

# WENDY EHRLICH

A T T O R N E Y

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## 2015 LEGISLATIVE UPDATE

The following is a brief summary of the bills that were passed and signed by the Governor this year relating to condominium and homeowner associations. These changes in Arizona law will go into effect on July 3<sup>rd</sup>, 2015.

**Association Information** (*House Bill 2084: amending A.R.S. §§10-11622; 33-1242; 33-1256; 33-1803; and 33-1807*)

Removes the requirement that an association record a notice with the County Recorder that provides association contact and other information.

Adds a requirement that an association attach a separate statement to its annual report filed with the Arizona Corporation Commission that includes the following information:

- name of designated agent or management company;
- address of association/management company;
- telephone number, fax number and email of association/management company; and
- association website, if any.

If there are changes to any of the information above, an amended statement must be filed within 30 days.

**Removal of Directors** (*Senate Bill 1091: amending A.R.S. §§33-1243 and 33-1813*)

Clarifies that members that sign a petition for removal of a director and members that vote at a removal meeting must be "eligible to vote" at the time they sign the petition and/or vote at the meeting.

Note: "Eligible to vote" means that the member's voting rights have not been suspended for nonpayment of assessments or other violation. An association's governing documents may allow the Board to suspend the voting rights of a member for nonpayment of assessments or provide for mandatory suspension.

**Construction Defects** (*House Bill 2578: amending A.R.S. §§33-1361, 33-1362 and 33-1363*)

- Allows a seller to repair or replace a construction defect upon written notice to buyer;
- Adds procedures relating to claims and responses concerning construction defects;
- Tolls statute of limitations during repair/replacement period.