

Senate Engrossed House Bill
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; applicability
6 A. FOR ANY PLANNED COMMUNITY FOR WHICH THE DECLARATION IS RECORDED
7 AFTER DECEMBER 31, 2014 AND notwithstanding any provision in the community
8 documents, after the period of declarant control, an association has no
9 authority over and shall not regulate any roadway for which the ownership
10 has been dedicated to or is 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.
33 C. THIS SECTION DOES NOT APPLY TO ANY ONE-WAY STREETS, WITHOUT
34 REGARD TO OWNERSHIP, OR TO ANY PRIVATELY OWNED ROADWAYS.