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ATTORNEYS AT LAW

**2023 CHANGES IN THE LAW
AFFECTING ARIZONA
HOMEOWNERS ASSOCIATIONS (“HOAs”)**

**LAWS TAKE EFFECT _____
UNLESS OTHERWISE INDICATED**

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This course is approved by Community Association Managers International Certification Board (CAMICB) to fulfill continuing education requirements for the CMCA® certification. www.Camicb.org.

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This Guide to the 2023 Changes in the Law affecting Arizona Homeowners Associations (“HOAs”) is meant to provide a summary of the recent revisions to the laws that govern Arizona Community Associations. This Guide also contains tips to understand and abide by the new changes in the laws. *This Guide is available to download from our website at: <http://www.shawlines.com>.*

I. HB 2298 - PLANNED COMMUNITY AUTHORITY OVER PUBLIC ROADWAYS – Revised Provisions A.R.S. §33-1818(A) - New Provision A.R.S. §33-1818(B) and New Provision A.R.S. §33-1818(C) (Planned Communities)

HB 2298, which only applies to Arizona Planned Communities, discussed a Planned Community’s ability to restrict on-street parking on public streets. On street parking revisions include any restriction found in the Declaration (CC&Rs) that restricts vehicular parking on public streets or recreational vehicle parking on public streets.

HB 2298 only applies to specific Planned Communities. **HB 2298 applies to:**

- a. Planned Communities where the Declaration (CC&Rs) was recorded before January 1, 2015 (A.R.S. §33-1818(B));
- b. Planned Communities that have on-street parking restrictions placed in their Declaration (CC&Rs) (A.R.S. §33-1818(B)); and
- c. Planned Communities where the ownership of the streets has been dedicated to or is otherwise held by a governmental entity (A.R.S. §33-1818(B))(public streets).

HB 2298 does not apply to:

- a. Planned Communities where the Declaration (CC&Rs) was recorded after December 31, 2014. This is because pursuant to revised A.R.S. §33-1818(A), these Planned Communities have “no authority over and shall not regulate any roadway for which the ownership has been dedicated to or is otherwise held by a governmental entity;”
- b. Planned Communities where the streets are privately owned (owned by the HOA) pursuant to revised A.R.S. §33-1818(C); and
- c. Planned Communities that have “one way” streets that are either publicly or privately owned pursuant to revised A.R.S. §33-1818(C).

For all Planned Communities subject to HB 2298, the Planned Community, by no later than **June 30, 2025**, is **statutorily required** to call a Special Meeting of the Members to obtain the approval of the Members to retain all on-street parking provisions found in the Declaration (CC&Rs).

The Special Meeting of the Members is subject to the quorum requirements found in the Planned Community’s Bylaws. The question passes if a majority of a quorum, voting in person or by ballot, approves of retaining all on-street parking provisions found in the Declaration (CC&Rs). If the matter passes, the Board of Directors of the Planned Community must record, in the office of the applicable county recorder, a document confirming that the Planned Community continues to regulate the on-street parking.

If the Planned Community either fails to hold the Special Meeting of the Members by June 30, 2025 or if, after holding the Special Meeting of the Members, a majority of a quorum voting in person or by ballot, does not approve, then the Planned Community no longer has the authority to regulate on-street parking in the Planned Community.

II. HB 2301 – POLITICAL ACTIVITY IN HOMEOWNER ASSOCIATIONS - New A.R.S. §33-1261(D)(3) (Condominiums) and A.R.S. §33-1808(H)(3) (Planned Communities) – Deletion of A.R.S. §33-1261(I) (Condominiums) and A.R.S. §33-1808(L) (Planned Communities)

HB 2301 serves to allow all owners in Arizona Homeowner Associations to engage in door-to-door political activity, including solicitations of support or opposition regarding candidates or ballot issues and circulating political petitions, which include: candidate nomination petitions; petitions in support of or in opposition to an initiative, referendum or recall; or other political issue.

Arizona Homeowner Associations may prohibit non-Association owners, who are not accompanied by an Association owner, from engaging in door-to-door political activity if the Association restricts vehicular or pedestrian access (i.e., is a gated community or has private streets).

III. HB 2607 – BOARD REMOVAL - New Provisions A.R.S. §33-1243(H)(4)(d) (Condominiums) and A.R.S. §33-1813(A)(4)(d) (Planned Communities).....4

HB 2607 adds new requirements HOAs must consider when effectuating the removal of members of the Board of Directors. New A.R.S. §33-1243(H)(4)(d) (Condominiums) and new A.R.S. §33-1813(A)(4)(d) (Planned Communities) states:

If all of the requirements... for calling a special meeting are met and the board of directors fails to call, notice and hold a special meeting within thirty days after receipt of the petition, the members of the board of directors are deemed removed from office effective at midnight of the thirty-first day.

HB 2607 makes it imperative that HOAs ensure that the special meeting of the Members to potentially remove a Board member is called within 30 days of receipt of the removal petition.

IV. SB 1049 – DISPLAY OF HISTORIC AMERICAN FLAGS - Amending A.R.S. §33-1261 (Condominiums) and A.R.S. §33-1808 (Planned Communities)

SB 1049 adds new flags to the list of flags that HOAs must allow be displayed on an owner’s property. Pursuant to new A.R.S. §33-1261(A)(8) (Condominiums) and new A.R.S. §33-1808(A)(8) (Planned Communities), Arizona Homeowners Associations must allow “[A]ny historic version of the American Flag, including the Betsy Ross Flag, without regard to how the stars and stripes are arranged on the Flag.”

Pursuant to new A.R.S. §33-1261(N)(2) (Condominiums) and new A.R.S. §33-1808(O)(2), the “Betsy Ross Flag” means an historic flag of the United States that consists of thirteen stripes alternating between red and white stripes and thirteen five-pointed white stars arranged in a circle against a blue background.”

