENT PRESCRIBED BY SECTION 33-406 IS EXEMPT FROM THIS
31 SECTION.

32 F. FOR THE PURPOSES OF THIS SECTION, "SUBDIVIDER" HAS THE SAME MEANING
33 PRESCRIBED IN SECTION 32-2101.