



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: LARA DP 7-2-0-0

HB 2006: real estate; acting in concert
Sponsor: Representative Griffin, LD 19
House Engrossed

Overview

Details instances that alone do not constitute unlawful acting in concert.

History

Currently, a county board of supervisors (BOS) may adopt land division ordinances to split a parcel of land into five or fewer lots, parcels or fractional interests, each of which is ten acres or smaller. A land division application may be approved if certain statutory requirements are met. If an application does not comply with the requirements, the application may still be approved if the applicant confirms that no building or use permit will be issued until the lot, parcel or fractional interest complies with all statutory requirements. A BOS may also grant a variance to any of the requirements ([A.R.S. § 11-831](#)).

Statute expressly prohibits a person or group of persons acting in concert to attempt to avoid the land division or subdivision laws by acting in concert to divide a parcel of land into six or more lots or lease or sell subdivided lots by using a series of owners or conveyances. Either the county where the division occurred or the Arizona Department of Real Estate, but not both, can enforce this prohibition. Unlawful acting in concert, with respect to the sale or lease of subdivided lots, requires proof that the real estate licensee or other licensed professional knew or should have known that property which the licensee listed or acted in any capacity as agent was subdivided land. A familial relationship alone is not sufficient to constitute unlawful acting in concert (A.R.S. §§ [11-831](#), [32-2181](#)).

Provisions

1. Specifies, as it relates to subdivision laws, that the following alone are not sufficient to constitute unlawful acting in concert:
 - a) a familial relationship;
 - b) a well share agreement;
 - c) a road maintenance agreement; and
 - d) for a county with a population of less than 500,000 persons the use or referral of the same licensed engineer or registered contractor. (Sec. 1 and 2)
2. Makes technical and conforming changes. (Sec. 1 and 2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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