

## 2009 COMMUNITY ASSOCIATION BILLS INTRODUCED, *BUT NOT PASSED*

It is always a good idea to review the bills that did not pass after a legislative session ends because it is very likely that the same bills will be re-introduced in 2010 when the legislature convenes again.

The following bills were introduced, but *not passed*:

- The Declarant's voting rights for members of the board;
- The association's authority over roadways, easements or other areas under the ownership of a legal entity;
- The association's inability to prohibit the installation or use of solar screens and shade structures;
- Unanimous voting for specific amendments to the association's declaration;
- Electronic filing with the Arizona Corporation Commission;
- Association registration with the secretary of state;

- The amendment process for a sub-community in a master community association;
- The process for initiative petitions;
- Accommodation of amateur radio station emergency communications antennae and structures;
- Installation and use of rainwater catchments or cistern systems;
- Installation and use of energy saving devices;
- The process in which a writ of garnishment is served;
- An owner's ability to opt out of the mandatory membership in the planned community; and
- The parameters under which a political sign can be placed outside of a unit.

*Overall, it was a very slow year for association-related bills. Frankly, this was a much-needed break since the past ten years have been quite active for our industry!*

## ARIZONA REVISED STATUTES REGARDING COMMUNITY ASSOCIATIONS

[www.azleg.gov](http://www.azleg.gov) – To access Arizona Revised Statutes (A.R.S.) online.

When you have reached the home page, select "Arizona Revised Statutes" at the side of the page under "General Information". Scroll down the new page to the title you want to search, select and click on the actual title (i.e. title 33) to have the title open. The chapters, articles and sections follow, each listed respectively in numerical order. Alternately, you can choose to do a phrase search by following the instructions on the page. You can also find A.R.S. information on the MULCAHY website located at [www.mulcahylawfirm.net](http://www.mulcahylawfirm.net).

*The following Arizona state statutes may govern your community association:*

### **Title: 10 Corporations and Associations**

Chapter: 24 General Provisions – Non Profit Corporations, A.R.S. Sections 10-3101 - 10-11635  
Operation and governance of non-profit corporations are detailed in this Act. The provisions of the Non-Profit Act apply only if the articles of incorporation or bylaws of the association are silent.

### **Title: 33 Property**

Chapter: 9 Condominiums, A.R.S. Sections 33-1201 - 33-1270  
Defines the creation, management and termination of the condominium, monetary penalties, resale disclosure, liens and open meetings, etc.

Chapter: 16 Planned Communities, A.R.S. Sections 33-1801 - 33-1816

Defines a planned community association, assessments, open meetings, disclosure of association records, and penalties, etc.

### **Title: 41 Executive Officers**

Chapter: 16 Department of Fire, Building and Life Safety, Article 5: Administrative Hearings A.R.S. Sections 41-2198 - 41-2198.05

Defines procedures for administrative law judges to adjudicate complaints regarding condominiums and planned communities.

### **Not on-line?**

Most libraries have computers and will help you with a search or they may have the Arizona Revised Statutes in bound editions. If you want to research the A.R.S. bound editions, please call the library you want to use to be sure that the editions are available. The Phoenix Public Library, located on Central Avenue has the current Arizona Revised Statutes.