

House Engrossed

small land subdivision; requirements

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
Second Regular Session  
2026

# HOUSE BILL 2100

AN ACT

AMENDING TITLE 11, CHAPTER 6, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-834; AMENDING SECTIONS 32-2101, 32-2108.01 AND 32-2183.03, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 20, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 32-2183.07 AND 32-2183.08; AMENDING SECTIONS 32-2185.06, 32-2185.09, 33-422 AND 45-108, ARIZONA REVISED STATUTES; RELATING TO LAND DIVISION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 11, chapter 6, article 4, Arizona Revised  
3 Statutes, is amended by adding section 11-834, to read:

4 11-834. Small land subdivision; requirements

5 A. NOTWITHSTANDING ANY OTHER LAW, THE BOARD OF SUPERVISORS OF EACH  
6 COUNTY MAY ADOPT ORDINANCES AND REGULATIONS PURSUANT TO THIS SECTION THAT  
7 ALLOW SMALL LAND SUBDIVISIONS OF SIX TO TEN LOTS OR PARCELS FROM LANDS  
8 THAT ARE NOT SUBJECT TO AN ASSURED WATER SUPPLY REQUIREMENT PURSUANT TO  
9 SECTION 45-576 OR A MANDATORY ADEQUATE WATER SUPPLY REQUIREMENT PURSUANT  
10 TO SECTION 9-463.01 OR 11-823, ALL OF WHICH ARE TWO ACRES OR MORE IN SIZE.

11 B. THE COUNTY SHALL REQUIRE AN APPLICANT FOR A SMALL LAND  
12 SUBDIVISION TO SUBMIT A SMALL LAND SUBDIVISION PUBLIC REPORT PURSUANT TO  
13 SECTION 32-2183.07.

14 C. THE COUNTY SHALL REQUIRE AN APPLICANT FOR A SMALL LAND  
15 SUBDIVISION TO ENSURE THAT EACH LOT OR PARCEL THAT IS PART OF THE SMALL  
16 LAND SUBDIVISION HAS LEGAL ACCESS AS DEFINED IN SECTION 11-831.

17 D. IF THE BOARD OF SUPERVISORS OF A COUNTY AUTHORIZES THE USE OF  
18 SMALL LAND SUBDIVISIONS PURSUANT TO SUBSECTION A OF THIS SECTION, THE  
19 BOARD SHALL PROVIDE WRITTEN NOTICE OF THE ORDINANCE OR REGULATION THAT  
20 AUTHORIZES THE USE OF SMALL LAND SUBDIVISIONS TO THE STATE REAL ESTATE  
21 DEPARTMENT.

22 Sec. 2. Section 32-2101, Arizona Revised Statutes, is amended to  
23 read:

24 32-2101. Definitions

25 In this chapter, unless the context otherwise requires:

26 1. "Acting in concert" means evidence of collaborating to pursue a  
27 concerted plan.

28 2. "Address of record" means any of the following:

29 (a) The address where a licensee practices or is otherwise  
30 employed.

31 (b) A licensee's residential address.

32 (c) The address of a licensee's statutory agency who is registered  
33 as the licensee's statutory agent with the corporation commission. This  
34 subdivision applies only if notice of the statutory agent is given to the  
35 department pursuant to section 32-2126.

36 3. "Advertising" means attempting by publication, dissemination,  
37 exhibition, solicitation or circulation, oral or written, or for broadcast  
38 on radio or television to induce directly or indirectly any person to  
39 enter into any obligation or acquire any title or interest in lands  
40 subject to this chapter, including the land sales contract to be used and  
41 any photographs, drawings or artist's presentations of physical conditions  
42 or facilities existing or to exist on the property. Advertising does not  
43 include:

44 (a) Press releases or other communications delivered to newspapers,  
45 periodicals or other news media for general information or public

- 1 relations purposes if no charge is made by the newspapers, periodicals or  
2 other news media to publish or use any part of these communications.
- 3 (b) Communications to stockholders as follows:
- 4 (i) Annual reports and interim financial reports.
- 5 (ii) Proxy materials.
- 6 (iii) Registration statements.
- 7 (iv) Securities prospectuses.
- 8 (v) Applications for listing of securities on stock exchanges.
- 9 (vi) Prospectuses.
- 10 (vii) Property reports.
- 11 (viii) Offering statements.
- 12 4. "Affiliate" means a person who, directly or indirectly through  
13 one or more intermediaries, controls, is controlled by or is under common  
14 control with the person specified.
- 15 5. "Associate broker" means a licensed broker who is employed by  
16 another broker. Unless otherwise specifically provided, an associate  
17 broker has the same license privileges as a salesperson.
- 18 6. "Barrier" means a natural or man-made geographic feature that  
19 prevents parcels of land from being practicably, reasonably and  
20 economically united or reunited and that was not caused or created by the  
21 owner of the parcels.
- 22 7. "Blanket encumbrance":
- 23 (a) Means either:
- 24 (i) Any mortgage, any deed of trust or any other encumbrance or  
25 lien that secures or evidences the payment of monies and that affects more  
26 than one lot or parcel of subdivided land.
- 27 (ii) An agreement that affects more than one lot or parcel by which  
28 the subdivider holds the subdivision under an option, contract to sell or  
29 trust agreement.
- 30 (b) Does not include taxes and assessments that are levied by  
31 public authority.
- 32 8. "Board" means the real estate advisory board.
- 33 9. "Broker", when used without modification, means a person who is  
34 licensed as a broker under this chapter or who is required to be licensed  
35 as a broker under this chapter.
- 36 10. "Business broker" means a real estate broker who acts as an  
37 intermediary or agent between sellers or buyers, or both, in the sale or  
38 purchase, or both, of businesses or business opportunities where a lease  
39 or sale of real property is either a direct or incidental part of the  
40 transaction.
- 41 11. "Camping site" means a space that is designed and promoted for  
42 the purpose of locating any trailer, tent, tent trailer, pickup camper or  
43 other similar device used for camping.

- 1           12. "Cemetery" or "cemetery property" means any one, or a  
2 combination of more than one, of the following in a place that is used, or  
3 intended to be used, and dedicated for cemetery purposes:  
4           (a) A burial park, for earth interments.  
5           (b) A mausoleum, for crypt or vault entombments.  
6           (c) A crematory, or a crematory and columbarium, for cinerary  
7 interments.  
8           (d) A cemetery plot, including interment rights, mausoleum crypts,  
9 niches and burial spaces.
- 10          13. "Cemetery broker" means a person other than a real estate  
11 broker or real estate salesperson who, for another, for compensation:  
12          (a) Sells, leases or exchanges cemetery property or interment  
13 services of or for another, or on the person's own account.  
14          (b) Offers for another or for the person's own account to buy,  
15 sell, lease or exchange cemetery property or interment services.  
16          (c) Negotiates the purchase and sale, lease or exchange of cemetery  
17 property or interment services.  
18          (d) Negotiates the purchase or sale, lease or exchange, or lists or  
19 solicits, or negotiates a loan on or leasing of cemetery property or  
20 interment services.
- 21          14. "Cemetery salesperson" means a natural person who acts on the  
22 person's own behalf or through and on behalf of a professional limited  
23 liability company or a professional corporation engaged by or on behalf of  
24 a licensed cemetery or real estate broker, or through and on behalf of a  
25 corporation, partnership or limited liability company that is licensed as  
26 a cemetery or real estate broker, to perform any act or transaction  
27 included in the definition of cemetery broker.
- 28          15. "Commissioner" means the state real estate commissioner.
- 29          16. "Common promotional plan" means a plan, undertaken by a person  
30 or a group of persons acting in concert, to offer lots for sale or lease.  
31 If the land is offered for sale by a person or group of persons acting in  
32 concert, and the land is contiguous or is known, designated or advertised  
33 as a common unit or by a common name, the land is presumed, without regard  
34 to the number of lots covered by each individual offering, as being  
35 offered for sale or lease as part of a common promotional plan. Separate  
36 subdividers selling lots or parcels in separately platted subdivisions  
37 within a master planned community shall not be deemed to be offering their  
38 combined lots for sale or lease as part of a common promotional plan.
- 39          17. "Compensation" means any fee, commission, salary, monies or  
40 other valuable consideration for services rendered or to be rendered as  
41 well as the promise of consideration whether contingent or not.
- 42          18. "Contiguous":  
43          (a) Means lots, parcels or fractional interests that share a common  
44 boundary or point.

