

REFERENCE TITLE: HOA; rental information; violation; penalty

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
Second Regular Session  
2020

# HB 2651

Introduced by  
Representative Kavanagh

AN ACT

AMENDING SECTIONS 33-1260.01 AND 33-1806.01, ARIZONA REVISED STATUTES;  
RELATING TO CONDOMINIUMS AND PLANNED COMMUNITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-1260.01, Arizona Revised Statutes, is amended  
3 to read:

4 33-1260.01. Rental property; unit owner and agent  
5 information; fee; disclosure; penalty

6 A. A unit owner may use the unit owner's unit as a rental property  
7 unless prohibited in the declaration and shall use it in accordance with  
8 the declaration's rental time period restrictions.

9 B. A unit owner may designate in writing a third party to act as  
10 the unit owner's agent with respect to all association matters relating to  
11 the rental unit, except for voting in association elections and serving on  
12 the board of directors. The unit owner shall sign the written designation  
13 and shall provide a copy of the written designation to the association.  
14 On delivery of the written designation, the association is authorized to  
15 conduct all association business relating to the unit owner's rental unit  
16 through the designated agent. Any notice given by the association to a  
17 unit owner's designated agent on any matter relating to the unit owner's  
18 rental unit constitutes notice to the unit owner.

19 C. Notwithstanding any provision in the condominium documents, on  
20 rental of a unit an association shall not require a unit owner or a unit  
21 owner's agent to disclose any information regarding a tenant other than  
22 the name and contact information for any adults occupying the unit, the  
23 time period of the lease, including the beginning and ending dates of the  
24 tenancy, and a description and the license plate numbers of the tenants'  
25 vehicles. If the condominium is an ~~age-restricted~~ AGE-RESTRICTED  
26 condominium, the unit owner, the unit owner's agent or the tenant shall  
27 show a ~~government-issued~~ GOVERNMENT-ISSUED identification that bears a  
28 photograph and that confirms that the tenant meets the condominium's age  
29 restrictions or requirements. IF A UNIT OWNER OR UNIT OWNER'S AGENT FAILS  
30 TO DISCLOSE TO THE ASSOCIATION THE TENANT INFORMATION PRESCRIBED BY THIS  
31 SUBSECTION, THE TENANCY IS PRESUMED TO BE IN VIOLATION OF THIS SECTION AND  
32 THE DECLARATION, AND THE ASSOCIATION MAY IMPOSE A MONETARY PENALTY ON THE  
33 UNIT OWNER AS PRESCRIBED BY SECTION 33-1242 IN THE FULL AMOUNT OF THE  
34 MONIES PAID BY THE TENANT.

35 D. On request of an association or its managing agent for the  
36 disclosures prescribed in subsection C of this section, the managing agent  
37 or, if there is no managing agent, the association may charge a fee of not  
38 more than ~~twenty-five dollars~~ \$25, which shall be paid within fifteen days  
39 after the postmarked request. The fee may be charged for each new tenancy  
40 for that unit but may not be charged for a renewal of a lease. Except for  
41 the fee permitted by this subsection, THE MONETARY PENALTY PRESCRIBED BY  
42 SUBSECTION C OF THIS SECTION and fees related to the use of recreational  
43 facilities, the association or its managing agent shall not assess, levy  
44 or charge a fee or fine or otherwise impose a requirement on a unit

1 owner's rental unit any differently than on an owner-occupied unit in the  
2 association.

3 E. Notwithstanding any provision in the condominium documents, the  
4 association is prohibited from doing any of the following:

5 1. Requiring a unit owner to provide the association with a copy of  
6 the tenant's rental application, credit report, lease agreement or rental  
7 contract or other personal information except as prescribed by this  
8 section. This paragraph does not prohibit the association from acquiring a  
9 credit report on a person in an attempt to collect a debt.

10 2. Requiring the tenant to sign a waiver or other document limiting  
11 the tenant's due process rights as a condition of the tenant's occupancy  
12 of the rental unit.

13 3. Prohibiting or otherwise restricting a unit owner from serving  
14 on the board of directors based on the owner's not being an occupant of  
15 the unit.

16 ~~4. Imposing on a unit owner or managing agent any fee, assessment,  
17 penalty or other charge in an amount greater than fifteen dollars for  
18 incomplete or late information regarding the information requested  
19 pursuant to subsection C of this section~~

20 F. Any attempt by an association to exceed the fee, assessment,  
21 penalty or other charge authorized by subsection ~~C OR D~~ ~~OR E~~ of this  
22 section voids the fee, assessment, penalty or other charge authorized by  
23 subsection ~~C OR D~~ ~~OR E~~ of this section. This section does not prevent an  
24 association from complying with the housing for older persons act of 1995  
25 (P.L. 104-76; 109 Stat. 787).

26 G. An owner may use a crime free addendum as part of a lease  
27 agreement. This section does not prohibit the owner's use of a crime free  
28 addendum.

