

REFERENCE TITLE: condominiums; declaration; amendment; consent requirement

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HB 2641

Introduced by
Representative Hendrix

AN ACT

AMENDING SECTION 33-1227, ARIZONA REVISED STATUTES; RELATING TO CONDOMINIUMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 33-1227, Arizona Revised Statutes, is amended to
3 read:

4 33-1227. Amendment of declaration

5 A. Except in cases of amendments that may be executed by a declarant
6 under section 33-1220, by the association under section 33-1206 or section
7 33-1216, subsection D, or by certain unit owners under section 33-1218,
8 subsection B, section 33-1222, section 33-1223 or section 33-1228, subsection
9 B, and except to the extent permitted or required by other provisions of this
10 chapter, the declaration, including the plat, may be amended only by a vote
11 of the unit owners to which at least sixty-seven per cent of the votes in the
12 association are allocated, or any larger majority the declaration specifies.
13 The declaration may specify a smaller percentage only if all of the units are
14 restricted exclusively to nonresidential use. The declaration may also
15 provide that the consent of the declarant is required to an amendment during
16 any period of declarant control pursuant to section 33-1243. Within thirty
17 days after the adoption of any amendment pursuant to this subsection, the
18 association shall prepare, execute and record a written instrument setting
19 forth the amendment.

20 B. An action to challenge the validity of an amendment adopted by the
21 association pursuant to this section shall not be brought more than one year
22 after the amendment is recorded.

23 C. An amendment to the declaration shall be recorded in each county in
24 which any portion of the condominium is located and is effective only on
25 recordation in the same manner as required for the declaration under section
26 33-1211.

27 D. Except to the extent expressly permitted or required by other
28 provisions of this chapter, an amendment shall not create or increase special
29 declarant rights, increase the number of units or change the boundaries of
30 any unit, the allocated interests of a unit or the uses to which any unit is
31 restricted, in the absence of ~~unanimous~~ THE consent of ~~THREE-FOURTHS OF~~ the
32 unit owners.

33 E. An amendment shall not terminate or decrease any unexpired
34 development right, special declarant right or period of declarant control
35 unless the declarant approves.

36 F. Amendments to the declaration required by this chapter to be
37 executed by the association shall be executed on behalf of the association by
38 any officer of the association designated for that purpose or, in the absence
39 of designation, by the president of the association.