

House Engrossed

~~planned communities; declarant control~~
(now: declarant control; planned communities)

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

HOUSE BILL 2698

AN ACT

AMENDING TITLE 33, CHAPTER 16, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 33-1820; 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. Title 33, chapter 16, article 1, Arizona Revised
3 Statutes, is amended by adding section 33-1820, to read:

4 33-1820. Declarant control

5 NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS:

6 1. EACH DECLARATION THAT PROVIDES FOR A PERIOD OF DECLARANT CONTROL
7 OF THE ASSOCIATION SHALL ALSO PROVIDE FOR A DATE OF OR METHOD FOR
8 CALCULATING THE DATE OF THE TERMINATION OF DECLARANT CONTROL.

9 2. FOR EVERY PLANNED COMMUNITY, WITHOUT REGARD TO WHETHER THE
10 COMMUNITY DOCUMENTS PROVIDE FOR THE TERMINATION OF DECLARANT CONTROL,
11 DECLARANT CONTROL TERMINATES NOT LATER THAN THE DATE ON WHICH THE SECOND
12 TO LAST LOT IN THE PLANNED COMMUNITY IS CONVEYED TO A BUYER.

13 3. AFTER TERMINATION OF THE PERIOD OF DECLARANT CONTROL AND WHILE
14 THE DECLARANT OWNS ONE OR MORE LOTS IN THE PLANNED COMMUNITY, THE
15 ASSOCIATION SHALL:

16 (a) PROVIDE AT LEAST THE SAME LEVEL MAINTENANCE OF COMMON AREAS
17 THAT THE DECLARANT PROVIDED.

18 (b) NOT IMPEDE THE DECLARANT'S ABILITY TO DEVELOP, CONSTRUCT AND
19 SELL ITS LOTS AND NOT IMPEDE ACCESS TO AND USE OF COMMON AREAS BY THE
20 DECLARANT IN THE SAME MANNER AS OTHER MEMBERS.