

House Engrossed

homeowners' associations; political; community activity

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

# HOUSE BILL 2158

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; political and community  
6 activities; applicability; 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 (P.L.  
14 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 B. The association shall adopt reasonable rules and regulations  
20 regarding the placement and manner of display of the American flag, the  
21 military flag, the POW/MIA flag, the Arizona state flag or an Arizona  
22 Indian nations flag. The association rules may regulate the location and  
23 size of flagpoles but shall not prohibit ~~the installation of~~ **INSTALLING** a  
24 flagpole.

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

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

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

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

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

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

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

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

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

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

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

42           F. An association may regulate the size and number of political  
43 signs that may be placed in the common element ground, on a unit owner's  
44 property or on a limited common element for that unit if the association's  
45 regulation is not more restrictive than any applicable city, town or

1 county ordinance that regulates the size and number of political signs on  
2 residential property. If the city, town or county in which the property  
3 is located does not regulate the size and number of political signs on  
4 residential property, the association shall not limit the number of  
5 political signs, except that the maximum aggregate total dimensions of all  
6 political signs on a unit owner's property shall not exceed nine square  
7 feet. An association shall not make any regulations regarding the number  
8 of candidates supported, the number of public officers supported or  
9 opposed in a recall or the number of propositions supported or opposed on  
10 a political sign.

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

14 H. NOTWITHSTANDING ANY PROVISION IN THE CONDOMINIUM DOCUMENTS, AN  
15 ASSOCIATION MAY NOT PROHIBIT OR UNREASONABLY RESTRICT THE INDOOR OR  
16 OUTDOOR DISPLAY OF AN ASSOCIATION-SPECIFIC POLITICAL SIGN BY A UNIT OWNER  
17 BY PLACEMENT OF A SIGN ON THAT UNIT OWNER'S PROPERTY, INCLUDING ANY  
18 LIMITED COMMON ELEMENTS FOR THAT UNIT THAT ARE DOORS, WALLS OR PATIOS OR  
19 OTHER LIMITED COMMON ELEMENTS THAT TOUCH THE UNIT, OTHER THAN THE  
20 ROOF. AN ASSOCIATION MAY ADOPT REASONABLE RULES REGARDING THE PLACEMENT,  
21 LOCATION AND MANNER OF DISPLAY OF ASSOCIATION-SPECIFIC POLITICAL SIGNS,  
22 EXCEPT AN ASSOCIATION SHALL NOT DO ANY OF THE FOLLOWING:

23 1. PROHIBIT THE DISPLAY OF ASSOCIATION-SPECIFIC POLITICAL SIGNS  
24 BETWEEN THE DATE THAT THE ASSOCIATION PROVIDES WRITTEN OR ABSENTEE BALLOTS  
25 TO UNIT OWNERS AND THREE DAYS AFTER THE CONDOMINIUM ELECTION.

26 2. LIMIT THE NUMBER OF ASSOCIATION-SPECIFIC SIGNS, EXCEPT THAT THE  
27 ASSOCIATION MAY LIMIT THE AGGREGATE TOTAL DIMENSIONS OF ALL  
28 ASSOCIATION-SPECIFIC SIGNS ON A UNIT OWNER'S PROPERTY TO NOT MORE THAN  
29 NINE SQUARE FEET.

30 3. REQUIRE ASSOCIATION-SPECIFIC POLITICAL SIGNS TO BE COMMERCIALY  
31 PRODUCED OR PROFESSIONALLY MANUFACTURED OR PROHIBIT USING BOTH SIDES OF  
32 THE SIGN.

33 4. REGULATE THE NUMBER OF CANDIDATES SUPPORTED OR OPPOSED OR THE  
34 NUMBER OF BOARD MEMBERS SUPPORTED OR OPPOSED IN A RECALL OR THE NUMBER OF  
35 BALLOT MEASURES SUPPORTED OR OPPOSED ON AN ASSOCIATION-SPECIFIC POLITICAL  
36 SIGN.

37 5. MAKE ANY OTHER REGULATIONS REGARDING THE CONTENT OF AN  
38 ASSOCIATION-SPECIFIC POLITICAL SIGN, EXCEPT THAT THE ASSOCIATION MAY  
39 PROHIBIT USING PROFANITY AND DISCRIMINATORY TEXT, IMAGES OR CONTENT BASED  
40 ON RACE, COLOR, RELIGION, SEX, FAMILIAL STATUS OR NATIONAL ORIGIN AS  
41 PRESCRIBED BY FEDERAL OR STATE FAIR HOUSING LAWS.

