

House Engrossed

homeowners' associations; political; community activity

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2158

AN ACT

AMENDING SECTIONS 33-1261 AND 33-1808, ARIZONA REVISED STATUTES; RELATING
TO CONDOMINIUMS AND PLANNED COMMUNITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 33-1261, Arizona Revised Statutes, is amended to
3 read:

4 33-1261. Flag display; for sale, rent or lease signs;
5 political signs; political and community
6 activities; applicability; definitions

7 A. Notwithstanding any provision in the condominium documents, an
8 association shall not prohibit the outdoor display of any of the
9 following:

10 1. The American flag or an official or replica of a flag of the
11 United States army, navy, air force, marine corps or coast guard by a unit
12 owner on that unit owner's property if the American flag or military flag
13 is displayed in a manner consistent with the federal flag code (P.L.
14 94-344; 90 Stat. 810; 4 United States Code sections 4 through 10).

15 2. The POW/MIA flag.

16 3. The Arizona state flag.

17 4. An Arizona Indian nations flag.

18 5. The Gadsden flag.

19 B. The association shall adopt reasonable rules and regulations
20 regarding the placement and manner of display of the American flag, the
21 military flag, the POW/MIA flag, the Arizona state flag or an Arizona
22 Indian nations flag. The association rules may regulate the location and
23 size of flagpoles but shall not prohibit ~~the installation of~~ **INSTALLING** a
24 flagpole.

25 C. Notwithstanding any provision in the condominium documents, an
26 association shall not prohibit or charge a fee for the use of, the
27 placement of or the indoor or outdoor display of a for sale, for rent or
28 for lease sign and a sign rider by a unit owner on that owner's property
29 in any combination, including a sign that indicates the unit owner is
30 offering the property for sale by owner. The size of a sign offering a
31 property for sale, for rent or for lease shall be in conformance with the
32 industry standard size sign, which shall not exceed eighteen by
33 twenty-four inches, and the industry standard size sign rider, which shall
34 not exceed six by twenty-four inches. This subsection applies only to a
35 commercially produced sign and an association may prohibit ~~the use of~~
36 **USING** signs that are not commercially produced. With respect to real
37 estate for sale, for rent or for lease in the condominium, an association
38 shall not prohibit in any way other than as is specifically authorized by
39 this section or otherwise regulate any of the following:

40 1. Temporary open house signs or a unit owner's for sale sign. The
41 association shall not require the use of particular signs indicating an
42 open house or real property for sale and may not further regulate the use
43 of temporary open house or for sale signs that are industry standard size
44 and that are owned or used by the seller or the seller's agent.

1 2. Open house hours. The association may not limit the hours for
2 an open house for real estate that is for sale in the condominium, except
3 that the association may prohibit an open house being held before
4 8:00 a.m. or after 6:00 p.m. and may prohibit open house signs on the
5 common elements of the condominium.

6 3. An owner's or an owner's agent's for rent or for lease sign
7 unless an association's documents prohibit or restrict leasing of a unit
8 or units. An association shall not further regulate a for rent or for
9 lease sign or require the use of a particular for rent or for lease sign
10 other than the for rent or for lease sign shall not be any larger than the
11 industry standard size sign of eighteen by twenty-four inches and on or in
12 the unit owner's property. If rental or leasing of a unit is allowed, the
13 association may prohibit an open house for rental or leasing being held
14 before 8:00 a.m. or after 6:00 p.m.

15 D. Notwithstanding any provision in the condominium documents, an
16 association shall not prohibit door-to-door political activity, including
17 solicitations of support or opposition regarding candidates or ballot
18 issues, and shall not prohibit ~~the circulation of~~ CIRCULATING political
19 petitions, including candidate nomination petitions or petitions in
20 support of or opposition to an initiative, referendum or recall or other
21 political issue on property normally open to visitors within the
22 association, except that an association may do the following:

23 1. Restrict or prohibit door-to-door political activity regarding
24 candidates or ballot issues from sunset to sunrise.

25 2. Require the prominent display of an identification tag for each
26 person engaged in the activity, along with the prominent identification of
27 the candidate or ballot issue that is the subject of the support or
28 opposition.

