

Fifty-sixth Legislature
Second Regular Session

COMMITTEE ON LAND, AGRICULTURE & RURAL AFFAIRS
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2101
(Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 11-321, Arizona Revised Statutes, is amended to
3 read:

4 11-321. Building permits; issuance; state preemption;
5 utilities; distribution of copies; subsequent owner;
6 limitation; definition

7 A. Except in those cities and towns that have an ordinance relating
8 to the issuance of building permits, the board of supervisors shall require
9 a building permit for any construction of a building or an addition to a
10 building exceeding a cost of \$1,000 within its jurisdiction. The building
11 permit shall be filed with the board of supervisors or its designated
12 agent.

13 B. The regulation of a utility provider's authority to operate and
14 serve customers is a matter of statewide concern. The regulation of
15 building permits as it relates to a building permit applicant's ability to
16 use a utility provider that is capable and authorized to provide utility
17 service is allowed solely in accordance with subsections C and D of this
18 section. A building permit applicant's ability to use a utility provider
19 that is capable and authorized to provide utility service is not subject to
20 further regulation by a county.

21 C. A county may not deny a permit application based on the utility
22 provider proposed to provide utility service to the project.

1 D. A county issuing a building permit shall ensure that all
2 applicable permits and associated fees assessed on a building permit
3 applicant contain requirements and amounts that do not exceed the
4 requirements and amounts for use of other utility providers and do not have
5 the effect of restricting ~~a~~ THE permit applicant's ability to use the
6 services of a utility provider that is capable and authorized to provide
7 utility service.

8 E. The board of supervisors may not require an applicant for a
9 building permit to hold a transaction privilege tax license or business
10 license as a condition for issuing the building permit.

11 F. Where deemed of public convenience, the board of supervisors
12 shall allow the application for and the issuance of building permits by
13 mail.

14 G. One copy of the building permit required by the terms of
15 subsection A of this section shall be transmitted to the county assessor
16 and one copy shall be transmitted to the director of the department of
17 revenue. The permit copy provided to the assessor and the department of
18 revenue shall have the permit number, the issue date and the parcel number
19 for which the permit is issued. On the issuance of the certificate of
20 occupancy or the certificate of completion or on the expiration or
21 cancellation of the permit, the assessor and the department of revenue
22 shall be notified in writing or in electronic format of the permit number,
23 parcel number, issue date and completion date.

24 H. AT THE TIME OF APPLYING FOR A BUILDING PERMIT FOR NEW
25 CONSTRUCTION OF A RESIDENTIAL SINGLE-FAMILY HOME, AN APPLICANT MUST
26 IDENTIFY ANY OWNERSHIP INTERESTS IN THE PROPERTY THAT IS THE SUBJECT OF THE
27 PERMIT.

28 ~~H~~. I. If a person has constructed a building or an addition to a
29 building without obtaining a building permit, a county shall not require a
30 subsequent owner to obtain a permit for the construction or addition done
31 by the prior owner before issuing a permit for a building addition except

1 that this section does not prohibit A COUNTY FROM enforcing an applicable
2 ordinance or code provision that affects the public health or safety.

3 ~~F.~~ J. This section does not prohibit a county from recovering
4 reasonable costs associated with reviewing and issuing a building permit.

5 ~~G.~~ K. This section does not affect any authority of a county to
6 manage or operate a county-owned utility.

7 ~~H.~~ L. For the purposes of this section, "utility service" means
8 water, wastewater, natural gas, including propane gas, or electric service
9 provided to an end user."

10 Renumber to conform

11 Page 1, line 45, strike "F" insert "H"

12 Page 3, between lines 2 and 3, insert:

13 "F. WHEN APPLYING FOR A LAND DIVISION, AN APPLICANT SHALL DISCLOSE
14 ANY OWNERSHIP INTEREST IN THE PROPERTIES THAT ARE THE SUBJECT OF THE LAND
15 DIVISION APPLICATION.

