



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2131

artificial grass ban prohibited; HOAs

Purpose

Prohibits a planned community association (HOA) that allows natural grass on a member's property from prohibiting the installation or usage of artificial turf on any member's property, unless certain conditions are met. Allows an HOA to adopt reasonable rules and regulations regarding the installation and appearance of the artificial turf and outlines requirements related to the regulation of artificial turf by an HOA.

Background

An HOA may adopt, amend and enforce covenants, conditions or restrictions related to the use, occupancy or appearance of the separately owned lots, parcels or units in a real estate development (A.R.S. §§ [33-1802](#) and [33-1817](#)). An HOA may send a notice of a violation of the community documents to a member who may respond to the HOA's notice within 21 business days. Within 10 business days of the HOA's receipt of the member's response, an HOA must respond with the: 1) provision of the community documents that has allegedly been violated; 2) date of the violation or the date the violation was observed; 3) first and last name of the person or persons who observed the violation; and 4) process the member must follow to contest the notice ([A.R.S. § 33-1803](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits, after the period of declarant control, an HOA that allows natural grass on a member's property from prohibiting the installation or use of artificial turf on a member's property.
2. Allows an HOA to adopt reasonable rules and regulations regarding the installation and appearance of artificial turf.
3. Allows the rules adopted by an HOA to regulate the:
 - a) location on the property and the percentage of the property that may be covered with artificial turf to the same extent as natural grass; and
 - b) quality of the turf.
4. Allows an HOA to require the removal of a member's artificial turf if the artificial turf creates a health or safety issue that the member does not correct.
5. Allows an HOA to require the removal or replacement of a member's artificial turf if the artificial turf is not maintained in accordance with the HOA's standards for maintenance.

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6. Allows an HOA to prohibit the installation of artificial turf on a member's property if:
 - a) the artificial turf would be installed in an area of the HOA that the association is required to maintain or irrigate; or
 - b) if the HOA prohibits the new installation of natural grass on a member's property.
7. Requires, in an action against an HOA for a violation of the prohibition or requirements related to the regulation of artificial turf, a court to award reasonable attorney fees and costs to any party that prevailed as determined by the court.
8. Specifies that the prohibition and requirements related to artificial turf do not affect an HOA's responsibility to carry out the express and reasonably implied intent of a declaration that provides that the design standards of the planned community are required to be followed to protect the natural environment in which the planned community is developed.
9. Exempts, from the prohibition and requirements related to the regulation of artificial turf, a planned community that has unique vegetation and geological characteristics that require preservation by the HOA and in which the viability of those characteristics is protected, supported and enhanced as a result of the continued existence of natural landscaping materials.
10. Becomes effective on the general effective date.

House Action

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| 3 rd Read | 2/23/22 | | 57-2-1 |

Prepared by Senate Research

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MH/MF/slp