

REFERENCE TITLE: homeowners' associations; foreclosures; voting rights

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1452

Introduced by
Senator Gould

AN ACT

AMENDING TITLE 33, CHAPTER 16, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-1817; 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 Statutes,
3 is amended by adding section 33-1817, to read:

4 33-1817. Board of directors; ownership of foreclosed
5 properties; voting eligibility

6 A. NOTWITHSTANDING ANY OTHER LAW AND ANY PROVISIONS IN THE COMMUNITY
7 DOCUMENTS, THE DECLARANT FOR A PLANNED COMMUNITY IS ELIGIBLE TO VOTE FOR ONLY
8 THE NUMBER OF MEMBERS OF THE BOARD OF DIRECTORS THAT CONSTITUTES A MINORITY
9 OF THE MEMBERSHIP OF THE BOARD OF DIRECTORS IF ALL OF THE FOLLOWING APPLY:

10 1. THE PLANNED COMMUNITY WAS PLATTED BEFORE JANUARY 1, 1976 AND
11 CONTAINED MORE THAN THREE THOUSAND LOTS AS ORIGINALLY PLATTED.

12 2. MORE THAN FIVE HUNDRED LOTS HAVE BEEN SOLD OR OTHERWISE CONVEYED TO
13 A PERSON OTHER THAN THE DECLARANT.

14 3. THE DECLARANT WAS NOT THE ORIGINAL DECLARANT AND ACQUIRED TITLE TO
15 THE LOTS THROUGH COMPROMISE AND SETTLEMENT OF UNPAID PROPERTY TAXES.

16 B. NOTWITHSTANDING ANY OTHER LAW AND ANY PROVISIONS IN THE COMMUNITY
17 DOCUMENTS, THE NONDECLARANT OWNERS OF THE LOTS IN A PLANNED COMMUNITY
18 PRESCRIBED BY THIS SECTION ARE ELIGIBLE TO VOTE FOR THE NUMBER OF MEMBERS OF
19 THE BOARD OF DIRECTORS THAT CONSTITUTES A MAJORITY OF THE MEMBERSHIP OF THE
20 BOARD OF DIRECTORS.