



2018 Legislative Update

MULCAHY Community Association Cheat Sheet©

BRINGING ANSWERS
TO COMMUNITY
ASSOCIATIONS

This publication discusses significant points of law as they apply to community associations and is not intended to offer specific legal advice or responses to individual circumstances or problems.

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2018 ARIZONA LEGISLATIVE UPDATE REGARDING COMMUNITY ASSOCIATIONS

The Arizona Legislature adjourned on May 4, 2018.

The effective (or start) date for all bills signed by Governor Ducey is August 3, 2018, unless otherwise specified. Please note that all laws apply to both Planned Communities and Condominiums.

SUMMARY OF SENATE BILL 1041- *Residency Restrictions; Sex Offenders; Victims*

This bill expands on locations a sex offender cannot live near to so that it includes the victim's family.

Applies to Planned Communities and Condominiums.

SUMMARY OF SENATE BILL 1042- *Backflow Prevention; State Fire Code*

This is a technical correction updating the language so that the law refers to the State fire code rather than individual parts of the fire code.

Applies to Planned Communities and Condominiums.

SUMMARY OF SENATE BILL 1043- *County Recorder; Recording Fees*

This bill changes the recording fee to a flat \$30 per document regardless of length of the document.

SUMMARY OF SENATE BILL 1376- *Landlord Tenant Act; Personal Property*

This bill states that after taking possession, the landlord must inventory the tenant's personal property and inform the tenant of the location and cost of storage of the personal property. The landlord may also dispose of perishable or contaminated items. Animals can be released to a shelter but the landlord must keep a record of where the animals are taken. The landlord can also provide reasonable care for the animals if not immediately removed. The personal property must be held for 14 days instead of the current 10-day requirement. If the tenant has made no reasonable effort to recover the items in the time period, the landlord can donate the items to a qualifying charitable organization or sell the items. The tax benefit from the donation belongs to the tenant and the proceeds from any sale are to be applied to the rent owed. If the tenant tenders payment for removal costs and storage, the landlord must return the items to the tenant within five days.

SUMMARY OF SENATE BILL 1465- *Sober Living Homes; Certification*

This bill prohibits cities and counties from disclosing the address of sober living homes except to local law enforcement and emergency personnel. It added minimum standards and requirements for the licensure of sober living homes to ensure the public health, safety and welfare. Finally, the bill also defines a Sober living home as:

Any premises, place or building that provides alcohol free or drug free housing and that (a) promotes independent living and life skills development, (b) may provide activities that are directed primarily toward recovery from substance use disorders, (c) provides a supervised setting to a group of unrelated individuals who are recovering from

substance disorders, and (d) does not provide any medical or clinical services or mediation administration on-site, except for verification of abstinence.

SUMMARY OF HOUSE BILL 2240- *Judgment Renewal; Time Period*

This bill would increase the amount of time before a judgment was required to be renewed from five years to ten years.

SUMMARY OF HOUSE BILL 2249- *Protective Orders; Filing Requirements*

This Bill proposes changes to ARS 12-1809, regarding Injunctions against harassment. The affidavit, declaration, acceptance or return of service of the injunction shall be filed as soon as practicable, but not later than 72 hours, excluding weekends and holidays. Further, an issued injunction will be registered with the National Crime Information Center. The Supreme Court will maintain a central repository for injunctions that so that existence and validity of the injunctions can be easily verified.

SUMMARY OF HOUSE BILL 2262- *Condominiums; Termination; Appraisals*

This bill would allow an owner to get an appraisal by a different independent appraiser at the owner's expense if a condominium is terminating. If the second appraisal is different by five percent or less the higher appraisal is final. If the second appraisal is over five percent higher than the Association's appraisal, the unit owner shall submit the case to arbitration at the Association's expense and the arbitration amount is the final sale amount. An additional five percent of the final sale amount shall be added for relocation costs for owner occupied units.

Applies to Condominiums.