29 E. Notwithstanding any provision in the condominium documents, an
30 association shall not prohibit the indoor or outdoor display of a
31 political sign by a unit owner by placement of a sign on that unit owner's
32 property, including any limited common elements for that unit that are
33 doors, walls or patios or other limited common elements that touch the
34 unit, other than the roof. An association may prohibit the display of
35 political signs as follows:

36 1. Earlier than seventy-one days before the day of a primary
37 election.

38 2. Later than fifteen days after the day of the general election.

39 3. For a sign for a candidate in a primary election who does not
40 advance to the general election, later than fifteen days after the primary
41 election.

42 F. An association may regulate the size and number of political
43 signs that may be placed in the common element ground, on a unit owner's
44 property or on a limited common element for that unit if the association's
45 regulation is not more restrictive than any applicable city, town or

1 county ordinance that regulates the size and number of political signs on
2 residential property. If the city, town or county in which the property
3 is located does not regulate the size and number of political signs on
4 residential property, the association shall not limit the number of
5 political signs, except that the maximum aggregate total dimensions of all
6 political signs on a unit owner's property shall not exceed nine square
7 feet. An association shall not make any regulations regarding the number
8 of candidates supported, the number of public officers supported or
9 opposed in a recall or the number of propositions supported or opposed on
10 a political sign.

11 G. An association shall not require political signs to be
12 commercially produced or professionally manufactured or prohibit the
13 utilization of both sides of a political sign.

14 H. NOTWITHSTANDING ANY PROVISION IN THE CONDOMINIUM DOCUMENTS, AN
15 ASSOCIATION MAY NOT PROHIBIT OR UNREASONABLY RESTRICT THE INDOOR OR
16 OUTDOOR DISPLAY OF AN ASSOCIATION-SPECIFIC POLITICAL SIGN BY A UNIT OWNER
17 BY PLACEMENT OF A SIGN ON THAT UNIT OWNER'S PROPERTY, INCLUDING ANY
18 LIMITED COMMON ELEMENTS FOR THAT UNIT THAT ARE DOORS, WALLS OR PATIOS OR
19 OTHER LIMITED COMMON ELEMENTS THAT TOUCH THE UNIT, OTHER THAN THE
20 ROOF. AN ASSOCIATION MAY ADOPT REASONABLE RULES REGARDING THE PLACEMENT,
21 LOCATION AND MANNER OF DISPLAY OF ASSOCIATION-SPECIFIC POLITICAL SIGNS,
22 EXCEPT AN ASSOCIATION SHALL NOT DO ANY OF THE FOLLOWING:

23 1. PROHIBIT THE DISPLAY OF ASSOCIATION-SPECIFIC POLITICAL SIGNS
24 BETWEEN THE DATE THAT THE ASSOCIATION PROVIDES WRITTEN OR ABSENTEE BALLOTS
25 TO UNIT OWNERS AND THREE DAYS AFTER THE CONDOMINIUM ELECTION.

26 2. LIMIT THE NUMBER OF ASSOCIATION-SPECIFIC SIGNS, EXCEPT THAT THE
27 ASSOCIATION MAY LIMIT THE AGGREGATE TOTAL DIMENSIONS OF ALL
28 ASSOCIATION-SPECIFIC SIGNS ON A UNIT OWNER'S PROPERTY TO NOT MORE THAN
29 NINE SQUARE FEET.

30 3. REQUIRE ASSOCIATION-SPECIFIC POLITICAL SIGNS TO BE COMMERCIALY
31 PRODUCED OR PROFESSIONALLY MANUFACTURED OR PROHIBIT USING BOTH SIDES OF
32 THE SIGN.

33 4. REGULATE THE NUMBER OF CANDIDATES SUPPORTED OR OPPOSED OR THE
34 NUMBER OF BOARD MEMBERS SUPPORTED OR OPPOSED IN A RECALL OR THE NUMBER OF
35 BALLOT MEASURES SUPPORTED OR OPPOSED ON AN ASSOCIATION-SPECIFIC POLITICAL
36 SIGN.

