

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

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)

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

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

4 33-1819. Artificial turf ban; prohibition; restrictions;
5 attorney fees; applicability

6 A. EXCEPT AS PRESCRIBED IN SUBSECTION B OF THIS SECTION AND
7 NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, IN ANY PLANNED
8 COMMUNITY THAT ALLOWS NATURAL GRASS ON A MEMBER'S PROPERTY, AFTER THE
9 PERIOD OF DECLARANT CONTROL, THE ASSOCIATION MAY NOT PROHIBIT INSTALLING
10 OR USING ARTIFICIAL TURF ON ANY MEMBER'S PROPERTY. AN ASSOCIATION MAY DO
11 ALL OF THE FOLLOWING:

12 1. ADOPT REASONABLE RULES REGARDING THE INSTALLATION AND APPEARANCE
13 OF ARTIFICIAL TURF IF THOSE RULES DO NOT PREVENT INSTALLING ARTIFICIAL
14 TURF IN THE SAME MANNER THAT NATURAL GRASS WOULD BE ALLOWED BY THE
15 COMMUNITY DOCUMENTS. THOSE RULES MAY REGULATE THE LOCATION ON THE
16 PROPERTY AND PERCENTAGE OF THE PROPERTY THAT MAY BE COVERED WITH
17 ARTIFICIAL TURF TO THE SAME EXTENT AS NATURAL GRASS AND MAY REGULATE
18 ARTIFICIAL TURF QUALITY.

19 2. REQUIRE THE REMOVAL OF A MEMBER'S ARTIFICIAL TURF IF THE
20 ARTIFICIAL TURF CREATES A HEALTH OR SAFETY ISSUE THAT THE MEMBER DOES NOT
21 CORRECT.

22 3. REQUIRE REPLACEMENT OR REMOVAL OF THE ARTIFICIAL TURF IF THE
23 ARTIFICIAL TURF IS NOT MAINTAINED IN ACCORDANCE WITH THE ASSOCIATION'S
24 STANDARDS FOR MAINTENANCE.

25 B. THE ASSOCIATION MAY PROHIBIT THE INSTALLATION OF ARTIFICIAL TURF
26 IF THE ARTIFICIAL TURF WOULD BE INSTALLED IN AN AREA THAT THE ASSOCIATION
27 IS REQUIRED TO MAINTAIN OR IRRIGATE. IF AN ASSOCIATION PROHIBITS NEW
28 INSTALLATION OF NATURAL GRASS ON A MEMBER'S PROPERTY, THE ASSOCIATION MAY
29 ALSO PROHIBIT NEW INSTALLATION OF ARTIFICIAL TURF ON A MEMBER'S PROPERTY,
30 EXCEPT THAT, IN THAT INSTANCE, AN ASSOCIATION MAY NOT PROHIBIT A MEMBER
31 FROM CONVERTING NATURAL GRASS TO ARTIFICIAL TURF ON THE MEMBER'S PROPERTY.

32 C. NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, IN AN
33 ACTION AGAINST THE ASSOCIATION FOR A VIOLATION OF THIS SECTION, THE COURT
34 SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS TO ANY PARTY THAT PREVAILS
35 AS DETERMINED BY THE COURT.

36 D. THIS SECTION DOES NOT:

37 1. AFFECT AN ASSOCIATION'S RESPONSIBILITY TO CARRY OUT BOTH THE
38 EXPRESS AND THE REASONABLY IMPLIED INTENT OF A DECLARATION THAT PROVIDES
39 THAT THE DESIGN STANDARDS OF THE PLANNED COMMUNITY ARE REQUIRED TO BE
40 FOLLOWED TO PROTECT THE NATURAL ENVIRONMENT IN WHICH THE PLANNED COMMUNITY
41 IS DEVELOPED.

42 2. APPLY TO A PLANNED COMMUNITY THAT HAS UNIQUE VEGETATION AND
43 GEOLOGIC CHARACTERISTICS THAT REQUIRE PRESERVATION BY THE ASSOCIATION AND
44 IN WHICH THE VIABILITY OF THOSE CHARACTERISTICS IS PROTECTED, SUPPORTED
45 AND ENHANCED AS A RESULT OF THE CONTINUED EXISTENCE OF NATURAL LANDSCAPING
46 MATERIALS.