ADDENDUM A: HB 2298

Senate Engrossed House Bill
planned community authority; public roadways

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

CHAPTER 84
HOUSE BILL 2298

AN ACT

AMENDING SECTION 33-1818, ARIZONA REVISED STATUTES; RELATING TO 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 33-1818, Arizona Revised Statutes, is amended to
3 read:
4 33-1818. Community authority over public roadways; vote of
5 the membership; applicability
6 A. FOR ANY PLANNED COMMUNITY FOR WHICH THE DECLARATION IS RECORDED
7 AFTER DECEMBER 31, 2014 AND notwithstanding any provision in the community
8 documents, after the period of declarant control, an association has no
9 authority over and shall not regulate any roadway for which the ownership
10 has been dedicated to or is otherwise held by a governmental entity.
11 ~~B. This section applies only to those planned communities for which~~
12 ~~the declaration is recorded after December 31, 2014.~~
13 B. AFTER THE PERIOD OF DECLARANT CONTROL, FOR ANY PLANNED COMMUNITY
14 FOR WHICH THE DECLARATION WAS RECORDED BEFORE JANUARY 1, 2015 AND THAT
15 REGULATES ANY ROADWAY FOR WHICH THE OWNERSHIP HAS BEEN DEDICATED TO OR IS
16 OTHERWISE HELD BY A GOVERNMENTAL ENTITY, THE EXISTING REGULATIONS CONTINUE
17 IN EFFECT UNTIL EITHER OF THE FOLLOWING OCCURS:
18 1. NOT LATER THAN JUNE 30, 2025, THE PLANNED COMMUNITY SHALL CALL A
19 MEETING OF THE MEMBERSHIP ON THE QUESTION OF WHETHER TO CONTINUE TO
20 REGULATE PUBLIC ROADWAYS. IF THE NUMBER OF OWNERS VOTING AT THE MEETING
21 ON THE QUESTION IS SUFFICIENT TO CONSTITUTE A QUORUM OF THE MEMBERSHIP AND
22 A MAJORITY OF THAT NUMBER VOTES TO CONTINUE REGULATING PUBLIC ROADWAYS IN
23 THE PLANNED COMMUNITY, THE PLANNED COMMUNITY RETAINS ITS AUTHORITY TO
24 REGULATE THOSE PUBLIC ROADWAYS. THE BOARD OF DIRECTORS SHALL RECORD IN
25 THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY IN WHICH THE PLANNED
26 COMMUNITY IS LOCATED A DOCUMENT CONFIRMING THAT THE PLANNED COMMUNITY
27 CONTINUES TO REGULATE THE PUBLIC ROADWAYS.
28 2. IF THE VOTE PRESCRIBED BY PARAGRAPH 1 OF THIS SUBSECTION FAILS
29 OR IF THE PLANNED COMMUNITY DOES NOT HOLD A VOTE OF THE MEMBERSHIP IN
30 COMPLIANCE WITH PARAGRAPH 1 OF THIS SUBSECTION, THE PLANNED COMMUNITY NO
31 LONGER HAS AUTHORITY TO REGULATE THE PUBLIC ROADWAYS IN THE PLANNED
32 COMMUNITY AND ANY EXISTING REGULATIONS EXPIRE.
33 C. THIS SECTION DOES NOT APPLY TO ANY ONE-WAY STREETS, WITHOUT
34 REGARD TO OWNERSHIP, OR TO ANY PRIVATELY OWNED ROADWAYS.

APPROVED BY THE GOVERNOR APRIL 18, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2023.

ADDENDUM B: HB 2301

House Engrossed

homeowners' associations; political activity

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

CHAPTER 61

HOUSE BILL 2301

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 uniformed services of the United States by a unit owner on that unit
12 owner's property if the American flag or a uniformed services flag is
13 displayed in a manner consistent with the federal flag code (P.L. 94-344;
14 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 6. A first responder flag. A first responder flag may incorporate
20 the design of one or two other first responder flags to form a combined
21 flag.

22 7. A blue star service flag or a gold star service flag.

23 B. The association shall adopt reasonable rules and regulations
24 regarding the placement and manner of display of the flags prescribed by
25 subsection A of this section. The association rules may regulate the
26 location and size of flagpoles but shall not prohibit installing a
27 flagpole.

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

43 1. Temporary open house signs or a unit owner's for sale sign. The
44 association shall not require the use of particular signs indicating an
45 open house or real property for sale and may not further regulate the use

1 of temporary open house or for sale signs that are industry standard size
2 and that are owned or used by the seller or the seller's agent.

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

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

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

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

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

31 3. PROHIBIT A PERSON WHO IS NOT ACCOMPANIED BY A UNIT OWNER OR
32 RESIDENT OF THE CONDOMINIUM FROM ENTERING THE CONDOMINIUM PREMISES IF THE
33 CONDOMINIUM RESTRICTS VEHICULAR OR PEDESTRIAN ACCESS.

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

41 1. Earlier than seventy-one days before the day of a primary
42 election.

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

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

4 F. An association may regulate the size and number of political
5 signs that may be placed in the common element ground, on a unit owner's
6 property or on a limited common element for that unit if the association's
7 regulation is not more restrictive than any applicable city, town or
8 county ordinance that regulates the size and number of political signs on
9 residential property. If the city, town or county in which the property
10 is located does not regulate the size and number of political signs on
11 residential property, the association shall not limit the number of
12 political signs, except that the maximum aggregate total dimensions of all
13 political signs on a unit owner's property shall not exceed nine square
14 feet. An association shall not make any regulations regarding the number
15 of candidates supported, the number of public officers supported or
16 opposed in a recall or the number of propositions supported or opposed on
17 a political sign.

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

21 H. Notwithstanding any provision in the condominium documents, an
22 association may not prohibit or unreasonably restrict the indoor or
23 outdoor display of an association-specific political sign by a unit owner
24 by placement of a sign on that unit owner's property, including any
25 limited common elements for that unit that are doors, walls or patios or
26 other limited common elements that touch the unit, other than the
27 roof. An association may adopt reasonable rules regarding the placement,
28 location and manner of display of association-specific political signs,
29 except an association shall not do any of the following:

30 1. Prohibit the display of association-specific political signs
31 between the date that the association provides written or absentee ballots
32 to unit owners and three days after the condominium election.

33 2. Limit the number of association-specific **POLITICAL** signs, except
34 that the association may limit the aggregate total dimensions of all
35 association-specific **POLITICAL** signs on a unit owner's property to not
36 more than nine square feet.

37 3. Require association-specific political signs to be commercially
38 produced or professionally manufactured or prohibit using both sides of
39 the sign.

40 4. Regulate the number of candidates supported or opposed, ~~or~~ the
41 number of board members supported or opposed in a recall or the number of
42 ballot measures supported or opposed on an association-specific political
43 sign.

44 5. Make any other regulations regarding the content of an
45 association-specific political sign, except that the association may

1 prohibit using profanity and discriminatory text, images or content based
2 on race, color, religion, sex, familial status or national origin as
3 prescribed by federal or state fair housing laws.

4 ~~I. A condominium is not required to comply with subsection D of~~
5 ~~this section if the condominium restricts vehicular or pedestrian access~~
6 ~~to the condominium. This section does not require a condominium to make~~
7 ~~its common elements other than roadways and sidewalks that are normally~~
8 ~~open to visitors available for the circulation of political petitions to~~
9 ~~anyone who is not an owner or resident of the community.~~

10 ~~I.~~ I. Notwithstanding any provision in the condominium documents,
11 an association may not prohibit or unreasonably restrict a unit owner's
12 ability to peacefully assemble and use common elements of the condominium
13 if done in compliance with reasonable restrictions for the use of that
14 property adopted by the board of directors. An individual unit owner or
15 group of unit owners may assemble to discuss matters related to the
16 condominium, including board of director elections or recalls, potential
17 or actual ballot issues or revisions to the condominium documents,
18 property maintenance or safety issues or any other condominium matters. A
19 unit owner may invite one political candidate or one non-unit owner guest
20 to speak to an assembly of unit owners about matters related to the
21 condominium. The association shall not prohibit a unit owner from posting
22 notices regarding those assemblies of unit owners on bulletin boards
23 located on the common elements or within common element facilities. An
24 assembly of unit owners prescribed by this subsection does not constitute
25 an official unit owners' meeting unless the meeting is noticed and
26 convened as prescribed in the condominium documents and this chapter.