16 G. AN APPLICATION FOR A LAND DIVISION SHALL INCLUDE THE FOLLOWING
17 ATTESTATION LANGUAGE:

18 STATE LAW REQUIRES A SUBDIVIDER AS DEFINED IN SECTION
19 32-2101, ARIZONA REVISED STATUTES, TO OBTAIN A PUBLIC REPORT
20 PURSUANT TO SECTION 32-2183, ARIZONA REVISED STATUTES, BEFORE
21 THE SALE OR LEASE OF SIX OR MORE CONTIGUOUS PARCELS, LOTS OR
22 FRACTIONAL INTERESTS WITHIN THE TEN-YEAR PERIOD FOLLOWING THE
23 LAND DIVISION. BY SUBMITTING AN APPLICATION TO DIVIDE LAND,
24 THE APPLICANT AND ANY OWNERSHIP INTERESTS IN THE SUBJECT OF THE
25 LAND DIVISION ATTEST TO THEIR UNDERSTANDING OF THE PUBLIC
26 REPORT REQUIREMENTS IF INTENDING TO SELL OR LEASE SIX OR MORE
27 CONTIGUOUS PARCELS, LOTS OR FRACTIONAL INTERESTS WITHIN A
28 TEN-YEAR PERIOD FOLLOWING THE LAND DIVISION AND FURTHER ATTEST
29 TO THEIR INTENT TO COMPLY WITH THE SUBDIVISION LAW OF THIS
30 STATE, AS APPLICABLE.

31 IF A PUBLIC REPORT IS REQUIRED PURSUANT TO SECTION
32 32-2183, ARIZONA REVISED STATUTES, AND A PUBLIC REPORT IS NOT

1 OBTAINED, THE COUNTY WHERE THE PROPERTIES ARE LOCATED OR THE
2 STATE REAL ESTATE DEPARTMENT MAY ENFORCE THE PUBLIC REPORT
3 REQUIREMENT AND ISSUE A CIVIL PENALTY PURSUANT TO SECTION
4 32-2185.09, ARIZONA REVISED STATUTES."

5 Reletter to conform

6 Page 3, after line 26, insert:

7 "Sec. 3. Section 32-2181, Arizona Revised Statutes, is amended to
8 read:

9 32-2181. Notice to commissioner of intention to subdivide
10 lands; unlawful acting in concert; exceptions; deed
11 restrictions; definition

12 A. Before offering subdivided lands for sale or lease, the
13 subdivider shall notify the commissioner in writing of the subdivider's
14 intention. The notice shall contain:

15 1. The name and address of the owner. If the holder of any
16 ownership interest in the land is other than an individual, such as a
17 corporation, partnership or trust, **THE NOTICE SHALL CONTAIN** a statement
18 naming the type of legal entity and listing the interest and the extent of
19 any interest of each principal in the entity. For the purposes of this
20 section, "principal" means any person or entity having a ten ~~per cent~~
21 **PERCENT** or more financial interest or, if the legal entity is a trust,
22 each beneficiary of the trust holding a ten ~~per cent~~ **PERCENT** or more
23 beneficial interest.

24 2. The name and address of the subdivider.

25 3. The legal description and area of the land.

26 4. A true statement of the condition of the title to the land,
27 including all encumbrances on the land, and a statement of the provisions
28 agreed to by the holder of any blanket encumbrance enabling a purchaser to
29 acquire title to a lot or parcel free of the lien of the blanket
30 encumbrance on completion of all payments and performance of all of the
31 terms and provisions required to be made or performed by the purchaser
32 under the real estate sales contract by which the purchaser has acquired

1 the lot or parcel. The subdivider shall file copies of documents
2 acceptable to the department containing these provisions with the
3 commissioner before the sale of any subdivision lot or parcel subject to a
4 blanket encumbrance.

5 5. The terms and conditions on which it is intended to dispose of
6 the land, together with copies of any real estate sales contract,
7 conveyance, lease, assignment or other instrument intended to be used, and
8 any other information the owner or the owner's agent or subdivider desires
9 to present.

10 6. A map of the subdivision that has been filed in the office of
11 the county recorder in the county in which the subdivision is located.

12 7. A brief but comprehensive statement describing the land on and
13 the locality in which the subdivision is located.

14 8. A statement of the provisions that have been made for permanent
15 access and provisions, if any, for health department approved sewage and
16 solid waste collection and disposal and public utilities in the proposed
17 subdivision, including water, electricity, gas and telephone facilities.

18 9. A statement as to the location of the nearest public common and
19 high schools available for the attendance of ~~school-age~~ SCHOOL-AGE pupils
20 residing on the subdivision property.

