

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

HOUSE BILL 2609

AN ACT

AMENDING SECTIONS 33-1248, 33-1261, 33-1804 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 33-1248, Arizona Revised Statutes, is amended to
3 read:

4 33-1248. Open meetings; exceptions

5 A. Notwithstanding any provision in the declaration, bylaws or other
6 documents to the contrary, all meetings of the **UNIT OWNERS'** association and
7 **THE** board of directors, **AND ANY REGULARLY SCHEDULED COMMITTEE MEETINGS**, are
8 open to all members of the association or any person designated by a member
9 in writing as the member's representative and all members or designated
10 representatives so desiring shall be permitted to attend and speak at an
11 appropriate time during the deliberations and proceedings. The board may
12 place reasonable time restrictions on those persons speaking during the
13 meeting but shall permit a member or a member's designated representative to
14 speak **ONCE AFTER THE BOARD HAS DISCUSSED A SPECIFIC AGENDA ITEM BUT** before
15 the board takes formal action on ~~an~~ **THAT** item ~~under discussion~~ in addition to
16 any other opportunities to speak. The board shall provide for a reasonable
17 number of persons to speak on each side of an issue. Any portion of a
18 meeting may be closed only if that portion of the meeting is limited to
19 consideration of one or more of the following:

20 1. Legal advice from an attorney for the board or the association. On
21 final resolution of any matter for which the board received legal advice or
22 that concerned pending or contemplated litigation, the board may disclose
23 information about that matter in an open meeting except for matters that are
24 required to remain confidential by the terms of a settlement agreement or
25 judgment.

26 2. Pending or contemplated litigation.

27 3. Personal, health or financial information about an individual
28 member of the association, an individual employee of the association or an
29 individual employee of a contractor for the association, including records of
30 the association directly related to the personal, health or financial
31 information about an individual member of the association, an individual
32 employee of the association or an individual employee of a contractor for the
33 association.

34 4. Matters relating to the job performance of, compensation of, health
35 records of or specific complaints against an individual employee of the
36 association or an individual employee of a contractor of the association who
37 works under the direction of the association.

38 **5. DISCUSSION OF A UNIT OWNER'S APPEAL OF ANY VIOLATION CITED OR**
39 **PENALTY IMPOSED BY THE ASSOCIATION EXCEPT ON REQUEST OF THE AFFECTED UNIT**
40 **OWNER THAT THE MEETING BE HELD IN AN OPEN SESSION.**

41 B. Notwithstanding any provision in the condominium documents, all
42 meetings of the **UNIT OWNERS'** association and the board shall be held in this
43 state. A meeting of the **UNIT OWNERS'** association shall be held at least once
44 each year. Special meetings of the **UNIT OWNERS'** association may be called by
45 the president, by a majority of the board of directors or by unit owners

1 having at least twenty-five per cent, or any lower percentage specified in
2 the bylaws, of the votes in the association. ~~Unless otherwise provided in~~
3 ~~the articles or the bylaws of the association,~~ Not fewer than ten nor more
4 than fifty days in advance of any meeting of the unit owners, the secretary
5 shall cause notice to be hand delivered or sent prepaid by United States mail
6 to the mailing address of each unit or to any other mailing address
7 designated in writing by the unit owner. The notice of any meeting of the
8 unit owners shall state the time and place of the meeting. The notice of any
9 special meeting of the unit owners shall also state the purpose for which the
10 meeting is called, including the general nature of any proposed amendment to
11 the declaration or bylaws, any changes in assessments that require approval
12 of the unit owners and any proposal to remove a director or officer. The
13 failure of any unit owner to receive actual notice of a meeting of the unit
14 owners does not affect the validity of any action taken at that meeting.

15 C. ~~Unless otherwise provided in the articles or bylaws of the~~
16 ~~association~~ NOTWITHSTANDING ANY PROVISION IN THE DECLARATION, BYLAWS OR OTHER
17 CONDOMINIUM DOCUMENTS, for meetings of the board of directors that are held
18 after the termination of declarant control of the association, notice to unit
19 owners of meetings of the board of directors shall be given at least
20 forty-eight hours in advance of the meeting by newsletter, conspicuous
21 posting or any other reasonable means as determined by the board of
22 directors. An affidavit of notice by an officer of the association is prima
23 facie evidence that notice was given as prescribed by this section. Notice
24 to unit owners of meetings of the board of directors is not required if
25 emergency circumstances require action by the board before notice can be
26 given. Any notice of a board meeting shall state the time and place of the
27 meeting. The failure of any unit owner to receive actual notice of a meeting
28 of the board of directors does not affect the validity of any action taken at
29 that meeting.

