

Senate Engrossed House Bill

~~first responder flags; homeowners' associations~~  
(now: flags; homeowners' associations)

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

**CHAPTER 272**  
**HOUSE BILL 2010**

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 definitions

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 **UNIFORMED SERVICES OF** the United States ~~army, navy, air force, marine~~  
12 ~~corps or coast guard~~ by a unit owner on that unit owner's property if the  
13 American flag or ~~military~~ **A UNIFORMED SERVICES** flag is displayed in a  
14 manner consistent with the federal flag code (P.L. 94-344; 90 Stat. 810;  
15 4 United States Code sections 4 through 10).

16 2. The POW/MIA flag.

17 3. The Arizona state flag.

18 4. An Arizona Indian nations flag.

19 5. The Gadsden flag.

20 6. **A FIRST RESPONDER FLAG. A FIRST RESPONDER FLAG MAY INCORPORATE**  
21 **THE DESIGN OF ONE OR TWO OTHER FIRST RESPONDER FLAGS TO FORM A COMBINED**  
22 **FLAG.**

23 7. **A BLUE STAR SERVICE FLAG OR A GOLD STAR SERVICE FLAG.**

24 B. The association shall adopt reasonable rules and regulations  
25 regarding the placement and manner of display of the ~~American flag, the~~  
26 ~~military flag, the POW/MIA flag, the Arizona state flag or an Arizona~~  
27 ~~Indian nations flag~~ **FLAGS PRESCRIBED BY SUBSECTION A OF THIS SECTION.** The  
28 association rules may regulate the location and size of flagpoles but  
29 shall not prohibit the installation of a flagpole.

30 C. Notwithstanding any provision in the condominium documents, an  
31 association shall not prohibit or charge a fee for the use of, the  
32 placement of or the indoor or outdoor display of a for sale, for rent or  
33 for lease sign and a sign rider by a unit owner on that owner's property  
34 in any combination, including a sign that indicates the unit owner is  
35 offering the property for sale by owner. The size of a sign offering a  
36 property for sale, for rent or for lease shall be in conformance with the  
37 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 commercially produced sign and an association may prohibit ~~the use of~~  
41 **USING** signs that are not commercially produced. With respect to real  
42 estate for sale, for rent or for lease in the condominium, an association  
43 shall not prohibit in any way other than as is specifically authorized by  
44 this section or otherwise regulate any of the following:

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

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

20           D. Notwithstanding any provision in the condominium documents, an  
21 association shall not prohibit door-to-door political activity, including  
22 solicitations of support or opposition regarding candidates or ballot  
23 issues, and shall not prohibit ~~the circulation of~~ CIRCULATING political  
24 petitions, including candidate nomination petitions or petitions in  
25 support of or opposition to an initiative, referendum or recall or other  
26 political issue on property normally open to visitors within the  
27 association, except that an association may do the following:

28           1. Restrict or prohibit door-to-door political activity regarding  
29 candidates or ballot issues from sunset to sunrise.

30           2. Require the prominent display of an identification tag for each  
31 person engaged in the activity, along with the prominent identification of  
32 the candidate or ballot issue that is the subject of the support or  
33 opposition.

34           E. Notwithstanding any provision in the condominium documents, an  
35 association shall not prohibit the indoor or outdoor display of a  
36 political sign by a unit owner by placement of a sign on that unit owner's  
37 property, including any limited common elements for that unit that are  
38 doors, walls or patios or other limited common elements that touch the  
39 unit, other than the roof. An association may prohibit the display of  
40 political signs as follows:

41           1. Earlier than seventy-one days before the day of a primary  
42 election.

43           2. Later than fifteen days after the day of the general election.

1           3. For a sign for a candidate in a primary election who does not  
2 advance to the general election, later than fifteen days after the primary  
3 election.

4           F. An association may regulate the size and number of political  
5 signs that may be placed in the common element ground, on a unit owner's  
6 property or on a limited common element for that unit if the association's  
7 regulation is not more restrictive than any applicable city, town or  
8 county ordinance that regulates the size and number of political signs on  
9 residential property. If the city, town or county in which the property  
10 is located does not regulate the size and number of political signs on  
11 residential property, the association shall not limit the number of  
12 political signs, except that the maximum aggregate total dimensions of all  
13 political signs on a unit owner's property shall not exceed nine square  
14 feet. An association shall not make any regulations regarding the number  
15 of candidates supported, the number of public officers supported or  
16 opposed in a recall or the number of propositions supported or opposed on  
17 a political sign.

18           G. An association shall not require political signs to be  
19 commercially produced or professionally manufactured or prohibit the  
20 utilization of both sides of a political sign.

