



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: LARA DPA 8-1-0-0

HB 2023: land divisions; disclosure affidavit; recording

Sponsor: Representative Griffin, LD 19

Caucus & COW

Overview

Modifies the information required to be included in an affidavit of disclosure and related procedures.

History

Current law requires a seller of five or fewer parcels of non-subdivided land, located in an unincorporated area of a county, and any subsequent seller, to furnish an affidavit of disclosure to the buyer at least seven days before the property is transferred. The buyer has the right to rescind a sale within five days of receiving the affidavit. The affidavit must be recorded at the same time the deed is recorded. Subsequent affidavits supersede any previously recorded affidavits.

Statute outlines the information an affidavit of disclosure must contain, including the legal description of the property, a list of services and utilities currently provided to the property, if the property meets county zoning requirements and if the use of the property is subject to any limitations.

If the seller is a trustee of a subdivision trust, the beneficiary of the trust is required to provide the disclosure affidavit.

The seller must provide a notarized certification, under penalty of perjury, that the information provided is true, complete and correct ([A.R.S. § 33-422](#)).

Provisions

1. Requires that an affidavit of disclosure be completed by the seller and contain all the information specified by statute. (Sec. 1)
2. Describes the responsibilities of a subsequent seller and licensed escrow agent relating to completing and recording a subsequently executed affidavit. (Sec. 1)
3. Specifies that a licensed escrow agent who records an affidavit is not liable for inaccurate information or omissions of material facts. (Sec. 1)
4. Requires an affidavit of disclosure to include information on:
 - a) water supplies;
 - b) leased or owned battery energy storage devices; and
 - c) whether the seller is a trustee, personal representative of an estate or conducting a mortgage foreclosure. (Sec. 1)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note

5. Adds in the affidavit for land divisions, a notice that it is unlawful to attempt to avoid land division or subdivision laws by acting in concert to divide a parcel of land into six or more lots or parcels. (Sec. 1)
6. Allows the county where the land division occurred or the Arizona Department of Real Estate to investigate and enforce actions regarding acting in concert to unlawfully divide a parcel a land. (Sec. 1)
7. Specifies that a seller or subsequent seller does not include a personal representative acting on behalf of an estate selling the property. (Sec. 1)
8. Repeals and re-enacts Laws 2023, Chapter 77, Section 3 to correct a technical error resulting in a potentially invalid change to A.R.S. § 33-422. (Sec. 2)
9. Makes technical changes. (Sec. 1)

Amendments

Committee on Land, Agriculture & Rural Affairs

1. Allows a licensed escrow agent, if requested by the seller, to record affidavits of disclosure.
2. States that an escrow agent is not liable for omissions or inaccuracies provided by the seller.
3. Adds two items to the disclosure form regarding information for the property's on-site wastewater treatment facilities.