

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

**CHAPTER 105**  
**SENATE BILL 1049**

AN ACT

AMENDING SECTION 33-422, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 103, SECTION 1 AND CHAPTER 131, SECTION 1; REPEALING SECTION 33-422, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2023, CHAPTER 77, SECTION 3; AMENDING SECTION 42-11132, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 208, SECTION 3; REPEALING SECTION 42-11132, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2023, CHAPTER 14, SECTION 7; RELATING TO MULTIPLE, DEFECTIVE AND CONFLICTING LEGISLATIVE DISPOSITIONS OF STATUTORY TEXT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Purpose

3 1. Section 33-422, Arizona Revised Statutes, was amended by Laws  
4 2023, chapter 77, section 3. However, this version did not reflect the  
5 previous valid version of the section. In order to comply with article  
6 IV, part 2, section 14, Constitution of Arizona, this act amends section  
7 33-422, Arizona Revised Statutes, as amended by Laws 2019, chapter 103,  
8 section 1 and chapter 131, section 1, to incorporate the amendments made  
9 by Laws 2023, chapter 77 and repeals the chapter 77 version.

10 2. Section 42-11132, Arizona Revised Statutes, was amended by Laws  
11 2023, chapter 14, section 7. However, this version did not reflect the  
12 previous valid version of the section. In order to comply with article  
13 IV, part 2, section 14, Constitution of Arizona, this act amends section  
14 42-11132, Arizona Revised Statutes, as amended by Laws 2019, chapter 208,  
15 section 3, to incorporate the amendments made by Laws 2023, chapter 14 and  
16 repeals the chapter 14 version.

17 Sec. 2. Section 33-422, Arizona Revised Statutes, as amended by  
18 Laws 2019, chapter 103, section 1 and chapter 131, section 1, is amended  
19 to read:

20 33-422. Land divisions; recording; disclosure affidavit

21 A. A seller of five or fewer parcels of land, other than subdivided  
22 land, in an unincorporated area of a county and any subsequent seller of  
23 such a parcel shall COMPLETE AND furnish a written affidavit of disclosure  
24 to the buyer at least seven days before the transfer of the property and  
25 the buyer shall acknowledge receipt of the affidavit.

26 B. The affidavit must be written in twelve-point type.

27 C. A release or waiver of a seller's liability arising out of any  
28 omission or misrepresentation contained in an affidavit of disclosure is  
29 not valid or binding on the buyer.

30 D. The buyer has the right to rescind the sales transaction for a  
31 period of five days after the affidavit of disclosure is furnished to the  
32 buyer.

33 E. The seller shall record the executed affidavit of disclosure at  
34 the same time that the deed is recorded. The county recorder is not  
35 required to verify the accuracy of any statement in the affidavit of  
36 disclosure. A subsequently recorded affidavit supersedes any previous  
37 affidavit.

38 F. The affidavit of disclosure shall CONTAIN ALL OF THE FOLLOWING  
39 DISCLOSURES, BE COMPLETED BY THE SELLER, meet the requirements of section  
40 11-480 and follow substantially the following form:

When recorded mail to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Affidavit of Disclosure  
Pursuant to A.R.S. § 33-422

I, \_\_\_\_\_ (seller(s))  
being duly sworn, hereby make this affidavit of disclosure  
relating to the real property situated in the unincorporated  
area of:

\_\_\_\_\_, County, State of Arizona, located at:  
\_\_\_\_\_

and legally described as:

(Legal description attached hereto as exhibit "A")  
(property).

1. There  is  is not . . . . legal access to the property,  
as defined in A.R.S. § 11-831 . . . .  unknown

Explain: \_\_\_\_\_  
\_\_\_\_\_

2. There  is  is not . . . . physical access to the property.  
 unknown

Explain: \_\_\_\_\_  
\_\_\_\_\_

3. There  is  is not . . . . a statement from a licensed  
surveyor or engineer available stating whether the property has  
physical access that is traversable by a two-wheel drive  
passenger motor vehicle.