30 D. NOTWITHSTANDING ANY PROVISION IN THE DECLARATION, BYLAWS OR OTHER
31 CONDOMINIUM DOCUMENTS, FOR MEETINGS OF THE BOARD OF DIRECTORS THAT ARE HELD
32 AFTER THE TERMINATION OF DECLARANT CONTROL OF THE ASSOCIATION, ALL OF THE
33 FOLLOWING APPLY:

34 1. THE AGENDA SHALL BE AVAILABLE TO ALL UNIT OWNERS ATTENDING.

35 2. AN EMERGENCY MEETING OF THE BOARD OF DIRECTORS MAY BE CALLED TO
36 DISCUSS BUSINESS OR TAKE ACTION THAT CANNOT BE DELAYED UNTIL THE NEXT
37 REGULARLY SCHEDULED BOARD MEETING. THE MINUTES OF THE EMERGENCY MEETING
38 SHALL STATE THE REASON NECESSITATING THE EMERGENCY MEETING. THE MINUTES OF
39 THE EMERGENCY MEETING SHALL BE READ AND APPROVED AT THE NEXT REGULARLY
40 SCHEDULED MEETING OF THE BOARD OF DIRECTORS.

41 3. A QUORUM OF THE BOARD OF DIRECTORS MAY MEET BY MEANS OF A TELEPHONE
42 CONFERENCE IF A SPEAKERPHONE IS AVAILABLE IN THE MEETING ROOM THAT ALLOWS
43 BOARD MEMBERS AND UNIT OWNERS TO HEAR ALL PARTIES WHO ARE SPEAKING DURING THE
44 MEETING.

1 4. ANY QUORUM OF THE BOARD OF DIRECTORS THAT MEETS INFORMALLY TO
2 DISCUSS ASSOCIATION BUSINESS, INCLUDING WORKSHOPS, SHALL COMPLY WITH THE OPEN
3 MEETING AND NOTICE PROVISIONS OF THIS SECTION WITHOUT REGARD TO WHETHER THE
4 BOARD VOTES OR TAKES ANY ACTION ON ANY MATTER AT THAT INFORMAL MEETING.

5 E. IT IS THE POLICY OF THIS STATE AS REFLECTED IN THIS SECTION THAT
6 ALL MEETINGS OF A CONDOMINIUM, WHETHER MEETINGS OF THE UNIT OWNERS'
7 ASSOCIATION OR MEETINGS OF THE BOARD OF DIRECTORS OF THE ASSOCIATION, BE
8 CONDUCTED OPENLY AND THAT NOTICES AND AGENDAS BE PROVIDED FOR THOSE MEETINGS
9 THAT CONTAIN THE INFORMATION THAT IS REASONABLY NECESSARY TO INFORM THE UNIT
10 OWNERS OF THE MATTERS TO BE DISCUSSED OR DECIDED AND TO ENSURE THAT UNIT
11 OWNERS HAVE THE ABILITY TO SPEAK AFTER DISCUSSION OF AGENDA ITEMS, BUT BEFORE
12 A VOTE OF THE BOARD OF DIRECTORS IS TAKEN. TOWARD THIS END, ANY PERSON OR
13 ENTITY THAT IS CHARGED WITH THE INTERPRETATION OF THESE PROVISIONS SHALL TAKE
14 INTO ACCOUNT THIS DECLARATION OF POLICY AND SHALL CONSTRUE ANY PROVISION OF
15 THIS SECTION IN FAVOR OF OPEN MEETINGS.

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

18 Sec. 2. Section 33-1261, Arizona Revised Statutes, is amended to read:

19 33-1261. Flag display; for sale or lease signs; political
20 petitions; applicability

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

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

28 2. The POW/MIA flag.

29 3. The Arizona state flag.

30 4. An Arizona Indian nations flag.

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

36 C. Notwithstanding any provision in the condominium documents, an
37 association shall not prohibit OR CHARGE A FEE FOR THE USE OR PLACEMENT OF
38 the indoor or outdoor display of a for sale, FOR RENT OR FOR LEASE sign and a
39 sign rider by a unit owner on that owner's property IN ANY COMBINATION,
40 including a sign that indicates the unit owner is offering the property for
41 sale by owner. The size of a sign offering a property for sale FOR RENT OR
42 FOR LEASE shall be in conformance with the industry standard size sign, which
43 shall not exceed eighteen by twenty-four inches, and the industry standard
44 size sign rider, which shall not exceed six by twenty-four inches. THIS
45 SUBSECTION APPLIES ONLY TO A COMMERCIALY PRODUCED SIGN AND AN ASSOCIATION

