

House Engrossed

land divisions; disclosure affidavit; recording

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

HOUSE BILL 2023

AN ACT

AMENDING SECTION 33-422, ARIZONA REVISED STATUTES; RELATING TO PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 33-422, Arizona Revised Statutes, is amended to
3 read:

4 33-422. Land divisions; recording; disclosure affidavit

5 A. A seller of five or fewer parcels of land, other than subdivided
6 land, in an unincorporated area of a county and any subsequent seller of
7 ~~such a~~ ANY parcel THAT IS THE SUBJECT OF AN AFFIDAVIT RECORDED AS
8 PRESCRIBED BY THIS SECTION shall complete and furnish a written affidavit
9 of disclosure to the buyer at least seven days before the transfer of the
10 property and the buyer shall acknowledge receipt of the affidavit.

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

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

15 D. The buyer has the right to rescind the sales transaction for a
16 period of five days after the affidavit of disclosure is furnished to the
17 buyer.

18 E. The seller OR, ON THE REQUEST, DIRECTION OR INSTRUCTION OF THE
19 SELLER, THE ESCROW AGENT FOR THE TRANSACTION WHO IS LICENSED PURSUANT TO
20 TITLE 6, CHAPTER 7 shall record the executed affidavit of disclosure at
21 the same time that the deed is recorded. The county recorder is not
22 required to verify the accuracy of any statement in the affidavit of
23 disclosure. A subsequently recorded affidavit supersedes any previous
24 affidavit AND THE SUBSEQUENT SELLER OR, ON THE REQUEST, DIRECTION OR
25 INSTRUCTION OF THE SUBSEQUENT SELLER, THE ESCROW AGENT FOR THE SUBSEQUENT
26 TRANSACTION WHO IS LICENSED PURSUANT TO TITLE 6, CHAPTER 7 SHALL RECORD
27 THE SUBSEQUENTLY EXECUTED AFFIDAVIT PRESCRIBED BY THIS SECTION. A LICENSED
28 ESCROW AGENT WHO RECORDS AN AFFIDAVIT PURSUANT TO THIS SUBSECTION IS NOT
29 LIABLE FOR ANY INACCURATE INFORMATION IN THE AFFIDAVIT, INCLUDING ANY
30 OMISSIONS OF MATERIAL FACTS.

31 F. The affidavit of disclosure shall contain all of the following
32 disclosures, be completed by the seller, meet the requirements of section
33 11-480 and follow substantially the following form:

34 When recorded mail to:

35 _____
36 _____
37 _____
38 _____

39 Affidavit of Disclosure
40 Pursuant to A.R.S. § 33-422

41 I, _____ (seller(s))
42 being duly sworn, hereby make this affidavit of disclosure
43 relating to the real property situated in the unincorporated
44 area of:

1 _____, County, State of Arizona, located at:
2 _____
3 and legally described as:
4 (Legal description attached hereto as exhibit "A")
5 (property).

6 1. There is is not legal access to the property, as
7 defined in A.R.S. § 11-831 unknown
8 Explain: _____
9 _____
10 _____

11 2. There is is not physical access to the property.
12 unknown
13 Explain: _____
14 _____
15 _____

16 3. There is is not a statement from a licensed
17 surveyor or engineer available stating whether the property has
18 physical access that is traversable by a two-wheel drive
19 passenger motor vehicle.

20 4. The legal and physical access to the property is is not . .
21 . . the same.... unknown not applicable.
22 Explain: _____
23 _____
24 _____

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

29 5. The road(s) is/are publicly maintained privately
30 maintained not maintained not applicable. If applicable,
31 there is is not a recorded road maintenance
32 agreement.
33 *If the roads are not publicly maintained, it is the*
34 *responsibility of the property owner(s) to maintain the roads*
35 *and roads that are not improved to county standards and*
36 *accepted for maintenance are not the county's responsibility.*

37 6. A portion or all of the property is is not located
38 in a FEMA designated regulatory floodplain. If the property is
39 in a floodplain, it may be subject to floodplain regulation.