4. The legal and physical access to the property  is  is not .  
. . . the same.... unknown  not applicable.

Explain: \_\_\_\_\_  
\_\_\_\_\_

*If access to the parcel is not traversable by emergency  
vehicles, the county and emergency service providers may not  
be held liable for any damages resulting from the inability to  
traverse the access to provide needed services.*

5. The road(s) is/are  publicly maintained  privately  
maintained  not maintained  not applicable. If  
applicable, there  is  is not . . . . a recorded road  
maintenance agreement.

*If the roads are not publicly maintained, it is the  
responsibility of the property owner(s) to maintain the roads*

- 1           *and roads that are not improved to county standards and*  
2           *accepted for maintenance are not the county's responsibility.*
- 3 6. A portion or all of the property  is  is not . . . .  
4 located in a FEMA designated regulatory floodplain. If the  
5 property is in a floodplain, it may be subject to floodplain  
6 regulation.
- 7 7. The property  is  is not subject to  fissures or  
8  expansive soils.  unknown  
9 Explain: \_\_\_\_\_  
10 \_\_\_\_\_  
11 \_\_\_\_\_
- 12 8. The following services are currently provided to the property:  
13  water  sewer  electric  natural gas  single  
14 party telephone  cable television services.
- 15 9. The property  is  is not . . . . served by a water  
16 supply that requires the transportation of water to the  
17 property. **IF THE PROPERTY IS SERVED BY A WATER SUPPLY THAT  
18 REQUIRES THE TRANSPORTATION OF WATER TO THE PROPERTY, THE  
19 SELLER SHALL DISCLOSE THE NAME AND CONTACT INFORMATION OF THE  
20 WATER HAULER OR WATER HAULING COMPANY THAT IS CURRENTLY  
21 PROVIDING THE TRANSPORTATION SERVICES TO THE PROPERTY AND THE  
22 NAME AND LOCATION OF THE WATER SUPPLY FROM WHICH THE WATER IS  
23 CURRENTLY BEING TRANSPORTED.**  
24 WATER HAULER NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_  
25 WATER SUPPLY: \_\_\_\_\_ LOCATION: \_\_\_\_\_
- 26 10. The property is served by  a private water company  a  
27 municipal water provider  a private well  a shared well  
28  no well. If served by a shared well, the shared well  
29  is  is not . . . . a public water system, as defined by  
30 the safe drinking water act (42 United States Code § 300f).  
31 *Notice to buyer: If the property is served by a well, a*  
32 *private water company or a municipal water provider the*  
33 *Arizona department of water resources may not have made a*  
34 *water supply determination. For more information about water*  
35 *supply, contact the water provider.*
- 36 11. The property or the water used on the property  is  is not  
37 the subject of a statement of claimant for the use of water in  
38 a general adjudication of water rights.  unknown.  
39 *This is a lawsuit to determine the use of and relative*  
40 *priority of water rights. A map of adjudicated areas is*  
41 *available at the website of the department of water resources.*
- 42 12. The property  does have  does not have . . . . an on-site  
43 wastewater treatment facility (i.e., standard septic or  
44 alternative system to treat and dispose of wastewater).  
45  unknown. If applicable: a) The property  will  will not

1 . . . . require installation of an on-site wastewater treatment  
2 facility; b) The on-site wastewater treatment facility  has  
3  has not been inspected.

4 13. The property  has been  has not been . . . . subject to a  
5 percolation test.  unknown.

6 14. The property  does have  does not have one or more solar  
7 energy devices that are  leased  owned.

8 ~~Notice to buyer: If the property contains solar energy~~  
9 ~~devices, it is the responsibility of the buyer to verify the~~  
10 ~~proper replacement and disposal method for the devices, as~~  
11 ~~applicable. If the solar energy devices are leased, the seller~~  
12 ~~or property owner shall disclose the name and contact~~  
13 ~~information of the leasing company.~~

14 Leasing company name: \_\_\_\_\_ Phone: \_\_\_\_\_

15 15. THE PROPERTY  DOES HAVE  DOES NOT HAVE ONE OR MORE  
16 BATTERY ENERGY STORAGE DEVICES THAT ARE  LEASED  OWNED.

