

ISSUE #1

MARKUP #1 ->

Section 1: [Section 4.3] Leasing and Tenant Registration Requirements

Unit Owners who lease their Villas must submit a complete copy of the executed lease agreement, a background and credit check authorization for all adult tenants, and a non-refundable \$75.00 tenant registration fee to the Association office at least ten (10) days prior to tenant occupancy.



MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Section 4.3 (p. 1): Leasing provision demands a copy of the lease, tenant credit/criminal background check, board approval of tenants, or a tenant registration fee exceeding \$25 in violation of Arizona law.

Statutory / Legal Reference: A.R.S. § 33-1806.01 & A.R.S. § 33-1260.01

Statutory Comparison: Under A.R.S. § 33-1806.01(C) - (E) and A.R.S. § 33-1260.01(C) - (E), an association may ask only for the names and contact information of adult tenants, the time period of the lease, and a description/license plate of tenant vehicles; may charge a fee of no more than \$25 for each new tenancy; and is expressly prohibited from requiring an owner or tenant to disclose the lease agreement, tenant application, credit report, or criminal background check.

CURRENT WORDING IN DOCUMENT:

[Section 4.3] Leasing and Tenant Registration Requirements - Unit Owners who lease their Villas must submit a complete copy of the executed lease agreement, a background and credit check authorization for all adult tenants, and a non-refundable \$75.00 tenant registration fee to the Association office at least ten (10) days prior to tenant occupancy.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to A.R.S. §§ 33-1806.01 and 33-1260.01, in connection with any rental, the Association shall request only the names and contact information of adult tenants, the lease start and end dates, and tenant vehicle descriptions/license plates, may charge an administrative fee not to exceed Twenty-Five Dollars (\$25.00) per new tenancy, and shall not require submission of a copy of the lease, credit report, or background check.