42 ~~H.~~ I. A condominium is not required to comply with subsection D of  
43 this section if the condominium restricts vehicular or pedestrian access  
44 to the condominium. This section does not require a condominium to make  
45 its common elements other than roadways and sidewalks that are normally

1 open to visitors available for the circulation of political petitions to  
2 anyone who is not an owner or resident of the community.

3 J. NOTWITHSTANDING ANY PROVISION IN THE CONDOMINIUM DOCUMENTS, AN  
4 ASSOCIATION MAY NOT PROHIBIT OR UNREASONABLY RESTRICT A UNIT OWNER'S  
5 ABILITY TO PEACEFULLY ASSEMBLE AND USE COMMON ELEMENTS OF THE CONDOMINIUM  
6 IF DONE IN COMPLIANCE WITH REASONABLE RESTRICTIONS FOR THE USE OF THAT  
7 PROPERTY ADOPTED BY THE BOARD OF DIRECTORS. AN INDIVIDUAL UNIT OWNER OR  
8 GROUP OF UNIT OWNERS MAY ASSEMBLE TO DISCUSS MATTERS RELATED TO THE  
9 CONDOMINIUM, INCLUDING BOARD OF DIRECTOR ELECTIONS OR RECALLS, POTENTIAL  
10 OR ACTUAL BALLOT ISSUES OR REVISIONS TO THE CONDOMINIUM DOCUMENTS,  
11 PROPERTY MAINTENANCE OR SAFETY ISSUES OR ANY OTHER CONDOMINIUM MATTERS. A  
12 UNIT OWNER MAY INVITE ONE POLITICAL CANDIDATE OR ONE NON-UNIT OWNER GUEST  
13 TO SPEAK TO AN ASSEMBLY OF UNIT OWNERS ABOUT MATTERS RELATED TO THE  
14 CONDOMINIUM. THE ASSOCIATION SHALL NOT PROHIBIT A UNIT OWNER FROM POSTING  
15 NOTICES REGARDING THOSE ASSEMBLIES OF UNIT OWNERS ON BULLETIN BOARDS  
16 LOCATED ON THE COMMON ELEMENTS OR WITHIN COMMON ELEMENT FACILITIES. AN  
17 ASSEMBLY OF UNIT OWNERS PRESCRIBED BY THIS SUBSECTION DOES NOT CONSTITUTE  
18 AN OFFICIAL UNIT OWNERS' MEETING UNLESS THE MEETING IS NOTICED AND  
19 CONVENED AS PRESCRIBED IN THE CONDOMINIUM DOCUMENTS AND THIS CHAPTER.

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

24 ~~g.~~ L. This section does not apply to timeshare plans or  
25 associations that are subject to chapter 20 of this title.

26 ~~k.~~ M. For the purposes of this section: ~~—~~

27 1. "ASSOCIATION-SPECIFIC POLITICAL SIGN" MEANS A SIGN THAT SUPPORTS  
28 OR OPPOSES A CANDIDATE FOR THE BOARD OF DIRECTORS OR THE RECALL OF A BOARD  
29 MEMBER OR A CONDOMINIUM BALLOT MEASURE THAT REQUIRES A VOTE OF THE  
30 ASSOCIATION UNIT OWNERS.

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

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

38 33-1808. Flag display; political signs; caution signs; for  
39 sale, rent or lease signs; political and community  
40 activities; definitions

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

44 1. The American flag or an official or replica of a flag of the  
45 United States army, navy, air force, marine corps or coast guard by an

1 association member on that member's property if the American flag or  
2 military flag is displayed in a manner consistent with the federal flag  
3 code (P.L. 94-344; 90 Stat. 810; 4 United States Code sections 4 through  
4 10).

- 5 2. The POW/MIA flag.
- 6 3. The Arizona state flag.
- 7 4. An Arizona Indian nations flag.
- 8 5. The Gadsden flag.

9 B. The association shall adopt reasonable rules and regulations  
10 regarding the placement and manner of display of the American flag, the  
11 military flag, the POW/MIA flag, the Arizona state flag or an Arizona  
12 Indian nations flag. The association rules may regulate the location and  
13 size of flagpoles, may limit the member to displaying not more than two  
14 flags at once and may limit the height of the flagpole to not more than  
15 the height of the rooftop of the member's home but shall not prohibit ~~the~~  
16 ~~installation of~~ **INSTALLING** a flagpole in the front yard or backyard of the  
17 member's property.