17 IF THE BATTERY ENERGY STORAGE DEVICES ARE LEASED, THE SELLER  
18 SHALL DISCLOSE THE NAME AND CONTACT INFORMATION OF THE LEASING  
19 COMPANY.

20 LEASING COMPANY NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

21 ~~15.~~ 16. The property  does  does not . . . . meet the  
22 minimum applicable county zoning requirements of the applicable  
23 zoning designation.

24 ~~16.~~ 17. The sale of the property  does  does not . . . meet  
25 the requirements of A.R.S. § 11-831 AND § 32-2181 regarding  
26 land divisions. If those requirements are not met, the  
27 property owner may not be able to obtain a building permit. IT  
28 IS UNLAWFUL PURSUANT TO § 11-831, SUBSECTION F AND § 32-2181,  
29 SUBSECTION D FOR A PERSON OR GROUP OF PERSONS TO ATTEMPT TO  
30 AVOID THE SUBDIVISION LAWS OF THIS STATE BY ACTING IN CONCERT  
31 TO DIVIDE A PARCEL OF LAND INTO SIX OR MORE LOTS OR  
32 PARCELS. THE COUNTY WHERE THE LAND DIVISION OCCURRED OR THE  
33 STATE REAL ESTATE DEPARTMENT MAY INVESTIGATE AND ENFORCE THE  
34 PROHIBITION AGAINST ACTING IN CONCERT TO UNLAWFULLY DIVIDE A  
35 PARCEL OF LAND INTO SIX OR MORE LOTS OR PARCELS. The seller or  
36 property owner shall disclose each of the deficiencies to the  
37 buyer.

38 Explain: \_\_\_\_\_  
39 \_\_\_\_\_  
40 \_\_\_\_\_

41 ~~17.~~ 18. The property  is  is not located in the clear zone  
42 of a military airport or ancillary military facility, as  
43 defined in A.R.S. § 28-8461. (Maps are available at the state  
44 real estate department's website.)

1 ~~18.~~ 19. The property  is  is not located in the high noise  
2 or accident potential zone of a military airport or ancillary  
3 military facility, as defined in A.R.S. § 28-8461. (Maps are  
4 available at the state real estate department's website.)

5 ~~19.~~ 20. Notice: If the property is located within the territory in  
6 the vicinity of a military airport or ancillary military  
7 facility, the property is required to comply with sound  
8 attenuation standards as prescribed by A.R.S. § 28-8482. (Maps  
9 are available at the state real estate department's website.)

10 ~~20.~~ 21. The property  is  is not located under military  
11 restricted airspace.  unknown. (Maps are available at the  
12 state real estate department's website.)

13 ~~21.~~ 22. The property  is  is not located in a military  
14 electronics range as defined in A.R.S. § 9-500.28 and § 11-818.  
15  unknown. (Maps are available at the state real estate  
16 department's website.)

17 ~~22.~~ 23. Use of the property  is  is not limited in any way  
18 relating to an encumbrance of title due to a lis pendens, a  
19 court order or a state real estate department order or a  
20 pending legal action. If the use of the property is limited  
21 due to an encumbrance of title, the seller or property owner  
22 shall disclose the limitations to the buyer.

23 Explain: \_\_\_\_\_  
24 \_\_\_\_\_  
25 \_\_\_\_\_

27 This affidavit of disclosure supersedes any previously  
28 recorded affidavit of disclosure.

29 I certify under penalty of perjury that the information  
30 contained in this affidavit is true, complete and correct  
31 according to my best belief and knowledge.

32 Dated this \_\_\_(date)\_\_\_ day of \_\_\_(year)\_\_\_ by:

33 Seller's name (print): \_\_\_\_\_ Signature: \_\_\_\_\_

34 Seller's name (print): \_\_\_\_\_ Signature: \_\_\_\_\_

35 State of Arizona )

36 ) ss.