1 (b) Does not include lots, parcels or fractional interests that are  
2 separated by either of the following:

3 (i) A barrier.

4 (ii) A road, street or highway that has been established by this  
5 state or by any agency or political subdivision of this state, that has  
6 been designated by the federal government as an interstate highway or that  
7 has been regularly maintained by this state or by any agency or political  
8 subdivision of this state and has been used continuously by the public for  
9 at least the last five years.

10 19. "Control" or "controlled" means a person who, through  
11 ownership, voting rights, power of attorney, proxy, management rights,  
12 operational rights or other rights, has the right to make decisions  
13 binding on an entity, whether a corporation, a partnership or any other  
14 entity.

15 20. "Corporation licensee" means a lawfully organized corporation  
16 that is registered with the corporation commission and that has an officer  
17 licensed as the designated broker pursuant to section 32-2125.

18 21. "Department" means the state real estate department.

19 22. "Designated broker" means a natural person who is licensed as a  
20 broker under this chapter and who is either:

21 (a) Designated to act on behalf of an employing real estate,  
22 cemetery or membership camping entity.

23 (b) Doing business as a sole proprietor.

24 23. "Developer":

25 (a) Means a person who offers real property in a development for  
26 sale, lease or use, either immediately or in the future, on the person's  
27 own behalf or on behalf of another person, under this chapter.

28 (b) Does not include a person whose involvement with a development  
29 is limited to listing property within the development for sale, lease or  
30 use.

31 24. "Development" means any division, proposed division or use of  
32 real property that the department has authority to regulate, including  
33 subdivided and unsubdivided lands, cemeteries, condominiums, timeshares,  
34 membership campgrounds and stock cooperatives.

35 25. "Distance learning" means continuing education or prelicensure  
36 education that is an online, planned learning experience with a geographic  
37 separation that may be synchronous or asynchronous, that does not require  
38 real-time interaction between a student and an instructor and that uses a  
39 platform with self-paced or prerecorded lessons and materials that a  
40 student can access via the internet to proceed at the student's own pace.

41 26. "Employing broker" means a person who is licensed or is  
42 required to be licensed as a:

43 (a) Broker entity pursuant to section 32-2125, subsection A.

44 (b) Sole proprietorship if the sole proprietor is a broker licensed  
45 pursuant to this chapter.

1           27. "Fractional interest" means an undivided interest in improved  
2 or unimproved land, lots or parcels of any size created for the purpose of  
3 sale or lease and evidenced by any receipt, certificate, deed or other  
4 document conveying the interest. Undivided interests in land, lots or  
5 parcels created in the names of a husband and wife as community property,  
6 joint tenants or tenants in common, or in the names of other persons who,  
7 acting together as part of a single transaction, acquire the interests  
8 without a purpose to divide the interests for present or future sale or  
9 lease shall be deemed to constitute only one fractional interest.

10           28. "Improved lot or parcel" means a lot or parcel of a subdivision  
11 on which there is a residential, commercial or industrial building or  
12 concerning which a contract has been entered into between a subdivider and  
13 a purchaser that obligates the subdivider directly, or indirectly through  
14 a building contractor, to completely construct a residential, commercial  
15 or industrial building on the lot or parcel within two years after the  
16 date on which the contract of sale for the lot is entered into, or for a  
17 condominium as defined in section 33-1202, within four years after the  
18 date on which the contract for sale is entered into.

19           29. "Inactive license" means a license that is issued pursuant to  
20 article 2 of this chapter to a licensee who is on inactive status during  
21 the current license period and who is not engaged by or on behalf of a  
22 broker.

23           30. "Lease" or "leasing" includes any lease, whether it is the  
24 sole, the principal or any incidental part of a transaction.

25           31. "License" means the whole or part of any agency permit,  
26 certificate, approval, registration, public report, charter or similar  
27 form of permission required by this chapter.

28           32. "Licensee" means a person to whom a license for the current  
29 license period has been granted under any provision of this chapter, and,  
30 for the purposes of section 32-2153, subsection A, includes original  
31 license applicants.

32           33. "License period" means the two-year period beginning with the  
33 date of original issue or renewal of a particular license and ending on  
34 the expiration date, if any.

35           34. "Limited liability company licensee" means a lawfully organized  
36 limited liability company that has a member or manager who is a natural  
37 person and who is licensed as the designated broker pursuant to section  
38 32-2125.

39           35. "Live classroom course" means a course or instructional segment  
40 delivered in either an in-person classroom instructional format or a  
41 synchronous remote instructional format that allows students to observe  
42 and participate remotely in an instructional segment via livestreaming.

43           36. "Lot reservation" means an expression of interest by a  
44 prospective purchaser in buying at some time in the future a subdivided or  
45 unsubdivided lot, unit or parcel in this state. In all cases, a

1 subsequent affirmative action by the prospective purchaser must be taken  
2 to create a contractual obligation to purchase.

3 37. "Master planned community" means a development that consists of  
4 two or more separately platted subdivisions and that is either subject to  
5 a master declaration of covenants, conditions or restrictions, is subject  
6 to restrictive covenants sufficiently uniform in character to clearly  
7 indicate a general scheme for improving or developing real property or is  
8 governed or administered by a master owner's association.

9 38. "Member" means a member of the real estate advisory board.

10 39. "Membership camping broker" means a person, other than a  
11 salesperson, who, for compensation:

12 (a) Sells, purchases, lists, exchanges or leases membership camping  
13 contracts.

14 (b) Offers to sell, purchase, exchange or lease membership camping  
15 contracts.

16 (c) Negotiates or offers, attempts or agrees to negotiate the sale,  
17 purchase, exchange or lease of membership camping contracts.

18 (d) Advertises or holds himself out as being engaged in the  
19 business of selling, buying, exchanging or leasing membership camping  
20 contracts or counseling or advising regarding membership camping  
21 contracts.

22 (e) Assists or directs in procuring prospects calculated or  
23 intended to result in the sale, purchase, listing, exchange or lease of  
24 membership camping contracts.

25 (f) Performs any of the foregoing acts as an employee or on behalf  
26 of a membership camping operator or membership contract owner.

27 40. "Membership camping contract" means an agreement that is  
28 offered or sold in this state evidencing a purchaser's right or license to  
29 use the camping or outdoor recreation facilities of a membership camping  
30 operator and includes a membership that provides for this use.

31 41. "Membership camping operator":

32 (a) Means an enterprise, other than one that is tax exempt under  
33 section 501(c)(3) of the internal revenue code of 1986, as amended, that  
34 solicits membership paid for by a fee or periodic payments and has as one  
35 of its purposes camping or outdoor recreation, including the use of  
36 camping sites primarily by members.

37 (b) Does not include camping or recreational trailer parks that are  
38 open to the general public and that contain camping sites rented for a per  
39 use fee or a mobile home park.

40 42. "Membership camping salesperson" means a natural person who  
41 acts on the person's own behalf or through and on behalf of a professional  
42 limited liability company or a professional corporation engaged by or on  
43 behalf of a licensed membership camping or real estate broker, or by or on  
44 behalf of a corporation, partnership or limited liability company that is  
45 licensed as a membership camping or real estate broker, to perform any act

1 or participate in any transaction in a manner included in the definition  
2 of membership camping broker.

3 43. "Partnership licensee" means a partnership with a managing  
4 general partner who is licensed as the designated broker pursuant to  
5 section 32-2125.

6 44. "Permanent access", as required under article 4 of this  
7 chapter, means permanent access from the subdivision to any federal, state  
8 or county highway.

9 45. "Perpetual care" or "endowed care":

10 (a) Means maintaining and caring, in all places where interments  
11 have been made, for the trees, shrubs, roads, streets and other  
12 improvements and embellishments contained within or forming a part of the  
13 cemetery.