27 ~~K.~~ J. An association or managing agent that violates subsection C
28 of this section forfeits and extinguishes the lien rights authorized under
29 section 33-1256 against that unit for a period of six consecutive months
30 after the date of the violation.

31 ~~L.~~ K. This section does not apply to timeshare plans or
32 associations that are subject to chapter 20 of this title.

33 ~~M.~~ L. An association or managing agent that violates subsection C
34 of this section forfeits and extinguishes the lien rights authorized under
35 section 33-1256 against that unit for a period of six consecutive months
36 after the date of the violation.

37 ~~N.~~ M. For the purposes of this section:

38 1. "Association-specific political sign" means a sign that supports
39 or opposes a candidate for the board of directors, ~~or~~ the recall of a
40 board member or a condominium ballot measure that requires a vote of the
41 association unit owners.

42 2. "First responder flag" means a flag that recognizes and honors
43 the services of any of the following:

44 (a) Law enforcement and that is limited to the colors blue, black
45 and white, the words "law enforcement", "police", "officers", "first

1 responder", "honor our", "support our" and "department" and the symbol of
2 a generic police shield in a crest or star shape.

3 (b) Fire ~~department~~ DEPARTMENTS and that is limited to the colors
4 red, gold, black and white, the words "fire", "fighters", "F", "D", "FD",
5 "first responder", "department", "honor our" and "support our" and the
6 symbol of a generic Maltese Cross.

7 (c) Paramedics or emergency medical technicians and that is limited
8 to the colors blue, black and white, the words "first responder",
9 "paramedic", "emergency medical", "service", "technician", "honor our" and
10 "support our" and the symbol of a generic star of life.

11 3. "Political sign" means a sign that attempts to influence the
12 outcome of an election, including supporting or opposing the recall of a
13 public officer or supporting or opposing the circulation of a petition for
14 a ballot measure, question or proposition or the recall of a public
15 officer.

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

18 33-1808. Flag display; political signs; caution signs; for
19 sale, rent or lease signs; political and community
20 activities; definitions

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

24 1. The American flag or an official or replica of a flag of the
25 uniformed services of the United States by an association member on that
26 member's property if the American flag or a uniformed services flag is
27 displayed in a manner consistent with the federal flag code (P.L. 94-344;
28 90 Stat. 810; 4 United States Code sections 4 through 10).

29 2. The POW/MIA flag.

30 3. The Arizona state flag.

31 4. An Arizona Indian nations flag.

32 5. The Gadsden flag.

33 6. A first responder flag. A first responder flag may incorporate
34 the design of one or two other first responder flags to form a combined
35 flag.

36 7. A blue star service flag or a gold star service flag.

37 B. The association shall adopt reasonable rules and regulations
38 regarding the placement and manner of display of the flags prescribed by
39 subsection A of this section. The association rules may regulate the
40 location and size of flagpoles, may limit the member to displaying not
41 more than two flags at once and may limit the height of the flagpole to
42 not more than the height of the rooftop of the member's home but shall not
43 prohibit installing a flagpole in the front yard or backyard of the
44 member's property.

1 C. Notwithstanding any provision in the community documents, an
2 association shall not prohibit the indoor or outdoor display of a
3 political sign by an association member on that member's property, except
4 that an association may prohibit the display of political signs as
5 follows:

6 1. Earlier than seventy-one days before the day of a primary
7 election.

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

9 3. For a sign for a candidate in a primary election who does not
10 advance to the general election, later than fifteen days after the primary
11 election.

12 D. An association may regulate the size and number of political
13 signs that may be placed on a member's property if the association's
14 regulation is not more restrictive than any applicable city, town or
15 county ordinance that regulates the size and number of political signs on
16 residential property. If the city, town or county in which the property
17 is located does not regulate the size and number of political signs on
18 residential property, the association shall not limit the number of
19 political signs, except that the maximum aggregate total dimensions of all
20 political signs on a member's property shall not exceed nine square feet.

21 E. Notwithstanding any provision in the community documents, an
22 association shall not prohibit using cautionary signs regarding children
23 if the signs are used and displayed as follows:

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

25 2. The signs are removed within one hour of children ceasing to
26 play.

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

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

30 5. The signs are professionally manufactured or produced.

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

36 G. Notwithstanding any provision in the community documents, an
37 association shall not prohibit or charge a fee for the use of, the
38 placement of or the indoor or outdoor display of a for sale, for rent or
39 for lease sign and a sign rider by an association member on that member's
40 property in any combination, including a sign that indicates the member is
41 offering the property for sale by owner. The size of a sign offering a
42 property for sale, for rent or for lease shall be in conformance with the
43 industry standard size sign, which shall not exceed eighteen by
44 twenty-four inches, and the industry standard size sign rider, which shall
45 not exceed six by twenty-four inches. This subsection applies only to a

1 commercially produced sign, and an association may prohibit using signs
2 that are not commercially produced. With respect to real estate for sale,
3 for rent or for lease in the planned community, an association shall not
4 prohibit in any way other than as is specifically authorized by this
5 section or otherwise regulate any of the following:

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

11 2. Open house hours. The association may not limit the hours for
12 an open house for real estate that is for sale in the planned community,
13 except that the association may prohibit an open house being held before
14 8:00 a.m. or after 6:00 p.m. and may prohibit open house signs on the
15 common areas of the planned community.

16 3. An owner's or an owner's agent's for rent or for lease sign
17 unless an association's documents prohibit or restrict leasing of a
18 member's property. An association shall not further regulate a for rent
19 or for lease sign or require the use of a particular for rent or for lease
20 sign other than the for rent or for lease sign shall not be any larger
21 than the industry standard size sign of eighteen by twenty-four inches on
22 or in the member's property. If rental or leasing of a member's property
23 is not prohibited or restricted, the association may prohibit an open
24 house for rental or leasing being held before 8:00 a.m. or after 6:00 p.m.

25 H. Notwithstanding any provision in the community documents, an
26 association shall not prohibit door-to-door political activity, including
27 solicitations of support or opposition regarding candidates or ballot
28 issues, and shall not prohibit circulating political petitions, including
29 candidate nomination petitions or petitions in support of or opposition to
30 an initiative, referendum or recall or other political issue on property
31 normally open to visitors within the association, except that an
32 association may do the following:

33 1. Restrict or prohibit the door-to-door political activity from
34 sunset to sunrise.

35 2. Require the prominent display of an identification tag for each
36 person engaged in the activity, along with the prominent identification of
37 the candidate or ballot issue that is the subject of the support or
38 opposition.

