

REFERENCE TITLE: homeowners' associations; political; community activity

State of Arizona  
Senate  
Fifty-fourth Legislature  
Second Regular Session  
2020

## **SB 1412**

Introduced by  
Senator Farnsworth D

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 and activities; applicability;  
6 definition

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  
14 (P.L. 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 a flagpole.

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

39 1. Temporary open house signs or a unit owner's for sale sign. The  
40 association shall not require the use of particular signs indicating an  
41 open house or real property for sale and may not further regulate the use  
42 of temporary open house or for sale signs that are industry standard size  
43 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 8:00  
4 a.m. or after 6:00 p.m. and may prohibit open house signs on the common  
5 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~~ DOOR-TO-DOOR political OR  
17 COMMUNITY activity, including solicitations of support or opposition  
18 regarding candidates or ballot issues, and shall not prohibit the  
19 circulation of political OR COMMUNITY petitions, including candidate  
20 nomination petitions or petitions in support of or opposition to an  
21 initiative, referendum or recall or other political OR COMMUNITY issue on  
22 property normally open to visitors within the association, except that an  
23 association may do the following:

24           1. Restrict or prohibit ~~door-to-door~~ DOOR-TO-DOOR political  
25 activity regarding candidates or ballot issues from sunset to sunrise.

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

30           E. Notwithstanding any provision in the condominium documents, an  
31 association shall not prohibit the indoor or outdoor display of a  
32 political sign by a unit owner by placement of a sign on that unit owner's  
33 property, including any limited common elements for that unit that are  
34 doors, walls, ~~OR~~ OR patios or other limited common elements that touch the  
35 unit, other than the roof. An association may prohibit the display of  
36 political signs earlier than seventy-one days before the day of an  
37 election and later than three days after an election day. An association  
38 may regulate the size and number of political signs that may be placed in  
39 the common element ground, on a unit owner's property or on a limited  
40 common element for that unit if the association's regulation is ~~no~~ NOT  
41 more restrictive than any applicable city, town or county ordinance that  
42 regulates the size and number of political signs on residential property.  
43 If the city, town or county in which the property is located does not  
44 regulate the size and number of political signs on residential property,  
45 the association shall not limit the number of political signs, except that

1 the maximum aggregate total dimensions of all political signs on a unit  
2 owner's property shall not exceed nine square feet. An association shall  
3 not make any regulations regarding the number of candidates supported, the  
4 number of public officers supported or opposed in a recall or the number  
5 of propositions supported or opposed on a political sign. ~~For the~~  
6 ~~purposes of this subsection, "political sign" means a sign that attempts~~  
7 ~~to influence the outcome of an election, including supporting or opposing~~  
8 ~~the recall of a public officer or supporting or opposing the circulation~~  
9 ~~of a petition for a ballot measure, question or proposition or the recall~~  
10 ~~of a public officer.~~

11 F. 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 G. A condominium is not required to comply with subsection D of  
15 this section if the condominium restricts vehicular or pedestrian access  
16 to the condominium. ~~Nothing in~~ This section ~~requires~~ DOES NOT REQUIRE a  
17 condominium to make its common elements other than roadways and sidewalks  
18 that are normally open to visitors available for the circulation of  
19 political petitions to anyone who is not an owner or resident of the  
20 community.

21 H. NOTWITHSTANDING ANY PROVISION IN THE CONDOMINIUM DOCUMENTS, AN  
22 ASSOCIATION MAY NOT PROHIBIT OR UNREASONABLY RESTRICT A UNIT OWNER'S  
23 ABILITY TO PEACEFULLY ASSEMBLE AND USE PRIVATE OR COMMON ELEMENTS OF THE  
24 CONDOMINIUM IF DONE IN COMPLIANCE WITH REASONABLE RESTRICTIONS FOR THE USE  
25 OF THAT PROPERTY ADOPTED BY THE BOARD OF DIRECTORS. AN INDIVIDUAL UNIT  
26 OWNER OR GROUP OF UNIT OWNERS MAY ORGANIZE TO DISCUSS OR ADDRESS  
27 CONDOMINIUM BUSINESS, INCLUDING BOARD ELECTIONS OR RECALLS, POTENTIAL OR  
28 ACTUAL BALLOT ISSUES OR REVISIONS TO THE CONDOMINIUM DOCUMENTS, PROPERTY  
29 MAINTENANCE OR SAFETY ISSUES OR ANY OTHER CONDOMINIUM BUSINESS OR ACTIONS.  
30 A UNIT OWNER MAY INVITE A POLITICAL CANDIDATE OR OTHER NON-UNIT OWNER  
31 GUEST TO SPEAK TO AN ASSEMBLY OF UNIT OWNERS.

