

REFERENCE TITLE: homeowners' associations; evaporative coolers

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HB 2138

Introduced by
Representative Fillmore

AN ACT

AMENDING SECTION 33-1816, ARIZONA REVISED STATUTES; RELATING TO PLANNED COMMUNITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-1816, Arizona Revised Statutes, is amended to
3 read:

4 33-1816. Solar energy devices; evaporative coolers;
5 reasonable restrictions; fees and costs

6 A. Notwithstanding any provision in the community documents, an
7 association shall not prohibit the installation or use of **ANY OF THE**
8 **FOLLOWING:**

9 1. A solar energy device as defined in section 44-1761.

10 2. **AN EVAPORATIVE COOLER THAT IS DESIGNED PRIMARILY FOR USE AS A**
11 **RESIDENTIAL COOLING DEVICE.**

12 B. An association may adopt reasonable rules regarding the
13 placement of a solar energy device **OR AN EVAPORATIVE COOLER** if those rules
14 do not prevent the installation, ~~OR~~ **OR** impair the functioning of the device,
15 ~~OR~~ restrict its use or adversely affect the cost or efficiency of the
16 device.

17 C. Notwithstanding any provision of the community documents, the
18 court shall award reasonable attorney fees and costs to any party who
19 substantially prevails in an action against the board of directors of the
20 association for a violation of this section.