Senate Engrossed House Bill

HOAs, artificial grass ban prohibited
(now: artificial grass ban prohibited; HOAs)

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 101

HOUSE BILL 2131

AN ACT

AMENDING TITLE 33, CHAPTER 16, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-1819; RELATING TO PLANNED COMMUNITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 33, chapter 16, article 1, Arizona Revised Statutes, is amended by adding section 33-1819, to read:

33-1819. Artificial turf ban; prohibition; restrictions; attorney fees; applicability

A. Except as prescribed in subsection B of this section and notwithstanding any provision in the community documents, in any planned community that allows natural grass on a member’s property, after the period of declarant control, the association may not prohibit installing or using artificial turf on any member’s property. An association may do all of the following:

1. Adopt reasonable rules regarding the installation and appearance of artificial turf if those rules do not prevent installing artificial turf in the same manner that natural grass would be allowed by the community documents. Those rules may regulate the location on the property and percentage of the property that may be covered with artificial turf to the same extent as natural grass and may regulate artificial turf quality.

2. Require the removal of a member’s artificial turf if the artificial turf creates a health or safety issue that the member does not correct.

3. Require replacement or removal of the artificial turf if the artificial turf is not maintained in accordance with the association’s standards for maintenance.

B. The association may prohibit the installation of artificial turf if the artificial turf would be installed in an area that the association is required to maintain or irrigate. If an association prohibits new installation of natural grass on a member’s property, the association may also prohibit new installation of artificial turf on a member’s property, except that, in that instance, an association may not prohibit a member from converting natural grass to artificial turf on the member’s property.

C. Notwithstanding any provision in the community documents, in an action against the association for a violation of this section, the court shall award reasonable attorney fees and costs to any party that prevails as determined by the court.

D. This section does not:

1. Affect an association’s responsibility to carry out both the express and the reasonably implied intent of a declaration that provides that the design standards of the planned community are required to be followed to protect the natural environment in which the planned community is developed.

2. Apply to a planned community that has unique vegetation and geologic characteristics that require preservation by the association and in which the viability of those characteristics is protected, supported and enhanced as a result of the continued existence of natural landscaping materials.
APPROVED BY THE GOVERNOR MARCH 30, 2022.