

Senate Engrossed

homeowners' associations; flagpoles

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1016

AN ACT

AMENDING SECTION 33-1808, ARIZONA REVISED STATUTES; RELATING TO 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 33-1808, Arizona Revised Statutes, is amended to
3 read:

4 33-1808. Flag display; political signs; caution signs; for
5 sale, rent or lease signs; political and community
6 activities; definitions

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

10 1. The American flag or an official or replica of a flag of the
11 uniformed services of the United States by an association member on that
12 member's property if the American flag or a uniformed services flag is
13 displayed in a manner consistent with the federal flag code (P.L. 94-344;
14 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 7. A blue star service flag or a gold star service flag.

23 8. Any historic version of the American flag, including the Betsy
24 Ross flag, without regard to how the stars and stripes are arranged on the
25 flag.

26 B. The association shall adopt reasonable rules and regulations
27 regarding the placement and manner of display of the flags prescribed by
28 subsection A of this section. The association rules:

29 1. May regulate the location and size of flagpoles. ~~;~~

30 2. MAY LIMIT THE MEMBER TO TWO WALL MOUNTED FLAGPOLE HOLDERS.

31 3. May limit the member to displaying not more than two flags at
32 once. ~~and~~

33 4. May limit the height of the flagpole to not more than the height
34 of the rooftop of the member's home. ~~but~~

35 5. Shall not prohibit installing a flagpole in the front yard or
36 backyard of the member's property.

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

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

44 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 using 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
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 using signs
39 that are not commercially produced. With respect to real estate for sale,
40 for rent or for lease in the planned community, an association shall not
41 prohibit in any way other than as is specifically authorized by this
42 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 circulating political petitions, including
21 candidate nomination petitions or petitions in support of or opposition to
22 an initiative, referendum or recall or other political issue on property
23 normally open to visitors within the association, except that an
24 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 3. Prohibit a person who is not accompanied by a member or resident
32 of the planned community from entering the planned community if the
33 planned community restricts vehicular or pedestrian access.

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. Notwithstanding any provision in the community documents, an
42 association may not prohibit or unreasonably restrict the indoor or
43 outdoor display of an association-specific political sign by a member by
44 placement of a sign on that member's property. An association may adopt
45 reasonable rules regarding the placement, location and manner of display

1 of association-specific political signs, except an association shall not
2 do any of the following:

3 1. Prohibit the display of association-specific political signs
4 between the date that the association provides written or absentee ballots
5 to members and three days after the planned community election.

6 2. Limit the number of association-specific political signs, except
7 that the association may limit the aggregate total dimensions of all
8 association-specific political signs on a member's property to not more
9 than nine square feet.

10 3. Require association-specific political signs to be commercially
11 produced or professionally manufactured or prohibit using both sides of
12 the sign.

13 4. Regulate the number of candidates supported or opposed, the
14 number of board members supported or opposed in a recall or the number of
15 ballot measures supported or opposed on an association-specific political
16 sign.

17 5. Make any other regulations regarding the content of an
18 association-specific political sign except that the association may
19 prohibit using profanity and discriminatory text, images or content based
20 on race, color, religion, sex, familial status or national origin as
21 prescribed by federal or state fair housing laws.

22 L. Notwithstanding any provision in the community documents, an
23 association may not prohibit or unreasonably restrict a member's ability
24 to peacefully assemble and use common areas of the planned community if
25 done in compliance with reasonable restrictions for the use of that
26 property adopted by the board of directors. An individual member or group
27 of members may assemble to discuss matters related to the planned
28 community, including board elections or recalls, potential or actual
29 ballot issues or revisions to the community documents, property
30 maintenance or safety issues or any other planned community matters. A
31 member may invite one political candidate or one non-member guest to speak
32 to an assembly of members about matters related to the community. The
33 association shall not prohibit a member from posting notices regarding
34 those assemblies of members on bulletin boards located on the common areas
35 or within common area facilities. An assembly of members prescribed by
36 this subsection does not constitute an official members' meeting unless
37 the meeting is noticed and convened as prescribed in the community
38 documents and this chapter.

39 M. An association or managing agent that violates subsection G of
40 this section forfeits and extinguishes the lien rights authorized under
41 section 33-1807 against that member's property for a period of six
42 consecutive months after the date of the violation.

43 N. For the purposes of this section:

44 1. "Association-specific political sign" means a sign that supports
45 or opposes a candidate for the board of directors, the recall of a board

1 member or a planned community ballot measure that requires a vote of the
2 association members.

3 2. "Betsy Ross flag" means ~~an~~ A historic flag of the United States
4 that consists of thirteen stripes alternating between red and white
5 stripes and thirteen five-pointed white stars arranged in a circle against
6 a blue background.

7 3. "First responder flag" means a flag that recognizes and honors
8 the services of any of the following:

9 (a) Law enforcement and that is limited to the colors blue, black
10 and white, the words "law enforcement", "police", "officers", "first
11 responder", "honor our", "support our" and "department" and the symbol of
12 a generic police shield in a crest or star shape.

13 (b) Fire departments and that is limited to the colors red, gold,
14 black and white, the words "fire", "fighters", "F", "D", "FD", "first
15 responder", "department", "honor our" and "support our" and the symbol of
16 a generic Maltese Cross.

17 (c) Paramedics or emergency medical technicians and that is limited
18 to the colors blue, black and white, the words "first responder",
19 "paramedic", "emergency medical", "service", "technician", "honor our" and
20 "support our" and the symbol of a generic star of life.

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