

Senate Engrossed

homeowner's associations; meetings; recordings

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SENATE BILL 1039

AN ACT

AMENDING SECTIONS 33-1248 AND 33-1804, 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 33-1248, Arizona Revised Statutes, is amended to
3 read:

6 A. Notwithstanding any provision in the declaration, bylaws or
7 other documents to the contrary, all meetings of the unit owners'
8 association and the board of directors, and any regularly scheduled
9 committee meetings, are open to all members of the association or any
10 person designated by a member in writing as the member's representative
11 and all members or designated representatives so desiring shall be allowed
12 to attend and speak at an appropriate time during the deliberations and
13 proceedings. The board may place reasonable time restrictions on those
14 persons speaking during the meeting but shall allow a member or a member's
15 designated representative to speak once after the board has discussed a
16 specific agenda item but before the board takes formal action on that item
17 in addition to any other opportunities to speak. The board shall provide
18 for a reasonable number of persons to speak on each side of an issue.
19 Persons attending may audiotape or videotape those portions of the
20 meetings of the board of directors and meetings of the members that are
21 open. The board of directors of the association shall not require advance
22 notice of the audiotaping or videotaping and may adopt reasonable rules
23 governing the audiotaping or videotaping of open portions of the meetings
24 of the board and the membership, but such rules shall not preclude such
25 audiotaping or videotaping by those attending, unless the board audiotapes
26 or videotapes the meeting and makes the unedited audiotapes or videotapes
27 available to members on request without restrictions on their use as
28 evidence in any dispute resolution process. IF A BOARD RECORDS A MEETING
29 THAT IS OPEN TO THE MEMBERS, THE BOARD SHALL KEEP A COPY OF THE RECORDING
30 FOR AT LEAST SIX MONTHS AND MAKE THE UNEDITED RECORDING AVAILABLE TO ANY
31 MEMBER ON REQUEST IN COMPLIANCE WITH SECTION 33-1258, SUBSECTION A. Any
32 portion of a meeting may be closed only if that portion of the meeting is
33 limited to consideration of one or more of the following:

34 1. Legal advice from an attorney for the board or the association.
35 On final resolution of any matter for which the board received legal
36 advice or that concerned pending or contemplated litigation, the board may
37 disclose information about that matter in an open meeting except for
38 matters that are required to remain confidential by the terms of a
39 settlement agreement or judgment.

40 2. Pending or contemplated litigation.

41 3. Personal, health or financial information about an individual
42 member of the association, an individual employee of the association or an
43 individual employee of a contractor for the association, including records
44 of the association directly related to the personal, health or financial
45 information about an individual member of the association, an individual

1 employee of the association or an individual employee of a contractor for
2 the association.

3 4. Matters relating to the job performance of, compensation of,
4 health records of or specific complaints against an individual employee of
5 the association or an individual employee of a contractor of the
6 association who works under the direction of the association.

7 5. Discussion of a unit owner's appeal of any violation cited or
8 penalty imposed by the association except on request of the affected unit
9 owner that the meeting be held in an open session.

10 B. Notwithstanding any provision in the condominium documents, all
11 meetings of the unit owners' association and the board shall be held in
12 this state. A meeting of the unit owners' association shall be held at
13 least once each year. Special meetings of the unit owners' association
14 may be called by the president, by a majority of the board of directors or
15 by unit owners having at least twenty-five percent, or any lower
16 percentage specified in the bylaws, of the votes in the association. Not
17 fewer than ten or more than fifty days in advance of any meeting of the
18 unit owners, the secretary shall cause notice to be hand delivered or sent
19 prepaid by United States mail to the mailing address of each unit or to
20 any other mailing address designated in writing by the unit owner. The
21 notice of any meeting of the unit owners shall state the date, time and
22 place of the meeting. The notice of any annual, regular or special
23 meeting of the unit owners shall also state the purpose for which the
24 meeting is called, including the general nature of any proposed amendment
25 to the declaration or bylaws, any changes in assessments that require
26 approval of the unit owners and any proposal to remove a director or
27 officer. The secretary shall also provide an agenda for any meeting of
28 the unit owners' association by hand delivery, mail, website posting,
29 email or other electronic means or posting at a community center or other
30 similar location. The failure of any unit owner to receive actual notice
31 of a meeting of the unit owners or the meeting agenda does not affect the
32 validity of any action taken at that meeting.

33 C. Before entering into any closed portion of a meeting of the
34 board of directors, or on notice of a meeting under subsection D of this
35 section that will be closed, the board shall identify the paragraph under
36 subsection A of this section that authorizes the board to close the
37 meeting.

