

(Source: <https://www.azleg.gov/legtext/56leg/1R/laws/0084.htm>)

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

Section 1. Section 33-1818, Arizona Revised Statutes, is amended to read:

33-1818. Community authority over public roadways; vote of the membership; applicability

A. FOR ANY PLANNED COMMUNITY FOR WHICH THE DECLARATION IS RECORDED AFTER DECEMBER 31, 2014 AND notwithstanding any provision in the community documents, after the period of declarant control, an association has no authority over and shall not regulate any roadway for which the ownership has been dedicated to or is otherwise held by a governmental entity.

B. AFTER THE PERIOD OF DECLARANT CONTROL, FOR ANY PLANNED COMMUNITY FOR WHICH THE DECLARATION WAS RECORDED BEFORE JANUARY 1, 2015 AND THAT REGULATES ANY ROADWAY FOR WHICH THE OWNERSHIP HAS BEEN DEDICATED TO OR IS OTHERWISE HELD BY A GOVERNMENTAL ENTITY, THE EXISTING REGULATIONS CONTINUE IN EFFECT UNTIL EITHER OF THE FOLLOWING OCCURS:

1. NOT LATER THAN JUNE 30, 2025, THE PLANNED COMMUNITY SHALL CALL A MEETING OF THE MEMBERSHIP ON THE QUESTION OF WHETHER TO CONTINUE TO REGULATE PUBLIC ROADWAYS. IF THE NUMBER OF OWNERS VOTING AT THE MEETING ON THE QUESTION IS SUFFICIENT TO CONSTITUTE A QUORUM OF THE MEMBERSHIP AND A MAJORITY OF THAT NUMBER VOTES TO CONTINUE REGULATING PUBLIC ROADWAYS IN THE PLANNED COMMUNITY, THE PLANNED COMMUNITY RETAINS ITS AUTHORITY TO REGULATE THOSE PUBLIC ROADWAYS. THE BOARD OF DIRECTORS SHALL RECORD IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY IN WHICH THE PLANNED COMMUNITY IS LOCATED A DOCUMENT CONFIRMING THAT THE PLANNED COMMUNITY CONTINUES TO REGULATE THE PUBLIC ROADWAYS.

2. IF THE VOTE PRESCRIBED BY PARAGRAPH 1 OF THIS SUBSECTION FAILS OR IF THE PLANNED COMMUNITY DOES NOT HOLD A VOTE OF THE MEMBERSHIP IN COMPLIANCE WITH PARAGRAPH 1 OF THIS SUBSECTION, THE PLANNED COMMUNITY NO LONGER HAS AUTHORITY TO REGULATE THE PUBLIC ROADWAYS IN THE PLANNED COMMUNITY AND ANY EXISTING REGULATIONS EXPIRE.

C. THIS SECTION DOES NOT APPLY TO ANY ONE-WAY STREETS, WITHOUT REGARD TO OWNERSHIP, OR TO ANY PRIVATELY OWNED ROADWAYS.

Summary: HB2298, which amends A.R.S. Section 33-1818 of the Planned Communities Act (it does not apply to Condominiums) was signed by the Governor on 04/18/2023. This new law will impact regulation of public roadways within Planned Communities.

It is important to note that the substantive requirements set forth HB2298 only apply if your Planned Community meets all of the following criteria: (1) the Planned Community is no longer under Declarant control; (2) the CC&Rs were recorded **before** January 01, 2015; (3) the CC&Rs include on-street parking regulations; **and** (4) the roadways within the community are public.

If your Planned Community meets all 4 requirements, the existing on-street parking regulations remain in effect until **either** of the following occurs:

1. No later than June 30, 2025, the planned community shall call a meeting of the membership on the question of whether to continue to regulate public roadways. If the number of owners voting at the meeting on the question is sufficient to constitute a quorum of the membership and a majority of that number votes to continue regulating public roadways in the planned community, the planned community retains its authority to regulate those public roadways. The board of

directors shall record in the office of the county recorder of the county in which the planned community is located a document confirming that the planned community continues to regulate the public roadways.

2. If the vote fails or if the planned community does not hold a vote the planned community no longer has authority to regulate the public roadways in the planned community and any existing regulations expire.

Finally, if your Planned Community CC&Rs were recorded **after** January 01, 2015, the community has **no** authority over public roadways within the community.