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

36 ~~I.~~ J. This section does not apply to timeshare plans or  
37 associations that are subject to chapter 20 of this title.

38 K. FOR THE PURPOSES OF THIS SECTION, "POLITICAL SIGN" MEANS EITHER  
39 OF THE FOLLOWING:

40 1. A SIGN THAT ATTEMPTS TO INFLUENCE THE OUTCOME OF AN ELECTION,  
41 INCLUDING SUPPORTING OR OPPOSING THE RECALL OF A PUBLIC OFFICER OR  
42 SUPPORTING OR OPPOSING THE CIRCULATION OF A PETITION FOR A BALLOT MEASURE,  
43 QUESTION OR PROPOSITION OR THE RECALL OF A PUBLIC OFFICER.

1           2. A SIGN REGARDING ANY ACTIVITY TO ELECT OR REMOVE CONDOMINIUM  
2 DIRECTORS OR TO CIRCULATE OR OPPOSE PETITIONS FOR ACTIONS IN THE  
3 CONDOMINIUM OR IN SUPPORT OF OR OPPOSITION TO CONDOMINIUM BALLOT MEASURES  
4 OR OTHER QUESTIONS.

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

7           33-1808. Flag display; political signs; caution signs; for  
8                                   sale, rent or lease signs; political activities;  
9                                   definition

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

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

- 19           2. The POW/MIA flag.
- 20           3. The Arizona state flag.
- 21           4. An Arizona Indian nations flag.
- 22           5. The Gadsden flag.

23           B. The association shall adopt reasonable rules and regulations  
24 regarding the placement and manner of display of the American flag, the  
25 military flag, the POW/MIA flag, the Arizona state flag or an Arizona  
26 Indian nations flag. The association rules may regulate the location and  
27 size of flagpoles, may limit the member to displaying ~~no~~ NOT more than two  
28 flags at once and may limit the height of the flagpole to ~~no~~ NOT more than  
29 the height of the rooftop of the member's home but shall not prohibit the  
30 installation of a flagpole in the front yard or backyard of the member's  
31 property.

32           C. Notwithstanding any provision in the community documents, an  
33 association shall not prohibit the indoor or outdoor display of a  
34 political sign by an association member on that member's property, except  
35 that an association may prohibit the display of political signs earlier  
36 than seventy-one days before the day of an election and later than three  
37 days after an election day. An association may regulate the size and  
38 number of political signs that may be placed on a member's property if the  
39 association's regulation is ~~no~~ NOT more restrictive than any applicable  
40 city, town or county ordinance that regulates the size and number of  
41 political signs on residential property. If the city, town or county in  
42 which the property is located does not regulate the size and number of  
43 political signs on residential property, the association shall not limit  
44 the number of political signs, except that the maximum aggregate total  
45 dimensions of all political signs on a member's property shall not exceed

1 nine square feet. ~~For the purposes of this subsection, "political sign"~~  
2 ~~means a sign that attempts to influence the outcome of an election,~~  
3 ~~including supporting or opposing the recall of a public officer or~~  
4 ~~supporting or opposing the circulation of a petition for a ballot measure,~~  
5 ~~question or proposition or the recall of a public officer.~~

6 D. Notwithstanding any provision in the community documents, an  
7 association shall not prohibit the use of cautionary signs regarding  
8 children if the signs are used and displayed as follows:

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

10 2. The signs are removed within one hour of children ceasing to  
11 play.

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

14 4. The temporary signs are ~~no~~ NOT taller than three feet in height.

15 5. The signs are professionally manufactured or produced.

16 E. Notwithstanding any provision in the community documents, an  
17 association shall not prohibit children who reside in the planned  
18 community from engaging in recreational activity on residential roadways  
19 that are under the jurisdiction of the association and on which the posted  
20 speed limit is twenty-five miles per hour or less.

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

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

41 2. Open house hours. The association may not limit the hours for  
42 an open house for real estate that is for sale in the planned community,  
43 except that the association may prohibit an open house being held before  
44 8:00 a.m. or after 6:00 p.m. and may prohibit open house signs on the  
45 common areas of the planned community.