39 3. PROHIBIT A PERSON WHO IS NOT ACCOMPANIED BY A MEMBER OR RESIDENT
40 OF THE PLANNED COMMUNITY FROM ENTERING THE PLANNED COMMUNITY IF THE
41 PLANNED COMMUNITY RESTRICTS VEHICULAR OR PEDESTRIAN ACCESS.

42 I. A planned community shall not make any regulations regarding the
43 number of candidates supported, the number of public officers supported or
44 opposed in a recall or the number of propositions supported or opposed on
45 a political sign.

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

4 K. Notwithstanding any provision in the community documents, an
5 association may not prohibit or unreasonably restrict the indoor or
6 outdoor display of an association-specific political sign by a member by
7 placement of a sign on that member's property. An association may adopt
8 reasonable rules regarding the placement, location and manner of display
9 of association-specific political signs, except an association shall not
10 do any of the following:

11 1. Prohibit the display of association-specific political signs
12 between the date that the association provides written or absentee ballots
13 to members and three days after the planned community election.

14 2. Limit the number of association-specific **POLITICAL** signs, except
15 that the association may limit the aggregate total dimensions of all
16 association-specific **POLITICAL** signs on a member's property to not more
17 than nine square feet.

18 3. Require association-specific political signs to be commercially
19 produced or professionally manufactured or prohibit using both sides of
20 the sign.

21 4. Regulate the number of candidates supported or opposed, ~~or~~ the
22 number of board members supported or opposed in a recall or the number of
23 ballot measures supported or opposed on an association-specific political
24 sign.

25 5. Make any other regulations regarding the content of an
26 association-specific political sign except that the association may
27 prohibit using profanity and discriminatory text, images or content based
28 on race, color, religion, sex, familial status or national origin as
29 prescribed by federal or state fair housing laws.

30 ~~L. A planned community is not required to comply with subsection H~~
31 ~~of this section if the planned community restricts vehicular or pedestrian~~
32 ~~access to the planned community. This section does not require a planned~~
33 ~~community to make its common elements other than roadways and sidewalks~~
34 ~~that are normally open to visitors available for the circulation of~~
35 ~~political petitions to anyone who is not an owner or resident of the~~
36 ~~community.~~

37 ~~M.~~ L. Notwithstanding any provision in the community documents, an
38 association may not prohibit or unreasonably restrict a member's ability
39 to peacefully assemble and use common areas of the planned community if
40 done in compliance with reasonable restrictions for the use of that
41 property adopted by the board of directors. An individual member or group
42 of members may assemble to discuss matters related to the planned
43 community, including board elections or recalls, potential or actual
44 ballot issues or revisions to the community documents, property
45 maintenance or safety issues or any other planned community matters. A

1 member may invite one political candidate or one non-member guest to speak
2 to an assembly of members about matters related to the community. The
3 association shall not prohibit a member from posting notices regarding
4 those assemblies of members on bulletin boards located on the common areas
5 or within common area facilities. An assembly of members prescribed by
6 this subsection does not constitute an official members' meeting unless
7 the meeting is noticed and convened as prescribed in the community
8 documents and this chapter.

9 ~~N.~~ M. An association or managing agent that violates subsection G
10 of this section forfeits and extinguishes the lien rights authorized under
11 section 33-1807 against that member's property for a period of six
12 consecutive months after the date of the violation.

13 ~~O.~~ N. For the purposes of this section:

14 1. "Association-specific political sign" means a sign that supports
15 or opposes a candidate for the board of directors, ~~or~~ the recall of a
16 board member or a planned community ballot measure that requires a vote of
17 the association members.

18 2. "First responder flag" means a flag that recognizes and honors
19 the services of any of the following:

20 (a) Law enforcement and that is limited to the colors blue, black
21 and white, the words "law enforcement", "police", "officers", "first
22 responder", "honor our", "support our" and "department" and the symbol of
23 a generic police shield in a crest or star shape.

24 (b) Fire ~~department~~ DEPARTMENTS and that is limited to the colors
25 red, gold, black and white, the words "fire", "fighters", "F", "D", "FD",
26 "first responder", "department", "honor our" and "support our" and the
27 symbol of a generic Maltese Cross.

28 (c) Paramedics or emergency medical technicians and that is limited
29 to the colors blue, black and white, the words "first responder",
30 "paramedic", "emergency medical", "service", "technician", "honor our" and
31 "support our" and the symbol of a generic star of life.

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

APPROVED BY THE GOVERNOR APRIL 17, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2023.

ADDENDUM C: HB 2607

Senate Engrossed House Bill

~~meetings; homeowners' associations~~
(now: board members; condominiums; planned communities)

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

CHAPTER 111
HOUSE BILL 2607

AN ACT

AMENDING SECTIONS 33-1243 AND 33-1813, ARIZONA REVISED STATUTES; RELATING
TO PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 33-1243, Arizona Revised Statutes, is amended to
3 read:

4 33-1243. Board of directors and officers; conflict; powers;
5 limitations; removal; annual audit; applicability

6 A. Except as provided in the declaration, the bylaws, subsection B
7 of this section or other provisions of this chapter, the board of
8 directors may act in all instances on behalf of the association.

9 B. The board of directors shall not act on behalf of the
10 association to amend the declaration, terminate the condominium, elect
11 members of the board of directors or determine the qualifications, powers
12 and duties or terms of office of board of directors members. Except as
13 provided in subsection H of this section, the board of directors may fill
14 vacancies in its membership for the unexpired portion of any term.

15 C. If any contract, decision or other action for compensation taken
16 by or on behalf of the board of directors would benefit any member of the
17 board of directors or any person who is a parent, grandparent, spouse,
18 child or sibling of a member of the board of directors or a parent or
19 spouse of any of those persons, that member of the board of directors
20 shall declare a conflict of interest for that issue. The member shall
21 declare the conflict in an open meeting of the board before the board
22 discusses or takes action on that issue and that member may then vote on
23 that issue. Any contract entered into in violation of this subsection is
24 void and unenforceable.

25 D. Except as provided in the declaration, within thirty days after
26 adoption of any proposed budget for the condominium, the board of
27 directors shall provide a summary of the budget to all the unit owners.
28 Unless the board of directors is expressly authorized in the declaration
29 to adopt and amend budgets from time to time, any budget or amendment
30 shall be ratified by the unit owners in accordance with the procedures set
31 forth in this subsection. If ratification is required, the board of
32 directors shall set a date for a meeting of the unit owners to consider
33 ratification of the budget not fewer than fourteen ~~not~~ OR more than thirty
34 days after mailing of the summary. Unless at that meeting a majority of
35 all the unit owners or any larger vote specified in the declaration
36 rejects the budget, the budget is ratified, whether or not a quorum is
37 present. If the proposed budget is rejected, the periodic budget last
38 ratified by the unit owners shall be continued until such time as the unit
39 owners ratify a subsequent budget proposed by the board of directors.

40 E. The declaration may provide for a period of declarant control of
41 the association, during which period a declarant or persons designated by
42 the declarant may appoint and remove the officers and members of the board
43 of directors. Regardless of the period provided in the declaration, a
44 period of declarant control terminates ~~not~~ NOT later than the earlier of:

1 1. Ninety days after conveyance of seventy-five percent of the
2 units that may be created to unit owners other than a declarant.

