



On April 18, 2023, Governor Hobbs signed legislation that regulates whether a planned community has the authority to regulate public streets within the community. **The law does not apply to condominiums.** This new law will go into effect 91 days after the legislative session concludes.

Under current law, planned communities have the authority to regulate the public streets within the association if the community's declaration was recorded before and including

December 31, 2014. Planned communities in which the declaration was recorded after December 31, 2014 may not enforce public street parking, even if allowed by the governing documents.

This new law provides that, for any planned community for which the declaration was recorded before January 1, 2015, and that currently regulates the public streets, the community may no longer regulate the public streets unless:

1. The association calls a meeting of the membership no later than June 30, 2025. The purpose of the meeting is vote on the question of whether to continue to regulate the public streets within the community. If the number of owners voting at the meeting constitutes a quorum of the membership, and a majority of the votes cast are in favor of continuing to regulate the public streets, the community may continue to regulate and enforce violations on the public streets. The Board of Directors must then record a notice confirming that the association will continue to regulate the public streets in the county recorder's office.
2. If the vote fails, or the community declines to hold a vote, the association will no longer have the authority to regulate the public streets within the association.

This law does not apply to public one-way streets. It also does not apply to any private streets within planned

communities. Associations may continue to regulate private roadways and enforce violations of the governing documents.

This law firm recommends that any planned community for which the declaration was recorded before January 1, 2015, and that currently regulates public streets within the community begin discussing whether it wishes to continue to regulate the public streets. Boards may consider sending out a survey to its members to gauge interest in continuing to regulate public streets. If any community wishes to continue to regulate the public streets it must call a meeting to vote on the matter no later than June 30, 2025.

Associations should keep this deadline in mind. Our firm is happy to assist with reviewing the governing documents, the voting documents, and if passed, the notice to be recorded with the county recorder.

Schedule an initial consultation with the firm to review how this legislation could impact your association using **the form on our contact us page here <**  
**<https://azhoalaw.net/contact/>> .**