

House Engrossed

planned communities; authority; public roadways

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2470

AN ACT

AMENDING SECTION 33-1818, ARIZONA REVISED STATUTES; RELATING TO PLANNED COMMUNITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-1818, Arizona Revised Statutes, is amended to
3 read:

4 33-1818. Community authority over public roadways

5 ~~A. For any planned community for which the declaration is recorded~~
6 ~~after December 31, 2014 and BEGINNING JANUARY 1, 2044 AND~~ notwithstanding
7 any provision in the community documents, after ~~the period of declarant~~
8 ~~control~~ A GOVERNMENTAL ENTITY ACCEPTS THE TRANSFER OF OWNERSHIP OF
9 COMMUNITY ROADWAYS FROM THE DECLARANT, an association has no authority
10 over and shall not regulate any roadway for which the ownership has been
11 dedicated to or is otherwise held by ~~a~~ THAT governmental entity.

12 ~~B. After the period of declarant control, for any planned community~~
13 ~~for which the declaration was recorded before January 1, 2015 and that~~
14 ~~regulates any roadway for which the ownership has been dedicated to or is~~
15 ~~otherwise held by a governmental entity, the existing regulations continue~~
16 ~~in effect until either of the following occurs:~~

17 ~~1. Not later than June 30, 2025, the planned community shall call a~~
18 ~~meeting of the membership on the question of whether to continue to~~
19 ~~regulate public roadways. If the number of owners voting at the meeting~~
20 ~~on the question is sufficient to constitute a quorum of the membership and~~
21 ~~a majority of that number votes to continue regulating public roadways in~~
22 ~~the planned community, the planned community retains its authority to~~
23 ~~regulate those public roadways. The board of directors shall record in~~
24 ~~the office of the county recorder of the county in which the planned~~
25 ~~community is located a document confirming that the planned community~~
26 ~~continues to regulate the public roadways.~~

27 ~~2. If the vote prescribed by paragraph 1 of this subsection fails~~
28 ~~or if the planned community does not hold a vote of the membership in~~
29 ~~compliance with paragraph 1 of this subsection, the planned community no~~
30 ~~longer has authority to regulate the public roadways in the planned~~
31 ~~community and any existing regulations expire.~~

32 ~~C. This section does not apply to any one-way streets, without~~
33 ~~regard to ownership, or to any privately owned roadways.~~