14 (b) Does not include maintaining or repairing monuments, tombs,  
15 copings or other man-made ornaments as associated with individual burial  
16 spaces.

17 46. "Perpetual or endowed-care cemetery" means a cemetery in which  
18 lots or other burial spaces are sold or transferred under the  
19 representation that the cemetery will receive perpetual care or endowed  
20 care free of further cost to the purchaser after payment of the original  
21 purchase price for the lot, burial space or interment right.

22 47. "Person" means any individual, corporation, partnership or  
23 company and any other form of multiple organization for carrying on  
24 business, foreign or domestic.

25 48. "Private cemetery" means a cemetery or place that is not  
26 licensed under article 6 of this chapter, where burials or interments of  
27 human remains are made, in which sales or transfers of interment rights or  
28 burial plots are not made to the public and in which not more than ten  
29 interments or burials occur annually.

30 49. "Promotion" or "promotional practice" means advertising and any  
31 other act, practice, device or scheme to induce directly or indirectly any  
32 person to enter into any obligation or acquire any title or interest in or  
33 use of real property subject to this chapter, including meetings with  
34 prospective purchasers, arrangements for prospective purchasers to visit  
35 real property, travel allowances and discount, exchange, refund and  
36 cancellation privileges.

37 50. "Real estate" includes leasehold-interests and any estates in  
38 land as defined in title 33, chapter 2, articles 1 and 2, regardless of  
39 whether located in this state.

40 51. "Real estate broker" means a person, other than a salesperson,  
41 who, for another and for compensation:

42 (a) Sells, exchanges, purchases, rents or leases real estate,  
43 businesses and business opportunities or timeshare interests.

44 (b) Offers to sell, exchange, purchase, rent or lease real estate,  
45 businesses and business opportunities or timeshare interests.

1 (c) Negotiates or offers, attempts or agrees to negotiate the sale,  
2 exchange, purchase, rental or leasing of real estate, businesses and  
3 business opportunities or timeshare interests.

4 (d) Lists or offers, attempts or agrees to list real estate,  
5 businesses and business opportunities or timeshare interests for sale,  
6 lease or exchange.

7 (e) Auctions or offers, attempts or agrees to auction real estate,  
8 businesses and business opportunities or timeshare interests.

9 (f) Buys, sells, offers to buy or sell or otherwise deals in  
10 options on real estate, businesses and business opportunities or timeshare  
11 interests or improvements to real estate, businesses and business  
12 opportunities or timeshare interests.

13 (g) Collects or offers, attempts or agrees to collect rent for the  
14 use of real estate, businesses and business opportunities or timeshare  
15 interests. This subdivision does not apply to a person who is not a  
16 licensee, who works for a real estate broker or a real estate salesperson,  
17 who collects in-person rent and related fees on behalf of the real estate  
18 broker or real estate salesperson for the use of real estate as part of  
19 the person's clerical duties and who provides a receipt when rent is paid.

20 (h) Advertises or holds himself out as being engaged in the  
21 business of buying, selling, exchanging, renting or leasing real estate,  
22 businesses and business opportunities or timeshare interests or counseling  
23 or advising regarding real estate, businesses and business opportunities  
24 or timeshare interests.

25 (i) Assists or directs in procuring prospects that are calculated  
26 to result in the sale, exchange, leasing or rental of real estate,  
27 businesses and business opportunities or timeshare interests.

28 (j) Assists or directs in negotiating any transaction calculated or  
29 intended to result in the sale, exchange, leasing or rental of real  
30 estate, businesses and business opportunities or timeshare interests.

31 (k) Incident to the sale of real estate, businesses and business  
32 opportunities negotiates or offers, attempts or agrees to negotiate a loan  
33 secured or to be secured by any mortgage or other encumbrance on or  
34 transfer of real estate, businesses and business opportunities or  
35 timeshare interests subject to section 32-2155, subsection D. This  
36 subdivision does not apply to mortgage brokers as defined in and subject  
37 to title 6, chapter 9, article 1.

38 (l) Engages in the business of assisting or offering to assist  
39 another in filing an application for the purchase or lease of, or in  
40 locating or entering on, lands owned by the state or federal government.

41 (m) Claims, demands, charges, receives, collects or contracts to  
42 collect an advance fee in connection with any employment enumerated in  
43 this section, including employment undertaken to promote the sale or lease  
44 of real property by advance fee listing, by furnishing rental information  
45 to a prospective tenant for a fee paid by the prospective tenant, by

1 advertising or by any other offering to sell, lease, exchange or rent real  
2 property or selling kits connected therewith. This does not include the  
3 activities of any communications media of general circulation or coverage  
4 not primarily engaged in advertising real estate or any communications  
5 media activities that are specifically exempt from applicability of this  
6 article under section 32-2121.

7 (n) Engages in any of the acts listed in subdivisions (a) through  
8 (m) of this paragraph for the sale or lease of other than real property if  
9 a real property sale or lease is a part of, contingent on or ancillary to  
10 the transaction.

11 (o) Performs any of the acts listed in subdivisions (a) through (m)  
12 of this paragraph as an employee of, or in behalf of, the owner of real  
13 estate, or interest in the real estate, or improvements affixed on the  
14 real estate, for compensation.

15 (p) Acts as a business broker.

16 52. "Real estate sales contract" means an agreement in which one  
17 party agrees to convey title to real estate to another party on the  
18 satisfaction of specified conditions set forth in the contract.

19 53. "Real estate salesperson" means a natural person who acts on  
20 the person's own behalf or through and on behalf of a professional limited  
21 liability company or a professional corporation engaged by or on behalf of  
22 a licensed real estate broker, or by or on behalf of a limited liability  
23 company, partnership or corporation that is licensed as a real estate  
24 broker, to perform any act or participate in any transaction in a manner  
25 included in the definition of real estate broker subject to section  
26 32-2155.

27 54. "Sale" or "lease" includes every disposition, transfer, option  
28 or offer or attempt to dispose of or transfer real property, or an  
29 interest, use or estate in the real property, including offering the  
30 property as a prize or gift if a monetary charge or consideration for  
31 whatever purpose is required.

32 55. "Salesperson", when used without modification, means a natural  
33 person who acts on the person's own behalf or through and on behalf of a  
34 professional limited liability company or a professional corporation  
35 licensed under this chapter or any person required to be licensed as a  
36 salesperson under this chapter.

37 56. "School" means a person or entity that offers a course of study  
38 toward completion of the education requirements leading to licensure or  
39 renewal of licensure under this chapter.

40 57. "SMALL LAND SUBDIVIDER" MEANS ANY PERSON WHO DOES ANY OF THE  
41 FOLLOWING:

42 (a) OFFERS FOR SALE OR LEASE SIX TO TEN LOTS OR PARCELS IN A SMALL  
43 LAND SUBDIVISION.

44 (b) CAUSES LAND TO BE DIVIDED INTO A SMALL LAND SUBDIVISION FOR  
45 EITHER THE PERSON WHO CAUSES THE LAND TO BE DIVIDED OR FOR OTHERS.

1 (c) UNDERTAKES TO DEVELOP A SMALL LAND SUBDIVISION.

2 58. "SMALL LAND SUBDIVISION" MEANS IMPROVED OR UNIMPROVED LAND OR  
3 LANDS THAT ARE DIVIDED OR PROPOSED TO BE DIVIDED FOR THE PURPOSE OF SALE  
4 OR LEASE, WHETHER IMMEDIATE OR FUTURE, WITHIN A TEN-YEAR PERIOD INTO SIX  
5 TO TEN LOTS OR PARCELS IN A COUNTY THAT HAS AUTHORIZED THE USE OF SMALL  
6 LAND SUBDIVISIONS PURSUANT TO SECTION 11-834.

7 59. "SMALL LAND SUBDIVISION PUBLIC REPORT" MEANS A WRITTEN NOTICE  
8 AND DISCLOSURE SUBMITTED TO THE COMMISSIONER PURSUANT TO SECTION  
9 32-2183.07.

10 ~~57.~~ 60. "Stock cooperative" means a corporation to which all of  
11 the following apply:

12 (a) The corporation is formed or used to hold title to improved  
13 real property in fee simple or for a term of years.

