



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature  
Second Regular Session

House: GE DPA/SE 13-0-0-0 | 3<sup>rd</sup> Read 57-2-1-0

Senate: GOV DP 6-0-1-0 | 3<sup>rd</sup> Read 27-0-3-0

Final Pass: 58-0-2-0

## **HB 2131: ~~HOAs; artificial grass ban prohibited~~**

**NOW: artificial grass ban prohibited; HOAs**

**Sponsor: Representative Kavanagh, LD 23**

**Transmitted to the Governor**

### **Overview**

States that a planned community association may not prohibit installing or using artificial grass on a member's property.

### **History**

An *association*, also known as a homeowners' association (HOA), is a nonprofit corporation or unincorporated association of owners that is created pursuant to a declaration to own and operate portions of a planned community. An HOA has the power under the declaration to assess members to pay the costs and expenses incurred in the performance of the association's obligations under the declaration ([A.R.S. § 33-1802](#)).

A *planned community* is a real estate development that includes real estate owned and operated by a nonprofit corporation or unincorporated association of owners that is created for the purpose of managing, maintaining or improving the property ([A.R.S. § 33-1802](#)).

### **Provisions**

1. Stipulates that an HOA, after the period of declarant control, may not prohibit the installation or use of artificial turf on any member's property if the HOA allows natural grass on a member's property. (Sec. 1)
2. Allows an HOA to do the following:
  - a) Adopt reasonable rules regarding the installation and appearance of artificial turf if the rules do not prevent installing artificial turf in the same manner that natural grass would be allowed by the community documents. The rules may regulate the location on the property and percentage of the property that may be covered with artificial turf to the same extent as natural grass and may regulate artificial turf quality;
  - b) Require the removal of a member's artificial turf if creates a health or safety issue that the member does not correct; and
  - c) Require removal or replacement of the artificial turf if it is not maintained in accordance with the standards for maintenance by the HOA. (Sec. 1)
3. Authorizes an HOA to prohibit the installation of artificial turf if it would be installed in an area that the HOA is required to maintain or irrigate. (Sec. 1)
4. Specifies that if an HOA prohibits new installation of natural grass on a member's property, they may also prohibit new installation of artificial turf on a member's property, except that, in that instance, an HOA may not prohibit a member from converting natural grass to artificial turf on the member's property. (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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5. Directs the court to award reasonable attorney fees and costs to any party that prevails as determined by the court in an action against an HOA for a violation. (Sec. 1)
6. Maintains that the prohibition on artificial turf does not affect the responsibility of an HOA to carry out both the express and reasonably implied intent of a declaration that states that the design standards of the planned community must be followed to protect the natural environment where the planned community is developed. (Sec. 1)
7. Stipulates that the prohibition on artificial turf does not apply to a planned community that has unique geologic characteristics and vegetation that require preservation by the HOA and where the viability of those characteristics is supported, protected and enhanced as a result of the continued existence of natural landscaping materials. (Sec. 1)