



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-seventh Legislature
First Regular Session

House: COM DPA 9-1-0-0

HB 2866: homeowner's associations; unlawful enforcement; damages

Sponsor: Representative Carter N, LD 15

House Engrossed

Overview

Prescribes liability damages for associations that attempt to enforce provisions of their governing documents that are prohibited by law.

History

A unit owner or homeowner who receives a written notice that the condition of the unit owner's or homeowner's property is in violation of a requirement of the governing documents may provide the association with a written response within 21 calendar days after the date of the notice. The association must respond within 10 business days of receiving the owner's written response with a written explanation regarding the notice specifying: 1) the provision of the governing documents that has allegedly been violated; 2) the date of the violation or the date the violation was observed; 3) the first and last name of the person or persons who observed the violation; and 4) the process the unit owner must follow to contest the notice. The violation notice must include the process to contest the notice in order for the association to proceed with any action to enforce the governing documents and provide information on petitioning the Arizona Department of Real Estate for an administrative hearing regarding a dispute (A.R.S. §§ [33-1242](#), [33-1803](#)).

Provisions

1. Stipulates an association that attempts to enforce any provision of their governing documents that is prohibited by law is liable for the following damages:
 - a) for a first attempt to enforce, \$1,000; and
 - b) for a second and any additional attempts to enforce, \$2,500. (Sec. 1, 2)
2. Specifies the association's liability accrues based on the number of attempts to enforce without regard to whether enforcement is attempted against the same or different unit owners of the condominium, or members of the planned community. (Sec. 1,2)
3. Asserts a unit owner, or member, has recourse for damages against the association in any court of competent jurisdiction. (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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