18 C. Notwithstanding any provision in the community documents, an  
19 association shall not prohibit the indoor or outdoor display of a  
20 political sign by an association member on that member's property, except  
21 that an association may prohibit the display of political signs as  
22 follows:

- 23 1. Earlier than seventy-one days before the day of a primary  
24 election.
- 25 2. Later than fifteen days after the day of the general election.
- 26 3. For a sign for a candidate in a primary election who does not  
27 advance to the general election, later than fifteen days after the primary  
28 election.

29 D. An association may regulate the size and number of political  
30 signs that may be placed on a member's property if the association's  
31 regulation is not more restrictive than any applicable city, town or  
32 county ordinance that regulates the size and number of political signs on  
33 residential property. If the city, town or county in which the property  
34 is located does not regulate the size and number of political signs on  
35 residential property, the association shall not limit the number of  
36 political signs, except that the maximum aggregate total dimensions of all  
37 political signs on a member's property shall not exceed nine square  
38 feet.

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

- 42 1. The signs are displayed in residential areas only.
- 43 2. The signs are removed within one hour of children ceasing to  
44 play.

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

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

4           5. The signs are professionally manufactured or produced.

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

10          G. Notwithstanding any provision in the community documents, an  
11 association shall not prohibit or charge a fee for the use of, the  
12 placement of or the indoor or outdoor display of a for sale, for rent or  
13 for lease sign and a sign rider by an association member on that member's  
14 property in any combination, including a sign that indicates the member is  
15 offering the property for sale by owner. The size of a sign offering a  
16 property for sale, for rent or for lease shall be in conformance with the  
17 industry standard size sign, which shall not exceed eighteen by  
18 twenty-four inches, and the industry standard size sign rider, which shall  
19 not exceed six by twenty-four inches. This subsection applies only to a  
20 commercially produced sign, and an association may prohibit ~~the use of~~  
21 **USING** signs that are not commercially produced. With respect to real  
22 estate for sale, for rent or for lease in the planned community, an  
23 association shall not prohibit in any way other than as is specifically  
24 authorized by this section or otherwise regulate any of the following:

25           1. Temporary open house signs or a member's for sale sign. The  
26 association shall not require the use of particular signs indicating an  
27 open house or real property for sale and may not further regulate the use  
28 of temporary open house or for sale signs that are industry standard size  
29 and that are owned or used by the seller or the seller's agent.

30           2. Open house hours. The association may not limit the hours for  
31 an open house for real estate that is for sale in the planned community,  
32 except that the association may prohibit an open house being held before  
33 8:00 a.m. or after 6:00 p.m. and may prohibit open house signs on the  
34 common areas of the planned community.

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

44           H. Notwithstanding any provision in the community documents, an  
45 association shall not prohibit door-to-door political activity, including

1 solicitations of support or opposition regarding candidates or ballot  
2 issues, and shall not prohibit ~~the circulation of~~ CIRCULATING political  
3 petitions, including candidate nomination petitions or petitions in  
4 support of or opposition to an initiative, referendum or recall or other  
5 political issue on property normally open to visitors within the  
6 association, except that an association may do the following:

7 1. Restrict or prohibit the door-to-door political activity from  
8 sunset to sunrise.

9 2. Require the prominent display of an identification tag for each  
10 person engaged in the activity, along with the prominent identification of  
11 the candidate or ballot issue that is the subject of the support or  
12 opposition.

13 I. A planned community shall not make any regulations regarding the  
14 number of candidates supported, the number of public officers supported or  
15 opposed in a recall or the number of propositions supported or opposed on  
16 a political sign.

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

20 K. NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, AN  
21 ASSOCIATION MAY NOT PROHIBIT OR UNREASONABLY RESTRICT THE INDOOR OR  
22 OUTDOOR DISPLAY OF AN ASSOCIATION-SPECIFIC POLITICAL SIGN BY A MEMBER BY  
23 PLACEMENT OF A SIGN ON THAT MEMBER'S PROPERTY. AN ASSOCIATION MAY ADOPT  
24 REASONABLE RULES REGARDING THE PLACEMENT, LOCATION AND MANNER OF DISPLAY  
25 OF ASSOCIATION-SPECIFIC POLITICAL SIGNS, EXCEPT AN ASSOCIATION SHALL NOT  
26 DO ANY OF THE FOLLOWING:

27 1. PROHIBIT THE DISPLAY OF ASSOCIATION-SPECIFIC POLITICAL SIGNS  
28 BETWEEN THE DATE THAT THE ASSOCIATION PROVIDES WRITTEN OR ABSENTEE BALLOTS  
29 TO MEMBERS AND THREE DAYS AFTER THE PLANNED COMMUNITY ELECTION.