21           H. A condominium is not required to comply with subsection D of  
22 this section if the condominium restricts vehicular or pedestrian access  
23 to the condominium. This section does not require a condominium to make  
24 its common elements other than roadways and sidewalks that are normally  
25 open to visitors available for the circulation of political petitions to  
26 anyone who is not an owner or resident of the community.

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

31           J. This section does not apply to timeshare plans or associations  
32 that are subject to chapter 20 of this title.

33           K. For the purposes of this section: ~~;~~

34           1. "FIRST RESPONDER FLAG" MEANS A FLAG THAT RECOGNIZES AND HONORS  
35 THE SERVICES OF ANY OF THE FOLLOWING:

36           (a) LAW ENFORCEMENT AND THAT IS LIMITED TO THE COLORS BLUE, BLACK  
37 AND WHITE, THE WORDS "LAW ENFORCEMENT", "POLICE", "OFFICERS", "FIRST  
38 RESPONDER", "HONOR OUR", "SUPPORT OUR" AND "DEPARTMENT" AND THE SYMBOL OF  
39 A GENERIC POLICE SHIELD IN A CREST OR STAR SHAPE.

40           (b) FIRE DEPARTMENT AND THAT IS LIMITED TO THE COLORS RED, GOLD,  
41 BLACK AND WHITE, THE WORDS "FIRE", "FIGHTERS", "F", "D", "FD", "FIRST  
42 RESPONDER", "DEPARTMENT", "HONOR OUR" AND "SUPPORT OUR" AND THE SYMBOL OF  
43 A GENERIC MALTESE CROSS.

1 (c) PARAMEDICS OR EMERGENCY MEDICAL TECHNICIANS AND THAT IS LIMITED  
2 TO THE COLORS BLUE, BLACK AND WHITE, THE WORDS "FIRST RESPONDER",  
3 "PARAMEDIC", "EMERGENCY MEDICAL", "SERVICE", "TECHNICIAN", "HONOR OUR" AND  
4 "SUPPORT OUR" AND THE SYMBOL OF A GENERIC STAR OF LIFE.

5 2. "Political sign" means a sign that attempts to influence the  
6 outcome of an election, including supporting or opposing the recall of a  
7 public officer or supporting or opposing the circulation of a petition for  
8 a ballot measure, question or proposition or the recall of a public  
9 officer.

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

12 33-1808. Flag display; political signs; caution signs; for  
13 sale, rent or lease signs; political activities;  
14 definitions

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

18 1. The American flag or an official or replica of a flag of THE  
19 UNIFORMED SERVICES OF the United States ~~army, navy, air force, marine~~  
20 ~~corps or coast guard~~ by an association member on that member's property if  
21 the American flag or ~~military~~ A UNIFORMED SERVICES flag is displayed in a  
22 manner consistent with the federal flag code (P.L. 94-344; 90 Stat. 810;  
23 4 United States Code sections 4 through 10).

24 2. The POW/MIA flag.

25 3. The Arizona state flag.

26 4. An Arizona Indian nations flag.

27 5. The Gadsden flag.

28 6. A FIRST RESPONDER FLAG. A FIRST RESPONDER FLAG MAY INCORPORATE  
29 THE DESIGN OF ONE OR TWO OTHER FIRST RESPONDER FLAGS TO FORM A COMBINED  
30 FLAG.

31 7. A BLUE STAR SERVICE FLAG OR A GOLD STAR SERVICE 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~~  
35 ~~Indian nations flag~~ FLAGS PRESCRIBED BY SUBSECTION A OF THIS SECTION. The  
36 association rules may regulate the location and size of flagpoles, may  
37 limit the member to displaying not more than two flags at once and may  
38 limit the height of the flagpole to not more than the height of the  
39 rooftop of the member's home but shall not prohibit the installation of a  
40 flagpole in the front yard or backyard of the member's property.

41 C. Notwithstanding any provision in the community documents, an  
42 association shall not prohibit the indoor or outdoor display of a  
43 political sign by an association member on that member's property, except  
44 that an association may prohibit the display of political signs as  
45 follows:

1           1. Earlier than seventy-one days before the day of a primary  
2 election.

3           2. Later than fifteen days after the day of the general election.

4           3. For a sign for a candidate in a primary election who does not  
5 advance to the general election, later than fifteen days after the primary  
6 election.

