



## **Tatum Ranch Community Association HB2298 Fact Sheet**

In 2023, Governor Hobbs signed HB2298 into law. This legislation amends A.R.S. § 33-1818. This amendment provides that any planned community for which the declaration was recorded before January 1, 2015, and that currently regulates the public streets within the community, may no longer regulate the public streets unless the Association calls a meeting of the membership to vote on the question of whether to allow the Association to continue to regulate the public streets within the community.

The Tatum Ranch Community Association Declaration was recorded prior in 1988. Unless the members vote in favor of allowing the Association to continue to regulate the public streets, the Association will lose its ability to enforce. If the members vote in favor of continuing to enforce, the Association will record a notice with the Maricopa County Recorder to memorialize that the members voted to continue to regulate the public streets and roadways within the community. If this measure fails, the Association will no longer be permitted to regulate the public streets and roadways in the community. The Association will no longer be permitted to enforce parking and other restrictions on the public streets and roadways within the community. Losing the right to regulate the public streets and roadways within the community will detract from the first-class harmonious appearance of the community. It will likely lead to a decrease in property values. The Board urges you to vote in favor of continuing to regulate the public streets and roadways within the community.

Please find some common questions addressed below:

**Q: *When must the vote be held?***

A: No later than June 30, 2025.

**Q: *What if the Association does not call a membership meeting to vote on the matter by the deadline?***

A: The Association loses its right to enforce the public streets and roadways within the community.

**Q: *What is the quorum requirement?***

A: Pursuant to the Bylaws, the quorum requirement is 10% of the Members. There are 3,680 Members within the community. 368 votes must be cast, in person or by absentee ballot to meet the quorum requirement. Voting by proxy is not permitted.

**Q: *How many Members must vote in favor of continuing to regulate street parking?***

A: This is a moving target that will depend on the actual number of ballots cast. As long as the quorum requirement is met, a majority of the votes cast must be in favor of continuing to regulate the public streets within the community.

**Q: What happens if quorum is not met?**

A: The Association can try again.

**Q: What happens if quorum is met, but the vote fails?**

A: The Association cannot try again. The vote has failed and the Association no longer has the right to regulate the public streets and roadways within the community.

**Q: What happens if quorum is met, and a majority of the votes cast are in favor of continuing to regulate the public streets and roadways?**

A: The Association will record a notice with the Maricopa County Recorder certifying that the Members voted in favor of continuing to regulate the public roadways within the community. Then, the Association may continue to enforce.

**Q: Can the meeting of the membership to vote on the matter be held virtually?**

A: Members have the right to vote in-person or by absentee ballot. Electronic voting is also permitted. The meeting can be held via virtual means, like zoom, if an Association representative is on-site to collect any in-person ballots.

**Q: How will the results be verified?**

A: The Board will validate the results of the votes in the same manner as it validates the results of a Board election.

**Q: What will happen if the Association loses its right to regulate the public streets and roadways within the Association?**

A: The Association will lose all control over the public streets and roadways, including, but not limited to: 1) the ability to regulate street parking, 2) the ability to prohibit inoperable vehicles on the streets, 3) the ability to prohibit vehicle repairs on the streets, 4) the ability to prohibit RVs, trailers, boats, etc. from being parked on the streets, 5) the ability to enforce garbage cans left on the public streets, 6) the ability to prohibit dumpsters and other unsightly materials from being placed or stored on the streets, and 7) the ability to regulate basketball hoops and other sports equipment in the streets.

**Q: If the Association loses the right to regulate the public streets and roadways, won't the City of Phoenix enforce?**

A: The City of Phoenix cannot enforce the Association's Declaration. The City can only enforce their own municipal ordinances. Regulating the streets within the community will not be a priority for either the City, and neither entity will patrol the streets for violations. The City may respond to complaints submitted by residents, but it is likely that little will come of it.