37 5. MAKE ANY OTHER REGULATIONS REGARDING THE CONTENT OF AN
38 ASSOCIATION-SPECIFIC POLITICAL SIGN, EXCEPT THAT THE ASSOCIATION MAY
39 PROHIBIT USING PROFANITY AND DISCRIMINATORY TEXT, IMAGES OR CONTENT BASED
40 ON RACE, COLOR, RELIGION, SEX, FAMILIAL STATUS OR NATIONAL ORIGIN AS
41 PRESCRIBED BY FEDERAL OR STATE FAIR HOUSING LAWS.

42 ~~H.~~ I. A condominium is not required to comply with subsection D of
43 this section if the condominium restricts vehicular or pedestrian access
44 to the condominium. This section does not require a condominium to make
45 its common elements other than roadways and sidewalks that are normally

1 open to visitors available for the circulation of political petitions to
2 anyone who is not an owner or resident of the community.

3 J. NOTWITHSTANDING ANY PROVISION IN THE CONDOMINIUM DOCUMENTS, AN
4 ASSOCIATION MAY NOT PROHIBIT OR UNREASONABLY RESTRICT A UNIT OWNER'S
5 ABILITY TO PEACEFULLY ASSEMBLE AND USE COMMON ELEMENTS OF THE CONDOMINIUM
6 IF DONE IN COMPLIANCE WITH REASONABLE RESTRICTIONS FOR THE USE OF THAT
7 PROPERTY ADOPTED BY THE BOARD OF DIRECTORS. AN INDIVIDUAL UNIT OWNER OR
8 GROUP OF UNIT OWNERS MAY ASSEMBLE TO DISCUSS MATTERS RELATED TO THE
9 CONDOMINIUM, INCLUDING BOARD OF DIRECTOR ELECTIONS OR RECALLS, POTENTIAL
10 OR ACTUAL BALLOT ISSUES OR REVISIONS TO THE CONDOMINIUM DOCUMENTS,
11 PROPERTY MAINTENANCE OR SAFETY ISSUES OR ANY OTHER CONDOMINIUM MATTERS. A
12 UNIT OWNER MAY INVITE ONE POLITICAL CANDIDATE OR ONE NON-UNIT OWNER GUEST
13 TO SPEAK TO AN ASSEMBLY OF UNIT OWNERS ABOUT MATTERS RELATED TO THE
14 CONDOMINIUM. THE ASSOCIATION SHALL NOT PROHIBIT A UNIT OWNER FROM POSTING
15 NOTICES REGARDING THOSE ASSEMBLIES OF UNIT OWNERS ON BULLETIN BOARDS
16 LOCATED ON THE COMMON ELEMENTS OR WITHIN COMMON ELEMENT FACILITIES. AN
17 ASSEMBLY OF UNIT OWNERS PRESCRIBED BY THIS SUBSECTION DOES NOT CONSTITUTE
18 AN OFFICIAL UNIT OWNERS' MEETING UNLESS THE MEETING IS NOTICED AND
19 CONVENED AS PRESCRIBED IN THE CONDOMINIUM DOCUMENTS AND THIS CHAPTER.

20 ~~J.~~ K. An association or managing agent that violates subsection C
21 of this section forfeits and extinguishes the lien rights authorized under
22 section 33-1256 against that unit for a period of six consecutive months
23 ~~from~~ AFTER the date of the violation.

24 ~~J.~~ L. This section does not apply to timeshare plans or
25 associations that are subject to chapter 20 of this title.

26 ~~K.~~ M. For the purposes of this section: ~~;~~

27 1. "ASSOCIATION-SPECIFIC POLITICAL SIGN" MEANS A SIGN THAT SUPPORTS
28 OR OPPOSES A CANDIDATE FOR THE BOARD OF DIRECTORS OR THE RECALL OF A BOARD
29 MEMBER OR A CONDOMINIUM BALLOT MEASURE THAT REQUIRES A VOTE OF THE
30 ASSOCIATION UNIT OWNERS.

31 2. "Political sign" means a sign that attempts to influence the
32 outcome of an election, including supporting or opposing the recall of a
33 public officer or supporting or opposing the circulation of a petition for
34 a ballot measure, question or proposition or the recall of a public
35 officer.

