VF Law

CHRISTINA N. MORGAN
OFFICE 480.448.1334
Christina.Morgan@vf-law.com
Admitted to practice in Arizona

AZ-19-10835-001

March 11, 2026

Via U.S. Mail and E-mail (braylonhansonre@gmail.com)
Braylon Hanson
3800 W. 43rd Avenue
Kennewick, WA 99337

RE: Casabella Homeowners' Association
Property: 10101 N. Arabian Trail, Unit 2037, Scottsdale, AZ 85258 (the "Property")

Dear Mr. Hanson:

My law firm represents Casabella Homeowners' Association (the "Association") as general counsel. The Association has asked me to explain the basis for denying your appeal concerning the unapproved flooring installed in Unit 2037.

It is my understanding that your appeal challenges the Association's authority to oversee or require approval for the installation of hard-surface flooring within Unit 2037. While Section 4.3(B) of the Declaration does not grant the Association the explicit right to require advance approval for flooring, Section 6.2 of the Declaration grants the Board broad authority to adopt Rules regulating the use and maintenance of Units.

More importantly, the recently adopted statute—A.R.S. § 33-1221—gives the Association a statutory right to ensure that interior modifications do not create a disturbance to adjacent occupants. A.R.S. § 33-1221(B) provides:

> B. In addition to allowed modifications as prescribed by subsection A of this section and **notwithstanding the condominium documents**, the association shall not prohibit a unit owner from improving or altering the interior of the unit in a manner that may disturb adjacent unit occupants ***if*** the unit owner purchases and installs at the unit owner's own expense any reasonably necessary improved materials, accessories or other adjustments that eliminate or minimize the potential disturbance…

(Emphasis added.)

In other words, although the Association may not require prior approval for flooring, the statute clearly contemplates the Association's authority to require owners to implement

materials or adjustments that reduce sound transmission. This authority exists independently of whether the Declaration requires advance approval.

Additionally, Section 3.8(E) of the Declaration grants the Association an easement to enter Units at reasonable times to confirm compliance with both A.R.S. § 33-1221(B) and the Declaration's nuisance provision in Section 4.17. Consequently, the Association is fully within its rights to inspect the flooring, evaluate its acoustic impact, and require corrective measures if the flooring creates a disturbance.

From a practical standpoint, it is in both the Association's and the owner's interest to discuss materials, underlayment, and acoustic ratings prior to installation—even if formal prior approval is not mandatory—to avoid unnecessary disputes and ensure compliance with statutory and contractual obligations. (3)

For these reasons, the Association's decision to deny your appeal is supported by both the Declaration and Arizona law. While prior approval of flooring may not be strictly required, the Association retains the statutory authority to ensure that flooring does not create noise disturbances and may require remedial measures if it does. Please contact community manager Regina Goodwin regarding a timeline for compliance and scheduling an inspection. (4)

Sincerely,

Christina N. Morgan

Christina N. Morgan, Esq.

CNM
cc: Client