

Proposition 207 Waiver Form Now Available

A new form, WAIVER OF RIGHTS AND REMEDIES UNDER A.R.S. §12-1134, is available for submittal with historic property designation applications processed by the Tempe Historic Preservation Commission. This form is made available in response to recent voter adoption of Proposition 207, the "Private Property Rights Protection Act."

The Private Property Rights Protection Act (e.g., A.R.S. 12-1134.I) recognizes that private property owners can enter into agreements with political subdivisions to waive any claim for diminution in value of their property in connection with any action requested by the property owner. This form constitutes that agreement.

City of Tempe historic property designation applies Historic Overlay Zoning to a property or properties that are determined to be eligible under the provisions of the Tempe Historic Preservation Ordinance – Chapter 14A of the Tempe City Code. The city now requires owners seeking such designation to provide the waiver form so as to avoid any potential for argument that the application of this zoning overlay to their property would constitute a "diminution in value" of the property as defined by this recent legislation.

