



HOA DISPUTE PROCESS PETITION FORM INSTRUCTIONS

The Homeowners Association (HOA) Dispute Process gives Arizona homeowners and condominium/planned community associations (HOAs) a venue to solve disputes through the Office of Administrative Hearings (OAH), as an alternative to the civil court system.

The Arizona Department of Real Estate's ("Department") role in the process is to receive and process petitions through the HOA Dispute Process Petition Form ("Petition Form").

Once a petition and a response from the other party are received, the Department will then refer the matter to OAH. OAH will schedule a hearing before an Administrative Law Judge ("ALJ"). During the hearing, each side will present their case and the ALJ at OAH will make a ruling.

TERMS TO KNOW

Petitioner – The individual or legal entity who submits the petition.

Respondent – The individual or legal entity who the petition is against.

Condominium or Planned Community Association – Legal Entity that is registered with the Arizona Corporation Commission ("A.C.C.") as a Homeowner's Association. You can search the A.C.C. records at <https://www.azcc.gov/>. A Homeowner's Association makes and enforces rules for the properties and residents within the community.

THINGS TO CONSIDER BEFORE FILING A PETITION

ALTERNATIVES TO A HOA DISPUTE PETITION:

Have you tried all other ways to solve the issue?

- Talking to the other party or HOA Board
- Participating in community meetings, voting or elections
- Mediation – another alternative to civil court where the parties discuss the issue with a third party to come to solution together

WHAT THE DEPARTMENT CANNOT DO:

- The Department does not investigate HOAs or Homeowners.
- The Department does not regulate HOAs.
- The Department cannot advise on what an HOA **is** allowed to do nor can the Department advise on what an HOA is **not** allowed to do.
- The Department cannot answer legal questions or give legal advice.
 - You may want to contact your legal representative for any interpretation of or changes to law(s). You may wish to contact [AZ Law Help](#) or the [Arizona State Bar](#) to find legal resources.

WHAT THE HOA DISPUTE PROCESS CAN DO:

- Provide a venue for disputes between a homeowner and the Association that is outside of the civil court system. Hearings are conducted by an Administrative Law Judge.

To file a HOA Petition complete all applicable sections of the Petition form as well the information below. Then submit your Petition to the ADRE Message Center under the HOA Dispute Process inbox at <https://azre.gov/message-center>

1. If the CC&R(s) or By-Laws are at issue: Provide a copy of the specific CC&R(s) or Bylaw(s) that believed that are being violated. You do not need to submit the entire document, only the sections that you would like to bring up at the Hearing.
2. Complete legible copies of all supporting documents as attachments in a PDF format. This can include emails, photos, witness statements and any additional pages of your narrative statement.
3. A \$500 filing fee for each issue in the Petition (4 issues maximum). Fees can be paid using a major credit card online through the Department Message Center under the HOA Dispute Process.

HOA Petition Form – Step-by-Step Guide:

Section 1 – Party Information

1. **Petitioner:** The contact information of the individual or legal entity who submits the petition. If you are a homeowner put in your Last Name, and First Name, mailing address, and email address. If you are a legal entity or an association, put in the Association Name as it appears in the Arizona Corporation Commission Records at <https://www.azcc.gov/>.
2. **Does an Attorney Represent you?:** Please be aware that you are not required to have an attorney to participate in the HOA Dispute Process. If you as the Petitioner have an attorney representing you in this matter, check “Yes,” complete the Attorney section. If you do not have an attorney, check “No,” and move to the “Involved Parties section”
If there is a separate lawsuit filed relating to the same issues, you are alleging in the Petition check “Yes” in the related box. Please also provide a brief explanation of the current lawsuit filings within your narrative statement.
3. **Involved Parties:** Check the box that best represents your role in the matter. A Petitioner can be either a homeowner or an association. Are you a homeowner in a dispute with your Association? Or, are you representing an Association in a dispute with a homeowner?
Petitions will not be accepted where the Petitioner is a renter, someone who does not own the property, or by someone who is only representing a homeowner.
A Petition also cannot be accepted if it is against an Association director, the property management company, the community management company, another homeowner or individual board members.
The dispute must be regarding an issue between the homeowner and the association as a legal entity.
4. **Respondent:** The contact information of the individual or legal entity who the petition is against. If the Petitioner is a homeowner, put in the association contact information as it appears in the Arizona Corporation Commission Records at <https://www.azcc.gov/>.
If the Petitioner is an Association, put in the Last Name, First name, mailing address, and email address (if known) of the homeowner who the dispute is against.
5. **Subject Property:** If the property that the Petition is about is different from the address provided in the contact information in the above sections, then fill out this section with the address of the

property in question. If this information is *not* different, move on to Section 2 – Complaint Information.

Section 2 – Complaint Information

1. **Alleged Violations:** What are the specific statutes, Bylaws, or CC&Rs being violated? Check the box that is most appropriate and provide a reference for the violation(s).

The statutes that apply to the HOA Dispute Process are:

- a. Condominium Act, A.R.S. Title 33, Chapter 9
- b. Planned Communities Act, A.R.S. Title 33, Chapter 16
- c. Arizona Non-Profit Corporation Act, A.R.S. Title 10

For specific Community Documents (CC&R's, Bylaws, etc.) you can contact the association directly for a copy or search the applicable County Recorder for the community to look up Community Documents.