14 (b) All or substantially all of the shareholders of the corporation  
15 each receive a right of exclusive occupancy in a portion of the real  
16 property to which the corporation holds title.

17 (c) The right of occupancy may only be transferred with the  
18 concurrent transfer of the shares of stock in the corporation held by the  
19 person having the right of occupancy.

20 ~~58.~~ 61. "Subdivider":

21 (a) Means any person who offers for sale or lease six or more lots,  
22 parcels or fractional interests in a subdivision or who causes land to be  
23 subdivided into a subdivision for the ~~subdivider~~ PERSON or for others, or  
24 who undertakes to develop a subdivision.

25 (b) Does not include a public agency or officer authorized by law  
26 to create subdivisions.

27 ~~59.~~ 62. "Subdivision" or "subdivided lands":

28 (a) Means improved or unimproved land or lands divided or proposed  
29 to be divided for the purpose of sale or lease, whether immediate or  
30 future, into EITHER OF THE FOLLOWING:

31 (i) IN A COUNTY THAT HAS NOT AUTHORIZED THE USE OF SMALL LAND  
32 SUBDIVISIONS PURSUANT TO SECTION 11-834, six or more lots, parcels or  
33 fractional interests.

34 (ii) IN A COUNTY THAT HAS AUTHORIZED THE USE OF SMALL LAND  
35 SUBDIVISIONS PURSUANT TO SECTION 11-834, ELEVEN OR MORE LOTS OR PARCELS.

36 (b) Includes a stock cooperative, lands divided or proposed to be  
37 divided as part of a common promotional plan and residential condominiums  
38 as defined in title 33, chapter 9.

39 (c) Does not include:

40 (i) Leasehold offerings of one year or less.

41 (ii) The division or proposed division of land located in this  
42 state into lots or parcels each of which is or will be thirty-six acres or  
43 more in area including to the centerline of dedicated roads or easements,  
44 if any, contiguous to the lot or parcel.

1 (iii) The leasing of agricultural lands or apartments, offices,  
2 stores, hotels, motels, pads or similar space within an apartment  
3 building, industrial building, rental recreational vehicle community,  
4 rental manufactured home community, rental mobile home park or commercial  
5 building.

6 (iv) The subdivision into or development of parcels, plots or  
7 fractional portions within the boundaries of a cemetery that has been  
8 formed and approved pursuant to this chapter.

9 (v) A sale or lease of a lot, parcel or fractional interest that  
10 occurs ten or more years after the sale or lease of another lot, parcel or  
11 fractional interest if the other lot, parcel or fractional interest is not  
12 subject to this article and is treated as an independent parcel unless, on  
13 investigation by the commissioner, there is evidence of intent to  
14 subdivide.

15 ~~60:~~ 63. "Timeshare" or "timeshare property" means real property  
16 ownership or right of occupancy in real property pursuant to article 9 of  
17 this chapter. For the purposes of this chapter, a timeshare is not a  
18 security unless it meets the definition of a security under section  
19 44-1801.

20 ~~61:~~ 64. "Trustee":

21 (a) Means a person who either:

22 (i) Is designated under section 32-2194.27 to act as a trustee for  
23 an endowment-care cemetery fund.

24 (ii) Holds bare legal title to real property under a subdivision  
25 trust.

26 (b) Does not include a developer, subdivider, broker or salesperson  
27 within this chapter.

28 ~~62:~~ 65. "Unimproved lot or parcel" means a lot or parcel of a  
29 subdivision that is not an improved lot or parcel.

30 ~~63:~~ 66. "Unsubdivided lands":

31 (a) Means land or lands divided or proposed to be divided for the  
32 purpose of sale or lease, whether immediate or future, into six or more  
33 lots, parcels or fractional interests and the lots or parcels are  
34 thirty-six acres or more each but less than one hundred sixty acres each,  
35 or that are offered, known or advertised under a common promotional plan  
36 for sale or lease, except that agricultural leases shall not be included  
37 in this definition.

38 (b) Includes any land that is sold and that would otherwise  
39 constitute the sixth lot, parcel or fractional interest if the sale occurs  
40 ten or more years after the earliest of the previous five sales and if all  
41 of the sales consist of property that was originally contained within the  
42 same parcel that is thirty-six acres or more and less than one hundred  
43 sixty acres.



1 (iii) Sell or lease timeshare estates pursuant to article 9 of this  
2 chapter.

3 (iv) Sell membership camping contracts pursuant to article 10 of  
4 this chapter.

5 (c) SMALL LAND SUBDIVISION PUBLIC REPORT TO SELL OR LEASE LANDS IN  
6 A SMALL LAND SUBDIVISION PURSUANT TO ARTICLE 4 OF THIS CHAPTER.

7 ~~(c)~~ (d) Certificate of authority to sell cemetery lots pursuant to  
8 article 6 of this chapter.

9 Sec. 4. Section 32-2183.03, Arizona Revised Statutes, is amended to  
10 read:

11 32-2183.03. Civil liabilities

12 A. ~~When~~ IF any part of the notice of intention filed pursuant to  
13 section 32-2181 contains an untrue statement of a material fact or omits a  
14 material fact required to be stated in such notice, the subdivider or  
15 agent shall be liable as provided in this section to any person who  
16 acquires a lot or parcel in the subdivision covered by such notice of  
17 intention during such period the notice of intention remained uncorrected  
18 unless at the time of such acquisition the person acquiring the lot knew  
19 of such untruth or omission.

20 B. Any subdivider or agent who sells or leases a lot or parcel in a  
21 subdivision in violation of section 32-2183 or by means of a public report  
22 OR SMALL LAND SUBDIVISION PUBLIC REPORT that contains an untrue statement  
23 of a material fact or omits a material fact required to be stated in such  
24 report shall be liable to the purchaser of such lot or parcel as provided  
25 in this section unless at the time of purchase the purchaser knew of the  
26 untruth or omission.

27 C. It is unlawful for a subdivider or agent in selling or leasing,  
28 or offering to sell or lease, any lot or parcel in a subdivision to:

29 1. Employ any device, scheme or artifice to defraud.

30 2. Obtain money or property by means of a material  
31 misrepresentation with respect to any information included in the notice  
32 of intention or the public report OR SMALL LAND SUBDIVISION PUBLIC REPORT  
33 or with respect to any other information pertinent to the lot, parcel or  
34 subdivision and on which the purchaser relies.

35 3. Engage in any transaction, practice or course of business that  
36 operates or would operate as a fraud or deceit on a purchaser.

37 D. Except as provided in subsection E of this section, damages in  
38 any suit brought pursuant to this section shall be the difference between  
39 the purchase price of the lot or parcel plus the cost of any improvements  
40 made to such lot or parcel and the following applicable amount:

41 1. The price at which such lot or parcel was sold in a bona fide  
42 market transaction ~~prior to~~ BEFORE suit or judgment.



1 THAT HAS A TEN PERCENT OR MORE FINANCIAL INTEREST OR, IF THE LEGAL ENTITY  
2 IS A TRUST, EACH BENEFICIARY OF THE TRUST THAT HOLDS A TEN PERCENT OR MORE  
3 BENEFICIAL INTEREST.

4 2. A SURVEY OF THE LAND THAT IS THE SUBJECT OF THE PROPOSED SMALL  
5 LAND SUBDIVISION AND THE LEGAL DESCRIPTION AND AREA OF THE LAND.

6 3. TRUE STATEMENTS FOR ALL OF THE FOLLOWING:

7 (a) THERE  IS  IS NOT . . . . LEGAL ACCESS, AS DEFINED IN A.R.S.  
8 § 11-831, TO THE LANDS.

9 EXPLAIN: \_\_\_\_\_

10 \_\_\_\_\_

11 \_\_\_\_\_

12 (b) THERE  IS  IS NOT . . . . PHYSICAL ACCESS TO THE LANDS.