21 10. A statement of the use or uses for which the proposed
22 subdivision will be offered.

23 11. A statement of the provisions, if any, limiting the use or
24 occupancy of the parcels in the subdivision, together with copies of any
25 restrictive covenants affecting all or part of the subdivision.

26 12. The name and business address of the principal broker selling or
27 leasing, within this state, lots or parcels in the subdivision.

28 13. A true statement of the approximate amount of indebtedness that
29 is a lien on the subdivision or any part of the subdivision and that was
30 incurred to pay for the construction of any on-site or off-site
31 improvement, or any community or recreational facility.

1 14. A true statement or reasonable estimate, if applicable, of the
2 amount of any indebtedness that has been or is proposed to be incurred by
3 an existing or proposed special district, entity, taxing area or
4 assessment district, within the boundaries of which the subdivision, or
5 any part of the subdivision, is located, and that is to pay for the
6 construction or installation of any improvement or to furnish community or
7 recreational facilities to the subdivision, and which amounts are to be
8 obtained by ad valorem tax or assessment, or by a special assessment or
9 tax ~~upon~~ ON the subdivision or any part of the subdivision.

10 15. A true statement as to the approximate amount of annual taxes,
11 special assessments or fees to be paid by the buyer for the proposed
12 annual maintenance of common facilities in the subdivision.

13 16. A statement of the provisions for easements for permanent access
14 for irrigation water, ~~where~~ IF applicable.

15 17. A true statement of assurances for the completion of off-site
16 improvements, such as roads, utilities, community or recreational
17 facilities and other improvements to be included in the offering or
18 represented as being in the offering, and approval of the offering by the
19 political subdivision with authority. This statement shall include a
20 trust agreement or any other evidence of assurances for delivery of the
21 improvements and a statement of the provisions, if any, for the continued
22 maintenance of the improvements.

23 18. A true statement of the nature of any improvements to be
24 installed by the subdivider, the estimated schedule for completion and the
25 estimated costs related to the improvements that will be borne by
26 purchasers of lots in the subdivision.

27 19. A true statement of the availability of sewage disposal
28 facilities and other public utilities, including water, electricity, gas
29 and telephone facilities in the subdivision, the estimated schedule for
30 their installation, and the estimated costs related to the facilities and
31 utilities that will be borne by purchasers of lots in the subdivision.

1 20. A true statement as to whether all or any portion of the
2 subdivision is located in an open range or area in which livestock may
3 roam at large under the laws of this state and what provisions, if any,
4 have been made for the fencing ~~of~~ the subdivision to preclude livestock
5 from roaming within the subdivided lands.

6 21. If the subdivider is a subsidiary corporation, a true statement
7 identifying the parent corporation and any of the following in which the
8 parent or any of its subsidiaries is or has been involved within the past
9 five years:

10 (a) Any subdivision in this state.

11 (b) Any subdivision, wherever located, for which registration is
12 required pursuant to the federal interstate land sales full disclosure act.

13 (c) Any subdivision, wherever located, for which registration would
14 have been required pursuant to the federal interstate land sales full
15 disclosure act but for the exemption for subdivisions whose lots are all
16 twenty acres or more in size.

17 22. A true statement identifying all other subdivisions, designated
18 in paragraph 21 of this subsection, in which any of the following is or,
19 within the last five years, has been directly or indirectly involved:

20 (a) The holder of any ownership interest in the land.

21 (b) The subdivider.

22 (c) Any principal or officer in the holder or subdivider.

23 23. A true statement as to whether all or any portion of the
24 subdivision is located in territory in the vicinity of a military airport
25 or ancillary military facility as defined in section 28-8461, in territory
26 in the vicinity of a public airport as defined in section 28-8486, on or
27 after July 1, 2001, in a high noise or accident potential zone as defined
28 in section 28-8461 or on or after July 1 of the year in which the
29 subdivision becomes located in a high noise or accident potential
30 zone. The statement required pursuant to this paragraph does not require
31 the amendment or refiling of any notice filed before July 1, 2001 or

1 before July 1 of the year in which the subdivision becomes located in a
2 high noise or accident potential zone.

3 24. If the subdivision is a conversion from multifamily rental to
4 condominiums as defined in section 33-1202, a true statement as to the
5 following:

6 (a) That the property is a conversion from multifamily rental to
7 condominiums.