29 H. This section does not prohibit and an association may lawfully  
30 enforce a provision in the condominium documents that restricts the  
31 residency of persons who are required to be registered pursuant to section  
32 13-3821 and who are classified as level two or level three offenders.

33 I. An owner of rental property shall abate criminal activity as  
34 authorized in section 12-991.

35 Sec. 2. Section 33-1806.01, Arizona Revised Statutes, is amended to  
36 read:

37 33-1806.01. Rental property; member and agent information;  
38 fee; disclosure; penalty

39 A. A member may use the member's property as a rental property  
40 unless prohibited in the declaration and shall use it in accordance with  
41 the declaration's rental time period restrictions.

42 B. A member may designate in writing a third party to act as the  
43 member's agent with respect to all association matters relating to the  
44 rental property, except for voting in association elections and serving on  
45 the board of directors. The member shall sign the written designation and

1 shall provide a copy of the written designation to the association. On  
2 delivery of the written designation, the association is authorized to  
3 conduct all association business relating to the member's rental property  
4 through the designated agent. Any notice given by the association to a  
5 member's designated agent on any matter relating to the member's rental  
6 property constitutes notice to the member.

7 C. Notwithstanding any provision in the community documents, on  
8 rental of a member's property an association shall not require a member or  
9 a member's agent to disclose any information regarding a tenant other than  
10 the name and contact information for any adults occupying the property,  
11 the time period of the lease, including the beginning and ending dates of  
12 the tenancy, and a description and the license plate numbers of the  
13 tenants' vehicles. If the planned community is an ~~age-restricted~~  
14 AGE-RESTRICTED community, the member, the member's agent or the tenant  
15 shall show a ~~government issued~~ GOVERNMENT-ISSUED identification that bears  
16 a photograph and that confirms that the tenant meets the community's age  
17 restrictions or requirements. IF A MEMBER OR MEMBER'S AGENT FAILS TO  
18 DISCLOSE TO THE ASSOCIATION THE TENANT INFORMATION PRESCRIBED BY THIS  
19 SUBSECTION, THE TENANCY IS PRESUMED TO BE IN VIOLATION OF THIS SECTION AND  
20 THE DECLARATION, AND THE ASSOCIATION MAY IMPOSE A MONETARY PENALTY ON THE  
21 MEMBER AS PRESCRIBED BY SECTION 33-1803 IN THE FULL AMOUNT OF THE MONIES  
22 PAID BY THE TENANT.

23 D. On request of an association or its managing agent for the  
24 disclosures prescribed in subsection C of this section, the managing agent  
25 or, if there is no managing agent, the association may charge a fee of not  
26 more than ~~twenty five dollars~~ \$25, which shall be paid within fifteen days  
27 after the postmarked request. The fee may be charged for each new tenancy  
28 for that property but may not be charged for a renewal of a lease. Except  
29 for the fee permitted by this subsection, THE MONETARY PENALTY PRESCRIBED  
30 BY SUBSECTION C OF THIS SECTION and fees related to the use of  
31 recreational facilities, the association or its managing agent shall not  
32 assess, levy or charge a fee or fine or otherwise impose a requirement on  
33 a member's rental property any differently than on an owner-occupied  
34 property in the association.

35 E. Notwithstanding any provision in the community documents, the  
36 association is prohibited from doing any of the following:

37 1. Requiring a member to provide the association with a copy of the  
38 tenant's rental application, credit report, lease agreement or rental  
39 contract or other personal information except as prescribed by this  
40 section. This paragraph does not prohibit the association from acquiring  
41 a credit report on a person in an attempt to collect a debt.

42 2. Requiring the tenant to sign a waiver or other document limiting  
43 the tenant's due process rights as a condition of the tenant's occupancy  
44 of the rental property.

1           3. Prohibiting or otherwise restricting a member from serving on  
2 the board of directors based on the member's not being an occupant of the  
3 property.

4           ~~4. Imposing on a member or managing agent any fee, assessment,  
5 penalty or other charge in an amount greater than fifteen dollars for  
6 incomplete or late information regarding the information requested  
7 pursuant to subsection C of this section.~~

8           F. Any attempt by an association to exceed the fee, assessment,  
9 penalty or other charge authorized by subsection C OR D ~~OR E~~ of this  
10 section voids the fee, assessment, penalty or other charge authorized by  
11 subsection C OR D ~~OR E~~ of this section. This section does not prevent an  
12 association from complying with the housing for older persons act of 1995  
13 (P.L. 104-76; 109 Stat. 787).

14           G. An owner may use a crime free addendum as part of a lease  
15 agreement. This section does not prohibit the owner's use of a crime free  
16 addendum.

17           H. This section does not prohibit and an association may lawfully  
18 enforce a provision in the community documents that restricts the  
19 residency of persons who are required to be registered pursuant to section  
20 13-3821 and who are classified as level two or level three offenders.

21           I. An owner of rental property shall abate criminal activity as  
22 authorized in section 12-991.