

House Engrossed

planned community authority; public roadways

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

# HOUSE BILL 2298

AN ACT

AMENDING SECTION 33-1818, ARIZONA REVISED STATUTES; 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. Section 33-1818, Arizona Revised Statutes, is amended to  
3 read:  
4 33-1818. Community authority over public roadways; vote of  
5 the membership  
6 A. EXCEPT AS PRESCRIBED IN SUBSECTION B OF THIS SECTION AND  
7 notwithstanding any provision in the community documents, after the period  
8 of declarant control, an association has no authority over and shall not  
9 regulate any roadway for which the ownership has been dedicated to or is  
10 otherwise held by a governmental entity.  
11 ~~B. This section applies only to those planned communities for which~~  
12 ~~the declaration is recorded after December 31, 2014.~~  
13 B. AFTER THE PERIOD OF DECLARANT CONTROL, FOR ANY PLANNED COMMUNITY  
14 FOR WHICH THE DECLARATION WAS RECORDED BEFORE JANUARY 1, 2015 AND THAT  
15 REGULATES ANY ROADWAY FOR WHICH THE OWNERSHIP HAS BEEN DEDICATED TO OR IS  
16 OTHERWISE HELD BY A GOVERNMENTAL ENTITY, THE EXISTING REGULATIONS CONTINUE  
17 IN EFFECT UNTIL EITHER OF THE FOLLOWING OCCURS:  
18 1. NOT LATER THAN JUNE 30, 2025, THE PLANNED COMMUNITY SHALL CALL A  
19 MEETING OF THE MEMBERSHIP ON THE QUESTION OF WHETHER TO CONTINUE TO  
20 REGULATE PUBLIC ROADWAYS. IF THE NUMBER OF OWNERS VOTING AT THE MEETING  
21 ON THE QUESTION IS SUFFICIENT TO CONSTITUTE A QUORUM OF THE MEMBERSHIP AND  
22 A MAJORITY OF THAT NUMBER VOTES TO CONTINUE REGULATING PUBLIC ROADWAYS IN  
23 THE PLANNED COMMUNITY, THE PLANNED COMMUNITY RETAINS ITS AUTHORITY TO  
24 REGULATE THOSE PUBLIC ROADWAYS. THE BOARD OF DIRECTORS SHALL RECORD IN  
25 THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY IN WHICH THE PLANNED  
26 COMMUNITY IS LOCATED A DOCUMENT CONFIRMING THAT THE PLANNED COMMUNITY  
27 CONTINUES TO REGULATE THE PUBLIC ROADWAYS.  
28 2. IF THE VOTE PRESCRIBED BY PARAGRAPH 1 OF THIS SUBSECTION FAILS  
29 OR IF THE PLANNED COMMUNITY DOES NOT HOLD A VOTE OF THE MEMBERSHIP IN  
30 COMPLIANCE WITH PARAGRAPH 1 OF THIS SUBSECTION, THE PLANNED COMMUNITY NO  
31 LONGER HAS AUTHORITY TO REGULATE THE PUBLIC ROADWAYS IN THE PLANNED  
32 COMMUNITY AND ANY EXISTING REGULATIONS EXPIRE.