13 EXPLAIN: \_\_\_\_\_

14 \_\_\_\_\_

15 \_\_\_\_\_

16 (c) THERE  IS  IS NOT . . . . A STATEMENT FROM A LICENSED  
17 SURVEYOR OR ENGINEER AVAILABLE STATING WHETHER THE LANDS HAVE PHYSICAL  
18 ACCESS THAT IS TRAVERSABLE BY A TWO-WHEEL DRIVE PASSENGER MOTOR VEHICLE.

19 (d) THE LEGAL AND PHYSICAL ACCESS TO THE LANDS  IS  IS  
20 NOT . . . . THE SAME.

21 EXPLAIN: \_\_\_\_\_

22 \_\_\_\_\_

23 \_\_\_\_\_

24 (e) THE ROAD(S) IS/ARE  PUBLICLY MAINTAINED  PRIVATELY  
25 MAINTAINED  NOT MAINTAINED  NOT APPLICABLE. IF APPLICABLE, THERE  IS  
26  IS NOT . . . . A RECORDED ROAD MAINTENANCE AGREEMENT.

27 (f) A PORTION OR ALL OF THE LANDS  ARE  ARE NOT . . . . LOCATED  
28 IN A FEMA-DESIGNATED REGULATORY FLOODPLAIN.

29 EXPLAIN: \_\_\_\_\_

30 \_\_\_\_\_

31 \_\_\_\_\_

32 (g) THE LANDS  ARE  ARE NOT . . . . SUBJECT TO  FISSURES OR  
33  EXPANSIVE SOILS.

34 EXPLAIN: \_\_\_\_\_

35 \_\_\_\_\_

36 \_\_\_\_\_

37 (h) THE FOLLOWING SERVICES ARE CURRENTLY PROVIDED TO THE LANDS:  
38  WATER  SEWER  ELECTRIC  NATURAL GAS  SINGLE-PARTY TELEPHONE  
39  CABLE TELEVISION SERVICES.

40 (i) THE LANDS  ARE  ARE NOT . . . . SERVED BY A WATER SUPPLY  
41 THAT REQUIRES THE TRANSPORTATION OF WATER TO THE PROPERTY. IF THE LANDS  
42 WILL BE SERVED BY A WATER SUPPLY THAT REQUIRES THE TRANSPORTATION OF WATER  
43 TO THE LANDS, THE NAME AND CONTACT INFORMATION OF THE WATER HAULER OR  
44 WATER HAULING COMPANY THAT WILL PROVIDE THE TRANSPORTATION SERVICES TO THE

1 LANDS AND THE NAME AND LOCATION OF THE WATER SUPPLY FROM WHICH THE WATER  
2 WILL BE TRANSPORTED:

3 WATER HAULER NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

4 WATER SUPPLY: \_\_\_\_\_ LOCATION: \_\_\_\_\_

5 (j) THE LANDS ARE SERVED BY  A PRIVATE WATER COMPANY  A  
6 MUNICIPAL WATER PROVIDER  A PRIVATE WELL  A SHARED WELL  NO WELL. IF  
7 SERVED BY A SHARED WELL, THE SHARED WELL  IS  IS NOT . . . . A PUBLIC  
8 WATER SYSTEM, AS DEFINED BY THE SAFE DRINKING WATER ACT (42 U.S.C. §  
9 300f).

10 (k) THE LANDS OR THE WATER USED ON THE LANDS  ARE  ARE  
11 NOT. . . . THE SUBJECT OF A STATEMENT OF CLAIMANT FOR THE USE OF WATER IN  
12 A GENERAL ADJUDICATION OF WATER RIGHTS  UNKNOWN.

13 (l) THE LANDS  DO HAVE  DO NOT HAVE . . . . ON-SITE WASTEWATER  
14 TREATMENT FACILITIES (I.E., STANDARD SEPTIC OR ALTERNATIVE SYSTEM TO TREAT  
15 AND DISPOSE OF WASTEWATER). IF APPLICABLE:

16 (i) THE LANDS  WILL  WILL NOT . . . . REQUIRE INSTALLATION OF AN  
17 ON-SITE WASTEWATER TREATMENT FACILITY.

18 (ii) THE ON-SITE WASTEWATER TREATMENT FACILITIES  HAVE  HAVE  
19 NOT . . . . BEEN INSPECTED.

20 (m) THE LANDS  HAVE BEEN  HAVE NOT BEEN . . . . SUBJECT TO A  
21 PERCOLATION TEST.  UNKNOWN.

22 (n) THE LANDS  DO HAVE  DO NOT HAVE . . . . ONE OR MORE SOLAR  
23 ENERGY DEVICES THAT ARE  LEASED  OWNED. IF THE SOLAR ENERGY DEVICES  
24 ARE LEASED, THE NAME AND CONTACT INFORMATION OF THE LEASING COMPANY:

25 LEASING COMPANY NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

26 (o) THE LANDS  DO HAVE  DO NOT HAVE . . . . ONE OR MORE  
27 BATTERY ENERGY STORAGE DEVICES THAT ARE  LEASED  OWNED. IF THE BATTERY  
28 ENERGY STORAGE DEVICES ARE LEASED, THE NAME AND CONTACT INFORMATION OF THE  
29 LEASING COMPANY:

30 LEASING COMPANY NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

31 (p) A PORTION OR ALL OF THE LANDS  ARE  ARE NOT . . . . LOCATED  
32 IN A NO-FENCE DISTRICT ESTABLISHED PURSUANT TO A.R.S. TITLE 3, CHAPTER 11,  
33 ARTICLE 8. IT IS THE PROPERTY OWNER'S RESPONSIBILITY TO FENCE OUT  
34 UNWANTED LIVESTOCK USING A LAWFUL FENCE AS PRESCRIBED BY A.R.S. § 3-1426  
35 IF THE PROPERTY IS NOT LOCATED IN A NO-FENCE DISTRICT.

36 (q) THE LANDS  DO  DO NOT . . . . MEET THE MINIMUM APPLICABLE  
37 COUNTY ZONING REQUIREMENTS OF THE APPLICABLE ZONING DESIGNATION.

38 (r) THE SALE OF THE LANDS  DO  DO NOT . . . . MEET THE  
39 REQUIREMENTS OF A.R.S. § 11-831 AND § 32-2181 REGARDING LAND DIVISIONS. IF  
40 THOSE REQUIREMENTS ARE NOT MET, THE PROPERTY OWNER MAY NOT BE ABLE TO  
41 OBTAIN A BUILDING PERMIT. IT IS UNLAWFUL PURSUANT TO A.R.S. § 11-831,  
42 SUBSECTION F AND A.R.S. § 32-2181, SUBSECTION D FOR A PERSON OR GROUP OF  
43 PERSONS TO ATTEMPT TO AVOID THE SUBDIVISION LAWS OF THIS STATE BY ACTING  
44 IN CONCERT TO DIVIDE A PARCEL OF LAND INTO SIX OR MORE LOTS OR  
45 PARCELS. THE COUNTY WHERE THE LAND DIVISION OCCURRED OR THE STATE REAL

1 ESTATE DEPARTMENT MAY INVESTIGATE AND ENFORCE THE PROHIBITION AGAINST  
2 ACTING IN CONCERT TO UNLAWFULLY DIVIDE A PARCEL OF LAND INTO SIX OR MORE  
3 LOTS OR PARCELS. IF THE SALE OF THE LANDS DO NOT MEET THE REQUIREMENTS OF  
4 A.R.S. § 11-831 AND § 32-2181, THE DEFICIENCIES ARE THE FOLLOWING:

5 \_\_\_\_\_  
6 \_\_\_\_\_  
7 \_\_\_\_\_

8 (s) THE LANDS  ARE  ARE NOT . . . . LOCATED IN THE CLEAR ZONE OF  
9 A MILITARY AIRPORT OR ANCILLARY MILITARY FACILITY, AS DEFINED IN A.R.S. §  
10 28-8461. (MAPS ARE AVAILABLE AT THE STATE REAL ESTATE DEPARTMENT'S  
11 WEBSITE.)

12 (t) THE LANDS  ARE  ARE NOT . . . . LOCATED IN THE HIGH NOISE OR  
13 ACCIDENT POTENTIAL ZONE OF A MILITARY AIRPORT OR ANCILLARY MILITARY  
14 FACILITY, AS DEFINED IN A.R.S. § 28-8461. (MAPS ARE AVAILABLE AT THE  
15 STATE REAL ESTATE DEPARTMENT'S WEBSITE.)