1 MAY PROHIBIT THE USE OF SIGNS THAT ARE NOT COMMERCIALY PRODUCED. With
2 respect to real estate for sale, FOR RENT or FOR lease in the condominium, an
3 association shall not prohibit IN ANY WAY OTHER THAN IS SPECIFICALLY
4 AUTHORIZED BY THIS SECTION or otherwise regulate any of the following:

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

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

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

24 D. Notwithstanding any provision in the condominium documents, an
25 association shall not prohibit but may reasonably regulate the circulation of
26 political petitions, including candidate nomination petitions or petitions in
27 support of or opposition to an initiative, referendum or recall or other
28 political issue on property dedicated to the public within the association.
29 A condominium is not required to comply with this subsection if the
30 condominium restricts vehicular or pedestrian access to the condominium.
31 Nothing in this subsection requires a condominium to make its common elements
32 available for the circulation of political petitions to anyone who is not an
33 owner or resident of the community.

34 E. AN ASSOCIATION OR MANAGING AGENT THAT VIOLATES SUBSECTION C OF THIS
35 SECTION FORFEITS AND EXTINGUISHES THE LIEN RIGHTS AUTHORIZED UNDER SECTION
36 33-1256 AGAINST THAT UNIT FOR A PERIOD OF SIX CONSECUTIVE MONTHS FROM THE
37 DATE OF THE VIOLATION.

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

40 Sec. 3. Section 33-1804, Arizona Revised Statutes, is amended to read:
41 33-1804. Open meetings; exceptions

42 A. Notwithstanding any provision in the declaration, bylaws or other
43 documents to the contrary, all meetings of the MEMBERS' association and THE
44 board of directors, AND ANY REGULARLY SCHEDULED COMMITTEE MEETINGS, are open
45 to all members of the association or any person designated by a member in

1 writing as the member's representative and all members or designated
2 representatives so desiring shall be permitted to attend and speak at an
3 appropriate time during the deliberations and proceedings. The board may
4 place reasonable time restrictions on those persons speaking during the
5 meeting but shall permit a member or member's designated representative to
6 speak **ONCE AFTER THE BOARD HAS DISCUSSED A SPECIFIC AGENDA ITEM BUT** before
7 the board takes formal action on ~~an~~ THAT item ~~under discussion~~ in addition to
8 any other opportunities to speak. The board shall provide for a reasonable
9 number of persons to speak on each side of an issue. Any portion of a
10 meeting may be closed only if that closed portion of the meeting is limited
11 to consideration of one or more of the following:

12 1. Legal advice from an attorney for the board or the association. On
13 final resolution of any matter for which the board received legal advice or
14 that concerned pending or contemplated litigation, the board may disclose
15 information about that matter in an open meeting except for matters that are
16 required to remain confidential by the terms of a settlement agreement or
17 judgment.

18 2. Pending or contemplated litigation.

19 3. Personal, health or financial information about an individual
20 member of the association, an individual employee of the association or an
21 individual employee of a contractor for the association, including records of
22 the association directly related to the personal, health or financial
23 information about an individual member of the association, an individual
24 employee of the association or an individual employee of a contractor for the
25 association.

26 4. Matters relating to the job performance of, compensation of, health
27 records of or specific complaints against an individual employee of the
28 association or an individual employee of a contractor of the association who
29 works under the direction of the association.

30 5. **DISCUSSION OF A MEMBER'S APPEAL OF ANY VIOLATION CITED OR PENALTY**
31 **IMPOSED BY THE ASSOCIATION EXCEPT ON REQUEST OF THE AFFECTED MEMBER THAT THE**
32 **MEETING BE HELD IN AN OPEN SESSION.**

33 B. Notwithstanding any provision in the community documents, all
34 meetings of the **MEMBERS'** association and the board shall be held in this
35 state. A meeting of the **MEMBERS'** association shall be held at least once
36 each year. Special meetings of the **MEMBERS'** association may be called by the
37 president, by a majority of the board of directors or by members having at
38 least twenty-five per cent, or any lower percentage specified in the bylaws,
39 of the votes in the association. ~~Unless otherwise provided in the articles~~
40 ~~or bylaws of the association,~~ Not fewer than ten nor more than fifty days in
41 advance of any meeting of the members the secretary shall cause notice to be
42 hand-delivered or sent prepaid by United States mail to the mailing address
43 for each lot, parcel or unit owner or to any other mailing address designated
44 in writing by a member. The notice shall state the time and place of the
45 meeting. A notice of any special meeting of the members shall also state the

1 purpose for which the meeting is called, including the general nature of any
2 proposed amendment to the declaration or bylaws, changes in assessments that
3 require approval of the members and any proposal to remove a director or an
4 officer. The failure of any member to receive actual notice of a meeting of
5 the members does not affect the validity of any action taken at that meeting.

