ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

House: GOV DP 8-1-0-0 | 3rd Read 59-1-0-0
Senate: GOV DPA 7-0-1-0 | 3rd Read 30-0-0-0
Final Pass: 55-1-4-0

HB 2298: planned community authority; public roadways
Sponsor: Representative Carter, LD 15
Transmitted to the Governor

Overview
Stipulates a homeowners' association (HOA) whose declaration was recorded before January 1, 2015, has until June 30, 2025, to call a meeting to continue regulating public roadways or it will revert to government control.

History
An HOA is an organization of property owners in a condominium or planned community. These organizations are created to operate shared areas of their respective communities and are run by a Board of Directors (Board) that are elected by members and acts on their behalf (A.R.S. §§ 33-1202, 33-1802, 33-2001).

Currently, statute specifies that an HOA, whose declaration is recorded after December 31, 2014, has no authority over and cannot otherwise regulate any roadway owned or held by a governmental entity (A.R.S. § 33-1818).

Provisions
1. Adds that an HOA, after the period of declarant control, whose declaration is recorded after December 31, 2014, has no authority over and may not regulate any roadway for which the owner has been dedicated or is otherwise held by a governmental entity. (Sec. 1)
2. States that an HOA, after the period of declarant control, whose declaration was recorded before January 1, 2015, and that regulates any roadway owned or held by a governmental entity continues to be in effect until either:
   a) The HOA calls a meeting, no later than June 30, 2025, to continue to regulate public roadways and agrees to continue regulating public roadways in which case the HOA will retain its authority; or
   b) If the HOA holds a vote and it fails or the HOA does not hold a vote, the HOA will no longer have the authority to regulate public roadways and any existing regulations will expire. (Sec. 1)
3. Specifies that a quorum of owners present at the public meeting is required to vote to continue the regulation of public roadways. (Sec. 1)
4. Directs the Board to record a document in the Office of the County Recorder confirming that the HOA continues to regulate the public roadways if applicable. (Sec. 1)
5. Amends the applicability date from December 31, 2014, to January 1, 2015. (Sec.1)
6. States that the regulation of public roadways does not apply to any one-way streets, without regard to ownership, or to any privately owned roadways. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note