38 D. Notwithstanding any provision in the declaration, bylaws or
39 other condominium documents, for meetings of the board of directors that
40 are held after the termination of declarant control of the association,
41 notice to unit owners of meetings of the board of directors and meeting
42 agendas shall be given at least forty-eight hours in advance of the
43 meeting by newsletter, conspicuous posting or any other reasonable means
44 as determined by the board of directors. An affidavit of notice by an
45 officer of the association is *prima facie* evidence that notice was given

1 as prescribed by this section. Notice to unit owners of meetings of the
2 board of directors is not required if emergency circumstances require
3 action by the board before notice can be given. Any notice of a board
4 meeting shall state the date, time and place of the meeting. The failure
5 of any unit owner to receive actual notice of a meeting of the board of
6 directors or a meeting agenda does not affect the validity of any action
7 taken at that meeting.

8 E. Notwithstanding any provision in the declaration, bylaws or
9 other condominium documents, for meetings of the board of directors that
10 are held after the termination of declarant control of the association,
11 all of the following apply:

12 1. The agenda shall be available in advance for all unit owners
13 attending.

14 2. An emergency meeting of the board of directors may be called to
15 discuss business or take action that cannot be delayed for the forty-eight
16 hours required for notice. At any emergency meeting called by the board
17 of directors, the board of directors may act only on emergency
18 matters. The minutes of the emergency meeting shall state the reason
19 necessitating the emergency meeting. The minutes of the emergency meeting
20 shall be read and approved at the next regularly scheduled meeting of the
21 board of directors.

22 3. A quorum of the board of directors may meet by means of a
23 telephone conference if a speakerphone is available in the meeting room
24 that allows board members and unit owners to hear all parties who are
25 speaking during the meeting.

26 4. Any quorum of the board of directors that meets informally to
27 discuss association business, including workshops, shall comply with the
28 open meeting and notice provisions of this section without regard to
29 whether the board votes or takes any action on any matter at that informal
30 meeting.

31 F. It is the policy of this state as reflected in this section that
32 all meetings of a condominium, whether meetings of the unit owners'
33 association or meetings of the board of directors of the association, be
34 conducted openly and that notices and agendas be provided in advance for
35 those meetings that contain the information that is reasonably necessary
36 to inform the unit owners of the matters to be discussed or decided and to
37 ensure that unit owners have the ability to speak after discussion of
38 agenda items, but before a vote of the board of directors or members is
39 taken. Toward this end, any person or entity that is charged with the
40 interpretation of these provisions, including members of the board of
41 directors and any community manager, shall take into account this
42 declaration of policy and shall construe any provision of this section in
43 favor of open meetings.

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

1 Sec. 2. Section 33-1804, Arizona Revised Statutes, is amended to
2 read:

3 33-1804. Open meetings; exceptions; notice; agenda; policy
4 statement

5 A. Notwithstanding any provision in the declaration, bylaws or
6 other documents to the contrary, all meetings of the members' association
7 and the board of directors, and any regularly scheduled committee
8 meetings, are open to all members of the association or any person
9 designated by a member in writing as the member's representative and all
10 members or designated representatives so desiring shall be allowed to
11 attend and speak at an appropriate time during the deliberations and
12 proceedings. The board may place reasonable time restrictions on those
13 persons speaking during the meeting but shall allow a member or member's
14 designated representative to speak once after the board has discussed a
15 specific agenda item but before the board takes formal action on that item
16 in addition to any other opportunities to speak. The board shall provide
17 for a reasonable number of persons to speak on each side of an issue.
18 Persons attending may audiotape or videotape those portions of the
19 meetings of the board of directors and meetings of the members that are
20 open. The board of directors of the association shall not require advance
21 notice of the audiotaping or videotaping and may adopt reasonable rules
22 governing the audiotaping and videotaping of open portions of the meetings
23 of the board and the membership, but such rules shall not preclude such
24 audiotaping or videotaping by those attending, unless the board audiotapes
25 or videotapes the meeting and makes the unedited audiotapes or videotapes
26 available to members on request without restrictions on their use as
27 evidence in any dispute resolution process. **IF A BOARD RECORDS A MEETING**
28 THAT IS OPEN TO THE MEMBERS, THE BOARD SHALL KEEP A COPY OF THE RECORDING
29 FOR AT LEAST SIX MONTHS AND MAKE THE UNEDITED RECORDING AVAILABLE TO ANY
30 MEMBER ON REQUEST IN COMPLIANCE WITH SECTION 33-1805, SUBSECTION A. Any
31 portion of a meeting may be closed only if that closed portion of the
32 meeting is limited to consideration of one or more of the following:

33 1. Legal advice from an attorney for the board or the association.
34 On final resolution of any matter for which the board received legal
35 advice or that concerned pending or contemplated litigation, the board may
36 disclose information about that matter in an open meeting except for
37 matters that are required to remain confidential by the terms of a
38 settlement agreement or judgment.

