

COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2185  
(Reference to printed bill)

Amendment instruction key:  
[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.  
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.  
[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.  
[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.  
<<Green carets>> indicate a section added to the bill.  
<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 33-1242, Arizona Revised Statutes, is amended to  
3 read:

4 33-1242. Powers of unit owners' association; notice to unit  
5 owner of violation; prohibited lawn requirements  
6 during drought

7 A. Subject to the provisions of the declaration, the association  
8 may:

- 9 1. Adopt and amend bylaws and rules.
- 10 2. Adopt and amend budgets for revenues, expenditures and reserves
- 11 and collect assessments for common expenses from unit owners.
- 12 3. Hire and discharge managing agents and other employees, agents
- 13 and independent contractors.
- 14 4. Institute, defend or intervene in litigation or administrative
- 15 proceedings in its own name on behalf of itself or two or more unit owners
- 16 on matters affecting the condominium.
- 17 5. Make contracts and incur liabilities.
- 18 6. Regulate the use, maintenance, repair, replacement and
- 19 modification of common elements.
- 20 7. Cause additional improvements to be made as a part of the common
- 21 elements.
- 22 8. Acquire, hold, encumber and convey in its own name any right,
- 23 title or interest to real or personal property, except that common
- 24 elements may be conveyed or subjected to a security interest only pursuant
- 25 to section 33-1252.
- 26 9. Grant easements, leases, licenses and concessions through or
- 27 over the common elements.

1           10. Impose and receive any payments, fees or charges for the use,  
2 rental or operation of the common elements other than limited common  
3 elements described in section 33-1212, paragraphs 2 and 4 and for services  
4 provided to unit owners.

5           11. Impose charges for late payment of assessments after the  
6 association has provided notice that the assessment is overdue or provided  
7 notice that the assessment is considered overdue after a certain date and,  
8 after notice and an opportunity to be heard, impose reasonable monetary  
9 penalties on unit owners for violations of the declaration, bylaws and  
10 rules of the association.

11           12. Impose reasonable charges for the preparation and recordation  
12 of amendments to the declaration or statements of unpaid assessments.

13           13. Provide for the indemnification of its officers and executive  
14 board of directors and maintain directors' and officers' liability  
15 insurance.

16           14. Assign its right to future income, including the right to  
17 receive common expense assessments, but only to the extent the declaration  
18 expressly provides.

19           15. Be a member of a master association or other entity owning,  
20 maintaining or governing in any respect any portion of the common elements  
21 or other property benefitting or related to the condominium or the unit  
22 owners in any respect.

23           16. Exercise any other powers conferred by the declaration or  
24 bylaws.

25           17. Exercise all other powers that may be exercised in this state  
26 by legal entities of the same type as the association.

27           18. Exercise any other powers necessary and proper for the  
28 governance and operation of the association.

29           B. A unit owner who receives a written notice that the condition of  
30 the property owned by the unit owner is in violation of a requirement of  
31 the condominium documents without regard to whether a monetary penalty is  
32 imposed by the notice may provide the association with a written response  
33 by sending the response by certified mail within twenty-one calendar days  
34 after the date of the notice. The response shall be sent to the address  
35 identified in the notice.

36           C. Within ten business days after receipt of the certified mail  
37 containing the response from the unit owner, the association shall respond  
38 to the unit owner with a written explanation regarding the notice that  
39 shall provide at least the following information unless previously  
40 provided in the notice of violation:

41           1. The provision of the condominium documents that has allegedly  
42 been violated.

43           2. The date of the violation or the date the violation was  
44 observed.

45           3. The first and last name of the person or persons who observed  
46 the violation.

47           4. The process the unit owner must follow to contest the notice.

1 D. Unless the information required in subsection C, paragraph 4 of  
2 this section is provided in the notice of violation, the association ~~shall~~  
3 MAY not proceed with any action to enforce the condominium documents,  
4 including the collection of attorney fees, before or during the time  
5 prescribed by subsection C of this section regarding the exchange of  
6 information between the association and the unit owner and shall give the  
7 unit owner written notice of the unit owner's option to petition for an  
8 administrative hearing on the matter in the state real estate department  
9 pursuant to section 32-2199.01. At any time before or after completion  
10 of the exchange of information pursuant to this section, the unit owner  
11 may petition for a hearing pursuant to section 32-2199.01 if the dispute  
12 is within the jurisdiction of the state real estate department as  
13 prescribed in section 32-2199.01.

14 E. THE ASSOCIATION MAY NOT REQUIRE OVERSEEDING OR WATERING LAWNS  
15 DURING A DROUGHT [~~YEAR AS DEFINED IN SECTION 48-4401~~] [~~DECLARATION OR~~  
16 ~~DROUGHT EMERGENCY DECLARATION ISSUED BY THE GOVERNOR INVOKING SECTION 26-~~  
17 ~~309~~].

18 Sec. 2. Title 33, chapter 16, article 1, Arizona Revised Statutes,  
19 is amended by adding section 33-1821, to read:

20 33-1821. Overseeding or watering lawns; requirements  
21 prohibited; drought

22 THE ASSOCIATION MAY NOT REQUIRE OVERSEEDING OR WATERING LAWNS DURING  
23 A DROUGHT [~~YEAR AS DEFINED IN SECTION 48-4401~~] [~~DECLARATION OR DROUGHT~~  
24 ~~EMERGENCY DECLARATION ISSUED BY THE GOVERNOR INVOKING SECTION 26-309~~].

25 Enroll and engross to conform  
26 Amend title to conform  
And, as so amended, it do pass

GAIL GRIFFIN  
CHAIRMAN

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