

ARIZONA HOUSE OF REPRESENTATIVES  
Fiftieth Legislature – First Regular Session

**COMMITTEE ON GOVERNMENT**

Minutes of Meeting  
Tuesday, March 1, 2011  
House Hearing Room 4 -- 2:00 p.m.

Chairman Burges called the meeting to order at 3:01 p.m. and attendance was noted by the secretary.

**Members Present**

|               |             |                         |
|---------------|-------------|-------------------------|
| Mr. Arredondo | Ms. Hobbs   | Mr. Urie, Vice-Chairman |
| Mr. Forese    | Mr. Meyer   | Mrs. Burges, Chairman   |
| Mr. Gowan     | Mrs. Ugenti |                         |

**Members Absent**

Mr. Montenegro (excused)

**Committee Action**

SB1148 - DP (8-0-0-1)

**CONSIDERATION OF BILLS**

**SB1148 - homeowners' associations; disputes; administrative hearings - DO PASS**

**Vice-Chairman Urie moved that SB1148 do pass.**

Michelle Hindman, Majority Research Analyst, stated that SB1148 clarifies an additional purpose of the Department of Fire, Building and Life Safety (DFBLS) (Attachment 1).

Senator Andy Biggs, sponsor, provided a brief history of the bill and stated that in order to avoid some of the costs of going to court regarding the resolving of homeowners' association (HOA) issues, Senator Eddie Farnsworth ran a bill in 2010 that was struck down in the Arizona Court of Appeals. Senator Biggs stated that SB1148 provides a way for homeowners and HOAs to resolve problems at a lower cost. He stated that he is unaware of any opposition to the bill.

Pat Haruff, representing self and Coalition of Homeowners for Rights and Education (CHORE), stated her support of SB1148. She thanked Senator Biggs for running the bill and urged the support of the Committee.

Kevin DeMenna, Community Associations Institute (CAI), testified in support of SB1148, stating that any constitutional alternative that is available to homeowners is a good alternative.

He opined that the less time spent in the Legislature working on issues with statewide application, the better. Mr. DeMenna stated that the CAI would like to follow-up with Senator Biggs regarding the costs to DFBS to hear cases as well as fees paid to the “winners and losers” of those cases.

Mr. Gowan asked if SB1148 breaks any contracts; Mr. DeMenna answered in the negative.

George Staropoli, representing self, stated his support of SB1148 and addressed Mr. DeMenna’s comment regarding fees, stating that he believes that Mr. DeMenna was referencing the Office of Administrative Hearings (OAH) attorney’s fees, which are not payable, making it an advantage to go through OAH.

John Sellers, representing self, testified in support of SB1148 and related his experience of going before OAH and winning his case. He stated that one of the benefits of the OAH procedure is its transparency; an individual can listen to the recordings and obtain a copy of the proceedings.

Vice-Chairman Urie announced the names of those who signed up in support of SB1148 but did not speak:

William Brown, representing self

**Question was called on the motion that SB1148 do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 2).**

Without objection, the meeting adjourned at 3:15 p.m.

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Charly Laube, Committee Secretary  
April 12, 2011

(Original minutes, attachments and audio on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)