



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: RA DPA/SE 5-1-0-0

HB 2119: homeowner's associations; fees; related parties

S/E: real property

Sponsor: Representative Hendrix, LD 14

Caucus & COW

Summary of the Strike-Everything Amendment to HB 2119

Overview

Prohibits an association from charging a fee related to transferring property between specified parties.

History

Current statute stipulates that a provision in a covenant, declaration or any other document relating to real property in this state is not binding or enforceable against the real property or any subsequent owner, purchaser or lienholder if it claims to:

- 1) bind successors in title to the specified real property; and
- 2) obligate the transferor or transferee of all or part of the property to pay a fee or other charge to a declarant or third person upon transfer of an interest in the property ([A.R.S. § 33-442](#)).

An *association* is defined as a nonprofit organization qualified under federal code or a nonprofit mandatory membership organization created pursuant to applicable laws, covenants or declarations and is composed of the owners of condominiums, cooperatives, homes or manufactured homes or other interest in real property ([A.R.S. § 33-442](#)).

Provisions

1. Prohibits an association from charging a fee related to statutory fees on real property between parties when the transfer of title has nominal or no consideration as outlined in statute except service fees authorized in any document to manage real property within the association. (Sec.1)
2. Makes a conforming change. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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