



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

FACT SHEET FOR H.B. 2590

~~real estate disclosures; water; solar~~
(NOW: seller disclosure; water; solar; batteries)

Purpose

Requires a seller's affidavit of disclosure (affidavit) for land divisions to include information regarding the water hauler and water supply for a property that requires water transportation and whether the property has battery storage devices.

Background

A county may adopt ordinances and regulations for review and approval of land divisions of five or fewer lots, parcels or fractional interests, any of which is ten acres or smaller. The county must approve a land division if: 1) the lots, parcels or fractional interests each meet the minimum applicable county zoning requirements of the applicable zoning designation; 2) the applicant provides a standard preliminary title report or other acceptable document that demonstrates legal access to the lots, parcels or fractional interests; 3) the applicant provides a statement from a licensed surveyor or engineer, or other evidence acceptable to the county, stating whether each lot, parcel or fractional interest has physical access that is traversable by a two-wheel drive passenger motor vehicle; and 4) the applicant reserves the necessary and appropriate utility easements to serve each lot, parcel or fractional interest the land division creates ([A.R.S. § 11-831](#)).

A seller of five or fewer parcels of land, other than subdivided land, in an unincorporated area of a county and any subsequent seller of a parcel must furnish a written affidavit to the buyer at least seven days before transferring the property. The buyer must acknowledge receipt of the affidavit and has the right to rescind the transaction for a period of five days. The affidavit discloses information regarding: 1) access to the property; 2) road maintenance; 3) location in a floodplain; 4) whether the property is subject to fissures or expansive soils; 5) utilities that are currently provided; 6) the property's water supply and water provider; 7) solar devices on the property; 8) whether the property meets county zoning and statutory land division requirements; 9) location near a military airport or ancillary military facility, military restricted airspace or a military electronics range; and 10) limitations on the property's use ([A.R.S. § 33-422](#)).

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

Provisions

1. Includes the following disclosures in the affidavit for land divisions:
 - a) the name and contact information of the water hauler or water hauling company that is currently providing the transportation services to the property and the name and location of the water supply from which the water is currently being transported, if the property is served by a water supply that requires transportation of water to the property; and
 - b) whether the property has one or more battery energy storage devices and whether the devices are leased or owned.

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2. Requires the seller to disclose the leasing company's name and contact information in the affidavit, if the battery energy storage devices are leased.
3. Specifies that an affidavit must contain all the outlined statutory disclosures and be completed by the seller.
4. Makes conforming changes.
5. Becomes effective on the general effective date.

House Action

NREW	2/14/23	DPA/SE	8-0-0-2
3 rd Read	3/1/23		31-28-1

Prepared by Senate Research

March 13, 2023

JT/FB/sr