

REFERENCE TITLE: homeowners' associations; signs; political; leasing

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

HB 2609

Introduced by
Representatives Barton: Carter, Crandell, Judd, Lesko, Montenegro, Proud,
Stevens, Ugenti, Senators Antenori, Gould, Griffin, Melvin, Shooter

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 or lease signs; political
5 petitions; 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 the indoor or outdoor display of a for sale,
23 FOR RENT OR FOR LEASE sign and a sign rider by a unit owner on that owner's
24 property IN ANY COMBINATION, including a sign that indicates the unit owner
25 is offering the property for sale by owner. The size of a sign offering a
26 property for sale FOR RENT OR FOR LEASE shall be in conformance with the
27 industry standard size sign, which shall not exceed eighteen by twenty-four
28 inches, and the industry standard size sign rider, which shall not exceed six
29 by twenty-four inches. THIS SUBSECTION APPLIES ONLY TO A COMMERCIALY
30 PRODUCED SIGN AND AN ASSOCIATION MAY PROHIBIT THE USE OF SIGNS THAT ARE NOT
31 COMMERCIALY PRODUCED. With respect to real estate for sale, FOR RENT or FOR
32 lease in the condominium, an association shall not prohibit or otherwise
33 regulate any of the following:

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

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

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

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

20 E. This section does not apply to timeshare plans or associations that
21 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 or lease 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~~ THIRTY days before the day of an election and later than ~~seven~~
45 THREE days after an election day. An association may regulate the size and

1 number of political signs that may be placed on a member's property if the
2 association's regulation ~~is no more restrictive than~~ CONFORMS TO any
3 applicable city, town or county ordinance that regulates the size and number
4 of political signs on residential property. If the city, town or county in
5 which the property is located does not regulate the size and number of
6 political signs on residential property, the association shall ~~permit at~~
7 ~~least one~~ NOT LIMIT THE NUMBER OF political ~~sign with~~ SIGNS, EXCEPT THAT the
8 maximum AGGREGATE TOTAL dimensions of ~~twenty four inches by twenty four~~
9 ~~inches~~ ALL POLITICAL SIGNS on a member's property SHALL NOT EXCEED NINE
10 SQUARE FEET. THIS SUBSECTION APPLIES ONLY TO A COMMERCIALY PRODUCED SIGN
11 AND AN ASSOCIATION MAY PROHIBIT THE USE OF SIGNS THAT ARE NOT COMMERCIALY
12 PRODUCED. For the purposes of this subsection, "political sign" means a sign
13 that attempts to influence the outcome of an election, including supporting
14 or opposing the recall of a public officer or supporting or opposing the
15 circulation of a petition for a ballot measure, question or proposition or
16 the recall of a public officer.

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

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

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

31 F. Notwithstanding any provision in the community documents, an
32 association shall not prohibit the indoor or outdoor display of a for sale,
33 FOR RENT OR FOR LEASE sign and a sign rider by an association member on that
34 member's property IN ANY COMBINATION, including a sign that indicates the
35 member is offering the property for sale by owner. The size of a sign
36 offering a property for sale, FOR RENT OR FOR LEASE shall be in conformance
37 with the industry standard size sign, which shall not exceed eighteen by
38 twenty-four inches, and the industry standard size sign rider, which shall
39 not exceed six by twenty-four inches. THIS SUBSECTION APPLIES ONLY TO A
40 COMMERCIALY PRODUCED SIGN AND AN ASSOCIATION MAY PROHIBIT THE USE OF SIGNS
41 THAT ARE NOT COMMERCIALY PRODUCED. With respect to real estate for sale,
42 FOR RENT or FOR lease in the planned community, an association shall not
43 prohibit or otherwise regulate any of the following:

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

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

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