

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1326

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 5. **THE GADSDEN FLAG.**

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

22 C. Notwithstanding any provision in the condominium documents, an
23 association shall not prohibit the indoor or outdoor display of a for sale
24 sign and a sign rider by a unit owner on that owner's property, including a
25 sign that indicates the unit owner is offering the property for sale by
26 owner. The size of a sign offering a property for sale shall be in
27 conformance with the industry standard size sign, which shall not exceed
28 eighteen by twenty-four inches, and the industry standard size sign rider,
29 which shall not exceed six by twenty-four inches. With respect to real
30 estate for sale or lease in the condominium, an association shall not
31 prohibit or otherwise regulate any of the following:

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

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

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

1 larger than the industry standard size sign of eighteen by twenty-four inches
2 and on or in the unit owner's property. If leasing of a unit is allowed, the
3 association may prohibit open house leasing being held before 8:00 a.m. or
4 after 6:00 p.m.

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

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

17 Sec. 2. Section 33-1808, Arizona Revised Statutes, is amended to read:
18 33-1808. Flag display; political signs; caution signs; for sale
19 signs; political petitions

20 A. Notwithstanding any provision in the community documents, an
21 association shall not prohibit the outdoor FRONT YARD OR BACKYARD display of
22 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 an association
25 member on that member's property if the American flag or military flag is
26 displayed in a manner consistent with the federal flag code (P.L. 94-344; 90
27 Stat. 810; 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 5. THE GADSDEN FLAG.

32 B. The association shall adopt reasonable rules and regulations
33 regarding the placement and manner of display of the American flag, the
34 military flag, the POW/MIA flag, the Arizona state flag or an Arizona Indian
35 nations flag. The association rules may regulate the location and size of
36 flagpoles, MAY LIMIT THE MEMBER TO DISPLAYING NO MORE THAN TWO FLAGS AT ONCE
37 AND MAY LIMIT THE HEIGHT OF THE FLAGPOLE TO NO MORE THAN THE HEIGHT OF THE
38 ROOFTOP OF THE MEMBER'S HOME but shall not prohibit the installation of a
39 flagpole IN THE FRONT YARD OR BACKYARD OF THE MEMBER'S PROPERTY.

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 the indoor or outdoor display of a for sale
29 sign and a sign rider by an association member on that member's property,
30 including a sign that indicates the member is offering the property for sale
31 by owner. The size of a sign offering a property for sale shall be in
32 conformance with the industry standard size sign, which shall not exceed
33 eighteen by twenty-four inches, and the industry standard size sign rider,
34 which shall not exceed six by twenty-four inches. With respect to real
35 estate for sale or lease in the planned community, an association shall not
36 prohibit or otherwise regulate any of the following:

- 37 1. Temporary open house signs or a ~~unit-owner's~~ MEMBER'S for sale
38 sign. The association shall not require the use of particular signs
39 indicating an open house or real property for sale and may not further
40 regulate the use of temporary open house or for sale signs that are industry
41 standard size and that are owned or used by the seller or the seller's agent.
- 42 2. Open house hours. The association may not limit the hours for an
43 open house for real estate that is for sale in the planned community, except
44 that the association may prohibit an open house being held before 8:00 a.m.

1 or after 6:00 p.m. and may prohibit open house signs on the common areas of
2 the planned community.

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

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