16 (u) NOTICE: IF THE LANDS ARE LOCATED WITHIN THE TERRITORY IN THE  
17 VICINITY OF A MILITARY AIRPORT OR ANCILLARY MILITARY FACILITY, THE LANDS  
18 ARE REQUIRED TO COMPLY WITH SOUND ATTENUATION STANDARDS AS PRESCRIBED BY  
19 A.R.S. § 28-8482. (MAPS ARE AVAILABLE AT THE STATE REAL ESTATE  
20 DEPARTMENT'S WEBSITE.)

21 (v) THE LANDS  ARE  ARE NOT . . . . LOCATED UNDER MILITARY  
22 RESTRICTED AIRSPACE. (MAPS ARE AVAILABLE AT THE STATE REAL ESTATE  
23 DEPARTMENT'S WEBSITE.)

24 (w) THE LANDS  ARE  ARE NOT . . . . LOCATED IN A MILITARY  
25 ELECTRONICS RANGE AS DEFINED IN A.R.S. § 9-500.28 AND § 11-818. (MAPS ARE  
26 AVAILABLE AT THE STATE REAL ESTATE DEPARTMENT'S WEBSITE.)

27 (x) THE LANDS  ARE  ARE NOT . . . . LOCATED WITHIN THE INFLUENCE  
28 AREA OF A MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE AS  
29 DEFINED IN A.R.S. § 9-500.50 AND § 11-818.01. (MAPS ARE AVAILABLE AT THE  
30 STATE REAL ESTATE DEPARTMENT'S WEBSITE.)

31 (y) USE OF THE LANDS  IS  IS NOT . . . . LIMITED IN ANY WAY  
32 RELATING TO AN ENCUMBRANCE OF TITLE DUE TO A LIS PENDENS, A COURT ORDER OR  
33 A STATE REAL ESTATE DEPARTMENT ORDER OR A PENDING LEGAL ACTION. IF THE  
34 USE OF THE LANDS IS LIMITED DUE TO AN ENCUMBRANCE OF TITLE, THE  
35 LIMITATIONS TO THE USE ARE THE FOLLOWING:

36 \_\_\_\_\_  
37 \_\_\_\_\_  
38 \_\_\_\_\_

39 B. ON RECEIPT OF A SMALL LAND SUBDIVISION PUBLIC REPORT, THE  
40 COMMISSIONER, UNLESS THERE ARE GROUNDS FOR DENIAL, SHALL ENSURE  
41 COMPLETENESS AND ISSUE A REGISTRATION OF THE SMALL LAND SUBDIVISION PUBLIC  
42 REPORT TO THE SMALL LAND SUBDIVIDER ALLOWING THE SALE OR LEASE IN THIS  
43 STATE OF THE LOT OR PARCELS THAT ARE THE SUBJECT OF THE SMALL LAND  
44 SUBDIVISION.

1           32-2183.08. Small land subdivisions; delivery; penalties

2           A. FOR THE PURPOSES OF A DELIVERY OF AN APPROVED SMALL LAND  
3 SUBDIVISION PUBLIC REPORT, SECTION 32-2185.06 APPLIES.

4           B. IN ADDITION TO, AND NOT LIMITED TO, A BUYER'S ABILITY TO SEEK  
5 RECOURSE AGAINST A SMALL LAND SUBDIVIDER IN A COURT OF COMPETENT  
6 JURISDICTION FOR ANY CIVIL LIABILITY PRESCRIBED IN SECTION 32-2183.03, THE  
7 DEPARTMENT MAY ASSESS A CIVIL PENALTY FOR EACH VIOLATION OF THIS CHAPTER  
8 PURSUANT TO SECTION 32-2185.09.

9           Sec. 6. Section 32-2185.06, Arizona Revised Statutes, is amended to  
10 read:

11           32-2185.06. Contract disclosures; contract disclaimers

12           All agreements and contracts for the purchase or lease of subdivided  
13 land from a subdivider, owner or agent shall clearly and conspicuously  
14 disclose, in accordance with regulations adopted by the commissioner, the  
15 nature of the document, the purchaser's right to receive a copy of the  
16 public report OR SMALL LAND SUBDIVISION PUBLIC REPORT and, in the case of  
17 unimproved lots or parcels not exempted by regulation pursuant to section  
18 32-2185.01, the purchaser's right to rescind the agreement as provided in  
19 section 32-2185.01. Any contract, agreement or lease ~~which~~ THAT fails to  
20 make disclosures pursuant to this section shall not be enforceable against  
21 the purchaser. If the transaction involves a lot or parcel offered for  
22 present or future residential use, the contract, agreement or lease shall  
23 not waive or disclaim liability for prior material representations relied  
24 ~~upon~~ ON by the purchaser made by the seller and such seller's agents  
25 concerning the subdivision and lot or parcel involved, and any provision  
26 attempting to waive or disclaim liability is void.

27           Sec. 7. Section 32-2185.09, Arizona Revised Statutes, is amended to  
28 read:

29           32-2185.09. Civil penalties; limitation

30           A. A subdivider or agent ~~who~~ THAT is subject to the jurisdiction of  
31 the department, ~~who~~ THAT violates this chapter or any rule adopted or  
32 order issued by the commissioner or ~~who~~ THAT engages in any unlawful  
33 ~~practices defined~~ PRACTICE PRESCRIBED in section 44-1522 with respect to  
34 the sale or lease of subdivided lands may be assessed a civil penalty by  
35 the commissioner, after a hearing, in an amount not to exceed \$2,000 for  
36 each infraction. An infraction that concerns more than one lot in a  
37 subdivision is a single infraction for the purposes of this section.

38           B. A proceeding ~~for imposition of~~ TO IMPOSE a civil penalty or ~~for~~  
39 ~~suspension~~ TO SUSPEND or ~~revocation of~~ REVOKE a license for a violation of  
40 this article or any rule adopted or order issued by the commissioner must  
41 be commenced within five years of actual discovery by the department or  
42 discovery that should have occurred with the exercise of reasonable  
43 diligence by the department.

1 C. A subdivider ~~who~~ THAT sells or leases in this state any lots,  
2 parcels or fractional interest in a subdivision without first obtaining a  
3 public report from the commissioner except as provided in section  
4 32-2181.01 or 32-2181.02 for a lot or lots created from and after December  
5 31, 2008 and on an order issued by the commissioner may be assessed a  
6 civil penalty by the commissioner, after a hearing, in an amount not to  
7 exceed \$5,000 for each infraction. A proceeding ~~for the imposition of~~ TO  
8 IMPOSE a civil penalty or ~~suspension~~ TO SUSPEND or ~~revocation of~~ REVOKE a  
9 license for a violation of this subsection or any rule adopted or order  
10 issued by the commissioner must be commenced within five years after  
11 actual discovery by the department or discovery that should have occurred  
12 with the exercise of reasonable diligence by the department.

13 D. A SMALL LAND SUBDIVIDER THAT SELLS OR LEASES IN THIS STATE ANY  
14 LOTS OR PARCELS IN A SMALL LAND SUBDIVISION WITHOUT FIRST OBTAINING A  
15 REGISTRATION OF A SMALL LAND SUBDIVISION PUBLIC REPORT FROM THE  
16 COMMISSIONER AND ON AN ORDER ISSUED BY THE COMMISSIONER MAY BE ASSESSED A  
17 CIVIL PENALTY BY THE COMMISSIONER, AFTER A HEARING, IN AN AMOUNT NOT TO  
18 EXCEED \$5,000 FOR EACH INFRACTION.

19 E. A PROCEEDING TO IMPOSE A CIVIL PENALTY OR TO SUSPEND OR REVOKE A  
20 LICENSE FOR A VIOLATION OF SUBSECTION D OF THIS SECTION OR ANY RULE  
21 ADOPTED OR ORDER ISSUED BY THE COMMISSIONER MUST BE COMMENCED WITHIN FIVE  
22 YEARS AFTER ACTUAL DISCOVERY BY THE DEPARTMENT OR DISCOVERY THAT SHOULD  
23 HAVE OCCURRED WITH THE EXERCISE OF REASONABLE DILIGENCE BY THE DEPARTMENT.