8 (b) The date original construction was completed.

9 25. Other information and documents and certifications as the
10 commissioner may reasonably require, ~~provided~~ EXCEPT that the subdivider
11 shall not be required to disclose any critical infrastructure information
12 as defined in section 41-1801 or any information contained in a report
13 issued pursuant to section 41-4273.

14 B. The commissioner, on application, may grant a subdivider of lots
15 or parcels within a subdivision for which a public report was previously
16 issued by the commissioner an exemption from all or part of the
17 notification requirements of subsection A of this section. The subdivider
18 shall file a statement with the commissioner indicating the change of
19 ownership in the lots or parcels together with any material changes
20 occurring subsequent to the original approval of the subdivision within
21 which the lots or parcels are located. The statement shall further refer
22 to the original approval by the commissioner.

23 C. If the subdivision is within an active management area, as
24 defined in section 45-402, the subdivider shall accompany the notice with
25 a certificate of assured water supply issued by the director of water
26 resources along with proof that all applicable fees have been paid
27 pursuant to sections 48-3772 and 48-3774.01, unless the subdivider has
28 obtained a written commitment of water service for the subdivision from a
29 city, town or private water company designated as having an assured water
30 supply by the director of water resources pursuant to section 45-576 or is
31 exempt from the requirement pursuant to section 45-576. If the subdivider
32 has submitted a certificate of assured water supply to a city, town or

1 county ~~prior to~~ BEFORE approval of the plat by the city, town or county
2 and this has been noted on the face of the plat, the submission
3 constitutes compliance with this subsection if the subdivider provides
4 proof to the commissioner that all applicable fees have been paid pursuant
5 to sections 48-3772 and 48-3774.01.

6 D. It is unlawful for a person or group of persons acting in
7 concert to attempt to avoid this article by acting in concert to divide a
8 parcel of land or sell subdivision lots by using a series of owners or
9 conveyances or by any other method that ultimately results in the division
10 of the lands into a subdivision or the sale of subdivided land. The plan
11 or offering is subject to this article. Unlawful acting in concert
12 pursuant to this subsection with respect to the sale or lease of
13 subdivision lots requires proof that the real estate licensee or other
14 licensed professional knew or with the exercise of reasonable diligence
15 should have known that property ~~which~~ THAT the licensee listed or for
16 which the licensee acted in any capacity as agent was subdivided land
17 subject to this article. A familial relationship alone is not sufficient
18 to constitute unlawful acting in concert.

19 E. A creation of six or more lots, parcels or fractional interests
20 in improved or unimproved land, lots or parcels of any size is subject to
21 this article except when:

22 1. Each of the lots, parcels or fractional interests represents, on
23 a partition basis, thirty-six acres or more in area of land located in
24 this state, including to the centerline of dedicated roads or easements,
25 if any, contiguous to the land in which the interests are held.

26 2. The lots, parcels or fractional interests are the result of a
27 foreclosure sale, the exercise by a trustee under a deed of trust of a
28 power of sale or the grant of a deed in lieu of foreclosure. This
29 paragraph does not allow circumvention of the requirements of this
30 article.

31 3. The lots, parcels or fractional interests are created by a valid
32 order or decree of a court pursuant to and through compliance with title

1 12, chapter 8, article 7 or by operation of law. This paragraph does not
2 allow circumvention of the requirements of this article.

3 4. The lots, parcels or fractional interests consist of interests
4 in any oil, gas or mineral lease, permit, claim or right therein and such
5 interests are regulated as securities by the United States or by this
6 state.

7 5. The lots, parcels or fractional interests are registered as
8 securities under the laws of the United States or the laws of this state
9 or are exempt transactions under section 44-1844, 44-1845 or 44-1846.

10 6. The commissioner by special order exempts offerings or
11 dispositions of any lots, parcels or fractional interests from compliance
12 with this article on written petition and on a showing satisfactory to the
13 commissioner that compliance is not essential to the public interest or for
14 the protection of buyers. LOTS, PARCELS OR FRACTIONAL INTERESTS WHERE
15 COMPLIANCE IS NOT ESSENTIAL TO THE PUBLIC INTEREST OR FOR THE PROTECTION OF
16 BUYERS INCLUDE BUT ARE NOT LIMITED TO THOSE THAT HAVE BEEN INCLUDED WITH A
17 PREVIOUS PUBLIC REPORT APPROVED WITHIN THE LAST TEN YEARS WHERE THE
18 APPLICANT FOR AN EXEMPTION ATTESTS THERE ARE NO MATERIAL CHANGES ALTERING
19 THE FACTS OF THE PUBLIC REPORT.

