

REFERENCE TITLE: first responder flags; homeowners' associations

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

HB 2010

Introduced by
Representative Kavanagh

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 United States army, navy, air force, marine corps or coast guard by a unit
12 owner on that unit owner's property if the American flag or military flag
13 is displayed in a manner consistent with the federal flag code
14 (P.L. 94-344; 90 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 5. The Gadsden flag.

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

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

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

43 1. Temporary open house signs or a unit owner's for sale sign. The
44 association shall not require the use of particular signs indicating an
45 open house or real property for sale and may not further regulate the use

1 of temporary open house or for sale signs that are industry standard size
2 and that are owned or used by the seller or the seller's agent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 33-1808. Flag display; political signs; caution signs; for
9 sale, rent or lease signs; political activities;
10 definitions

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

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

20 2. The POW/MIA flag.

21 3. The Arizona state flag.

22 4. An Arizona Indian nations flag.

23 5. The Gadsden flag.

24 6. A FIRST RESPONDER FLAG. A FIRST RESPONDER FLAG MAY INCORPORATE
25 THE DESIGN OF ONE OR TWO OTHER FIRST RESPONDER FLAGS TO FORM A COMBINED
26 FLAG.

27 B. The association shall adopt reasonable rules and regulations
28 regarding the placement and manner of display of the ~~American flag, the~~
29 ~~military flag, the POW/MIA flag, the Arizona state flag or an Arizona~~
30 ~~Indian nations flag~~ FLAGS PRESCRIBED BY SUBSECTION A OF THIS SECTION. The
31 association rules may regulate the location and size of flagpoles, may
32 limit the member to displaying not more than two flags at once and may
33 limit the height of the flagpole to not more than the height of the
34 rooftop of the member's home but shall not prohibit the installation of a
35 flagpole in the front yard or backyard of the member's property.

36 C. Notwithstanding any provision in the community documents, an
37 association shall not prohibit the indoor or outdoor display of a
38 political sign by an association member on that member's property, except
39 that an association may prohibit the display of political signs as
40 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 D. An association may regulate the size and number of political
5 signs that may be placed on a member's property if the association's
6 regulation is not more restrictive than any applicable city, town or
7 county ordinance that regulates the size and number of political signs on
8 residential property. If the city, town or county in which the property
9 is located does not regulate the size and number of political signs on
10 residential property, the association shall not limit the number of
11 political signs, except that the maximum aggregate total dimensions of all
12 political signs on a member's property shall not exceed nine square feet.

13 E. Notwithstanding any provision in the community documents, an
14 association shall not prohibit ~~the use of~~ USING cautionary signs regarding
15 children 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
18 play.

19 3. The signs are displayed only when children are actually present
20 within fifty feet of the sign.

21 4. The temporary signs are not taller than three feet in height.

22 5. The signs are professionally manufactured or produced.

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

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

43 1. Temporary open house signs or a member's for sale sign. The
44 association shall not require the use of particular signs indicating an
45 open house or real property for sale and may not further regulate the use

1 of temporary open house or for sale signs that are industry standard size
2 and that are owned or used by the seller or the seller's agent.

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

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

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

25 1. Restrict or prohibit the door-to-door political activity from
26 sunset to sunrise.

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

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

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

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

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

5 M. For the purposes of this section: ~~;~~

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

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

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

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

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