7           D. An association may regulate the size and number of political  
8 signs that may be placed on a member's property if the association's  
9 regulation is not more restrictive than any applicable city, town or  
10 county ordinance that regulates the size and number of political signs on  
11 residential property. If the city, town or county in which the property  
12 is located does not regulate the size and number of political signs on  
13 residential property, the association shall not limit the number of  
14 political signs, except that the maximum aggregate total dimensions of all  
15 political signs on a member's property shall not exceed nine square feet.

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

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

20           2. The signs are removed within one hour of children ceasing to  
21 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 not taller than three feet in height.

25           5. The signs are professionally manufactured or produced.

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

31           G. Notwithstanding any provision in the community documents, an  
32 association shall not prohibit or charge a fee for the use of, the  
33 placement of or the indoor or outdoor display of a for sale, for rent or  
34 for lease sign and a sign rider by an association member on that member's  
35 property in any combination, including a sign that indicates the member is  
36 offering the property for sale by owner. The size of a sign offering a  
37 property for sale, for rent or for lease shall be in conformance with the  
38 industry standard size sign, which shall not exceed eighteen by  
39 twenty-four inches, and the industry standard size sign rider, which shall  
40 not exceed six by twenty-four inches. This subsection applies only to a  
41 commercially produced sign, and an association may prohibit ~~the use of~~  
42 USING signs that are not commercially produced. With respect to real  
43 estate for sale, for rent or for lease in the planned community, an  
44 association shall not prohibit in any way other than as is specifically  
45 authorized by this section or otherwise regulate any of the following:

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

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

20           H. Notwithstanding any provision in the community documents, an  
21 association shall not prohibit door-to-door political activity, including  
22 solicitations of support or opposition regarding candidates or ballot  
23 issues, and shall not prohibit ~~the circulation of~~ CIRCULATING political  
24 petitions, including candidate nomination petitions or petitions in  
25 support of or opposition to an initiative, referendum or recall or other  
26 political issue on property normally open to visitors within the  
27 association, except that an association may do the following:

28           1. Restrict or prohibit the door-to-door political activity from  
29 sunset to sunrise.

30           2. Require the prominent display of an identification tag for each  
31 person engaged in the activity, along with the prominent identification of  
32 the candidate or ballot issue that is the subject of the support or  
33 opposition.

34           I. A planned community shall not make any regulations regarding the  
35 number of candidates supported, the number of public officers supported or  
36 opposed in a recall or the number of propositions supported or opposed on  
37 a political sign.

38           J. A planned community shall not require political signs to be  
39 commercially produced or professionally manufactured or prohibit the  
40 utilization of both sides of a political sign.

41           K. A planned community is not required to comply with subsection H  
42 OF THIS SECTION if the planned community restricts vehicular or pedestrian  
43 access to the planned community. This section does not require a planned  
44 community to make its common elements other than roadways and sidewalks  
45 that are normally open to visitors available for the circulation of

1 political petitions to anyone who is not an owner or resident of the  
2 community.

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

7 M. For the purposes of this section: ~~,~~

8 1. "FIRST RESPONDER FLAG" MEANS A FLAG THAT RECOGNIZES AND HONORS  
9 THE SERVICES OF ANY OF THE FOLLOWING:

10 (a) LAW ENFORCEMENT AND THAT IS LIMITED TO THE COLORS BLUE, BLACK  
11 AND WHITE, THE WORDS "LAW ENFORCEMENT", "POLICE", "OFFICERS", "FIRST  
12 RESPONDER", "HONOR OUR", "SUPPORT OUR" AND "DEPARTMENT" AND THE SYMBOL OF  
13 A GENERIC POLICE SHIELD IN A CREST OR STAR SHAPE.

14 (b) FIRE DEPARTMENT AND THAT IS LIMITED TO THE COLORS RED, GOLD,  
15 BLACK AND WHITE, THE WORDS "FIRE", "FIGHTERS", "F", "D", "FD", "FIRST  
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18 (c) PARAMEDICS OR EMERGENCY MEDICAL TECHNICIANS AND THAT IS LIMITED  
19 TO THE COLORS BLUE, BLACK AND WHITE, THE WORDS "FIRST RESPONDER",  
20 "PARAMEDIC", "EMERGENCY MEDICAL", "SERVICE", "TECHNICIAN", "HONOR OUR" AND  
21 "SUPPORT OUR" AND THE SYMBOL OF A GENERIC STAR OF LIFE.

22 2. "Political sign" means a sign that attempts to influence the  
23 outcome of an election, including supporting or opposing the recall of a  
24 public officer or supporting or opposing the circulation of a petition for  
25 a ballot measure, question or proposition or the recall of a public  
26 officer.

APPROVED BY THE GOVERNOR JUNE 6, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 6, 2022.