

REFERENCE TITLE: homeowners' associations; attorney fees

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2865

Introduced by
Representative Carter N

AN ACT

AMENDING TITLE 33, CHAPTER 9, ARTICLE 3, ARIZONA REVISED STATUTES, BY
ADDING SECTION 33-1243.01; AMENDING TITLE 33, CHAPTER 16, ARTICLE 1,
ARIZONA REVISED STATUTES, BY ADDING SECTION 33-1803.01; RELATING TO
CONDOMINIUMS AND 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 9, article 3, Arizona Revised
3 Statutes, is amended by adding section 33-1243.01, to read:

4 33-1243.01. Attorney fees; costs

5 NOTWITHSTANDING ANY PROVISION IN THE CONDOMINIUM DOCUMENTS OR ANY
6 AGREEMENT BETWEEN THIRD PARTIES, AN ASSOCIATION SHALL NOT CHARGE OR
7 OTHERWISE ASSESS THE ASSOCIATION'S ATTORNEY FEES AND RELATED COSTS ONTO
8 ONE OR MORE UNIT OWNERS OR FORMER UNIT OWNERS. ALL PARTIES IN ANY
9 LITIGATION, ARBITRATION, MEDIATION, ADMINISTRATIVE ACTION OR OTHER CLAIM
10 SHALL BEAR THEIR OWN ATTORNEY FEES AND RELATED COSTS, EXCEPT THAT A UNIT
11 OWNER OR FORMER UNIT OWNER MAY RECOVER ATTORNEY FEES AND RELATED COSTS
12 AGAINST THE ASSOCIATION IF THE CONDOMINIUM DOCUMENTS SO PROVIDE.

13 Sec. 2. Title 33, chapter 16, article 1, Arizona Revised Statutes,
14 is amended by adding section 33-1803.01, to read:

15 33-1803.01. Attorney fees; costs

16 NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS OR ANY
17 AGREEMENT BETWEEN THIRD PARTIES, AN ASSOCIATION SHALL NOT CHARGE OR
18 OTHERWISE ASSESS THE ASSOCIATION'S ATTORNEY FEES AND RELATED COSTS ONTO
19 ONE OR MORE MEMBERS OR FORMER MEMBERS. ALL PARTIES IN ANY LITIGATION,
20 ARBITRATION, MEDIATION, ADMINISTRATIVE ACTION OR OTHER CLAIM SHALL BEAR
21 THEIR OWN ATTORNEY FEES AND RELATED COSTS, EXCEPT THAT A MEMBER OR FORMER
22 MEMBER MAY RECOVER ATTORNEY FEES AND RELATED COSTS AGAINST THE ASSOCIATION
23 IF THE COMMUNITY DOCUMENTS SO PROVIDE.