

COMMITTEE ON COMMERCE
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2342
(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. Title 33, chapter 16, article 1, Arizona Revised
3 Statutes, is amended by adding section 33-1816.01, to read:

4 33-1816.01. Shade structures; reasonable restrictions;
5 municipal zoning; definition

6 A. NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, AN
7 ASSOCIATION MAY NOT PROHIBIT THE BACKYARD INSTALLATION OR USE OF A SHADE
8 STRUCTURE.

9 B. AN ASSOCIATION MAY ADOPT REASONABLE RULES REGARDING THE SIZE,
10 PLACEMENT OR APPEARANCE OF A SHADE STRUCTURE IF THOSE RULES DO NOT PREVENT
11 THE INSTALLATION, IMPAIR THE FUNCTIONING, RESTRICT THE USE OR ADVERSELY
12 AFFECT THE COST OF THE STRUCTURE AND ARE NOT MORE RESTRICTIVE THAN THE
13 ZONING ORDINANCES REGARDING SHADE STRUCTURE HEIGHT AND SETBACKS FOR A
14 SINGLE-FAMILY HOME IN THE CITY OR TOWN IN WHICH THE PLANNED COMMUNITY IS
15 LOCATED.

16 ~~[C. NOTWITHSTANDING ANY PROVISION OF THE COMMUNITY DOCUMENTS, THE~~
17 ~~COURT SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS TO ANY PARTY WHO~~
18 ~~SUBSTANTIALLY PREVAILS IN AN ACTION AGAINST THE BOARD OF DIRECTORS OF THE~~
19 ~~ASSOCIATION FOR A VIOLATION OF THIS SECTION.~~

20 ~~D.] [C.]~~ FOR THE PURPOSES OF THIS SECTION, "SHADE STRUCTURE" MEANS
21 A ~~[TEMPORARY]~~ [COMMERCIALY PRODUCED OR PROFESSIONALLY MANUFACTURED
22 MOVEABLE] OR PERMANENT STRUCTURE THAT ~~[PROTECTS]~~ [IS DESIGNED TO PROTECT]
23 AN AREA FROM [EXCESSIVE LIGHT OR HEAT] [SUNLIGHT], INCLUDING AN UMBRELLA
24 [OR AWNING] OR A SHADE SAIL[, GAZEBO, PERGOLA OR CANOPY].

25 Enroll and engross to conform

26 Amend title to conform

JEFF WENINGER
CHAIRMAN