

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

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2298

Introduced by
Representative Carter

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; vote of
5 the membership
6 A. EXCEPT AS PRESCRIBED IN SUBSECTION B OF THIS SECTION AND
7 notwithstanding any provision in the community documents, after the period
8 of declarant control, an association has no authority over and shall not
9 regulate any roadway for which the ownership has been dedicated to or is
10 otherwise held by a governmental entity.
11 ~~B. This section applies only to those planned communities for which~~
12 ~~the declaration is recorded after December 31, 2014.~~
13 B. FOR ANY PLANNED COMMUNITY FOR WHICH THE DECLARATION WAS RECORDED
14 BEFORE JANUARY 1, 2015 AND THAT REGULATES ANY ROADWAY FOR WHICH THE
15 OWNERSHIP HAS BEEN DEDICATED TO OR IS OTHERWISE HELD BY A GOVERNMENTAL
16 ENTITY, THE EXISTING REGULATIONS CONTINUE IN EFFECT UNTIL EITHER OF THE
17 FOLLOWING OCCURS:
18 1. NOT LATER THAN JUNE 30, 2025, THE PLANNED COMMUNITY SHALL HOLD A
19 VOTE OF THE MEMBERSHIP ON THE QUESTION OF WHETHER TO CONTINUE TO REGULATE
20 PUBLIC ROADWAYS. IF THE NUMBER OF OWNERS VOTING ON THE QUESTION IS
21 SUFFICIENT TO CONSTITUTE A QUORUM OF THE MEMBERSHIP AND A MAJORITY OF THAT
22 NUMBER VOTES TO CONTINUE REGULATING PUBLIC ROADWAYS IN THE PLANNED
23 COMMUNITY, THE PLANNED COMMUNITY RETAINS ITS AUTHORITY TO REGULATE THOSE
24 PUBLIC ROADWAYS. THE BOARD OF DIRECTORS SHALL RECORD IN THE OFFICE OF THE
25 COUNTY RECORDER OF THE COUNTY IN WHICH THE PLANNED COMMUNITY IS LOCATED A
26 DOCUMENT CONFIRMING THAT THE PLANNED COMMUNITY CONTINUES TO REGULATE THE
27 PUBLIC ROADWAYS.
28 2. IF THE VOTE PRESCRIBED BY PARAGRAPH 1 OF THIS SUBSECTION FAILS
29 OR IF THE PLANNED COMMUNITY DOES NOT HOLD A VOTE OF THE MEMBERSHIP IN
30 COMPLIANCE WITH PARAGRAPH 1 OF THIS SUBSECTION, THE PLANNED COMMUNITY NO
31 LONGER HAS AUTHORITY TO REGULATE THE PUBLIC ROADWAYS IN THE PLANNED
32 COMMUNITY AND ANY EXISTING REGULATIONS EXPIRE.