

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

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
~~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.

(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.

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

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

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

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

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

2. The POW/MIA flag.

3. The Arizona state flag.

4. An Arizona Indian nations flag.

5. The Gadsden flag.

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

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

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

C. Notwithstanding any provision in the community documents, an association shall not prohibit the indoor or outdoor display of a political sign by an association member on that member's property, except that an association may prohibit the display of political signs as 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
16 RESPONDER", "DEPARTMENT", "HONOR OUR" AND "SUPPORT OUR" AND THE SYMBOL OF
17 A GENERIC MALTESE CROSS.

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.