39 2. Pending or contemplated litigation.

40 3. Personal, health or financial information about an individual
41 member of the association, an individual employee of the association or an
42 individual employee of a contractor for the association, including records
43 of the association directly related to the personal, health or financial
44 information about an individual member of the association, an individual

1 employee of the association or an individual employee of a contractor for
2 the association.

3 4. Matters relating to the job performance of, compensation of,
4 health records of or specific complaints against an individual employee of
5 the association or an individual employee of a contractor of the
6 association who works under the direction of the association.

7 5. Discussion of a member's appeal of any violation cited or
8 penalty imposed by the association except on request of the affected
9 member that the meeting be held in an open session.

10 B. Notwithstanding any provision in the community documents, all
11 meetings of the members' association and the board shall be held in this
12 state. A meeting of the members' association shall be held at least once
13 each year. Special meetings of the members' association may be called by
14 the president, by a majority of the board of directors or by members
15 having at least twenty-five percent, or any lower percentage specified in
16 the bylaws, of the votes in the association. Not fewer than ten or more
17 than fifty days in advance of any meeting of the members the secretary
18 shall cause notice to be hand delivered or sent prepaid by United States
19 mail to the mailing address for each lot, parcel or unit owner or to any
20 other mailing address designated in writing by a member. The notice shall
21 state the date, time and place of the meeting. A notice of any annual,
22 regular or special meeting of the members shall also state the purpose for
23 which the meeting is called, including the general nature of any proposed
24 amendment to the declaration or bylaws, changes in assessments that
25 require approval of the members and any proposal to remove a director or
26 an officer. The secretary shall also provide an agenda for any meeting of
27 the members' association by hand delivery, mail, website posting, email or
28 other electronic means or posting at a community center or other similar
29 location. The failure of any member to receive actual notice of a meeting
30 of the members or the meeting agenda does not affect the validity of any
31 action taken at that meeting.

32 C. Before entering into any closed portion of a meeting of the
33 board of directors, or on notice of a meeting under subsection D of this
34 section that will be closed, the board shall identify the paragraph under
35 subsection A of this section that authorizes the board to close the
36 meeting.

37 D. Notwithstanding any provision in the declaration, bylaws or
38 other community documents, for meetings of the board of directors that are
39 held after the termination of declarant control of the association, notice
40 to members of meetings of the board of directors and meeting agendas shall
41 be given at least forty-eight hours in advance of the meeting by
42 newsletter, conspicuous posting or any other reasonable means as
43 determined by the board of directors. An affidavit of notice by an
44 officer of the corporation is *prima facie* evidence that notice was given
45 as prescribed by this section. Notice to members of meetings of the board

1 of directors is not required if emergency circumstances require action by
2 the board before notice can be given. Any notice of a board meeting shall
3 state the date, time and place of the meeting. The failure of any member
4 to receive actual notice of a meeting of the board of directors or a
5 meeting agenda does not affect the validity of any action taken at that
6 meeting.

7 E. Notwithstanding any provision in the declaration, bylaws or
8 other community documents, for meetings of the board of directors that are
9 held after the termination of declarant control of the association, all of
10 the following apply:

11 1. The agenda shall be available in advance for all members
12 attending.

13 2. An emergency meeting of the board of directors may be called to
14 discuss business or take action that cannot be delayed for the forty-eight
15 hours required for notice. At any emergency meeting called by the board
16 of directors, the board of directors may act only on emergency matters.
17 The minutes of the emergency meeting shall state the reason necessitating
18 the emergency meeting. The minutes of the emergency meeting shall be read
19 and approved at the next regularly scheduled meeting of the board of
20 directors.

21 3. A quorum of the board of directors may meet by means of a
22 telephone conference if a speakerphone is available in the meeting room
23 that allows board members and association members to hear all parties who
24 are speaking during the meeting.

25 4. Any quorum of the board of directors that meets informally to
26 discuss association business, including workshops, shall comply with the
27 open meeting and notice provisions of this section without regard to
28 whether the board votes or takes any action on any matter at that informal
29 meeting.

30 F. It is the policy of this state as reflected in this section that
31 all meetings of a planned community, whether meetings of the members'
32 association or meetings of the board of directors of the association, be
33 conducted openly and that notices and agendas be provided in advance for
34 those meetings that contain the information that is reasonably necessary
35 to inform the members of the matters to be discussed or decided and to
36 ensure that members have the ability to speak after discussion of agenda
37 items, but before a vote of the board of directors or members is taken.
38 Toward this end, any person or entity that is charged with the
39 interpretation of these provisions, including members of the board of
40 directors and any community manager, shall take into account this
41 declaration of policy and shall construe any provision of this section in
42 favor of open meetings.