3 2. Four years after all declarants have ceased to offer units for
4 sale in the ordinary course of business.

5 F. A declarant may voluntarily surrender the right to appoint and
6 remove officers and members of the board of directors before termination
7 of the period prescribed in subsection E of this section, but in that
8 event the declarant may require, for the duration of the period of
9 declarant control, that specified actions of the association or board of
10 directors, as described in a recorded instrument executed by the
11 declarant, be approved by the declarant before they become effective.

12 G. Not later than the termination of any period of declarant
13 control the unit owners shall elect a board of directors of at least three
14 members, at least a majority of whom must be unit owners. The board of
15 directors shall elect the officers. The board members and officers shall
16 take office on election.

17 H. Notwithstanding any provision of the declaration or bylaws to
18 the contrary, all of the following apply to a meeting at which a member of
19 the board of directors, other than a member appointed by the declarant, is
20 proposed to be removed from the board of directors:

21 1. The unit owners who are eligible to vote at the time of the
22 meeting may remove any member of the board of directors, other than a
23 member appointed by the declarant, by a majority vote of those voting on
24 the matter at a meeting of the unit owners.

25 2. The meeting of the unit owners shall be called pursuant to this
26 section and action may be taken only if a quorum is present.

27 3. The unit owners may remove any member of the board of directors
28 with or without cause, other than a member appointed by the declarant.

29 4. For purposes of calling for removal of a member of the board of
30 directors, other than a member appointed by the declarant, the following
31 apply:

32 (a) In an association with one thousand or fewer members, on
33 receipt of a petition that calls for removal of a member of the board of
34 directors and that is signed by the number of persons who are eligible to
35 vote in the association at the time the person signs the petition equal to
36 at least twenty-five percent of the votes in the association or by the
37 number of persons who are eligible to vote in the association at the time
38 the person signs the petition equal to at least one hundred votes in the
39 association, whichever is less, the board shall call and provide written
40 notice of a special meeting of the association as prescribed by section
41 33-1248, subsection B.

42 (b) Notwithstanding section 33-1248, subsection B, in an
43 association with more than one thousand members, on receipt of a petition
44 that calls for removal of a member of the board of directors and that is
45 signed by the number of persons who are eligible to vote in the

1 association at the time the person signs the petition equal to at least
2 ten percent of the votes in the association or by the number of persons
3 who are eligible to vote in the association at the time the person signs
4 the petition equal to at least one thousand votes in the association,
5 whichever is less, the board shall call and provide written notice of a
6 special meeting of the association. The board shall provide written
7 notice of a special meeting as prescribed by section 33-1248,
8 subsection B.

9 (c) The special meeting shall be called, noticed and held within
10 thirty days after receipt of the petition.

11 (d) IF ALL OF THE REQUIREMENTS OF THIS SUBSECTION FOR CALLING A
12 SPECIAL MEETING ARE MET AND THE BOARD OF DIRECTORS FAILS TO CALL, NOTICE
13 AND HOLD A SPECIAL MEETING WITHIN THIRTY DAYS AFTER RECEIPT OF THE
14 PETITION, THE MEMBERS OF THE BOARD OF DIRECTORS ARE DEEMED REMOVED FROM
15 OFFICE EFFECTIVE AT MIDNIGHT OF THE THIRTY-FIRST DAY.

16 ~~(d)~~ (e) For purposes of a special meeting called pursuant to this
17 subsection, a quorum is present if the number of owners who are eligible
18 to vote in the association at the time the person attends the meeting
19 equal to at least twenty percent of the votes of the association or the
20 number of persons who are eligible to vote in the association at the time
21 the person attends the meeting equal to at least one thousand votes,
22 whichever is less, is present at the meeting in person or as otherwise
23 ~~permitted~~ ALLOWED by law.

24 ~~(e)~~ (f) If a civil action is filed regarding the removal of a
25 board member, the prevailing party in the civil action shall be awarded
26 its reasonable attorney fees and costs.

27 ~~(f)~~ (g) The board of directors shall retain all documents and
28 other records relating to the proposed removal of the member of the board
29 of directors and any election or other action taken for that director's
30 replacement for at least one year after the date of the special meeting
31 and shall ~~permit~~ ALLOW members to inspect those documents and records
32 pursuant to section 33-1258.

33 ~~(g)~~ (h) A petition that calls for the removal of the same member
34 of the board of directors shall not be submitted more than once during
35 each term of office for that member.

36 5. On removal of at least one but fewer than a majority of the
37 members of the board of directors at a special meeting of the membership
38 called pursuant to this subsection, the vacancies shall be filled as
39 provided in the condominium documents.

40 6. On removal of a majority of the members of the board of
41 directors at a special meeting of the membership called pursuant to this
42 subsection, or if the condominium documents do not provide a method for
43 filling board vacancies, the association shall hold an election for the
44 replacement of the removed directors at a separate meeting of the members

1 of the association that is held not later than thirty days after the
2 meeting at which the members of the board of directors were removed.

3 7. A member of the board of directors who is removed pursuant to
4 this subsection is not eligible to serve on the board of directors again
5 until after the expiration of the removed board member's term of office,
6 unless the condominium documents specifically provide for a longer period
7 of ineligibility.

8 I. For an association in which board members are elected from
9 separately designated voting districts, a member of the board of
10 directors, other than a member appointed by the declarant, may be removed
11 only by a vote of the members from that voting district, and only the
12 members from that voting district are eligible to vote on the matter or be
13 counted for purposes of determining a quorum.

14 J. Unless any provision in the condominium documents requires an
15 annual audit by a certified public accountant, the board of directors
16 shall provide for an annual financial audit, review or compilation of the
17 association. The audit, review or compilation shall be completed no later
18 than one hundred eighty days after the end of the association's fiscal
19 year and shall be made available on request to the unit owners within
20 thirty days after its completion.

21 K. This section does not apply to timeshare plans or associations,
22 or the period of declarant control under timeshare instruments, that are
23 subject to chapter 20 of this title.

24 Sec. 2. Section 33-1813, Arizona Revised Statutes, is amended to
25 read:

26 33-1813. Removal of board member; special meeting

27 A. Notwithstanding any provision of the declaration or bylaws to
28 the contrary, all of the following apply to a meeting at which a member of
29 the board of directors, other than a member appointed by the declarant, is
30 proposed to be removed from the board of directors:

31 1. The members of the association who are eligible to vote at the
32 time of the meeting may remove any member of the board of directors, other
33 than a member appointed by the declarant, by a majority vote of those
34 voting on the matter at a meeting of the members.

35 2. The meeting of the members shall be called pursuant to this
36 section and action may be taken only if a quorum is present.

37 3. The members of the association may remove any member of the
38 board of directors with or without cause, other than a member appointed by
39 the declarant.