24 Sec. 8. Section 33-422, Arizona Revised Statutes, is amended to  
25 read:

26 33-422. Land divisions; recording; disclosure affidavit

27 A. A seller of five or fewer parcels of land, other than subdivided  
28 land, in an unincorporated area of a county and any subsequent seller of  
29 such a parcel shall complete and furnish a written affidavit of disclosure  
30 to the buyer at least seven days before the transfer of the property and  
31 the buyer shall acknowledge receipt of the affidavit.

32 B. The affidavit must be written in twelve-point type.

33 C. A release or waiver of a seller's liability arising out of any  
34 omission or misrepresentation contained in an affidavit of disclosure is  
35 not valid or binding on the buyer.

36 D. The buyer has the right to rescind the sales transaction for a  
37 period of five days after the affidavit of disclosure is furnished to the  
38 buyer.

39 E. The seller shall record the executed affidavit of disclosure at  
40 the same time that the deed is recorded. The county recorder is not  
41 required to verify the accuracy of any statement in the affidavit of  
42 disclosure. A subsequently recorded affidavit supersedes any previous  
43 affidavit.

1 F. The affidavit of disclosure shall contain all of the following  
2 disclosures, be completed by the seller, meet the requirements of section  
3 11-480 and follow substantially the following form:

4 When recorded mail to:  
5 \_\_\_\_\_  
6 \_\_\_\_\_  
7 \_\_\_\_\_  
8 \_\_\_\_\_

9 Affidavit of Disclosure  
10 Pursuant to A.R.S. § 33-422

11 I, \_\_\_\_\_ (seller(s))  
12 being duly sworn, hereby make this affidavit of disclosure  
13 relating to the real property situated in the unincorporated  
14 area of:

15 \_\_\_\_\_, County, State of Arizona, located at:  
16 \_\_\_\_\_

17 and legally described as:

18 (Legal description attached hereto as exhibit "A")  
19 (property).

20 1. There  is  is not . . . . legal access to the property, as  
21 defined in A.R.S. § 11-831 . . . .  unknown

22 Explain: \_\_\_\_\_  
23 \_\_\_\_\_  
24 \_\_\_\_\_

25 2. There  is  is not . . . . physical access to the property.  
26  unknown

27 Explain: \_\_\_\_\_  
28 \_\_\_\_\_  
29 \_\_\_\_\_

30 3. There  is  is not . . . . a statement from a licensed  
31 surveyor or engineer available stating whether the property has  
32 physical access that is traversable by a two-wheel drive  
33 passenger motor vehicle.

34 4. The legal and physical access to the property  is  is not . .  
35 . . the same.... unknown  not applicable.

36 Explain: \_\_\_\_\_  
37 \_\_\_\_\_  
38 \_\_\_\_\_

39 *If access to the parcel is not traversable by emergency*  
40 *vehicles, the county and emergency service providers may not*  
41 *be held liable for any damages resulting from the inability to*  
42 *traverse the access to provide needed services.*

- 1 5. The road(s) is/are  publicly maintained  privately  
2 maintained  not maintained  not applicable. If  
3 applicable, there  is  is not . . . . a recorded road  
4 maintenance agreement.  
5 *If the roads are not publicly maintained, it is the*  
6 *responsibility of the property owner(s) to maintain the roads*  
7 *and roads that are not improved to county standards and*  
8 *accepted for maintenance are not the county's responsibility.*
- 9 6. A portion or all of the property  is  is not . . . . located  
10 in a FEMA designated regulatory floodplain. If the property is  
11 in a floodplain, it may be subject to floodplain regulation.
- 12 7. The property  is  is not subject to  fissures or  
13  expansive soils.  unknown  
14 Explain: \_\_\_\_\_  
15 \_\_\_\_\_  
16 \_\_\_\_\_
- 17 8. The following services are currently provided to the property:  
18  water  sewer  electric  natural gas  single party  
19 telephone  cable television services.
- 20 9. The property  is  is not . . . . served by a water supply  
21 that requires the transportation of water to the property. If  
22 the property is served by a water supply that requires the  
23 transportation of water to the property, the seller shall  
24 disclose the name and contact information of the water hauler  
25 or water hauling company that is currently providing the  
26 transportation services to the property and the name and  
27 location of the water supply from which the water is currently  
28 being transported.  
29 Water hauler name: \_\_\_\_\_ Phone: \_\_\_\_\_  
30 Water supply: \_\_\_\_\_ Location: \_\_\_\_\_
- 31 10. The property is served by  a private water company  a  
32 municipal water provider  a private well  a shared well  
33  no well. If served by a shared well, the shared well  is  
34  is not . . . . a public water system, as defined by the safe  
35 drinking water act (42 ~~United States Code~~ U.S.C. § 300f).  
36 *Notice to buyer: If the property is served by a well, a*  
37 *private water company or a municipal water provider the*  
38 *Arizona department of water resources may not have made a*  
39 *water supply determination. For more information about water*  
40 *supply, contact the water provider.*

- 1 11. The property or the water used on the property  is  is not  
2 the subject of a statement of claimant for the use of water in  
3 a general adjudication of water rights.  unknown.  
4 *This is a lawsuit to determine the use of and relative*  
5 *priority of water rights. A map of adjudicated areas is*  
6 *available at the website of the department of water resources.*
- 7 12. The property  does have  does not have . . . . an on-site  
8 wastewater treatment facility (i.e., standard septic or  
9 alternative system to treat and dispose of wastewater).  
10  unknown. If applicable: a) The property  will  will not  
11 . . . . require installation of an on-site wastewater treatment  
12 facility; b) The on-site wastewater treatment facility  has  
13  has not been inspected.
- 14 13. The property  has been  has not been . . . . subject to a  
15 percolation test.  unknown.
- 16 14. The property  does have  does not have one or more solar  
17 energy devices that are  leased  owned.  
18 *If the solar energy devices are leased, the seller shall*  
19 *disclose the name and contact information of the leasing*  
20 *company.*  
21 *Leasing company name: \_\_\_\_\_ Phone: \_\_\_\_\_*
- 22 15. The property  does have  does not have one or more battery  
23 energy storage devices that are  leased  owned.  
24 If the battery energy storage devices are leased, the seller  
25 shall disclose the name and contact information of the leasing  
26 company.  
27 Leasing company name: \_\_\_\_\_ Phone: \_\_\_\_\_
- 28 16. A PORTION OR ALL OF THE PROPERTY  IS  IS NOT . . . . LOCATED  
29 IN A NO-FENCE DISTRICT ESTABLISHED PURSUANT TO A.R.S. TITLE 3,  
30 CHAPTER 11, ARTICLE 8. IT IS THE PROPERTY OWNER'S  
31 RESPONSIBILITY TO FENCE OUT UNWANTED LIVESTOCK USING A LAWFUL  
32 FENCE AS PRESCRIBED BY A.R.S. § 3-1426 IF THE PROPERTY IS NOT  
33 LOCATED IN A NO-FENCE DISTRICT.
- 34 ~~16-~~ 17. The property  does  does not . . . . meet the minimum  
35 applicable county zoning requirements of the applicable zoning  
36 designation.
- 37 ~~17-~~ 18. The sale of the property  does  does not . . . . meet the  
38 requirements of A.R.S. § 11-831 and § 32-2181 regarding land  
39 divisions. If those requirements are not met, the property  
40 owner may not be able to obtain a building permit. It is  
41 unlawful pursuant to A.R.S. § 11-831, subsection F and A.R.S.  
42 § 32-2181, subsection D for a person or group of persons to  
43 attempt to avoid the subdivision laws of this state by acting  
44 in concert to divide a parcel of land into six or more lots or  
45 parcels. The county where the land division occurred or the

1 state real estate department may investigate and enforce the  
2 prohibition against acting in concert to unlawfully divide a  
3 parcel of land into six or more lots or parcels. The seller or  
4 property owner shall disclose each of the deficiencies to the  
5 buyer.

