



## 2021 Arizona End of Legislative Session Report

CAI's Arizona Legislative Action Committee (AZ LAC) was busy this session. The 17-member committee volunteered hundreds of collective hours to review bills, draft testimony, meet with legislators and other decision-makers, and testify for or against bills. Arizona legislators introduced more than 1,900 bills, but only six were enacted. The LAC monitored ten bills that could impact community associations; their top priority bills are summarized below.

**H2030: FIRST RESPONDER FLAGS; HOMEOWNERS' ASSOCIATIONS.** The LAC opposed this bill sponsored by Rep. Kavanaugh (R-Dist 23) which states that condominium associations and homeowners associations cannot prohibit the display of a flag that represents one or more categories of first responders.

**Status: PASSED**

**H2052: HOMEOWNERS' ASSOCIATIONS: POLITICAL; COMMUNITY ACTIVITY.** The LAC opposed this bill sponsored by Rep. Kavanaugh (R-Dist 23) which entails four components; (1) the bill states that condominium associations and planned community associations cannot prohibit or unreasonably restrict a unit owner or member's ability to peacefully assemble and use private or common elements of the community if done in compliance with reasonable restrictions. (2) An individual unit owner or member or a group of unit owners or members are permitted to organize to discuss or address association business, property maintenance or safety issues or any other association business or actions. (3) A unit owner or member is allowed to invite a political candidate or other non-unit owner guest to speak to an assembly of unit owners or members. (4) And lastly, the bill proposes that the definition of "political sign" be expanded to include a sign regarding any activity to elect or remove association directors or to circulate or oppose petitions for actions in the association or in support of or opposition to association ballot measures or other questions.

**Status: PASSED**

**H2170: WRITS OF GARNISHMENT; ATTORNEY FEES.** The LAC supported this bill sponsored by Rep. Blackman (R-Dist 6) that permits accrued attorney fees, including fees for garnishment to be included in a writ of garnishment (if allowed by a judgement or contract).

**Status: PASSED**

**S1377: CIVIL LIABILITY; PUBLIC HEALTH PANDEMIC.** The LAC supported this bill sponsored by Sen. Leach (R-Dist 11) states that during a governor instated state of emergency for a public health pandemic, a health professional or health care institution that acts in good faith is not liable for damages in any civil action for an injury or death that is alleged to be caused by the health professional's or health care.

**Status: PASSED**

**S1722: POLITICAL SIGNS; CONDOMINIUMS; PLANNED COMMUNITIES.** The LAC opposed this bill

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sponsored by Sen. Leach (R-Dist 11) that would modify the time periods during which condominium associations and homeowners' associations cannot prohibit the display of political signs as follows: earlier than 71 days before the day of a primary election and later than fifteen days after the days of the general election.

**Status: PASSED**

**H2481: SHORT-TERM RENTALS; ENFORCEMENT; PENALTIES (CAI National Bill).** The LAC supported this bill sponsored by Rep. Kavanaugh (R-Dist 23) which (1) requires the owner of a vacation rental or short-term rental to license or register with the county or municipality and (2) restricts the occupancy of a vacation rental or short-term rental to the lesser of the occupancy limit of the county or the municipality of 2 adults per bedroom with an additional 2 adults.

**Status: PASSED**

**H2619: HOMEOWNERS' ASSOCIATIONS; DECLARATION AMENDMENT; MAJORITY (Priority Bill).** The LAC opposed this bill sponsored by Rep. Parker (R-Dist 16) which would decrease the percentage of votes needed, to 50 percent, for a condominium association declaration to be amended by vote of the unit owners. This would allow for the declaration to no longer require a majority. This bill would also allow for a homeowners association declaration to be amended by an affirmative vote or written consent of a majority of the owners or eligible voters, instead of by the number of owners or eligible voters specified in the declaration.

**Status: SUCCESSFULLY FAILED**

**S1379: VACATION RENTALS; SHORT-TERM RENTALS; ENFORCEMENT.** The LAC supported this bill sponsored by Sen. Mesnard (R-Dist 17) that would modify the list of regulations that counties and municipalities are authorized to impose on vacation rentals or short-term rentals. This would include restrictions on the occupancy of a vacation rental or short-term rental to 2 adults per bedroom, up to 4 bedrooms, plus 2 additional adults per 1,000 square feet of livable space in excess of 3,000 square feet of livable space. Additionally, this would require the owner of a vacation rental or short-term rental to maintain liability insurance appropriate to cover the rental in the aggregate of at least \$500,000 or to advertise and offer each vacation rental or short-term rental through a hosting platform that provides equal or greater coverage.

**Status: FAILED**

**S1785: PROPERTY; FIREARMS CLAUSES; AGREEMENTS; PROHIBITION (Priority Bill).** The LAC opposed this bill sponsored by Sen. Rogers (R-Dist 6) which would allow rental agreements to provide that the tenant can carry, possess, transport or store firearms on the premises a firearm, a part of a firearm or firearm ammunition that is authorized under state or federal law. Applies to the tenant, the tenant's guest, the tenant's dwelling and any parking area or other area open for use by the tenant.

**Status: SUCCESSFULLY FAILED**

**S1644: HOMEOWNERS' ASSOCIATIONS; DECLARATION; BYLAWS; AMENDMENTS (Priority Bill).** The LAC requested for this bill to be held, sponsored by Sen. Gray (R-Dist 21) which would allow for a condominium association declaration to be amended by a vote of the unit owners to which more than 50 percent of the votes are allocated, and the declaration is no longer allowed to require a majority. A homeowners' association declaration would be able to be amended by an affirmative vote or written consent of a majority of the owners or eligible voters, instead of by the number of owners or eligible voters specified in the declaration. Lastly, For a condominium association or

homeowners' association, an amendment to the declaration of that takes any of a list of specified

actions requires the approval of owners of 75 percent of all lots, or the declaration may provide otherwise.

**Status: SUCCESSFULLY FAILED**

#### **Arizona Contact Information**

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#### **Your Assistance is Needed**

Expenses incurred by the LAC are paid for with donations and by Advocacy Fund fees. Corporate contributions are allowed and appreciated. Most community association boards can legally allocate money to support the AZ LAC. Please visit [www.caionline.org/lacdonate/](http://www.caionline.org/lacdonate/) and donate to “Arizona” to support our continued efforts.

For more information visit [www.caionline.org/AZLAC](http://www.caionline.org/AZLAC).