37 County of \_\_\_\_\_)

38 Subscribed and sworn before me this \_\_\_(date)\_\_\_ day

39 of \_\_\_\_\_(year)\_\_\_, by

40 \_\_\_\_\_.

41 \_\_\_\_\_

42 Notary public

43 My commission expires:

44 \_\_\_\_\_(date)\_\_\_\_\_

1 Buyer(s) hereby acknowledges receipt of a copy of this  
2 affidavit of disclosure this \_\_\_\_\_ (date) \_\_\_\_\_ day  
3 of \_\_\_\_\_ (year) \_\_\_\_\_

4 Buyer's name (print): \_\_\_\_\_ Signature: \_\_\_\_\_

5 Buyer's name (print): \_\_\_\_\_ Signature: \_\_\_\_\_

6 G. For the purposes of this section, seller and subsequent seller  
7 do not include a trustee of a deed of trust who is selling property by a  
8 trustee's sale pursuant to chapter 6.1 of this title or any officer who is  
9 selling property by execution sale pursuant to title 12, chapter 9 and  
10 chapter 6 of this title. If the seller is a trustee of a subdivision  
11 trust as defined in section 6-801, the disclosure affidavit required by  
12 this section shall be provided by the beneficiary of the subdivision  
13 trust.

14 Sec. 3. Repeal

15 Section 33-422, Arizona Revised Statutes, as amended by Laws 2023,  
16 chapter 77, section 3, is repealed.

17 Sec. 4. Section 42-11132, Arizona Revised Statutes, as amended by  
18 Laws 2019, chapter 208, section 3, is amended to read:

19 42-11132. Property leased to educational institutions

20 A. Property, buildings and fixtures that are leased to a nonprofit  
21 charter school or a residential treatment and education facility and that  
22 are used for educational instruction in any grade or program through grade  
23 twelve shall be classified as class nine property pursuant to section  
24 42-12009. If only part of a parcel of real property or improvements to  
25 real property is leased for operation of a charter school or a residential  
26 treatment and education facility, only the portion so leased qualifies as  
27 class nine property.

28 B. Property, buildings and fixtures that are owned by an  
29 educational, a religious or a charitable organization, institution or  
30 association and leased to a nonprofit educational organization,  
31 institution or association are exempt from taxation if the property is  
32 used for educational instruction in any grade or program through grade  
33 twelve.

34 C. If the educational, religious or charitable organization,  
35 institution or association that owns the property files with the assessor  
36 THE AFFIDAVIT REQUIRED BY SECTION 42-11152, evidence of the  
37 organization's, institution's or association's tax exempt status under  
38 section 501(c)(3) of the internal revenue code and an affidavit by the  
39 educational organization, institution or association that it uses the  
40 property for educational instruction as described in subsection B of this  
41 section, the property qualifies for the tax exemption under this section.  
42 ~~and is exempt from the requirement of filing subsequent affidavits under~~  
43 THE EDUCATIONAL, RELIGIOUS OR CHARITABLE ORGANIZATION, INSTITUTION OR  
44 ASSOCIATION SHALL NOTIFY THE COUNTY ASSESSOR IN WRITING PURSUANT TO  
45 section 42-11152 ~~until~~ IF all or part of the property is conveyed to a new

1 owner or is no longer used for educational purposes. ~~At that time the~~  
2 ~~educational, religious or charitable organization, institution or~~  
3 ~~association must notify the assessor of the change in writing.~~

4 Sec. 5. Repeal

5 Section 42-11132, Arizona Revised Statutes, as amended by Laws 2023,  
6 chapter 14, section 7, is repealed.

7 Sec. 6. Retroactivity

8 Sections 2, 3, 4 and 5 of this act apply retroactively to from and  
9 after October 29, 2023.

APPROVED BY THE GOVERNOR APRIL 8, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 8, 2024.