

GOLDSCHMIDT LAW FIRM

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2008 ARIZONA LEGISLATIVE UPDATE

Bills that have been signed into law by Governor Napolitano:

HB 2440: Circulation of Political Petitions [Amends Condominium & Planned Communities Act]. An association shall not prohibit, but may reasonably regulate, the circulation of political petitions (including candidate nomination petitions or petitions in support of or opposition to an initiative, referendum or recall or other political issue). A gated community (one that restricts vehicular or pedestrian access) is not required to comply. An association is not required to make its common elements available for the circulation of political petitions to anyone who is not an owner or resident of the community (effective on September 26, 2008).

HB 2659: Deed Restrictions; Private Covenants [Amends Planned Communities Act only]. An owner of real property may enter into a private agreement (covenant) restricting the use of that property if: (a) the covenant is not prohibited and does not violate any statute, (b) the owner of the property affected by the covenant, and any other person on whom the covenant imposes any liability or obligation have consented, and (c) any consent requirements contained in the express provisions of any existing private covenant or declaration affecting the property have been met. A private covenant is not deemed to constitute an amendment to any existing private covenant or declaration unless it expressly violates an express provision of the existing covenant or declaration (Effective on September 26, 2008).

HB2726: Applicability of Condominium Act [Amends Condominium Act only]. The Arizona Condominium Act applies to all condominiums in Arizona without regard to the date the condominium was created. This law will become effective on January 1, 2009.