6 C. ~~Unless otherwise provided in the articles or bylaws of the~~
7 ~~association~~ NOTWITHSTANDING ANY PROVISION IN THE DECLARATION, BYLAWS OR OTHER
8 COMMUNITY DOCUMENTS, for meetings of the board of directors that are held
9 after the termination of declarant control of the association, notice to
10 members of meetings of the board of directors shall be given at least
11 forty-eight hours in advance of the meeting by newsletter, conspicuous
12 posting or any other reasonable means as determined by the board of
13 directors. An affidavit of notice by an officer of the corporation is prima
14 facie evidence that notice was given as prescribed by this section. Notice
15 to members of meetings of the board of directors is not required if emergency
16 circumstances require action by the board before notice can be given. Any
17 notice of a board meeting shall state the time and place of the meeting. The
18 failure of any member to receive actual notice of a meeting of the board of
19 directors does not affect the validity of any action taken at that meeting.

20 D. NOTWITHSTANDING ANY PROVISION IN THE DECLARATION, BYLAWS OR OTHER
21 COMMUNITY DOCUMENTS, FOR MEETINGS OF THE BOARD OF DIRECTORS THAT ARE HELD
22 AFTER THE TERMINATION OF DECLARANT CONTROL OF THE ASSOCIATION, ALL OF THE
23 FOLLOWING APPLY:

24 1. THE AGENDA SHALL BE AVAILABLE TO ALL MEMBERS ATTENDING.

25 2. AN EMERGENCY MEETING OF THE BOARD OF DIRECTORS MAY BE CALLED TO
26 DISCUSS BUSINESS OR TAKE ACTION THAT CANNOT BE DELAYED UNTIL THE NEXT
27 REGULARLY SCHEDULED BOARD MEETING. THE MINUTES OF THE EMERGENCY MEETING
28 SHALL STATE THE REASON NECESSITATING THE EMERGENCY MEETING. THE MINUTES OF
29 THE EMERGENCY MEETING SHALL BE READ AND APPROVED AT THE NEXT REGULARLY
30 SCHEDULED MEETING OF THE BOARD OF DIRECTORS.

31 3. A QUORUM OF THE BOARD OF DIRECTORS MAY MEET BY MEANS OF A TELEPHONE
32 CONFERENCE IF A SPEAKERPHONE IS AVAILABLE IN THE MEETING ROOM THAT ALLOWS
33 BOARD MEMBERS AND ASSOCIATION MEMBERS TO HEAR ALL PARTIES WHO ARE SPEAKING
34 DURING THE MEETING.

35 4. ANY QUORUM OF THE BOARD OF DIRECTORS THAT MEETS INFORMALLY TO
36 DISCUSS ASSOCIATION BUSINESS, INCLUDING WORKSHOPS, SHALL COMPLY WITH THE OPEN
37 MEETING AND NOTICE PROVISIONS OF THIS SECTION WITHOUT REGARD TO WHETHER THE
38 BOARD VOTES OR TAKES ANY ACTION ON ANY MATTER AT THAT INFORMAL MEETING.

39 E. IT IS THE POLICY OF THIS STATE AS REFLECTED IN THIS SECTION THAT
40 ALL MEETINGS OF A PLANNED COMMUNITY, WHETHER MEETINGS OF THE MEMBERS'
41 ASSOCIATION OR MEETINGS OF THE BOARD OF DIRECTORS OF THE ASSOCIATION, BE
42 CONDUCTED OPENLY AND THAT NOTICES AND AGENDAS BE PROVIDED FOR THOSE MEETINGS
43 THAT CONTAIN THE INFORMATION THAT IS REASONABLY NECESSARY TO INFORM THE
44 MEMBERS OF THE MATTERS TO BE DISCUSSED OR DECIDED AND TO ENSURE THAT MEMBERS
45 HAVE THE ABILITY TO SPEAK AFTER DISCUSSION OF AGENDA ITEMS, BUT BEFORE A VOTE

1 OF THE BOARD OF DIRECTORS IS TAKEN. TOWARD THIS END, ANY PERSON OR ENTITY
2 THAT IS CHARGED WITH THE INTERPRETATION OF THESE PROVISIONS SHALL TAKE INTO
3 ACCOUNT THIS DECLARATION OF POLICY AND SHALL CONSTRUE ANY PROVISION OF THIS
4 SECTION IN FAVOR OF OPEN MEETINGS.