6 Explain: \_\_\_\_\_  
7 \_\_\_\_\_  
8 \_\_\_\_\_

9 ~~18.~~ 19. The property  is  is not located in the clear zone of a  
10 military airport or ancillary military facility, as defined in  
11 A.R.S. § 28-8461. (Maps are available at the state real estate  
12 department's website.)

13 ~~19.~~ 20. The property  is  is not located in the high noise or  
14 accident potential zone of a military airport or ancillary  
15 military facility, as defined in A.R.S. § 28-8461. (Maps are  
16 available at the state real estate department's website.)

17 ~~20.~~ 21. Notice: If the property is located within the territory in  
18 the vicinity of a military airport or ancillary military  
19 facility, the property is required to comply with sound  
20 attenuation standards as prescribed by A.R.S. § 28-8482. (Maps  
21 are available at the state real estate department's website.)

22 ~~21.~~ 22. The property  is  is not located under military  
23 restricted airspace.  unknown. (Maps are available at the  
24 state real estate department's website.)

25 ~~22.~~ 23. The property  is  is not located in a military  
26 electronics range as defined in A.R.S. § 9-500.28 and § 11-818.  
27  unknown. (Maps are available at the state real estate  
28 department's website.)

29 ~~23.~~ 24. The property  is  is not located within the influence  
30 area of a military installation or range or Arizona national  
31 guard site as defined in ~~sections~~ A.R.S. § 9-500.50 and  
32 § 11-818.01 (Maps are available at the state real estate  
33 department website.)

34 ~~24.~~ 25. Use of the property  is  is not limited in any way  
35 relating to an encumbrance of title due to a lis pendens, a  
36 court order or a state real estate department order or a  
37 pending legal action. If the use of the property is limited  
38 due to an encumbrance of title, the seller or property owner  
39 shall disclose the limitations to the buyer.

40 Explain: \_\_\_\_\_  
41 \_\_\_\_\_  
42 \_\_\_\_\_

43 This affidavit of disclosure supersedes any previously  
44 recorded affidavit of disclosure.

1 I certify under penalty of perjury that the information  
2 contained in this affidavit is true, complete and correct  
3 according to my best belief and knowledge.

4 Dated this  (date)  day of  (year)  by:  
5 Seller's name (print): \_\_\_\_\_ Signature: \_\_\_\_\_  
6 Seller's name (print): \_\_\_\_\_ Signature: \_\_\_\_\_  
7 State of Arizona )

8 ) ss.  
9 County of \_\_\_\_\_)

10 Subscribed and sworn before me this  (date)  day  
11 of  (year) , by \_\_\_\_\_.

12 \_\_\_\_\_  
13 Notary public

14 My commission expires:  
15 \_\_\_\_\_  
16 (date)

16 Buyer(s) hereby acknowledges receipt of a copy of this  
17 affidavit of disclosure this  (date)  day  
18 of  (year)

19 Buyer's name (print): \_\_\_\_\_ Signature: \_\_\_\_\_  
20 Buyer's name (print): \_\_\_\_\_ Signature: \_\_\_\_\_

21 G. For the purposes of this section, seller and subsequent seller  
22 do not include a trustee of a deed of trust who is selling property by a  
23 trustee's sale pursuant to chapter 6.1 of this title or any officer who is  
24 selling property by execution sale pursuant to title 12, chapter 9 and  
25 chapter 6 of this title. If the seller is a trustee of a subdivision trust  
26 as defined in section 6-801, the disclosure affidavit required by this  
27 section shall be provided by the beneficiary of the subdivision trust.

28 Sec. 9. Section 45-108, Arizona Revised Statutes, is amended to  
29 read:

30 45-108. Evaluation of subdivision water supply and small land  
31 subdivision; definitions

32 A. In areas outside of active management areas established pursuant  
33 to chapter 2, article 2 of this title, the developer of a proposed  
34 subdivision, including dry lot subdivisions, regardless of subdivided lot  
35 size, ~~prior to recordation~~ OR OF A PROPOSED SMALL LAND SUBDIVISION BEFORE  
36 RECORDING of the plat, shall submit plans for the water supply for the  
37 subdivision OR SMALL LAND SUBDIVISION and demonstrate the adequacy of the  
38 water supply to meet the needs projected by the developer to the  
39 director. The director shall evaluate the plans and issue a report on the  
40 plans.

41 B. The director shall evaluate the proposed source of water for the  
42 subdivision OR SMALL LAND SUBDIVISION to determine whether there is an  
43 adequate water supply for the subdivision OR SMALL LAND SUBDIVISION, and  
44 shall forward a copy of the director's report to the state real estate

1 commissioner and the city, town or county responsible for platting the  
2 subdivision OR SMALL LAND SUBDIVISION.

3 C. The director may designate cities, towns and private water  
4 companies as having an adequate water supply by reporting that designation  
5 to the water department of the city or town or private water company and  
6 the state real estate commissioner.

7 D. As an alternative to designation under subsection C of this  
8 section, the director may designate a city or town that has entered into a  
9 contract with the United States secretary of the interior or a county  
10 water authority established pursuant to chapter 13 of this title for  
11 permanent supplies of Colorado river water for municipal and industrial  
12 use as having an adequate water supply if all of the following apply:

13 1. The city or town has entered into a contract with each private  
14 water company that serves water within the city or town to provide  
15 Colorado river water to those private water companies.

16 2. The Colorado river water for which the city or town has  
17 contracted is sufficient together with other water supplies available to  
18 the city or town and the private water companies that serve water within  
19 that city or town to provide an adequate supply of water for the city or  
20 town.

21 3. The director finds that new subdivisions OR SMALL LAND  
22 SUBDIVISIONS within the city or town will be served primarily with  
23 Colorado river water by the city or town or one of the private water  
24 companies that serve water within that city or town.

25 E. The director shall not require a developer to submit plans for  
26 the water supply pursuant to subsection A of this section if either:

27 1. Both of the following apply:

28 (a) The developer has obtained a written commitment of water  
29 service from cities, towns or private water companies that have been  
30 designated as having an adequate water supply.

31 (b) That city, town or private water company has been designated as  
32 having an adequate water supply pursuant to subsection C of this section.

33 2. All of the following apply:

34 (a) The city or town has been designated as having an adequate  
35 water supply pursuant to subsection D of this section.

36 (b) The developer has obtained a written commitment of water  
37 service from the city or town or a private water company that serves water  
38 within that city or town.

39 (c) The developer has obtained the written concurrence of the city  
40 or town that has been designated.

41 F. The director may revoke a designation made pursuant to this  
42 section when the director finds that the water supply may become  
43 inadequate.

1 G. ~~The state of Arizona~~ THIS STATE and the director or department  
2 ~~shall~~ ARE not ~~be~~ liable for any report, designation or evaluation prepared  
3 in good faith pursuant to this section.

4 H. If the director receives written notice from the board of  
5 supervisors of a county that it has adopted the provision authorized by  
6 section 11-823, subsection A, the director shall give written notice of  
7 the provision to the mayors of all cities and towns in the county. A city  
8 or town that receives the notice shall comply with section 9-463.01,  
9 subsections J, K, L, M and N.

10 I. For the purposes of this section: ~~;~~

11 1. "Adequate water supply" means both of the following:

12 ~~1.~~ (a) Sufficient groundwater, surface water or effluent of  
13 adequate quality will be continuously, legally and physically available to  
14 satisfy the water needs of the proposed use for at least one hundred  
15 years.

16 ~~2.~~ (b) The financial capability has been demonstrated to construct  
17 the water facilities necessary to make the supply of water available for  
18 the proposed use, including a delivery system and any storage facilities  
19 or treatment works. The director may accept evidence of the construction  
20 assurances required by section 9-463.01, 11-823 or 32-2181 to satisfy this  
21 requirement.

22 2. "SMALL LAND SUBDIVISION" HAS THE SAME MEANING PRESCRIBED IN  
23 SECTION 32-2101.

24 3. "SUBDIVISION" HAS THE SAME MEANING PRESCRIBED IN SECTION  
25 32-2101.