40 7. The property is is not subject to fissures or
41 expansive soils. unknown
42 Explain: _____
43 _____
44 _____

- 1 8. The following services are currently provided to the property:
2 water sewer electric natural gas single party
3 telephone cable television services.
- 4 9. The property is is not served by a water supply
5 that requires the transportation of water to the property. If
6 the property is served by a water supply that requires the
7 transportation of water to the property, the seller shall
8 disclose the name and contact information of the water hauler
9 or water hauling company that is currently providing the
10 transportation services to the property and the name and
11 location of the water supply from which the water is currently
12 being transported.
13 Water hauler name: _____ Phone: _____
14 Water supply: _____ Location: _____
- 15 10. The property is served by a private water company a
16 municipal water provider a private well a shared well
17 no well. If served by a shared well, the shared well is
18 is not a public water system, as defined by the safe
19 drinking water act (42 United States Code § 300f). IF SERVED BY
20 A PRIVATE WELL, IS IS NOT REGISTERED WITH THE DEPARTMENT
21 OF WATER RESOURCES UNKNOWN. THE WELL DOES DOES NOT
22 HAVE A PUMP COMPLETION REPORT ON FILE WITH THE DEPARTMENT OF
23 WATER RESOURCES UNKNOWN. WELL REGISTRATION NUMBER: _____
24 *Notice to buyer: If the property is served by a well, a*
25 *private water company or a municipal water provider the*
26 *Arizona department of water resources may not have made a*
27 *water supply determination. WELLS REQUIRE MAINTENANCE. IT IS*
28 *THE BUYER'S RESPONSIBILITY TO INSPECT A PRIVATE WELL. DUE TO*
29 *GEOLOGIC CONDITIONS, WATER DELIVERY SYSTEMS OR WATER HAULING*
30 *MAY BE REQUIRED. TRANSPORTING WATER BY WATER HAULING IS*
31 *ACCEPTABLE. For more information about water supply, contact*
32 *the water provider.*
- 33 11. The property or the water used on the property is is not
34 the subject of a statement of claimant for the use of water in
35 a general adjudication of water rights. unknown.
36 *This is a lawsuit to determine the use of and relative*
37 *priority of water rights. A map of adjudicated areas is*
38 *available at the website of the department of water resources.*
- 39 12. THE PROPERTY IS IS NOT LOCATED IN A BASIN OR SUBBASIN FROM
40 WHICH GROUNDWATER MAY BE TRANSPORTED AWAY PURSUANT TO TITLE 45,
41 CHAPTER 2, ARTICLE 8.1, A.R.S. IF THE PROPERTY IS LOCATED IN
42 SUCH A BASIN OR SUBBASIN, THE SELLER SHALL DISCLOSE THE BASIN
43 OR SUBBASIN THAT THE PROPERTY IS LOCATED IN:

1 ~~19.~~ 20. The sale of the property does does not . . . meet the
2 requirements of A.R.S. § 11-831 and § 32-2181 regarding land
3 divisions. If those requirements are not met, the property
4 owner may not be able to obtain a building permit. It is
5 unlawful pursuant to A.R.S. § 11-831, subsection F and A.R.S.
6 § 32-2181, subsection D for a person or group of persons to
7 attempt to avoid the subdivision laws of this state by acting
8 in concert to divide a parcel of land into six or more lots or
9 parcels. The county where the land division occurred or the
10 state real estate department may investigate and enforce the
11 prohibition against acting in concert to unlawfully divide a
12 parcel of land into six or more lots or parcels. The seller or
13 property owner shall disclose each of the deficiencies to the
14 buyer.

15 Explain: _____
16 _____
17 _____

18 ~~20.~~ 21. The property is is not located in the clear zone of a
19 military airport or ancillary military facility, as defined in
20 A.R.S. § 28-8461. (Maps are available at the state real estate
21 department's website.)

