

REFERENCE TITLE: homeowners' associations; awnings

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

SB 1270

Introduced by
Senator Melvin

AN ACT

AMENDING TITLE 33, CHAPTER 9, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-1262; AMENDING SECTION 33-1816, ARIZONA REVISED STATUTES; RELATING TO CONDOMINIUMS AND 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 9, article 3, Arizona Revised Statutes,
3 is amended by adding section 33-1262, to read:

4 33-1262. Awnings; reasonable restrictions; fees and costs

5 A. NOTWITHSTANDING ANY PROVISION IN THE CONDOMINIUM DOCUMENTS, AN
6 ASSOCIATION SHALL NOT PROHIBIT THE INSTALLATION OR USE OF AWNINGS THAT ARE
7 INTENDED TO ACT AS AN ENERGY SAVING DEVICE. AN ASSOCIATION MAY ADOPT
8 REASONABLE RULES THAT GOVERN THE AESTHETICS, DIMENSIONS AND PLACEMENT,
9 EXTERNAL APPEARANCE AND DEFINITION OF AWNINGS IF THOSE RULES DO NOT PREVENT
10 THE INSTALLATION OR IMPAIR THE FUNCTIONING OF THE AWNING, RESTRICT ITS USE OR
11 ADVERSELY AFFECT THE EFFICIENCY OF THE AWNING.

12 B. NOTWITHSTANDING ANY PROVISION OF THE CONDOMINIUM DOCUMENTS, THE
13 COURT SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS TO ANY PARTY WHO
14 SUBSTANTIALLY PREVAILS IN AN ACTION AGAINST THE BOARD OF DIRECTORS OF THE
15 ASSOCIATION FOR A VIOLATION OF THIS SECTION.

16 Sec. 2. Section 33-1816, Arizona Revised Statutes, is amended to read:

17 33-1816. Solar energy devices; awnings; reasonable
18 restrictions; fees and costs

19 A. Notwithstanding any provision in the community documents, an
20 association shall not prohibit:

21 1. The installation or use of a solar energy device as defined in
22 section 44-1761.

23 ~~B.~~ An association may adopt reasonable rules regarding the placement
24 of a solar energy device if those rules do not prevent the installation, ~~OR~~
25 impair the functioning of the device, ~~or~~ restrict its use or adversely affect
26 the cost or efficiency of the device.

27 2. THE INSTALLATION OR USE OF AWNINGS OR SHADE STRUCTURES THAT ARE
28 INTENDED TO ACT AS AN ENERGY SAVING DEVICE. AN ASSOCIATION MAY ADOPT
29 REASONABLE RULES THAT GOVERN THE AESTHETICS, DIMENSIONS AND PLACEMENT,
30 EXTERNAL APPEARANCE AND DEFINITION OF AWNINGS AND SHADE STRUCTURES IF THOSE
31 RULES DO NOT PREVENT THE INSTALLATION OR IMPAIR THE FUNCTIONING OF THE
32 DEVICE, RESTRICT ITS USE OR ADVERSELY AFFECT THE EFFICIENCY OF THE DEVICE.

33 ~~C.~~ B. Notwithstanding any provision of the community documents, the
34 court shall award reasonable attorney fees and costs to any party who
35 substantially prevails in an action against the board of directors of the
36 association for a violation of this section.