30 2. LIMIT THE NUMBER OF ASSOCIATION-SPECIFIC SIGNS, EXCEPT THAT THE  
31 ASSOCIATION MAY LIMIT THE AGGREGATE TOTAL DIMENSIONS OF ALL  
32 ASSOCIATION-SPECIFIC SIGNS ON A MEMBER'S PROPERTY TO NOT MORE THAN NINE  
33 SQUARE FEET.

34 3. REQUIRE ASSOCIATION-SPECIFIC POLITICAL SIGNS TO BE COMMERCIALY  
35 PRODUCED OR PROFESSIONALLY MANUFACTURED OR PROHIBIT USING BOTH SIDES OF  
36 THE SIGN.

37 4. REGULATE THE NUMBER OF CANDIDATES SUPPORTED OR OPPOSED OR THE  
38 NUMBER OF BOARD MEMBERS SUPPORTED OR OPPOSED IN A RECALL OR THE NUMBER OF  
39 BALLOT MEASURES SUPPORTED OR OPPOSED ON AN ASSOCIATION-SPECIFIC POLITICAL  
40 SIGN.

41 5. MAKE ANY OTHER REGULATIONS REGARDING THE CONTENT OF AN  
42 ASSOCIATION-SPECIFIC POLITICAL SIGN EXCEPT THAT THE ASSOCIATION MAY  
43 PROHIBIT USING PROFANITY AND DISCRIMINATORY TEXT, IMAGES OR CONTENT BASED  
44 ON RACE, COLOR, RELIGION, SEX, FAMILIAL STATUS OR NATIONAL ORIGIN AS  
45 PRESCRIBED BY FEDERAL OR STATE FAIR HOUSING LAWS.



1           ~~K.~~ L. A planned community is not required to comply with  
2 subsection H OF THIS SECTION if the planned community restricts vehicular  
3 or pedestrian access to the planned community. This section does not  
4 require a planned community to make its common elements other than  
5 roadways and sidewalks that are normally open to visitors available for  
6 the circulation of political petitions to anyone who is not an owner or  
7 resident of the community.

8           M. NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, AN  
9 ASSOCIATION MAY NOT PROHIBIT OR UNREASONABLY RESTRICT A MEMBER'S ABILITY  
10 TO PEACEFULLY ASSEMBLE AND USE COMMON AREAS OF THE PLANNED COMMUNITY IF  
11 DONE IN COMPLIANCE WITH REASONABLE RESTRICTIONS FOR THE USE OF THAT  
12 PROPERTY ADOPTED BY THE BOARD OF DIRECTORS. AN INDIVIDUAL MEMBER OR GROUP  
13 OF MEMBERS MAY ASSEMBLE TO DISCUSS MATTERS RELATED TO THE PLANNED  
14 COMMUNITY, INCLUDING BOARD ELECTIONS OR RECALLS, POTENTIAL OR ACTUAL  
15 BALLOT ISSUES OR REVISIONS TO THE COMMUNITY DOCUMENTS, PROPERTY  
16 MAINTENANCE OR SAFETY ISSUES OR ANY OTHER PLANNED COMMUNITY MATTERS. A  
17 MEMBER MAY INVITE ONE POLITICAL CANDIDATE OR ONE NON-MEMBER GUEST TO SPEAK  
18 TO AN ASSEMBLY OF MEMBERS ABOUT MATTERS RELATED TO THE COMMUNITY. THE  
19 ASSOCIATION SHALL NOT PROHIBIT A MEMBER FROM POSTING NOTICES REGARDING  
20 THOSE ASSEMBLIES OF MEMBERS ON BULLETIN BOARDS LOCATED ON THE COMMON AREAS  
21 OR WITHIN COMMON AREA FACILITIES. AN ASSEMBLY OF MEMBERS PRESCRIBED BY  
22 THIS SUBSECTION DOES NOT CONSTITUTE AN OFFICIAL MEMBERS' MEETING UNLESS  
23 THE MEETING IS NOTICED AND CONVENED AS PRESCRIBED IN THE COMMUNITY  
24 DOCUMENTS AND THIS CHAPTER.

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

29           ~~M.~~ O. For the purposes of this section: ~~;~~

30           1. "ASSOCIATION-SPECIFIC POLITICAL SIGN" MEANS A SIGN THAT SUPPORTS  
31 OR OPPOSES A CANDIDATE FOR THE BOARD OF DIRECTORS OR THE RECALL OF A BOARD  
32 MEMBER OR A PLANNED COMMUNITY BALLOT MEASURE THAT REQUIRES A VOTE OF THE  
33 ASSOCIATION MEMBERS.

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