40 4. For purposes of calling for removal of a member of the board of
41 directors, other than a member appointed by the declarant, the following
42 apply:

43 (a) In an association with one thousand or fewer members, on
44 receipt of a petition that calls for removal of a member of the board of
45 directors and that is signed by the number of persons who are eligible to

1 vote in the association at the time the person signs the petition equal to
2 at least twenty-five percent of the votes in the association or by the
3 number of persons who are eligible to vote in the association at the time
4 the person signs the petition equal to at least one hundred votes in the
5 association, whichever is less, the board shall call and provide written
6 notice of a special meeting of the association as prescribed by section
7 33-1804, subsection B.

8 (b) Notwithstanding section 33-1804, subsection B, in an
9 association with more than one thousand members, on receipt of a petition
10 that calls for removal of a member of the board of directors and that is
11 signed by the number of persons who are eligible to vote in the
12 association at the time the person signs the petition equal to at least
13 ten percent of the votes in the association or by the number of persons
14 who are eligible to vote in the association at the time the person signs
15 the petition equal to at least one thousand votes in the association,
16 whichever is less, the board shall call and provide written notice of a
17 special meeting of the association. The board shall provide written
18 notice of a special meeting as prescribed by section 33-1804,
19 subsection B.

20 (c) The special meeting shall be called, noticed and held within
21 thirty days after receipt of the petition.

22 (d) IF ALL OF THE REQUIREMENTS OF THIS SUBSECTION FOR CALLING A
23 SPECIAL MEETING ARE MET AND THE BOARD OF DIRECTORS FAILS TO CALL, NOTICE
24 AND HOLD A SPECIAL MEETING WITHIN THIRTY DAYS AFTER RECEIPT OF THE
25 PETITION, THE MEMBERS OF THE BOARD OF DIRECTORS ARE DEEMED REMOVED FROM
26 OFFICE EFFECTIVE AT MIDNIGHT OF THE THIRTY-FIRST DAY.

27 ~~(d)~~ (e) For purposes of a special meeting called pursuant to this
28 subsection, a quorum is present if the number of owners who are eligible
29 to vote in the association at the time the person attends the meeting
30 equal to at least twenty percent of the votes of the association or the
31 number of persons who are eligible to vote in the association at the time
32 the person attends the meeting equal to at least one thousand votes,
33 whichever is less, is present at the meeting in person or as otherwise
34 ~~permitted~~ ALLOWED by law.

35 ~~(e)~~ (f) If a civil action is filed regarding the removal of a
36 board member, the prevailing party in the civil action shall be awarded
37 its reasonable attorney fees and costs.

38 ~~(f)~~ (g) The board of directors shall retain all documents and
39 other records relating to the proposed removal of the member of the board
40 of directors and any election or other action taken for that director's
41 replacement for at least one year after the date of the special meeting
42 and shall ~~permit~~ ALLOW members to inspect those documents and records
43 pursuant to section 33-1805.

1 ~~(g)~~ (h) A petition that calls for the removal of the same member
2 of the board of directors shall not be submitted more than once during
3 each term of office for that member.

4 5. On removal of at least one but fewer than a majority of the
5 members of the board of directors at a special meeting of the membership
6 called pursuant to this subsection, the vacancies shall be filled as
7 provided in the community documents.

8 6. On removal of a majority of the members of the board of
9 directors at a special meeting of the membership called pursuant to this
10 subsection, or if the community documents do not provide a method for
11 filling board vacancies, the association shall hold an election for the
12 replacement of the removed directors at a separate meeting of the members
13 of the association that is held not later than thirty days after the
14 meeting at which the members of the board of directors were removed.

15 7. A member of the board of directors who is removed pursuant to
16 this subsection is not eligible to serve on the board of directors again
17 until after the expiration of the removed board member's term of office,
18 unless the community documents specifically provide for a longer period of
19 ineligibility.

20 B. For an association in which board members are elected from
21 separately designated voting districts, a member of the board of
22 directors, other than a member appointed by the declarant, may be removed
23 only by a vote of the members from that voting district, and only the
24 members from that voting district are eligible to vote on the matter or be
25 counted for purposes of determining a quorum.

APPROVED BY THE GOVERNOR MAY 1, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2023.

ADDENDUM D: SB 1409

Senate Engrossed

homeowners' associations; Betsy Ross flag

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

CHAPTER 13

SENATE BILL 1049

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 uniformed services of the United States by a unit owner on that unit
12 owner's property if the American flag or a uniformed services flag is
13 displayed in a manner consistent with the federal flag code (P.L. 94-344;
14 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 6. A first responder flag. A first responder flag may incorporate
20 the design of one or two other first responder flags to form a combined
21 flag.

22 7. A blue star service flag or a gold star service flag.

23 8. ANY HISTORIC VERSION OF THE AMERICAN FLAG, INCLUDING THE BETSY
24 ROSS FLAG, WITHOUT REGARD TO HOW THE STARS AND STRIPES ARE ARRANGED ON THE
25 FLAG.

26 B. The association shall adopt reasonable rules and regulations
27 regarding the placement and manner of display of the flags prescribed by
28 subsection A of this section. The association rules may regulate the
29 location and size of flagpoles but shall not prohibit installing a
30 flagpole.

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

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

6 2. Open house hours. The association may not limit the hours for
7 an open house for real estate that is for sale in the condominium, except
8 that the association may prohibit an open house being held before
9 8:00 a.m. or after 6:00 p.m. and may prohibit open house signs on the
10 common elements of the condominium.

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

20 D. Notwithstanding any provision in the condominium documents, an
21 association shall not prohibit door-to-door political activity, including
22 solicitations of support or opposition regarding candidates or ballot
23 issues, and shall not prohibit circulating political petitions, including
24 candidate nomination petitions or petitions in support of or opposition to
25 an initiative, referendum or recall or other political issue on property
26 normally open to visitors within the association, except that an
27 association may do the following:

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

30 2. Require the prominent display of an identification tag for each
31 person engaged in the activity, along with the prominent identification of
32 the candidate or ballot issue that is the subject of the support or
33 opposition.

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

41 1. Earlier than seventy-one days before the day of a primary
42 election.

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

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

4 F. An association may regulate the size and number of political
5 signs that may be placed in the common element ground, on a unit owner's
6 property or on a limited common element for that unit if the association's
7 regulation is not more restrictive than any applicable city, town or
8 county ordinance that regulates the size and number of political signs on
9 residential property. If the city, town or county in which the property
10 is located does not regulate the size and number of political signs on
11 residential property, the association shall not limit the number of
12 political signs, except that the maximum aggregate total dimensions of all
13 political signs on a unit owner's property shall not exceed nine square
14 feet. An association shall not make any regulations regarding the number
15 of candidates supported, the number of public officers supported or
16 opposed in a recall or the number of propositions supported or opposed on
17 a political sign.

