



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature  
First Regular Session

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## **HB 2619: homeowners' associations; declaration amendment; majority**

**Sponsor: Representative Parker, LD 16**  
**Committee on Government & Elections**

### **Overview**

Modifies the number of votes necessary for a member of a unit owner's association or planned community association to amend the declaration.

### **History**

Current statute outlines how a declaration may be amended for a unit owner's association or planned community association. The declaration, including the plat, of a unit owner's association may be amended only by a vote of the unit owners to which at least 67 percent of the votes in the association are allocated, or any larger majority that the declaration specifies. The declaration is allowed to specify a smaller percentage if all of the units are restricted exclusively to nonresidential use ([A.R.S. § 33-1227](#)).

For an amendment to the declaration of a planned community association, the amendment may be made by the association or the owners of the property that is subject to the declaration, by written consent or an affirmative vote of the number of owners or eligible voters specified in the declaration. This includes the assent of any individuals or entities that are specified in the declaration ([A.R.S. § 33-1817](#)).

### **Provisions**

1. States that a unit owner's declaration may only be amended by a vote of the unit owners to which more than 50 percent of the votes are allocated, notwithstanding any provision of the condominium documents or other restrictions on modifying the declaration. (Sec. 1)
2. Specifies that during the period of declarant control, an amendment must not terminate or decrease any unexpired development right unless the declarant approves. (Sec. 1)
3. Stipulates that a planned community declaration may be amended by an affirmative vote or written consent of a majority of the owners or eligible voters, notwithstanding any provision of the community documents or other restrictions on modifying the declaration. (Sec. 2)
4. Makes technical and conforming changes. (Sec. 1, 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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