5 Sec. 4. Section 33-1808, Arizona Revised Statutes, is amended to read:
6 33-1808. Flag display; political signs; caution signs; for sale
7 or lease signs; political petitions

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

10 1. The American flag or an official or replica of a flag of the United
11 States army, navy, air force, marine corps or coast guard by an association
12 member on that member's property if the American flag or military flag is
13 displayed in a manner consistent with the federal flag code (P.L. 94-344; 90
14 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 B. The association shall adopt reasonable rules and regulations
19 regarding the placement and manner of display of the American flag, the
20 military flag, the POW/MIA flag, the Arizona state flag or an Arizona Indian
21 nations flag. The association rules may regulate the location and size of
22 flagpoles but shall not prohibit the installation of a flagpole.

23 C. Notwithstanding any provision in the community documents, an
24 association shall not prohibit the indoor or outdoor display of a political
25 sign by an association member on that member's property, except that an
26 association may prohibit the display of political signs earlier than
27 ~~forty-five~~ SEVENTY-ONE days before the day of an election and later than
28 ~~seven~~ THREE days after an election day. An association may regulate the size
29 and number of political signs that may be placed on a member's property if
30 the association's regulation ~~is no more restrictive than~~ CONFORMS TO any
31 applicable city, town or county ordinance that regulates the size and number
32 of political signs on residential property. If the city, town or county in
33 which the property is located does not regulate the size and number of
34 political signs on residential property, the association shall ~~permit at~~
35 ~~least one~~ NOT LIMIT THE NUMBER OF political ~~sign with~~ SIGNS, EXCEPT THAT the
36 maximum AGGREGATE TOTAL dimensions of ~~twenty-four inches by twenty-four~~
37 ~~inches~~ ALL POLITICAL SIGNS on a member's property SHALL NOT EXCEED NINE
38 SQUARE FEET. THIS SUBSECTION APPLIES ONLY TO A COMMERCIALY PRODUCED SIGN
39 AND AN ASSOCIATION MAY PROHIBIT THE USE OF SIGNS THAT ARE NOT COMMERCIALY
40 PRODUCED. For the purposes of this subsection, "political sign" means a sign
41 that attempts to influence the outcome of an election, including supporting
42 or opposing the recall of a public officer or supporting or opposing the
43 circulation of a petition for a ballot measure, question or proposition or
44 the recall of a public officer.

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

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

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

15 F. Notwithstanding any provision in the community documents, an
16 association shall not prohibit OR CHARGE A FEE FOR THE USE OR PLACEMENT OF
17 the indoor or outdoor display of a for sale, FOR RENT OR FOR LEASE sign and a
18 sign rider by an association member on that member's property IN ANY
19 COMBINATION, including a sign that indicates the member is offering the
20 property for sale by owner. The size of a sign offering a property for sale,
21 FOR RENT OR FOR LEASE shall be in conformance with the industry standard size
22 sign, which shall not exceed eighteen by twenty-four inches, and the industry
23 standard size sign rider, which shall not exceed six by twenty-four inches.
24 THIS SUBSECTION APPLIES ONLY TO A COMMERCIALY PRODUCED SIGN AND AN
25 ASSOCIATION MAY PROHIBIT THE USE OF SIGNS THAT ARE NOT COMMERCIALY PRODUCED.
26 With respect to real estate for sale, FOR RENT or FOR lease in the planned
27 community, an association shall not prohibit IN ANY WAY OTHER THAN IS
28 SPECIFICALLY AUTHORIZED BY THIS SECTION or otherwise regulate any of the
29 following:

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

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

40 3. An owner's or an owner's agent's FOR RENT OR for lease sign unless
41 an association's documents prohibit or restrict leasing of a member's
42 property. An association shall not further regulate a FOR RENT OR for lease
43 sign or require the use of a particular FOR RENT OR for lease sign other than
44 the FOR RENT OR for lease sign shall not be any larger than the industry
45 standard size sign of eighteen by twenty-four inches on or in the member's

1 property. If RENTAL OR leasing of a member's property is not prohibited or
2 restricted, the association may prohibit AN open house FOR RENTAL OR leasing
3 being held before 8:00 a.m. or after 6:00 p.m.

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

14 H. AN ASSOCIATION OR MANAGING AGENT THAT VIOLATES SUBSECTION F OF THIS
15 SECTION FORFEITS AND EXTINGUISHES THE LIEN RIGHTS AUTHORIZED UNDER SECTION
16 33-1807 AGAINST THAT MEMBER'S PROPERTY FOR A PERIOD OF SIX CONSECUTIVE MONTHS
17 FROM THE DATE OF THE VIOLATION.