36 Sec. 2. Section 33-1808, Arizona Revised Statutes, is amended to
37 read:

38 33-1808. Flag display; political signs; caution signs; for
39 sale, rent or lease signs; political and community
40 activities; definitions

41 A. Notwithstanding any provision in the community documents, an
42 association shall not prohibit the outdoor front yard or backyard display
43 of any of the following:

44 1. The American flag or an official or replica of a flag of the
45 United States army, navy, air force, marine corps or coast guard by an

1 association member on that member's property if the American flag or
2 military flag is displayed in a manner consistent with the federal flag
3 code (P.L. 94-344; 90 Stat. 810; 4 United States Code sections 4 through
4 10).

5 2. The POW/MIA flag.

6 3. The Arizona state flag.

7 4. An Arizona Indian nations flag.

8 5. The Gadsden flag.

9 B. The association shall adopt reasonable rules and regulations
10 regarding the placement and manner of display of the American flag, the
11 military flag, the POW/MIA flag, the Arizona state flag or an Arizona
12 Indian nations flag. The association rules may regulate the location and
13 size of flagpoles, may limit the member to displaying not more than two
14 flags at once and may limit the height of the flagpole to not more than
15 the height of the rooftop of the member's home but shall not prohibit ~~the~~
16 ~~installation of~~ **INSTALLING** a flagpole in the front yard or backyard of the
17 member's property.

18 C. Notwithstanding any provision in the community documents, an
19 association shall not prohibit the indoor or outdoor display of a
20 political sign by an association member on that member's property, except
21 that an association may prohibit the display of political signs as
22 follows:

23 1. Earlier than seventy-one days before the day of a primary
24 election.

25 2. Later than fifteen days after the day of the general election.

26 3. For a sign for a candidate in a primary election who does not
27 advance to the general election, later than fifteen days after the primary
28 election.

29 D. An association may regulate the size and number of political
30 signs that may be placed on a member's property if the association's
31 regulation is not more restrictive than any applicable city, town or
32 county ordinance that regulates the size and number of political signs on
33 residential property. If the city, town or county in which the property
34 is located does not regulate the size and number of political signs on
35 residential property, the association shall not limit the number of
36 political signs, except that the maximum aggregate total dimensions of all
37 political signs on a member's property shall not exceed nine square
38 feet.

39 E. Notwithstanding any provision in the community documents, an
40 association shall not prohibit ~~the use of~~ **USING** cautionary signs regarding
41 children if the signs are used and displayed as follows:

42 1. The signs are displayed in residential areas only.

43 2. The signs are removed within one hour of children ceasing to
44 play.

1 3. The signs are displayed only when children are actually present
2 within fifty feet of the sign.

3 4. The temporary signs are not taller than three feet in height.

4 5. The signs are professionally manufactured or produced.

5 F. Notwithstanding any provision in the community documents, an
6 association shall not prohibit children who reside in the planned
7 community from engaging in recreational activity on residential roadways
8 that are under the jurisdiction of the association and on which the posted
9 speed limit is twenty-five miles per hour or less.

10 G. Notwithstanding any provision in the community documents, an
11 association shall not prohibit or charge a fee for the use of, the
12 placement of or the indoor or outdoor display of a for sale, for rent or
13 for lease sign and a sign rider by an association member on that member's
14 property in any combination, including a sign that indicates the member is
15 offering the property for sale by owner. The size of a sign offering a
16 property for sale, for rent or for lease shall be in conformance with the
17 industry standard size sign, which shall not exceed eighteen by
18 twenty-four inches, and the industry standard size sign rider, which shall
19 not exceed six by twenty-four inches. This subsection applies only to a
20 commercially produced sign, and an association may prohibit ~~the use of~~
21 ~~USING~~ signs that are not commercially produced. With respect to real
22 estate for sale, for rent or for lease in the planned community, an
23 association shall not prohibit in any way other than as is specifically
24 authorized by this section or otherwise regulate any of the following:

25 1. Temporary open house signs or a member's for sale sign. The
26 association shall not require the use of particular signs indicating an
27 open house or real property for sale and may not further regulate the use
28 of temporary open house or for sale signs that are industry standard size
29 and that are owned or used by the seller or the seller's agent.

