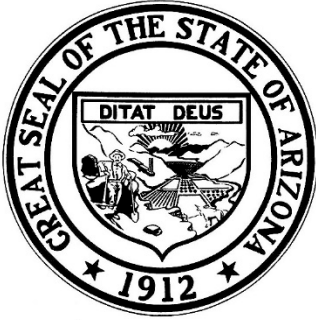


HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2865**

Carter N

Floor Amendment

Adds that the provisions relating to charging and recovery of attorney fees do not apply to claims by the association against third-party vendors, declarants, developers or any individual or entity other than the homeowners who are not declarants.

Amendment explanation prepared by Paul Benny

Phone Number 3848

ls

2/20/2025

CARTER N FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2865
(Reference to COMMERCE Committee amendment)

Amendment instruction key:

[GREEN UPPERCASE UNDERLINING IN BRACKETS] indicates that the amendment is adding text to statute or previously enacted session law.
[Green lowercase underlining in brackets] indicates that the amendment is adding text to new session law or is restoring previously stricken text to existing statute.
~~[GREEN UPPERCASE STRIKEOUT IN BRACKETS]~~ indicates that the amendment is removing new text from statute or previously enacted session law.
~~[Green lowercase strikeout in brackets]~~ indicates that the amendment is removing text from existing statute, previously enacted session law or new session law.
<<Double green carets enclosing an entire section>> indicates that the amendment is adding the section to the bill.
~~<<Green strikeout with double green carets enclosing an entire section>>~~ indicates that the amendment is removing the section to the bill.
{ORANGE UPPERCASE UNDERLINING IN DOUBLE CURLY BRACKETS} indicates that the amendment to an amendment is adding text to statute or previously enacted session law.
{Orange lowercase underlining in double curly brackets} indicates that the amendment to an amendment is adding text to new session law or is restoring previously stricken text to existing statute.
~~{ORANGE UPPERCASE STRIKEOUT IN DOUBLE CURLY BRACKETS}~~ indicates that the amendment to an amendment is removing new text from statute or previously enacted session law.
~~{Orange lowercase strikeout in double curly brackets}~~ indicates that the amendment to an amendment is removing text from existing statute, previously enacted session law or new session law.
<<Double orange underlined carets enclosing an entire section>> indicate that the amendment to an amendment is adding the section to the bill.
~~<<Orange strikeout with double orange underlined carets enclosing an entire section>>~~ indicates that the amendment to an amendment is removing the section from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Title 33, chapter 9, article 3, Arizona Revised
3 Statutes, is amended by adding section 33-1243.01, to read:

4 33-1243.01. Attorney fees; costs

5 [A.] NOTWITHSTANDING ANY PROVISION IN THE CONDOMINIUM DOCUMENTS OR
6 ANY AGREEMENT BETWEEN THIRD PARTIES [AND NOTWITHSTANDING ANY OTHER
7 PROVISION IN THIS CHAPTER], AN ASSOCIATION SHALL NOT CHARGE OR OTHERWISE
8 ASSESS THE ASSOCIATION'S ATTORNEY FEES AND RELATED COSTS ONTO ONE OR MORE
9 UNIT OWNERS OR FORMER UNIT OWNERS. [ALL PARTIES IN ANY LITIGATION,
10 ARBITRATION, MEDIATION, ADMINISTRATIVE ACTION OR OTHER CLAIM SHALL BEAR
11 THEIR OWN ATTORNEY FEES AND RELATED COSTS, EXCEPT THAT] A UNIT OWNER OR
12 FORMER UNIT OWNER MAY RECOVER ATTORNEY FEES AND RELATED COSTS AGAINST THE
13 ASSOCIATION IF [THE CONDOMINIUM DOCUMENTS SO PROVIDE] [THE UNIT OWNER OR
14 FORMER UNIT OWNER PREVAILS]. {{THIS SUBSECTION DOES NOT APPLY TO CLAIMS BY
15 THE ASSOCIATION AGAINST THIRD-PARTY VENDORS, DECLARANTS, DEVELOPERS OR ANY

1 INDIVIDUAL OR ENTITY OTHER THAN UNIT OWNERS OR FORMER UNIT OWNERS WHO ARE
2 NOT DECLARANTS.}}

3 [B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO ANY ACTION
4 BROUGHT PURSUANT TO SECTION 12-552.]

5 Sec. 2. Title 33, chapter 16, article 1, Arizona Revised Statutes,
6 is amended by adding section 33-1803.01, to read:

7 33-1803.01. Attorney fees; costs

8 [A.] NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS OR
9 ANY AGREEMENT BETWEEN THIRD PARTIES [AND NOTWITHSTANDING ANY OTHER
10 PROVISION IN THIS CHAPTER], AN ASSOCIATION SHALL NOT CHARGE OR OTHERWISE
11 ASSESS THE ASSOCIATION'S ATTORNEY FEES AND RELATED COSTS ONTO ONE OR MORE
12 MEMBERS OR FORMER MEMBERS. [ALL PARTIES IN ANY LITIGATION, ARBITRATION,
13 MEDIATION, ADMINISTRATIVE ACTION OR OTHER CLAIM SHALL BEAR THEIR OWN
14 ATTORNEY FEES AND RELATED COSTS, EXCEPT THAT] A MEMBER OR FORMER MEMBER
15 MAY RECOVER ATTORNEY FEES AND RELATED COSTS AGAINST THE ASSOCIATION IF
16 [THE COMMUNITY DOCUMENTS SO PROVIDE][THE MEMBER OR FORMER MEMBER
17 PREVAILS]. {{THIS SUBSECTION DOES NOT APPLY TO CLAIMS BY THE ASSOCIATION
18 AGAINST THIRD-PARTY VENDORS, DECLARANTS, DEVELOPERS OR ANY INDIVIDUAL OR
19 ENTITY OTHER THAN MEMBERS OR FORMER MEMBERS WHO ARE NOT DECLARANTS.}}

20 [B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO ANY ACTION
BROUGHT PURSUANT TO SECTION 12-552.]

22 Enroll and engross to conform

23 Amend title to conform

NEAL CARTER

2865FloorCARTER N

02/19/2025

05:49 PM

C: MR