

REFERENCE TITLE: **planned communities; authority; public roadways**

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

HB 2470

Introduced by
Representatives McGarr: Diaz, Jones, Kolodin, Parker B, Smith; Senator
Wadsack

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~~ Notwithstanding any provision in the community
7 documents, after ~~the period of declarant control~~ A GOVERNMENTAL ENTITY
8 ACCEPTS THE TRANSFER OF OWNERSHIP OF COMMUNITY ROADWAYS FROM THE
9 DECLARANT, an association has no authority over and shall not regulate any
10 roadway for which the ownership has been dedicated to or is otherwise held
11 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.~~