30 2. Open house hours. The association may not limit the hours for
31 an open house for real estate that is for sale in the planned community,
32 except that the association may prohibit an open house being held before
33 8:00 a.m. or after 6:00 p.m. and may prohibit open house signs on the
34 common areas of the planned community.

35 3. An owner's or an owner's agent's for rent or for lease sign
36 unless an association's documents prohibit or restrict leasing of a
37 member's property. An association shall not further regulate a for rent
38 or for lease sign or require the use of a particular for rent or for lease
39 sign other than the for rent or for lease sign shall not be any larger
40 than the industry standard size sign of eighteen by twenty-four inches on
41 or in the member's property. If rental or leasing of a member's property
42 is not prohibited or restricted, the association may prohibit an open
43 house for rental or leasing being held before 8:00 a.m. or after 6:00 p.m.

44 H. Notwithstanding any provision in the community documents, an
45 association shall not prohibit door-to-door political activity, including

1 solicitations of support or opposition regarding candidates or ballot
2 issues, and shall not prohibit ~~the circulation of~~ CIRCULATING political
3 petitions, including candidate nomination petitions or petitions in
4 support of or opposition to an initiative, referendum or recall or other
5 political issue on property normally open to visitors within the
6 association, except that an association may do the following:

7 1. Restrict or prohibit the door-to-door political activity from
8 sunset to sunrise.

9 2. Require the prominent display of an identification tag for each
10 person engaged in the activity, along with the prominent identification of
11 the candidate or ballot issue that is the subject of the support or
12 opposition.

13 I. A planned community shall not make any regulations regarding the
14 number of candidates supported, the number of public officers supported or
15 opposed in a recall or the number of propositions supported or opposed on
16 a political sign.

17 J. A planned community shall not require political signs to be
18 commercially produced or professionally manufactured or prohibit the
19 utilization of both sides of a political sign.

20 K. NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, AN
21 ASSOCIATION MAY NOT PROHIBIT OR UNREASONABLY RESTRICT THE INDOOR OR
22 OUTDOOR DISPLAY OF AN ASSOCIATION-SPECIFIC POLITICAL SIGN BY A MEMBER BY
23 PLACEMENT OF A SIGN ON THAT MEMBER'S PROPERTY. AN ASSOCIATION MAY ADOPT
24 REASONABLE RULES REGARDING THE PLACEMENT, LOCATION AND MANNER OF DISPLAY
25 OF ASSOCIATION-SPECIFIC POLITICAL SIGNS, EXCEPT AN ASSOCIATION SHALL NOT
26 DO ANY OF THE FOLLOWING:

27 1. PROHIBIT THE DISPLAY OF ASSOCIATION-SPECIFIC POLITICAL SIGNS
28 BETWEEN THE DATE THAT THE ASSOCIATION PROVIDES WRITTEN OR ABSENTEE BALLOTS
29 TO MEMBERS AND THREE DAYS AFTER THE PLANNED COMMUNITY ELECTION.

30 2. LIMIT THE NUMBER OF ASSOCIATION-SPECIFIC SIGNS, EXCEPT THAT THE
31 ASSOCIATION MAY LIMIT THE AGGREGATE TOTAL DIMENSIONS OF ALL
32 ASSOCIATION-SPECIFIC SIGNS ON A MEMBER'S PROPERTY TO NOT MORE THAN NINE
33 SQUARE FEET.

34 3. REQUIRE ASSOCIATION-SPECIFIC POLITICAL SIGNS TO BE COMMERCIALY
35 PRODUCED OR PROFESSIONALLY MANUFACTURED OR PROHIBIT USING BOTH SIDES OF
36 THE SIGN.

37 4. REGULATE THE NUMBER OF CANDIDATES SUPPORTED OR OPPOSED OR THE
38 NUMBER OF BOARD MEMBERS SUPPORTED OR OPPOSED IN A RECALL OR THE NUMBER OF
39 BALLOT MEASURES SUPPORTED OR OPPOSED ON AN ASSOCIATION-SPECIFIC POLITICAL
40 SIGN.