22 ~~21.~~ 22. The property is is not located in the high noise or
23 accident potential zone of a military airport or ancillary
24 military facility, as defined in A.R.S. § 28-8461. (Maps are
25 available at the state real estate department's website.)

26 ~~22.~~ 23. Notice: If the property is located within the territory in
27 the vicinity of a military airport or ancillary military
28 facility, the property is required to comply with sound
29 attenuation standards as prescribed by A.R.S. § 28-8482. (Maps
30 are available at the state real estate department's website.)

31 ~~23.~~ 24. The property is is not located under military
32 restricted airspace. unknown. (Maps are available at the
33 state real estate department's website.)

34 ~~24.~~ 25. The property is is not located in a military
35 electronics range as defined in A.R.S. § 9-500.28 and § 11-818.
36 unknown. (Maps are available at the state real estate
37 department's website.)

38 ~~25.~~ 26. The property is is not located within the influence
39 area of a military installation or range or Arizona national
40 guard site as defined in ~~sections~~ A.R.S. § 9-500.50 and
41 § 11-818.01 (Maps are available at the state real estate
42 department website.)

1 ~~26.~~ 27. Use of the property is is not limited in any way
2 relating to an encumbrance of title due to a lis pendens, a
3 court order or a state real estate department order or a
4 pending legal action. If the use of the property is limited
5 due to an encumbrance of title, the seller or property owner
6 shall disclose the limitations to the buyer.
7 Explain: _____
8 _____
9 _____

10 ~~27.~~ 28. IF THE PROPERTY WAS SOLD PURSUANT TO A TRUSTEE'S SALE,
11 EXECUTION SALE, MORTGAGE FORECLOSURE OR BY A PERSONAL
12 REPRESENTATIVE OF AN ESTATE, THOSE SELLERS ARE EXEMPT FROM
13 PROVIDING AN AFFIDAVIT. THE BUYER SHOULD INVESTIGATE THESE
14 UNKNOWN ITEMS.

15 This affidavit of disclosure supersedes any previously
16 recorded affidavit of disclosure.
17 I certify under penalty of perjury that the information
18 contained in this affidavit is true, complete and correct
19 according to my best belief and knowledge.
20 Dated this (date) day of (year) by:
21 Seller's name (print): _____ Signature: _____
22 Seller's name (print): _____ Signature: _____
23 State of Arizona)
24) ss.
25 County of _____)
26 Subscribed and sworn before me this (date) day
27 of (year), by _____.

28 _____
29 Notary public
30 My commission expires:
31 (date)

32 Buyer(s) hereby acknowledges receipt of a copy of this
33 affidavit of disclosure this (date) day
34 of (year)
35 Buyer's name (print): _____ Signature: _____
36 Buyer's name (print): _____ Signature: _____

37 G. IF THE SELLER IS A TRUSTEE OF A SUBDIVISION TRUST AS DEFINED IN
38 SECTION 6-801, THE BENEFICIARY OF THE SUBDIVISION TRUST SHALL PROVIDE THE
39 DISCLOSURE AFFIDAVIT REQUIRED BY THIS SECTION.

40 ~~G.~~ H. For the purposes of this section, seller and subsequent
41 seller do not include ANY OF THE FOLLOWING:

42 1. A trustee of a deed of trust who is selling property by a
43 trustee's sale pursuant to chapter 6.1 of this title. ~~OT~~

1 2. Any officer who is selling property by execution sale pursuant
2 to title 12, chapter 9 and chapter 6 of this title. ~~If the seller is a~~
3 ~~trustee of a subdivision trust as defined in section 6-801, the disclosure~~
4 ~~affidavit required by this section shall be provided by the beneficiary of~~
5 ~~the subdivision trust.~~

6 3. A PERSONAL REPRESENTATIVE ACTING ON BEHALF OF AN ESTATE THAT IS
7 SELLING THE PROPERTY.