



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-seventh Legislature  
First Regular Session

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## **HB 2865: homeowners' associations; attorney fees**

**Sponsor: Representative Carter N, LD 15**

**Committee on Commerce**

### **Overview**

Precludes an association from charging or assessing their attorney fees and costs onto a homeowner.

### **History**

An association has a lien for homeowner expenses after the entry of a judgment in a civil suit for those expenses from a court of competent jurisdiction and the recording of that judgment in the office of the county recorder. A judgment or decree may include costs and reason attorney fees for the prevailing party (A.R.S. §§ [33-1256](#), [33-1807](#)).

### **Provisions**

1. Prohibits an association from charging or otherwise assessing the association's attorney fees and related costs onto one or more homeowners or former owners. (Sec. 1, 2)
2. Asserts all parties in any litigation, arbitration, mediation, administrative action or other claim must bear their own attorney fees and related costs. (Sec. 1, 2)
3. Allows a homeowner to recover attorney fees and related costs against the association as the governing documents provide. (Sec. 1, 2)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note