

REFERENCE TITLE: homeowners' associations; solar, water devices

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SB 1337

Introduced by
Senators Mendez: Dalessandro

AN ACT

AMENDING SECTIONS 33-439 AND 33-1816, ARIZONA REVISED STATUTES; RELATING
TO REAL PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 33-439, Arizona Revised Statutes, is amended to
3 read:

4 33-439. Restrictions on installation or use of solar energy
5 devices or water saving devices or practices
6 invalid; exception

7 A. Any covenant, restriction or condition contained in any deed,
8 contract, security agreement or other instrument affecting the transfer or
9 sale of, or any interest in, real property ~~which~~ THAT effectively
10 prohibits the installation or use of ~~a solar energy device as defined in~~
11 ~~section 44-1761~~ ANY OF THE FOLLOWING is void and unenforceable:

- 12 1. A SOLAR ENERGY DEVICE AS DEFINED IN SECTION 44-1761.
13 2. A WATER SAVING DEVICE OR INDOOR OR OUTDOOR WATER CONSERVATION
14 PRACTICE.

15 B. A deed, contract, security agreement or other instrument
16 affecting the transfer or sale of, or any interest in, real property
17 entered into before April 17, 1980 shall not be subject to ~~the provisions~~
18 ~~of~~ this section.

19 Sec. 2. Section 33-1816, Arizona Revised Statutes, is amended to
20 read:

21 33-1816. Solar energy or water saving devices or practices:
22 reasonable restrictions; fees and costs

23 A. Notwithstanding any provision in the community documents, an
24 association shall not prohibit the installation or use of ANY OF THE
25 FOLLOWING:

- 26 1. A solar energy device as defined in section 44-1761.
27 2. A WATER SAVING DEVICE OR INDOOR OR OUTDOOR WATER CONSERVATION
28 PRACTICE.

29 B. An association may adopt reasonable rules regarding the
30 placement of a solar energy device OR WATER SAVING DEVICE OR THE USE OF A
31 WATER CONSERVATION PRACTICE if those rules do not prevent the installation
32 OF THE DEVICE, impair the functioning of the device OR PRACTICE, ~~or~~
33 restrict ~~its~~ THE use OF THE DEVICE OR PRACTICE or adversely affect the
34 cost or efficiency of the device OR PRACTICE.

35 C. Notwithstanding any provision of the community documents: ~~—~~

36 1. The court shall award reasonable attorney fees and costs to any
37 party ~~who~~ THAT substantially prevails in an action against the board of
38 directors of the association for a violation of this section.

39 2. AN ASSOCIATION SHALL PROVIDE WRITTEN NOTICE TO MEMBERS OF ANY
40 RULES ADOPTED PURSUANT TO SUBSECTION B OF THIS SECTION.