20 7. A sale or lease of a lot, parcel or fractional interest occurs
21 ten or more years after the sale or lease of another lot, parcel or
22 fractional interest and the other lot, parcel or fractional interest is
23 not subject to this article and is treated as an independent parcel
24 unless, ~~upon~~ ON investigation by the commissioner, there is evidence of
25 intent to subdivide.

26 8. LOTS, PARCELS OR FRACTIONAL INTERESTS OWNED BY A LICENSED
27 FINANCIAL INSTITUTION IN THIS STATE AS A RESULT OF FORECLOSURE AND ARE
28 BEING SOLD BY THE FINANCIAL INSTITUTION OR ON BEHALF OF THE FINANCIAL
29 INSTITUTION BY AN ARIZONA REAL ESTATE LICENSEE IF LIMITED TO THOSE THAT
30 HAVE BEEN INCLUDED WITH A PREVIOUS PUBLIC REPORT WHEN THE PUBLIC REPORT WAS
31 APPROVED WITHIN THE LAST TEN YEARS AND NO MATERIAL CHANGES HAVE OCCURRED
32 WITHIN THE PUBLIC REPORT.

1 F. In areas outside of active management areas established pursuant
2 to title 45, chapter 2, article 2:

3 1. If the subdivision is located in a county that has adopted the
4 provision authorized by section 11-823, subsection A, or in a city or town
5 that has enacted an ordinance pursuant to section 9-463.01, subsection 0,
6 the subdivider shall accompany the notice with a report issued by the
7 director of water resources pursuant to section 45-108 stating that the
8 subdivision has an adequate water supply, unless one of the following
9 applies:

10 (a) The subdivider submitted the report to a city, town or county
11 before approval of the plat by the city, town or county and this has been
12 noted on the face of the plat.

13 (b) The subdivider has obtained a written commitment of water
14 service for the subdivision from a city, town or private water company
15 designated as having an adequate water supply by the director of water
16 resources pursuant to section 45-108.

17 (c) The plat was approved pursuant to an exemption authorized by
18 section 9-463.01, subsection K, pursuant to an exemption authorized by
19 section 11-823, subsection B, paragraph 1, pursuant to an exemption
20 granted by the director of water resources under section 45-108.02 and the
21 exemption has not expired or pursuant to an exemption granted by the
22 director under section 45-108.03. If the plat was approved pursuant to an
23 authorized exemption, the state real estate commissioner shall require
24 that all promotional material and contracts for the sale of lots in the
25 subdivision adequately display the following:

26 (i) The director of water resources' report or the developer's
27 brief summary of the report as approved by the commissioner on the
28 proposed water supply for the subdivision.

29 (ii) A statement describing the exemption under which the
30 subdivision was approved, including the specific conditions of the
31 exemption that were met. If the plat was approved by the legislative body
32 of a city or town pursuant to an exemption authorized by section 9-463.01,

1 subsection K or by the board of supervisors of a county pursuant to an
2 exemption authorized by section 11-823, subsection B, paragraph 1, the
3 subdivider shall record the document required by section 33-406.

4 (d) The subdivision received final plat approval from the city,
5 town or county before the requirement for an adequate water supply became
6 effective in the city, town or county, and there have been no material
7 changes to the plat since the final plat approval. If changes were made
8 to the plat after the final plat approval, the director of water resources
9 shall determine whether the changes are material pursuant to the rules
10 adopted by the director to implement section 45-108. If this subdivision
11 applies, the state real estate commissioner shall require that all
12 promotional materials and contracts for the sale of lots in the
13 subdivision adequately display the director of water resources' report or
14 the developer's brief summary of the report as approved by the
15 commissioner on the proposed water supply for the subdivision.

