

REFERENCE TITLE: municipalities; planned communities; design; prohibition.

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

HB 2588

Introduced by
Representative Way

AN ACT

AMENDING SECTION 9-461.15, ARIZONA REVISED STATUTES; AMENDING TITLE 9,
CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION
9-461.21; RELATING TO MUNICIPAL PLANNING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-461.15, Arizona Revised Statutes, is amended
3 to read:

4 9-461.15. Requirement of planned community; shared features;
5 prohibited; applicability; definitions

6 A. The planning agency of a municipality, in exercising its
7 authority pursuant to this title, shall not require as part of a
8 subdivision regulation or zoning ordinance that a subdivider or developer
9 establish ~~an A HOMEOWNER'S~~ association ~~as defined in section 33-1802~~. A
10 subdivider or developer shall not be penalized because a real estate
11 subdivision or development does not constitute or include a planned
12 community.

13 B. NOTWITHSTANDING ANY OTHER LAW, A MUNICIPALITY MAY NOT REQUIRE AS
14 PART OF A DEVELOPMENT OR SUBDIVISION EITHER OF THE FOLLOWING:

15 1. A SHARED FEATURE OR AMENITY THAT WOULD REQUIRE A HOMEOWNERS'
16 ASSOCIATION, A CONDOMINIUM ASSOCIATION OR ANY OTHER ASSOCIATION TO
17 MAINTAIN OR OPERATE THE FEATURE OR AMENITY, EXCEPT IF REQUIRED BY FEDERAL
18 LAW.

19 2. A GATE, WALL, FENCE OR OTHER PERIMETER ENCLOSURE OR ANY TYPE OF
20 CONTROLLED ACCESS.

21 ~~C.~~ C. A municipality may require a subdivider or developer to
22 establish ~~an A HOMEOWNER'S~~ association to maintain private, common or
23 ~~community-owned~~ COMMUNITY-OWNED improvements that are approved and
24 installed as part of a preliminary plat, final plat or specific plan. A
25 municipality shall not require that ~~an A HOMEOWNER'S~~ association be formed
26 or operated other than for the maintenance of common areas or ~~community~~
27 ~~owned~~ COMMUNITY-OWNED property. This subsection applies only to planned
28 communities that are established in plats recorded after ~~the effective~~
29 ~~date of this section~~ JULY 24, 2014.

30 ~~C.~~ D. This section does not limit the subdivider or developer in
31 the establishment or authority of any planned community established
32 pursuant to title 33, chapter 16 or limit a subdivider, a developer or ~~an~~
33 ~~A HOMEOWNER'S~~ association from requesting and entering into a maintenance
34 agreement with a municipality.

35 E. SUBSECTION B OF THIS SECTION DOES NOT SUPERSEDE APPLICABLE
36 BUILDING CODES, FIRE CODES OR PUBLIC HEALTH AND SAFETY REGULATIONS.

37 F. FOR THE PURPOSES OF THIS SECTION:

38 1. "CONDOMINIUM ASSOCIATION" MEANS AN ASSOCIATION AS DEFINED IN
39 SECTION 33-1202.

40 2. "HOMEOWNERS' ASSOCIATION" MEANS AN ASSOCIATION AS DEFINED IN
41 SECTION 33-1802.

- 1 (b) AN AREA THAT IS DESIGNATED AS HISTORIC ON THE NATIONAL REGISTER
2 OF HISTORIC PLACES.
- 3 2. LOTS OR PARCELS THAT ARE LOCATED ON EITHER OF THE FOLLOWING:
- 4 (a) TRIBAL LAND.
- 5 (b) LAND IN A HIGH NOISE OR ACCIDENT POTENTIAL ZONE AS DEFINED IN
6 SECTION 28-8461 OF A MILITARY AIRPORT OR AN ANCILLARY MILITARY FACILITY AS
7 DEFINED IN SECTION 28-8461.
- 8 G. FOR THE PURPOSES OF THIS SECTION:
- 9 1. "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING PRESCRIBED IN
10 SECTION 9-461.18.
- 11 2. "BUILDING CODE":
- 12 (a) MEANS THE CONSTRUCTION CODES THAT ARE ADOPTED BY THE
13 MUNICIPALITY.
- 14 (b) INCLUDES PLUMBING AND MECHANICAL CODES, ELECTRIC CODES,
15 RESIDENTIAL CONSTRUCTION CODES, WILDLAND URBAN INTERFACE CODES AND ENERGY
16 CONSERVATION CODES, HOWEVER DENOMINATED.