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

10           G. Notwithstanding any provision in the community documents, an  
11 association shall not prohibit ~~door-to-door~~ DOOR-TO-DOOR political OR  
12 COMMUNITY activity, including solicitations of support or opposition  
13 regarding candidates or ballot issues, and shall not prohibit the  
14 circulation of political OR COMMUNITY petitions, including candidate  
15 nomination petitions or petitions in support of or opposition to an  
16 initiative, referendum or recall or other political OR COMMUNITY issue on  
17 property normally open to visitors within the association, except that an  
18 association may do the following:

19           1. Restrict or prohibit the ~~door-to-door~~ DOOR-TO-DOOR political  
20 activity from sunset to sunrise.

21           2. Require the prominent display of an identification tag for each  
22 person engaged in the activity, along with the prominent identification of  
23 the candidate or ballot issue that is the subject of the support or  
24 opposition.

25           H. A planned community shall not make any regulations regarding the  
26 number of candidates supported, the number of public officers supported or  
27 opposed in a recall or the number of propositions supported or opposed on  
28 a political sign.

29           I. A planned community shall not require political signs to be  
30 commercially produced or professionally manufactured or prohibit the  
31 utilization of both sides of a political sign.

32           J. A planned community is not required to comply with subsection G  
33 OF THIS SECTION if the planned community restricts vehicular or pedestrian  
34 access to the planned community. ~~Nothing in~~ This section ~~requires~~ DOES  
35 NOT REQUIRE a planned community to make its common elements other than  
36 roadways and sidewalks that are normally open to visitors available for  
37 the circulation of political petitions to anyone who is not an owner or  
38 resident of the community.

39           K. NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, AN  
40 ASSOCIATION MAY NOT PROHIBIT OR UNREASONABLY RESTRICT A MEMBER'S ABILITY  
41 TO PEACEFULLY ASSEMBLE AND USE PRIVATE OR COMMON AREAS OF THE COMMUNITY IF  
42 DONE IN COMPLIANCE WITH REASONABLE RESTRICTIONS FOR THE USE OF THAT  
43 PROPERTY ADOPTED BY THE BOARD OF DIRECTORS. AN INDIVIDUAL MEMBER OR GROUP  
44 OF MEMBERS MAY ORGANIZE TO DISCUSS OR ADDRESS PLANNED COMMUNITY BUSINESS,  
45 INCLUDING BOARD ELECTIONS OR RECALLS, POTENTIAL OR ACTUAL BALLOT ISSUES OR

1 REVISIONS TO THE COMMUNITY DOCUMENTS, PROPERTY MAINTENANCE OR SAFETY  
2 ISSUES OR ANY OTHER COMMUNITY BUSINESS OR ACTIONS. A MEMBER MAY INVITE A  
3 POLITICAL CANDIDATE OR OTHER NONMEMBER GUEST TO SPEAK TO AN ASSEMBLY OF  
4 MEMBERS.

5 ~~K~~ L. An association or managing agent that violates subsection F  
6 of this section forfeits and extinguishes the lien rights authorized under  
7 section 33-1807 against that member's property for a period of six  
8 consecutive months from the date of the violation.

9 M. FOR THE PURPOSES OF THIS SECTION, "POLITICAL SIGN" MEANS EITHER  
10 OF THE FOLLOWING:

11 1. A SIGN THAT ATTEMPTS TO INFLUENCE THE OUTCOME OF AN ELECTION,  
12 INCLUDING SUPPORTING OR OPPOSING THE RECALL OF A PUBLIC OFFICER OR  
13 SUPPORTING OR OPPOSING THE CIRCULATION OF A PETITION FOR A BALLOT MEASURE,  
14 QUESTION OR PROPOSITION OR THE RECALL OF A PUBLIC OFFICER.

15 2. A SIGN REGARDING ANY ACTIVITY TO ELECT OR REMOVE PLANNED  
16 COMMUNITY DIRECTORS OR TO CIRCULATE OR OPPOSE PETITIONS FOR ACTIONS IN THE  
17 PLANNED COMMUNITY OR IN SUPPORT OF OR OPPOSITION TO PLANNED COMMUNITY  
18 BALLOT MEASURES OR OTHER QUESTIONS.