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

21 H. Notwithstanding any provision in the condominium documents, an
22 association may not prohibit or unreasonably restrict the indoor or
23 outdoor display of an association-specific political sign by a unit owner
24 by placement of a sign on that unit owner's property, including any
25 limited common elements for that unit that are doors, walls or patios or
26 other limited common elements that touch the unit, other than the
27 roof. An association may adopt reasonable rules regarding the placement,
28 location and manner of display of association-specific political signs,
29 except an association shall not do any of the following:

30 1. Prohibit the display of association-specific political signs
31 between the date that the association provides written or absentee ballots
32 to unit owners and three days after the condominium election.

33 2. Limit the number of association-specific **POLITICAL** signs, except
34 that the association may limit the aggregate total dimensions of all
35 association-specific **POLITICAL** signs on a unit owner's property to not
36 more than nine square feet.

37 3. Require association-specific political signs to be commercially
38 produced or professionally manufactured or prohibit using both sides of
39 the sign.

40 4. Regulate the number of candidates supported or opposed or the
41 number of board members supported or opposed in a recall or the number of
42 ballot measures supported or opposed on an association-specific political
43 sign.

44 5. Make any other regulations regarding the content of an
45 association-specific political sign, except that the association may

1 prohibit using profanity and discriminatory text, images or content based
2 on race, color, religion, sex, familial status or national origin as
3 prescribed by federal or state fair housing laws.

4 I. A condominium is not required to comply with subsection D of
5 this section if the condominium restricts vehicular or pedestrian access
6 to the condominium. This section does not require a condominium to make
7 its common elements other than roadways and sidewalks that are normally
8 open to visitors available for the circulation of political petitions to
9 anyone who is not an owner or resident of the community.

10 J. Notwithstanding any provision in the condominium documents, an
11 association may not prohibit or unreasonably restrict a unit owner's
12 ability to peacefully assemble and use common elements of the condominium
13 if done in compliance with reasonable restrictions for the use of that
14 property adopted by the board of directors. An individual unit owner or
15 group of unit owners may assemble to discuss matters related to the
16 condominium, including board of director elections or recalls, potential
17 or actual ballot issues or revisions to the condominium documents,
18 property maintenance or safety issues or any other condominium matters. A
19 unit owner may invite one political candidate or one non-unit owner guest
20 to speak to an assembly of unit owners about matters related to the
21 condominium. The association shall not prohibit a unit owner from posting
22 notices regarding those assemblies of unit owners on bulletin boards
23 located on the common elements or within common element facilities. An
24 assembly of unit owners prescribed by this subsection does not constitute
25 an official unit owners' meeting unless the meeting is noticed and
26 convened as prescribed in the condominium documents and this chapter.

27 K. An association or managing agent that violates subsection C of
28 this section forfeits and extinguishes the lien rights authorized under
29 section 33-1256 against that unit for a period of six consecutive months
30 after the date of the violation.

31 L. This section does not apply to timeshare plans or associations
32 that are subject to chapter 20 of this title.

33 M. An association or managing agent that violates subsection C of
34 this section forfeits and extinguishes the lien rights authorized under
35 section 33-1256 against that unit for a period of six consecutive months
36 after the date of the violation.

37 N. For the purposes of this section:

38 1. "Association-specific political sign" means a sign that supports
39 or opposes a candidate for the board of directors or the recall of a board
40 member or a condominium ballot measure that requires a vote of the
41 association unit owners.

42 2. "BETSY ROSS FLAG" MEANS AN HISTORIC FLAG OF THE UNITED STATES
43 THAT CONSISTS OF THIRTEEN STRIPES ALTERNATING BETWEEN RED AND WHITE
44 STRIPES AND THIRTEEN FIVE-POINTED WHITE STARS ARRANGED IN A CIRCLE AGAINST
45 A BLUE BACKGROUND.

1 ~~2.~~ 3. "First responder flag" means a flag that recognizes and
2 honors the services of any of the following:

3 (a) Law enforcement and that is limited to the colors blue, black
4 and white, the words "law enforcement", "police", "officers", "first
5 responder", "honor our", "support our" and "department" and the symbol of
6 a generic police shield in a crest or star shape.

7 (b) Fire ~~department~~ DEPARTMENTS and that is limited to the colors
8 red, gold, black and white, the words "fire", "fighters", "F", "D", "FD",
9 "first responder", "department", "honor our" and "support our" and the
10 symbol of a generic Maltese cross.

11 (c) Paramedics or emergency medical technicians and that is limited
12 to the colors blue, black and white, the words "first responder",
13 "paramedic", "emergency medical", "service", "technician", "honor our" and
14 "support our" and the symbol of a generic star of life.

15 ~~3.~~ 4. "Political sign" means a sign that attempts to influence the
16 outcome of an election, including supporting or opposing the recall of a
17 public officer or supporting or opposing the circulation of a petition for
18 a ballot measure, question or proposition or the recall of a public
19 officer.

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

22 33-1808. Flag display; political signs; caution signs; for
23 sale, rent or lease signs; political and community
24 activities; definitions

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

28 1. The American flag or an official or replica of a flag of the
29 uniformed services of the United States by an association member on that
30 member's property if the American flag or a uniformed services flag is
31 displayed in a manner consistent with the federal flag code (P.L. 94-344;
32 90 Stat. 810; 4 United States Code sections 4 through 10).

33 2. The POW/MIA flag.

34 3. The Arizona state flag.

35 4. An Arizona Indian nations flag.

36 5. The Gadsden flag.

37 6. A first responder flag. A first responder flag may incorporate
38 the design of one or two other first responder flags to form a combined
39 flag.

40 7. A blue star service flag or a gold star service flag.

41 8. ANY HISTORIC VERSION OF THE AMERICAN FLAG, INCLUDING THE BETSY
42 ROSS FLAG, WITHOUT REGARD TO HOW THE STARS AND STRIPES ARE ARRANGED ON THE
43 FLAG.

44 B. The association shall adopt reasonable rules and regulations
45 regarding the placement and manner of display of the flags prescribed by

1 subsection A of this section. The association rules may regulate the
2 location and size of flagpoles, may limit the member to displaying not
3 more than two flags at once and may limit the height of the flagpole to
4 not more than the height of the rooftop of the member's home but shall not
5 prohibit installing a flagpole in the front yard or backyard of the
6 member's property.

7 C. Notwithstanding any provision in the community documents, an
8 association shall not prohibit the indoor or outdoor display of a
9 political sign by an association member on that member's property, except
10 that an association may prohibit the display of political signs as
11 follows:

12 1. Earlier than seventy-one days before the day of a primary
13 election.

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

15 3. For a sign for a candidate in a primary election who does not
16 advance to the general election, later than fifteen days after the primary
17 election.

18 D. An association may regulate the size and number of political
19 signs that may be placed on a member's property if the association's
20 regulation is not more restrictive than any applicable city, town or
21 county ordinance that regulates the size and number of political signs on
22 residential property. If the city, town or county in which the property
23 is located does not regulate the size and number of political signs on
24 residential property, the association shall not limit the number of
25 political signs, except that the maximum aggregate total dimensions of all
26 political signs on a member's property shall not exceed nine square feet.