2. **Number of Issues Claimed:** Check how many issues you are claiming in the Petition. The filing fee is \$500 for each issue. Each petition is limited to no more than 4 issues. A single issue may be violation of multiple rules/statutes but this is not always the case.
Please be aware that if the number of issues and related filing fee listed does not match the number of issues claimed in the Petition, it will be returned as deficient.
3. **Relief Requested:** If you prevail at a hearing, what are you asking the Administrative Law Judge to order or award? Check the box or boxes that apply. NOTE: Any civil penalty awarded is ordered to be paid the State of Arizona; not the Department nor either of the parties.
4. **Witnesses:** If you intend to call witnesses to the hearing, list their contact information. If you intend to have more than one witness, list your additional witness's contact information within the narrative statement.

Section 3 – Alleged Violation Description/Narrative Statement

1. **You must include a single sentence statement for each issue you are alleging in your petition.** This can be best accomplished by connecting the issue statement to the corresponding alleged statute, rule or CC&R that is in violation.

Please list each issue statement within the box provided. Include with your issue statement(s) a description of the violation, the specific facts, including date and time, and the nature of the violation. You may attach additional pages if you require more room and write, "See Attached," within the box.

Section 4 – Petition Certification

1. Write the number of pages included in the petition, including any attachments, exhibits or additional documents.
2. Sign and date the Petition, and print your name below your signature.

Section 5 – Review

1. Review the Reminder Checklist to ensure that you have completed each part of the Petition Form, attached any relevant documents as a PDF, and review the HOA Dispute Process Page.

Submitting your Completed Petition

Please submit the Petition and documents through the ADRE Message Center at www.azre.gov for the **fastest response time**. The petition and enclosed fee may also be mailed to the ADRE.



Arizona Department of Real Estate (ADRE)

Homeowners Association Dispute Resolution

www.azre.gov

KATIE HOBBS
GOVERNOR

SUSAN NICOLSON
COMMISSIONER

100 North 15th Avenue, Suite 201, Phoenix, Arizona 85007

HOMEOWNERS ASSOCIATION (HOA) DISPUTE PROCESS PETITION

PETITIONER: (YOUR NAME AND ADDRESS) The person or association completing this form is the Petitioner.

Homeowner (Last , First & M.I.) or Association Name:			
Address:	City:	State:	Zip Code:
Phone Number:	Email address:		

If an attorney represents you, complete the following section.

Does an attorney represent you in this matter? Yes <input type="checkbox"/> No <input type="checkbox"/>		Has a lawsuit been filed regarding this matter? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Attorney Name:		Law Firm:	
Address:	Suite:	City:	State: Zip Code:
Office Phone:	Fax:	Email address:	

INVOLVED PARTIES: (An owner's petition (complaint) must be about a dispute between the owner and the association. An association's petition (complaint) must be about a dispute between the association and the owner.)

PETITIONER IS A (you are a): <input type="checkbox"/> Homeowner <input type="checkbox"/> Condominium/Community Association <input type="checkbox"/> Planned Community Association	RESPONDENT IS A (check one): <input type="checkbox"/> Homeowner <input type="checkbox"/> Condominium/Community Association <input type="checkbox"/> Planned Community Association
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RESPONDENT INFORMATION: (Who are you filing against?) The Respondent is the association or homeowner, if you are an association, against whom you are filing the petition. See Page 2 of the instructions, the Respondent cannot be a management company but the petition against an HOA can be addressed in-care-of a management company.)

Homeowner (Last , First & M.I.) or Association Name:			
Address:	City:	State:	Zip Code:
Best Phone Contact:		Email address:	

ADDRESS OF SUBJECT PROPERTY (If different than the Petitioner's mailing address)

Address:	City:	State:	Zip Code:
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Arizona Department of Real Estate (ADRE)

PETITION CERTIFICATION (MUST BE SIGNED AND DATED)

Under penalty of perjury, I swear that this complaint, consisting of _____pages, is true and accurate to the best of my knowledge.

PETITIONER SIGNATURE

DATE

PETITIONER NAME (PRINT)

REMINDER: check each box and ensure:

- ☐ I have completed **all** sections of the petition.
- ☐ I have included ONE COPY of the condominium or planned community **documents that are at issue** in this matter;
- ☐ The CORRECT filing fee will be paid on-line through a secure link sent by ADRE once the completed petition is received;
- ☐ I have signed and dated the Petition;
- ☐ I have read the information provided on the ADRE's **Homeowners Association Dispute Process** webpage and understand this form.

Submit the Petition and supporting documents through the [ADRE Message Center](#) at www.azre.gov Petitions.

Americans with Disabilities Act

The Department of Real Estate complies with American Disabilities Act. Persons with disabilities may request reasonable accommodations such as interpreters, alternative formats or assistance with physical disability. Requests for accommodations must be made with 72 hours prior notice. If you require special accommodations, please contact the Department at (602) 771-7766. Questions regarding this communication can be sent to Chandni Bhakta, ADRE Ombudsman, at 602-771-7766 or online through the ADRE Message Center.