16 2. If the subdivision is not located in a county that has adopted
17 the provision authorized by section 11-823, subsection A or in a city or
18 town that has enacted an ordinance pursuant to section 9-463.01,
19 subsection 0, and if the director of water resources, pursuant to section
20 45-108, reports an inadequate on-site supply of water to meet the needs
21 projected by the developer or if no water is available, the state real
22 estate commissioner shall require that all promotional material and
23 contracts for the sale of lots in subdivisions approved by the
24 commissioner adequately display the director of water resources' report or
25 the developer's brief summary of the report as approved by the
26 commissioner on the proposed water supply for the subdivision.

27 G. The commissioner may require the subdivider to supplement the
28 notice of intention to subdivide lands and may require the filing of
29 periodic reports to update the information contained in the original
30 notice of intention to subdivide lands.

31 H. The commissioner may authorize the subdivider to file as the
32 notice of intention to subdivide lands, in lieu of some or all of the

1 requirements of subsection A of this section, a copy of the statement of
2 record filed with respect to the subdivision pursuant to the federal
3 interstate land sales full disclosure act if the statement complies with
4 the requirements of the act and the regulations pertinent to the act.

5 I. ~~Neither~~ A real estate sales contract, conveyance, lease,
6 assignment or other instrument to transfer any interest in subdivided land
7 ~~nor~~ AND any covenant or restriction affecting real property shall NOT
8 contain any provision limiting the right of any party to appear or testify
9 in support of or opposition to zoning changes, building permits or any
10 other official acts affecting real property before a governmental body or
11 official considering zoning changes, building permits or any other
12 official acts affecting real property, whether the property is located
13 within or outside of the boundaries of the subdivision. All contractual
14 provisions that conflict with this subsection are declared to be contrary
15 to public policy. ~~Nothing contained in~~ This subsection ~~shall~~ DOES NOT
16 prohibit private restrictions on the use of any real property.

17 J. Before offering subdivided lands for lease or sale, the
18 subdivider who makes any promises through any form of advertising media
19 that the subdivided lands will be exclusively a retirement community or
20 one that is limited to the residency of adults or senior citizens shall
21 include the promises in the deed restrictions affecting any interest in
22 real property within the subdivided lands.

23 K. Except as otherwise provided in this section, a subdivider ~~shall~~
24 IS not ~~be~~ required to disclose items that are over one mile from the
25 subdivision boundaries. The existence of foreign nations or tribal lands
26 shall also be disclosed if located within the ~~one-mile~~ ONE-MILE radius of
27 the subdivision boundaries.

28 Sec. 4. Section 33-422, Arizona Revised Statutes, as amended by Laws
29 2019, chapter 103, section 1 and chapter 131, section 1, is amended to
30 read:

31 33-422. Land divisions; recording; disclosure affidavit

1 A. A seller of five or fewer parcels of land, other than subdivided
2 land, in an unincorporated area of a county and any subsequent seller of
3 such a parcel shall COMPLETE AND furnish a written affidavit of disclosure
4 to the buyer at least seven days before the transfer of the property and
5 the buyer shall acknowledge receipt of the affidavit.

6 B. The affidavit must be written in twelve-point type.

7 C. A release or waiver of a seller's liability arising out of any
8 omission or misrepresentation contained in an affidavit of disclosure is
9 not valid or binding on the buyer.

10 D. The buyer has the right to rescind the sales transaction for a
11 period of five days after the affidavit of disclosure is furnished to the
12 buyer.

13 E. The seller shall record the executed affidavit of disclosure at
14 the same time that the deed is recorded. The county recorder is not
15 required to verify the accuracy of any statement in the affidavit of
16 disclosure. A subsequently recorded affidavit supersedes any previous
17 affidavit.

18 F. The affidavit of disclosure shall CONTAIN ALL OF THE FOLLOWING
19 DISCLOSURES, BE COMPLETED BY THE SELLER, meet the requirements of section
20 11-480 and follow substantially the following form:

21 When recorded mail to:

22 _____
23 _____
24 _____
25 _____

26 Affidavit of Disclosure

27 Pursuant to A.R.S. § 33-422

28 I, _____ (seller(s)) being
29 duly sworn, hereby make this affidavit of disclosure relating to the
30 real property situated in the unincorporated area of:

31 _____, County, State of Arizona, located at:

32 _____

1 and legally described as:

2 (Legal description attached hereto as exhibit "A")

3 (property).

