



MULCAHY ANSWERS

For Office Condominiums

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New 2008 Legislation Affects Office Condominiums

By Kristen L. Rosenbeck, Esq.

After one of the longest sessions in history, the Arizona State Legislature adjourned its 2008 session on June 27, 2008. Two bills were signed into law by Governor Napolitano that will affect office condominiums. Below, please find a summary of those bills that have been signed into law.

Political Petitions

HB2440 amended Arizona Revised Statute (A.R.S.) Section (§) 33-1261 (D): Notwithstanding any provision in the condominium documents, an association shall not prohibit but may reasonably regulate the circulation of political petitions, including candidate nomination petitions or petitions in support of or opposition to an initiative, referendum or recall or other political issue on property dedicated to the public within the association (such as public streets). A condominium is not required to comply with this section if the condominium restricts vehicular or pedestrian access to the condominium (i.e. a gate). Nothing in the section requires a condominium to make its common elements available for the circulation of political petitions to anyone who is not an owner or occupant within the association. This bill will go into effect on September 26, 2008.

Condominium Act Applicability

HB2726 amended A.R.S. § 33-1201: The Arizona Condominium Act will apply to all condominiums created in the state of Arizona without regard to the date the condominium was created. This bill will go into effect from and after December 31, 2008. This bill will eliminate the legal status of "pre-1986" condominiums and their exemption status.

Q&A!

The Mulcahy Law Firm, P.C. will be offering *free* telephone Q & A regarding the new legislation between the hours of 1:00 p.m. and 4:00 p.m. on August 20, 2008. Please contact our office with any questions during those hours on that date!

Written Notice of Contact Required by Office Condominiums

By Kristen L. Rosenbeck, Esq.

Office condominium associations are required to record a written "Notice of Contact Form" in the office of the county recorder of the county in which the association is located.

The "Notice of Contact Form" shall include the following information:

1. the name of the community;
2. the name of the association or designated agent or management company for the association;
3. the address for the association;
4. the telephone number of the association or its designated agent or management company;
5. the date of the recording; and
6. the recorded instrument number or book and page number for the main document that constitutes the declaration.

If an association's address, designated agent or management company changes, the association is required to amend its notice or record a new notice (in the office of the county recorder of the county in which the association is located) within 90 days after the change. To obtain a sample "Notice of Contact Form," please visit our website located at: www.mulcahylawfirm.net, click on the "Answers & Cheat Sheets" tab followed by "Cheat Sheets".

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Get the Facts →

Office Condominium Cheat Sheet[©] - Contact our office for your copy
and
Free Telephone Q & A - Regarding 2008 Condominium Legislation
August 20, 2008, 1 p.m. to 4:00 p.m.,

MULCAHY LAW FIRM, P.C.

Beth Mulcahy is the founding attorney and partner of the Mulcahy Law Firm, P.C. Beth's legal practice focuses exclusively on the legal representation of over eight hundred (800) community associations throughout the State of Arizona.

After receiving a Bachelor of Arts degree in Political Science from Marquette University in Milwaukee, Wisconsin, Beth earned her *Juris Doctor* degree from Marquette University Law School where she was on the Dean's List and a member of the Marquette University Law Review. A native of Wisconsin, Beth is licensed to practice law in the State of Wisconsin and the State of Arizona.

Beth has published numerous articles regarding community association law and frequently lectures on community association issues for seminars, conferences and workshops at state and national levels. Beth is a member of the National and the Central Arizona Chapter of Community Association Institute (CAI), a nonprofit organization supporting the interests of community associations and the Arizona Association of Community Managers (AACM).

Beth sits on the Board of Esperanca, Inc. a nonprofit charity that provides disease prevention, education and treatment to the poorest communities of the world.

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Kristen L. Rosenbeck graduated from Valparaiso University with a Bachelor of Arts degree in Biology where she actively supported her school as the Student Body President. Kristen graduated in the top third of her law class receiving her *Juris Doctor* degree from Marquette University in Milwaukee, Wisconsin in 2001. She maintains licenses to practice law in both the State of Wisconsin and the State of Arizona.

Kristen's legal practice focuses on the representation of office condominium associations and residential community associations throughout the State of Arizona. She represents associations on interpretation and enforcement of documents, guidance on state and federal laws, collection of delinquent assessments and policy creation. Kristen is experienced in litigation and transactional law.

Kristen is a member of the National and the Central Arizona Chapter of Community Association Institute (CAI), a nonprofit organization supporting the interests of community associations and the Arizona Association of Community Managers (AACM).

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ANSWERS OC is not intended to offer specific legal advice or responses to individual circumstances or problems.

If legal advice is required, please consult individually with the MULCAHY LAW FIRM, P.C.

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