27 E. Notwithstanding any provision in the community documents, an
28 association shall not prohibit using cautionary signs regarding children
29 if the signs are used and displayed as follows:

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

31 2. The signs are removed within one hour of children ceasing to
32 play.

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

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

36 5. The signs are professionally manufactured or produced.

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

42 G. Notwithstanding any provision in the community documents, an
43 association shall not prohibit or charge a fee for the use of, the
44 placement of or the indoor or outdoor display of a for sale, for rent or
45 for lease sign and a sign rider by an association member on that member's

1 property in any combination, including a sign that indicates the member is
2 offering the property for sale by owner. The size of a sign offering a
3 property for sale, for rent or for lease shall be in conformance with the
4 industry standard size sign, which shall not exceed eighteen by
5 twenty-four inches, and the industry standard size sign rider, which shall
6 not exceed six by twenty-four inches. This subsection applies only to a
7 commercially produced sign, and an association may prohibit using signs
8 that are not commercially produced. With respect to real estate for sale,
9 for rent or for lease in the planned community, an association shall not
10 prohibit in any way other than as is specifically authorized by this
11 section or otherwise regulate any of the following:

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

17 2. Open house hours. The association may not limit the hours for
18 an open house for real estate that is for sale in the planned community,
19 except that the association may prohibit an open house being held before
20 8:00 a.m. or after 6:00 p.m. and may prohibit open house signs on the
21 common areas of the planned community.

22 3. An owner's or an owner's agent's for rent or for lease sign
23 unless an association's documents prohibit or restrict leasing of a
24 member's property. An association shall not further regulate a for rent
25 or for lease sign or require the use of a particular for rent or for lease
26 sign other than the for rent or for lease sign shall not be any larger
27 than the industry standard size sign of eighteen by twenty-four inches on
28 or in the member's property. If rental or leasing of a member's property
29 is not prohibited or restricted, the association may prohibit an open
30 house for rental or leasing being held before 8:00 a.m. or after 6:00 p.m.

31 H. Notwithstanding any provision in the community documents, an
32 association shall not prohibit door-to-door political activity, including
33 solicitations of support or opposition regarding candidates or ballot
34 issues, and shall not prohibit circulating political petitions, including
35 candidate nomination petitions or petitions in support of or opposition to
36 an initiative, referendum or recall or other political issue on property
37 normally open to visitors within the association, except that an
38 association may do the following:

39 1. Restrict or prohibit the door-to-door political activity from
40 sunset to sunrise.

41 2. Require the prominent display of an identification tag for each
42 person engaged in the activity, along with the prominent identification of
43 the candidate or ballot issue that is the subject of the support or
44 opposition.

1 I. A planned community shall not make any regulations regarding the
2 number of candidates supported, the number of public officers supported or
3 opposed in a recall or the number of propositions supported or opposed on
4 a political sign.

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

8 K. Notwithstanding any provision in the community documents, an
9 association may not prohibit or unreasonably restrict the indoor or
10 outdoor display of an association-specific political sign by a member by
11 placement of a sign on that member's property. An association may adopt
12 reasonable rules regarding the placement, location and manner of display
13 of association-specific political signs, except an association shall not
14 do any of the following:

15 1. Prohibit the display of association-specific political signs
16 between the date that the association provides written or absentee ballots
17 to members and three days after the planned community election.

18 2. Limit the number of association-specific **POLITICAL** signs, except
19 that the association may limit the aggregate total dimensions of all
20 association-specific **POLITICAL** signs on a member's property to not more
21 than nine square feet.

22 3. Require association-specific political signs to be commercially
23 produced or professionally manufactured or prohibit using both sides of
24 the sign.

25 4. Regulate the number of candidates supported or opposed or the
26 number of board members supported or opposed in a recall or the number of
27 ballot measures supported or opposed on an association-specific political
28 sign.

29 5. Make any other regulations regarding the content of an
30 association-specific political sign except that the association may
31 prohibit using profanity and discriminatory text, images or content based
32 on race, color, religion, sex, familial status or national origin as
33 prescribed by federal or state fair housing laws.

34 L. A planned community is not required to comply with subsection H
35 of this section if the planned community restricts vehicular or pedestrian
36 access to the planned community. This section does not require a planned
37 community to make its common elements other than roadways and sidewalks
38 that are normally open to visitors available for the circulation of
39 political petitions to anyone who is not an owner or resident of the
40 community.

41 M. Notwithstanding any provision in the community documents, an
42 association may not prohibit or unreasonably restrict a member's ability
43 to peacefully assemble and use common areas of the planned community if
44 done in compliance with reasonable restrictions for the use of that
45 property adopted by the board of directors. An individual member or group

1 of members may assemble to discuss matters related to the planned
2 community, including board elections or recalls, potential or actual
3 ballot issues or revisions to the community documents, property
4 maintenance or safety issues or any other planned community matters. A
5 member may invite one political candidate or one non-member guest to speak
6 to an assembly of members about matters related to the community. The
7 association shall not prohibit a member from posting notices regarding
8 those assemblies of members on bulletin boards located on the common areas
9 or within common area facilities. An assembly of members prescribed by
10 this subsection does not constitute an official members' meeting unless
11 the meeting is noticed and convened as prescribed in the community
12 documents and this chapter.

13 N. An association or managing agent that violates subsection G of
14 this section forfeits and extinguishes the lien rights authorized under
15 section 33-1807 against that member's property for a period of six
16 consecutive months after the date of the violation.

17 O. For the purposes of this section:

18 1. "Association-specific political sign" means a sign that supports
19 or opposes a candidate for the board of directors or the recall of a board
20 member or a planned community ballot measure that requires a vote of the
21 association members.

22 2. "BETSY ROSS FLAG" MEANS AN HISTORIC FLAG OF THE UNITED STATES
23 THAT CONSISTS OF THIRTEEN STRIPES ALTERNATING BETWEEN RED AND WHITE
24 STRIPES AND THIRTEEN FIVE-POINTED WHITE STARS ARRANGED IN A CIRCLE AGAINST
25 A BLUE BACKGROUND.

26 ~~2.~~ 3. "First responder flag" means a flag that recognizes and
27 honors the services of any of the following:

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29 and white, the words "law enforcement", "police", "officers", "first
30 responder", "honor our", "support our" and "department" and the symbol of
31 a generic police shield in a crest or star shape.

32 (b) Fire ~~department~~ DEPARTMENTS and that is limited to the colors
33 red, gold, black and white, the words "fire", "fighters", "F", "D", "FD",
34 "first responder", "department", "honor our" and "support our" and the
35 symbol of a generic Maltese cross.

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37 to the colors blue, black and white, the words "first responder",
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41 outcome of an election, including supporting or opposing the recall of a
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43 a ballot measure, question or proposition or the recall of a public
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SHAW & LINES, LLC
COUNSELORS TO COMMUNITY ASSOCIATIONS

“DOING BETTER
WHAT IS ALREADY
BEING DONE.”

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