

REFERENCE TITLE: home sales; water supply disclosure

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2520

Introduced by
Representatives Stahl Hamilton: Aguilar, Bravo, Cano, Contreras P,
Gutierrez, Mathis, Ortiz, Quiñonez, Sandoval, Schwiebert, Seaman, Terech,
Travers, Senators Gabaldón, Marsh, Sundareshan

AN ACT

AMENDING TITLE 33, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTION 33-425; RELATING TO PROPERTY DISCLOSURES.

(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 4, article 2, Arizona Revised
3 Statutes, is amended by adding section 33-425, to read:
4 33-425. Disclosure of water supply status; recording;
5 exemption; definition
6 A. BEGINNING JANUARY 1, 2024, A SUBDIVIDER WHO SELLS ONE OR MORE
7 LOTS IN A SUBDIVISION LOCATED OUTSIDE OF AN ACTIVE MANAGEMENT AREA AS
8 ESTABLISHED PURSUANT TO TITLE 45, CHAPTER 2, ARTICLE 2 SHALL RECORD A
9 DOCUMENT THAT CONTAINS A STATEMENT OF WATER ADEQUACY OR INADEQUACY FOR
10 THAT SUBDIVISION AS DETERMINED PURSUANT TO SECTION 45-108.
11 B. THE DOCUMENT PRESCRIBED IN SUBSECTION A OF THIS SECTION SHALL BE
12 RECORDED IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY IN WHICH THE
13 SUBDIVISION IS LOCATED AND SHALL BE RECORDED WITH THE PLAT FOR THE
14 SUBDIVISION. THE DOCUMENT SHALL CONTAIN A LEGAL DESCRIPTION OF THE LAND
15 THAT IS SUBJECT TO THE SUBDIVISION PLAT AND SHALL STATE WHETHER THE
16 SUBDIVISION IS SERVED BY A WATER SUPPLY THAT HAS BEEN DETERMINED TO BE
17 ADEQUATE OR INADEQUATE.
18 C. IF, AFTER AN INITIAL RECORDING PURSUANT TO THIS SECTION, THE
19 DEPARTMENT OF WATER RESOURCES SUBSEQUENTLY DETERMINES THAT A WATER SUPPLY
20 FOR A SUBDIVISION IS AN ADEQUATE WATER SUPPLY, THE DEPARTMENT OF WATER
21 RESOURCES SHALL PROVIDE THE DETERMINATION TO THE WATER PROVIDER FOR THE
22 SUBDIVISION. THE WATER PROVIDER SHALL PROVIDE WRITTEN NOTICE OF THAT
23 DETERMINATION TO THE AFFECTED CUSTOMERS OF THE WATER PROVIDER. NOTICE MAY
24 BE PROVIDED TO THE CUSTOMERS IN THE ORDINARY COURSE OF THE WATER
25 PROVIDER'S BUSINESS PRACTICES AND IS NOT REQUIRED TO BE A RECORDABLE
26 DOCUMENT.
27 D. THE DOCUMENT RECORDED BY THE SUBDIVIDER PURSUANT TO THIS SECTION
28 SHALL COMPLY WITH THE REQUIREMENTS FOR RECORDING DOCUMENTS AS OTHERWISE
29 PROVIDED BY LAW.
30 E. A SUBDIVIDER THAT IS REQUIRED TO PROVIDE THE RECORDED DISCLOSURE
31 OF WATER ADEQUACY STATEMENT PRESCRIBED BY SECTION 33-406 IS EXEMPT FROM
32 THIS SECTION.
33 F. FOR THE PURPOSES OF THIS SECTION, "SUBDIVIDER" HAS THE SAME
34 MEANING PRESCRIBED IN SECTION 32-2101.