4 1. There is is not legal access to the property, as
5 defined in A.R.S. § 11-831 unknown

6 Explain: _____

7 _____

8 _____

9 2. There is is not physical access to the property.
10 unknown

11 Explain: _____

12 _____

13 _____

14 3. There is is not a statement from a licensed surveyor
15 or engineer available stating whether the property has physical access
16 that is traversable by a two-wheel drive passenger motor vehicle.

17 4. The legal and physical access to the property is is not
18 the same.... unknown not applicable.

19 Explain: _____

20 _____

21 _____

22 *If access to the parcel is not traversable by emergency vehicles, the*
23 *county and emergency service providers may not be held liable for any*
24 *damages resulting from the inability to traverse the access to*
25 *provide needed services.*

26 5. The road(s) is/are publicly maintained privately maintained
27 not maintained not applicable. If applicable, there is
28 is not a recorded road maintenance agreement.

1 *If the roads are not publicly maintained, it is the responsibility of*
2 *the property owner(s) to maintain the roads and roads that are not*
3 *improved to county standards and accepted for maintenance are not the*
4 *county's responsibility.*

5 6. A portion or all of the property is is not located
6 in a FEMA designated regulatory floodplain. If the property is in a
7 floodplain, it may be subject to floodplain regulation.

8 7. The property is is not subject to fissures or
9 expansive soils. unknown

10 Explain: _____
11 _____
12 _____

13 8. The following services are currently provided to the property:
14 water sewer electric natural gas single party
15 telephone cable television services.

16 9. The property is is not served by a water supply that
17 requires the transportation of water to the property. **IF THE PROPERTY**
18 **IS SERVED BY A WATER SUPPLY THAT REQUIRES THE TRANSPORTATION OF WATER**
19 **TO THE PROPERTY, THE SELLER SHALL DISCLOSE THE NAME AND CONTACT**
20 **INFORMATION OF THE WATER HAULER OR WATER HAULING COMPANY THAT IS**
21 **CURRENTLY PROVIDING THE TRANSPORTATION SERVICES TO THE PROPERTY AND**
22 **THE NAME AND LOCATION OF THE WATER SUPPLY FROM WHICH THE WATER IS**
23 **CURRENTLY BEING TRANSPORTED.**

24 **WATER HAULER NAME:** _____ **PHONE:** _____
25 **WATER SUPPLY:** _____ **LOCATION:** _____

26 10. The property is served by a private water company a
27 municipal water provider a private well a shared well no
28 well. If served by a shared well, the shared well is is not .
29 . . . a public water system, as defined by the safe drinking water act
30 (42 United States Code § 300f).

31 *Notice to buyer: If the property is served by a well, a private*
32 *water company or a municipal water provider the Arizona department of*

1 water resources may not have made a water supply determination. For
2 more information about water supply, contact the water provider.

3 11. The property or the water used on the property is is not the
4 subject of a statement of claimant for the use of water in a general
5 adjudication of water rights. unknown.

6 This is a lawsuit to determine the use of and relative priority of
7 water rights. A map of adjudicated areas is available at the website
8 of the department of water resources.

9 12. The property does have does not have an on-site
10 wastewater treatment facility (i.e., standard septic or alternative
11 system to treat and dispose of wastewater). unknown. If
12 applicable: a) The property will will not require
13 installation of an on-site wastewater treatment facility; b) The
14 on-site wastewater treatment facility has has not been inspected.

15 13. The property has been has not been subject to a
16 percolation test. unknown.

17 14. The property does have does not have one or more solar
18 energy devices that are leased owned.

19 ~~Notice to buyer: If the property contains solar energy~~
20 ~~devices, it is the responsibility of the buyer to verify the~~
21 ~~proper replacement and disposal method for the devices, as~~
22 ~~applicable. If the solar energy devices are leased, the seller~~
23 ~~or property owner shall disclose the name and contact~~
24 ~~information of the leasing company.~~

25 Leasing company name: _____ Phone: _____

26 15. THE PROPERTY DOES HAVE DOES NOT HAVE ONE OR MORE BATTERY
27 ENERGY STORAGE DEVICES THAT ARE LEASED OWNED.

28 IF THE BATTERY ENERGY STORAGE DEVICES ARE LEASED, THE SELLER
29 SHALL DISCLOSE THE NAME AND CONTACT INFORMATION OF THE LEASING
30 COMPANY.

