

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HOUSE BILL 2717

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 signs: political petitions:
5 applicability

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

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

13 2. The POW/MIA flag.

14 3. The Arizona state flag.

15 4. An Arizona Indian nations flag.

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

21 C. Notwithstanding any provision in the condominium documents, an
22 association shall not prohibit OR CHARGE A FEE FOR THE USE OR PLACEMENT OF
23 the indoor or outdoor display of a for sale sign and a sign rider by a unit
24 owner on that owner's property, including a sign that indicates the unit
25 owner is offering the property for sale by owner. The size of a sign
26 offering a property for sale shall be in conformance with the industry
27 standard size sign, which shall not exceed eighteen by twenty-four inches,
28 and the industry standard size sign rider, which shall not exceed six by
29 twenty-four inches. With respect to real estate for sale or lease in the
30 condominium, an association shall not prohibit IN ANY WAY OTHER THAN AS
31 SPECIFICALLY AUTHORIZED BY THIS SECTION or otherwise regulate any of the
32 following:

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

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

43 3. An owner's or an owner's agent's for lease sign unless an
44 association's documents prohibit or restrict leasing of a unit or units. An
45 association shall not further regulate a for lease sign or require the use of

1 a particular for lease sign other than the for lease sign shall not be any
2 larger than the industry standard size sign of eighteen by twenty-four inches
3 and on or in the unit owner's property. If leasing of a unit is allowed, the
4 association may prohibit open house leasing being held before 8:00 a.m. or
5 after 6:00 p.m.

6 D. Notwithstanding any provision in the condominium documents, an
7 association shall not prohibit but may reasonably regulate the circulation of
8 political petitions, including candidate nomination petitions or petitions in
9 support of or opposition to an initiative, referendum or recall or other
10 political issue on property dedicated to the public within the association.
11 A condominium is not required to comply with this subsection if the
12 condominium restricts vehicular or pedestrian access to the condominium.
13 Nothing in this subsection requires a condominium to make its common elements
14 available for the circulation of political petitions to anyone who is not an
15 owner or resident of the community.

16 E. ANY ASSOCIATION OR MANAGING AGENT THAT VIOLATES SUBSECTION C OF
17 THIS SECTION, FORFEITS AND EXTINGUISHES THE LIEN RIGHTS AUTHORIZED UNDER
18 SECTION 33-1256 AGAINST THAT UNIT FOR A PERIOD OF SIX CONSECUTIVE MONTHS FROM
19 THE DATE OF THE VIOLATION.

20 ~~E.~~ F. This section does not apply to timeshare plans or associations
21 that are subject to chapter 20 of this title.

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

23 33-1808. Flag display; political signs; caution signs; for sale
24 signs; political petitions

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

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

32 2. The POW/MIA flag.

33 3. The Arizona state flag.

34 4. An Arizona Indian nations flag.

35 B. The association shall adopt reasonable rules and regulations
36 regarding the placement and manner of display of the American flag, the
37 military flag, the POW/MIA flag, the Arizona state flag or an Arizona Indian
38 nations flag. The association rules may regulate the location and size of
39 flagpoles but shall not prohibit the installation of a flagpole.

40 C. Notwithstanding any provision in the community documents, an
41 association shall not prohibit the indoor or outdoor display of a political
42 sign by an association member on that member's property, except that an
43 association may prohibit the display of political signs earlier than
44 forty-five days before the day of an election and later than seven days after
45 an election day. An association may regulate the size and number of

1 political signs that may be placed on a member's property if the
2 association's regulation is no more restrictive than any applicable city,
3 town or county ordinance that regulates the size and number of political
4 signs on residential property. If the city, town or county in which the
5 property is located does not regulate the size and number of political signs
6 on residential property, the association shall permit at least one political
7 sign with the maximum dimensions of twenty-four inches by twenty-four inches
8 on a member's property. For the purposes of this subsection, "political
9 sign" means a sign that attempts to influence the outcome of an election,
10 including supporting or opposing the recall of a public officer or supporting
11 or opposing the circulation of a petition for a ballot measure, question or
12 proposition or the recall of a public officer.

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

- 16 1. The signs are displayed in residential areas only.
- 17 2. The signs are removed within one hour of children ceasing to play.
- 18 3. The signs are displayed only when children are actually present
19 within fifty feet of the sign.
- 20 4. The temporary signs are no taller than three feet in height.
- 21 5. The signs are professionally manufactured or produced.

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

27 F. Notwithstanding any provision in the community documents, an
28 association shall not prohibit OR CHARGE A FEE FOR THE USE OR PLACEMENT OF
29 the indoor or outdoor display of a for sale sign and a sign rider by an
30 association member on that member's property, including a sign that indicates
31 the member is offering the property for sale by owner. The size of a sign
32 offering a property for sale shall be in conformance with the industry
33 standard size sign, which shall not exceed eighteen by twenty-four inches,
34 and the industry standard size sign rider, which shall not exceed six by
35 twenty-four inches. With respect to real estate for sale or lease in the
36 planned community, an association shall not prohibit IN ANY WAY OTHER THAN AS
37 SPECIFICALLY AUTHORIZED BY THIS SECTION or otherwise regulate any of the
38 following:

- 39 1. Temporary open house signs or a ~~unit-owner's~~ MEMBER'S for sale
40 sign. The association shall not require the use of particular signs
41 indicating an open house or real property for sale and may not further
42 regulate the use of temporary open house or for sale signs that are industry
43 standard size 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 an
2 open house for real estate that is for sale in the planned community, except
3 that the association may prohibit an open house being held before 8:00 a.m.
4 or after 6:00 p.m. and may prohibit open house signs on the common areas of
5 the planned community.

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

14 G. Notwithstanding any provision in the community documents, an
15 association shall not prohibit but may reasonably regulate the circulation of
16 political petitions, including candidate nomination petitions or petitions in
17 support of or opposition to an initiative, referendum or recall or other
18 political issue on property dedicated to the public within the association.
19 A planned community is not required to comply with this subsection if the
20 planned community restricts vehicular or pedestrian access to the planned
21 community. Nothing in this subsection requires a planned community to make
22 its common elements available for the circulation of political petitions to
23 anyone who is not an owner or resident of the community.

24 H. ANY ASSOCIATION OR MANAGING AGENT THAT VIOLATES SUBSECTION F OF
25 THIS SECTION, FORFEITS AND EXTINGUISHES THE LIEN RIGHTS AUTHORIZED UNDER
26 SECTION 33-1807 AGAINST THAT MEMBER'S PROPERTY FOR A PERIOD OF SIX
27 CONSECUTIVE MONTHS FROM THE DATE OF THE VIOLATION.