41 5. MAKE ANY OTHER REGULATIONS REGARDING THE CONTENT OF AN
42 ASSOCIATION-SPECIFIC POLITICAL SIGN EXCEPT THAT THE ASSOCIATION MAY
43 PROHIBIT USING PROFANITY AND DISCRIMINATORY TEXT, IMAGES OR CONTENT BASED
44 ON RACE, COLOR, RELIGION, SEX, FAMILIAL STATUS OR NATIONAL ORIGIN AS
45 PRESCRIBED BY FEDERAL OR STATE FAIR HOUSING LAWS.

1 ~~K.~~ L. A planned community is not required to comply with
2 subsection H OF THIS SECTION if the planned community restricts vehicular
3 or pedestrian access to the planned community. This section does not
4 require a planned community to make its common elements other than
5 roadways and sidewalks that are normally open to visitors available for
6 the circulation of political petitions to anyone who is not an owner or
7 resident of the community.

8 M. NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, AN
9 ASSOCIATION MAY NOT PROHIBIT OR UNREASONABLY RESTRICT A MEMBER'S ABILITY
10 TO PEACEFULLY ASSEMBLE AND USE COMMON AREAS OF THE PLANNED COMMUNITY IF
11 DONE IN COMPLIANCE WITH REASONABLE RESTRICTIONS FOR THE USE OF THAT
12 PROPERTY ADOPTED BY THE BOARD OF DIRECTORS. AN INDIVIDUAL MEMBER OR GROUP
13 OF MEMBERS MAY ASSEMBLE TO DISCUSS MATTERS RELATED TO THE PLANNED
14 COMMUNITY, INCLUDING BOARD ELECTIONS OR RECALLS, POTENTIAL OR ACTUAL
15 BALLOT ISSUES OR REVISIONS TO THE COMMUNITY DOCUMENTS, PROPERTY
16 MAINTENANCE OR SAFETY ISSUES OR ANY OTHER PLANNED COMMUNITY MATTERS. A
17 MEMBER MAY INVITE ONE POLITICAL CANDIDATE OR ONE NON-MEMBER GUEST TO SPEAK
18 TO AN ASSEMBLY OF MEMBERS ABOUT MATTERS RELATED TO THE COMMUNITY. THE
19 ASSOCIATION SHALL NOT PROHIBIT A MEMBER FROM POSTING NOTICES REGARDING
20 THOSE ASSEMBLIES OF MEMBERS ON BULLETIN BOARDS LOCATED ON THE COMMON AREAS
21 OR WITHIN COMMON AREA FACILITIES. AN ASSEMBLY OF MEMBERS PRESCRIBED BY
22 THIS SUBSECTION DOES NOT CONSTITUTE AN OFFICIAL MEMBERS' MEETING UNLESS
23 THE MEETING IS NOTICED AND CONVENED AS PRESCRIBED IN THE COMMUNITY
24 DOCUMENTS AND THIS CHAPTER.

25 ~~L.~~ N. An association or managing agent that violates subsection G
26 of this section forfeits and extinguishes the lien rights authorized under
27 section 33-1807 against that member's property for a period of six
28 consecutive months ~~from~~ AFTER the date of the violation.

29 ~~M.~~ O. For the purposes of this section: ~~;~~

30 1. "ASSOCIATION-SPECIFIC POLITICAL SIGN" MEANS A SIGN THAT SUPPORTS
31 OR OPPOSES A CANDIDATE FOR THE BOARD OF DIRECTORS OR THE RECALL OF A BOARD
32 MEMBER OR A PLANNED COMMUNITY BALLOT MEASURE THAT REQUIRES A VOTE OF THE
33 ASSOCIATION MEMBERS.

34 2. "Political sign" means a sign that attempts to influence the
35 outcome of an election, including supporting or opposing the recall of a
36 public officer or supporting or opposing the circulation of a petition for
37 a ballot measure, question or proposition or the recall of a public
38 officer.