



2017 LEGISLATIVE UPDATE

(Adjournment: May 10, 2017; New Laws Become Effective on August 9, 2017)

HOA Omnibus Bill (HB 2411)

1. Open Meeting Law Changes. A.R.S. §33-1248 & §33-1804 are changed as follows:
 - Board may not require advance notice of a member's audiotaping or videotaping unless the board audiotapes or videotapes the meeting and makes the unedited audiotapes or videotapes available to members on request without restriction on its use as evidence in any dispute resolution process.
 - A notice of any annual, regular or special meeting of the members shall state the purpose for which the meeting is called.
 - Before the board enters into closed session or on its notice of a prospective closed meeting, the board shall identify the section in the pertinent open meeting statute that authorizes the board to close the meeting.
 - An emergency meeting of the board can be held only to discuss business or take action that cannot be delayed for the 48 hours required for notice of the board meeting to the association members.
2. Voting Procedure. A.R.S. §33-1250(C)(6) & §33-1812(A)(7) are changed as follows:
The completed ballot ~~and envelope and any related materials~~ shall contain the name, the address and either the actual or electronic signature of the person voting, except that if the condominium or community documents permit secret ballots, only the envelope ~~or any nonballot-related materials~~ shall contain the name, the address and either the actual or electronic signature of the voter."
3. Effective Date of CC&RS Amendments in Condominium Associations [A.R.S. §33-440]. Amendments to CC&Rs become effective upon recordation.
4. Resale Transfer Fees [A.R.S. §33-1260 & 33-1806]. The resale transfer fee will now include delivery charges for disclosure information but the ceiling of \$400 has not been increased.

Administrative Decisions; Scope of Review (SB 1072)

When the court reviews a final administrative decision, the court is required to decide all questions of fact and law without regard to any previous determination that may have been made on the question in an administrative hearing. Applies in any action for judicial review of an agency action that is authorized by law. Previously, the court was required to affirm the agency action unless after reviewing the evidence the court concluded that the action was not supported, was contrary to law, or was arbitrary and capricious.

Link for information on Bills: www.azleg.gov