

REFERENCE TITLE: **planned communities; documents; commission database**

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

HB 2541

Introduced by
Representatives Contreras P: Crews, Schwiebert

AN ACT

**AMENDING SECTIONS 10-130, 33-1258 AND 33-1805, ARIZONA REVISED STATUTES;
RELATING TO THE CONDOMINIUMS AND 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 10-130, Arizona Revised Statutes, is amended to
3 read:

4 10-130. Powers; duties; database

5 A. The commission has the power and authority reasonably necessary
6 to enable it to administer this title efficiently and to perform the
7 duties imposed on it by this title, including the power and authority to
8 make rules for those purposes.

9 B. The commission shall establish and maintain a database for
10 documents filed pursuant to sections 10-203, 10-1006, 10-1007, 10-1008,
11 10-1105, 10-1403, 10-1503, 10-1520, 10-2077, 10-2143, 10-3203, 10-11006,
12 10-11007, 10-11008, 10-11105, 10-11403, 10-11503, 10-11520, 29-633,
13 29-635, 29-754, 29-3201, 29-3202 and 29-4005, FOR COMMUNITY DOCUMENTS AS
14 DEFINED IN SECTION 33-1802 OF A PLANNED COMMUNITY AS DEFINED IN SECTION
15 33-1802 AND FOR CONDOMINIUM DOCUMENTS AS DEFINED IN SECTION 33-1202 FOR A
16 CONDOMINIUM DOCUMENT AS DEFINED IN SECTION 33-1202. The database shall
17 only include documents that are filed for a corporation with a known place
18 of business that is located in a county with a population of more than
19 eight hundred thousand persons and for a limited liability company whose
20 statutory agent's street address is located in a county with a population
21 of more than eight hundred thousand persons. The commission shall post
22 the database on its website to allow the public to search for business
23 information, including an entity's name, approval date and county of the
24 known place of business. The information must be maintained in the
25 database for at least ninety days. The commission may not charge a fee to
26 any entity for information entered into the database pursuant to this
27 subsection.

28 Sec. 2. Section 33-1258, Arizona Revised Statutes, is amended to
29 read:

30 33-1258. Association financial and other records;
31 applicability

32 A. Except as provided in subsection B of this section, all
33 financial and other records of the association shall be made reasonably
34 available for examination by any member or any person designated by the
35 member in writing as the member's representative. The association shall
36 not charge a member or any person designated by the member in writing for
37 making material available for review. The association ~~shall have~~ HAS ten
38 business days to fulfill a request for examination. On request for
39 purchase of copies of records by any member or any person designated by
40 the member in writing as the member's representative, the association
41 ~~shall have~~ HAS ten business days to provide copies of the requested
42 records. An association may charge a fee for making copies of not more
43 than ~~fifteen cents~~ \$.15 per page.

1 B. Books and records kept by or on behalf of the association and
2 the board may be withheld from disclosure to the extent that the portion
3 withheld relates to any of the following:

4 1. Privileged communication between an attorney for the association
5 and the association.

6 2. Pending litigation.

7 3. Meeting minutes or other records of a session of a board meeting
8 that is not required to be open to all members pursuant to section
9 33-1248.

10 4. Personal, health or financial records of an individual member of
11 the association, an individual employee of the association or an
12 individual employee of a contractor for the association, including records
13 of the association directly related to the personal, health or financial
14 information about an individual member of the association, an individual
15 employee of the association or an individual employee of a contractor for
16 the association.

17 5. Records relating to the job performance of, compensation of,
18 health records of or specific complaints against an individual employee of
19 the association or an individual employee of a contractor of the
20 association who works under the direction of the association.

21 C. The association shall not be required to disclose financial and
22 other records of the association if disclosure would violate any state or
23 federal law.

24 D. THE ASSOCIATION SHALL FILE AND MAINTAIN WITH THE CORPORATION
25 COMMISSION THE CONDOMINIUM DOCUMENTS FOR THE DATABASE PRESCRIBED BY
26 SECTION 10-130.

27 ~~D.~~ E. This section does not apply to an association for a
28 timeshare plan that is subject to chapter 20 of this title.

29 Sec. 3. Section 33-1805, Arizona Revised Statutes, is amended to
30 read:

31 33-1805. Association financial and other records

32 A. Except as provided in subsection B of this section, all
33 financial and other records of the association shall be made reasonably
34 available for examination by any member or any person designated by the
35 member in writing as the member's representative. The association shall
36 not charge a member or any person designated by the member in writing for
37 making material available for review. The association ~~shall have~~ HAS ten
38 business days to fulfill a request for examination. On request for
39 purchase of copies of records by any member or any person designated by
40 the member in writing as the member's representative, the association
41 ~~shall have~~ HAS ten business days to provide copies of the requested
42 records. An association may charge a fee for making copies of not more
43 than ~~fifteen cents~~ \$.15 per page.

- 1 B. Books and records kept by or on behalf of the association and
2 the board may be withheld from disclosure to the extent that the portion
3 withheld relates to any of the following:
- 4 1. Privileged communication between an attorney for the association
5 and the association.
 - 6 2. Pending litigation.
 - 7 3. Meeting minutes or other records of a session of a board meeting
8 that is not required to be open to all members pursuant to section
9 33-1804.
 - 10 4. Personal, health or financial records of an individual member of
11 the association, an individual employee of the association or an
12 individual employee of a contractor for the association, including records
13 of the association directly related to the personal, health or financial
14 information about an individual member of the association, an individual
15 employee of the association or an individual employee of a contractor for
16 the association.
 - 17 5. Records relating to the job performance of, compensation of,
18 health records of or specific complaints against an individual employee of
19 the association or an individual employee of a contractor of the
20 association who works under the direction of the association.
- 21 C. The association shall not be required to disclose financial and
22 other records of the association if disclosure would violate any state or
23 federal law.
- 24 D. THE ASSOCIATION SHALL FILE AND MAINTAIN WITH THE CORPORATION
25 COMMISSION THE COMMUNITY DOCUMENTS FOR THE DATABASE PRESCRIBED BY SECTION
26 10-130.