

REFERENCE TITLE: homeowners' associations; shade structures

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

HB 2342

Introduced by
Representatives Travers: Weninger, Willoughby

AN ACT

AMENDING TITLE 33, CHAPTER 16, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 33-1816.01; RELATING TO PLANNED COMMUNITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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; fees and costs; 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. FOR THE PURPOSES OF THIS SECTION, "SHADE STRUCTURE" MEANS A
21 TEMPORARY OR PERMANENT STRUCTURE THAT PROTECTS AN AREA FROM EXCESSIVE
22 LIGHT OR HEAT, INCLUDING AN UMBRELLA OR AWNING OR A SHADE SAIL, GAZEBO,
23 PERGOLA OR CANOPY.