



**ARIZONA STATE SENATE**  
*Fifty-Second Legislature, First Regular Session*

FACT SHEET FOR S.B. 1385

homeowners' associations; traffic enforcement; penalties

Purpose

Provides requirements with regard to certain specified roads and parking areas in a planned community.

Background

An *association*, also known as an HOA, is a common interest organization to which all the owners of lots in a planned community or units in a condominium must belong. HOAs are organized and established to operate shared portions of the condominium or planned community. A *planned community* is a real estate development that: a) includes real estate owned and operated by a nonprofit corporation or unincorporated association of owners; and b) is created pursuant to a recorded declaration for the purpose of managing, maintaining or improving the property. In a planned community, the owners of separate lots, parcels or units are mandatory members of the association and are required to pay assessments (A.R.S. § 33-1802).

A *declarant* is a person or group of persons designated by the declaration of a planned community with certain rights, including the right to construct improvements or exercise development rights (A.R.S. § 33-1202). During the declarant control period the declarant or persons designated by the declarant may appoint and remove officers and members of the association's board of directors. Statute specifies that the period of declarant control terminates no later than the earlier of: a) 90 days after conveyance of 75 percent of the units; or b) four years after the declarant has ceased to offer units for sale in the ordinary course of business (A.R.S. § 33-1243).

Dedication is the process by which a roadway is transferred to the city for public use. The process of dedication and the continued maintenance of a roadway are governed by city code and agreements between the city and the declarant. According to statute, after the period of declarant control, an association has no authority over and is prohibited from regulating any roadway for which the ownership has been dedicated to or is held by a governmental entity, with certain exceptions (A.R.S. § 33-1818).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Applies the following requirements to an association that owns or has legal authority over, and that takes enforcement action regarding, the roads and parking areas in a planned community:

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- a) requires the association to provide written notice to the owner regarding the date, time and location of a violation within 24 hours after the violation occurs; and
  - b) requires the notice to state the make and model of the vehicle and a description of the vehicle operator.
2. Prohibits an association from assessing any monetary fine against an owner relating to a violation that exceeds the fee for the same violation as issued by an enforcement officer in the city, town or county where the planned community is located.
  3. Contains an applicability clause.
  4. Becomes effective on the general effective date.

Prepared by Senate Research

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CRS/lr