31 LEASING COMPANY NAME: _____ PHONE: _____

1 ~~15.~~ 16. The property does does not meet the minimum
2 applicable county zoning requirements of the applicable zoning
3 designation.

4 ~~16.~~ 17. The sale of the property does does not . . . meet the
5 requirements of A.R.S. § 11-831 AND § 32-2181 regarding land
6 divisions. If those requirements are not met, the property owner may
7 not be able to obtain a building permit. IT IS UNLAWFUL PURSUANT TO §
8 11-831, SUBSECTION H AND § 32-2181, SUBSECTION D FOR A PERSON OR GROUP
9 OF PERSONS TO ATTEMPT TO AVOID THE SUBDIVISION LAWS OF THIS STATE BY
10 ACTING IN CONCERT TO DIVIDE A PARCEL OF LAND INTO SIX OR MORE LOTS OR
11 PARCELS. THE COUNTY WHERE THE LAND DIVISION OCCURRED OR THE STATE
12 REAL ESTATE DEPARTMENT MAY INVESTIGATE AND ENFORCE THE PROHIBITION
13 AGAINST ACTING IN CONCERT TO UNLAWFULLY DIVIDE A PARCEL OF LAND INTO
14 SIX OR MORE LOTS OR PARCELS. The seller or property owner shall
15 disclose each of the deficiencies to the buyer.

16 Explain: _____
17 _____
18 _____

19 ~~17.~~ 18. The property is is not located in the clear zone of a
20 military airport or ancillary military facility, as defined in A.R.S.
21 § 28-8461. (Maps are available at the state real estate department's
22 website.)

23 ~~18.~~ 19. The property is is not located in the high noise or
24 accident potential zone of a military airport or ancillary military
25 facility, as defined in A.R.S. § 28-8461. (Maps are available at the
26 state real estate department's website.)

27 ~~19.~~ 20. Notice: If the property is located within the territory in the
28 vicinity of a military airport or ancillary military facility, the
29 property is required to comply with sound attenuation standards as
30 prescribed by A.R.S. § 28-8482. (Maps are available at the state real
31 estate department's website.)

1 ~~20.~~ 21. The property is is not located under military restricted
2 airspace. unknown. (Maps are available at the state real estate
3 department's website.)

4 ~~21.~~ 22. The property is is not located in a military electronics
5 range as defined in A.R.S. § 9-500.28 and § 11-818. unknown. (Maps
6 are available at the state real estate department's website.)

7 ~~22.~~ 23. Use of the property is is not limited in any way
8 relating to an encumbrance of title due to a lis pendens, a court
9 order or a state real estate department order or a pending legal
10 action. If the use of the property is limited due to an encumbrance
11 of title, the seller or property owner shall disclose the limitations
12 to the buyer.

13 Explain: _____
14 _____
15 _____

16 This affidavit of disclosure supersedes any previously recorded
17 affidavit of disclosure.

18 I certify under penalty of perjury that the information contained in
19 this affidavit is true, complete and correct according to my best
20 belief and knowledge.

21 Dated this ____ (date) ____ day of ____ (year) ____ by:

22 Seller's name (print): _____ Signature: _____

23 Seller's name (print): _____ Signature: _____

24 State of Arizona)

25) ss.

26 County of _____)

1 Subscribed and sworn before me this (date) day
2 of (year) , by _____.

3 _____
4 Notary public

5 My commission expires:
6 (date)

7 Buyer(s) hereby acknowledges receipt of a copy of this affidavit of
8 disclosure this (date) day of (year)

9 Buyer's name (print): _____ Signature: _____

10 Buyer's name (print): _____ Signature: _____

11 G. For the purposes of this section, seller and subsequent seller do
12 not include a trustee of a deed of trust who is selling property by a
13 trustee's sale pursuant to chapter 6.1 of this title or any officer who is
14 selling property by execution sale pursuant to title 12, chapter 9 and
15 chapter 6 of this title. If the seller is a trustee of a subdivision trust
16 as defined in section 6-801, the disclosure affidavit required by this
17 section shall be provided by the beneficiary of the subdivision trust.

18 Sec. 5. Repeal

19 Section 33-422, Arizona Revised Statutes, as amended by Laws 2023,
20 chapter 77, section 3, is repealed."

21 Amend title to conform

And, as so amended, it do pass

LUPE DIAZ
CHAIRMAN

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