

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2131

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 33, chapter 16, article 1, Arizona Revised
3 Statutes, is amended by adding section 33-1819, to read:

4 33-1819. Artificial turf ban; prohibition; restrictions;
5 attorney fees; applicability

6 A. EXCEPT AS PRESCRIBED IN SUBSECTION B OF THIS SECTION AND
7 NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, IN ANY PLANNED
8 COMMUNITY THAT ALLOWS NATURAL GRASS ON A MEMBER'S PROPERTY, AN ASSOCIATION
9 MAY NOT PROHIBIT INSTALLING OR USING ARTIFICIAL TURF ON ANY MEMBER'S
10 PROPERTY. AN ASSOCIATION MAY DO ALL OF THE FOLLOWING:

11 1. ADOPT REASONABLE RULES REGARDING THE INSTALLATION AND APPEARANCE
12 OF ARTIFICIAL TURF IF THOSE RULES DO NOT PREVENT INSTALLING ARTIFICIAL
13 TURF. THE RULES MAY REGULATE THE QUALITY OF THE ARTIFICIAL TURF, THE
14 LOCATION ON THE PROPERTY WHERE THE ARTIFICIAL TURF MAY BE INSTALLED AND THE
15 PERCENTAGE OF THE LOT THAT MAY BE COVERED WITH ARTIFICIAL TURF.

16 2. REQUIRE THE REMOVAL OF A MEMBER'S ARTIFICIAL TURF IF THE
17 ARTIFICIAL TURF CREATES A HEALTH OR SAFETY ISSUE THAT THE MEMBER DOES NOT
18 CORRECT.

19 3. REQUIRE REPLACEMENT OR REMOVAL OF THE ARTIFICIAL TURF IF THE
20 ARTIFICIAL TURF IS NOT MAINTAINED IN ACCORDANCE WITH THE ASSOCIATION'S
21 STANDARDS FOR MAINTENANCE.

22 B. THE ASSOCIATION MAY PROHIBIT THE INSTALLATION OF ARTIFICIAL TURF
23 IF THE ARTIFICIAL TURF WOULD BE INSTALLED IN AN AREA THAT THE ASSOCIATION

1 IS REQUIRED TO MAINTAIN OR IRRIGATE. IF AN ASSOCIATION PROHIBITS NEW
2 INSTALLATION OF NATURAL GRASS ON A MEMBER'S PROPERTY, THE ASSOCIATION MAY
3 ALSO PROHIBIT NEW INSTALLATION OF ARTIFICIAL TURF ON A MEMBER'S PROPERTY.

4 C. NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, IN AN
5 ACTION AGAINST THE ASSOCIATION FOR A VIOLATION OF THIS SECTION, THE COURT
6 SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS TO ANY PARTY THAT PREVAILS
7 AS DETERMINED BY THE COURT.

8 D. THIS SECTION DOES NOT:

9 1. AFFECT AN ASSOCIATION'S RESPONSIBILITY TO CARRY OUT BOTH THE
10 EXPRESS AND THE REASONABLY IMPLIED INTENT OF A DECLARATION THAT PROVIDES
11 THAT THE DESIGN STANDARDS OF THE PLANNED COMMUNITY ARE REQUIRED TO BE
12 FOLLOWED TO PROTECT THE NATURAL ENVIRONMENT IN WHICH THE PLANNED COMMUNITY
13 IS DEVELOPED.

14 2. APPLY TO A PLANNED COMMUNITY THAT HAS UNIQUE VEGETATION AND
15 GEOLOGIC CHARACTERISTICS THAT REQUIRE PRESERVATION BY THE ASSOCIATION AND
16 IN WHICH THE VIABILITY OF THOSE CHARACTERISTICS IS PROTECTED, SUPPORTED AND
17 ENHANCED AS A RESULT OF THE CONTINUED EXISTENCE OF NATURAL LANDSCAPING
18 MATERIALS."

19 Amend title to conform

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2:44 PM
C: MYR