

REFERENCE TITLE: **homeowners' associations; meetings; quorum**

State of Arizona  
Senate  
Fifty-seventh Legislature  
Second Regular Session  
2026

# **SB 1722**

Introduced by  
Senator Mesnard

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:

4       33-1248. Open meetings; exceptions; notice; agenda; policy  
5       statement

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 matters.  
18 The minutes of the emergency meeting shall state the reason necessitating  
19 the emergency meeting. The minutes of the emergency meeting shall be read  
20 and approved at the next regularly scheduled meeting of the board of  
21 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~~ IF the board votes or takes any action on any matter at that  
30 ~~informal~~ meeting.

31 F. THE PROVISIONS OF THIS SECTION REGARDING OPEN MEETINGS AND  
32 NOTICES DO NOT APPLY TO CASUAL DISCUSSION OF ASSOCIATION ISSUES IN  
33 INFORMAL GATHERINGS, EVEN IF A QUORUM OF THE BOARD OF DIRECTORS  
34 PARTICIPATES, IF THE DIRECTORS ARE ACTING IN THEIR INDIVIDUAL CAPACITY AS  
35 MEMBERS OF THE ASSOCIATION AND NOT IN THEIR CAPACITY AS DIRECTORS.

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

1 directors and any community manager, shall take into account this  
2 declaration of policy and shall construe any provision of this section in  
3 favor of open meetings.

4 ~~G.~~ H. This section does not apply to timeshare plans or  
5 associations that are subject to chapter 20 of this title.

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

8 **33-1804. Open meetings; exceptions; notice; agenda; policy  
9 statement**

10 A. Notwithstanding any provision in the declaration, bylaws or  
11 other documents to the contrary, all meetings of the members' association  
12 and the board of directors, and any regularly scheduled committee  
13 meetings, are open to all members of the association or any person  
14 designated by a member in writing as the member's representative and all  
15 members or designated representatives so desiring shall be allowed to  
16 attend and speak at an appropriate time during the deliberations and  
17 proceedings. The board may place reasonable time restrictions on those  
18 persons speaking during the meeting but shall allow a member or member's  
19 designated representative to speak once after the board has discussed a  
20 specific agenda item but before the board takes formal action on that item  
21 in addition to any other opportunities to speak. The board shall provide  
22 for a reasonable number of persons to speak on each side of an issue.  
23 Persons attending may audiotape or videotape those portions of the  
24 meetings of the board of directors and meetings of the members that are  
25 open. The board of directors of the association shall not require advance  
26 notice of the audiotaping or videotaping and may adopt reasonable rules  
27 governing the audiotaping and videotaping of open portions of the meetings  
28 of the board and the membership, but such rules shall not preclude such  
29 audiotaping or videotaping by those attending, unless the board audiotapes  
30 or videotapes the meeting and makes the unedited audiotapes or videotapes  
31 available to members on request without restrictions on their use as  
32 evidence in any dispute resolution process. If a board records a meeting  
33 that is open to the members, the board shall keep a copy of the recording  
34 for at least six months and make the unedited recording available to any  
35 member on request in compliance with section 33-1805, subsection A. Any  
36 portion of a meeting may be closed only if that closed portion of the  
37 meeting is limited to consideration of one or more of the following:

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

1           2. Pending or contemplated litigation.

2           3. Personal, health or financial information about an individual  
3 member of the association, an individual employee of the association or an  
4 individual employee of a contractor for the association, including records  
5 of the association directly related to the personal, health or financial  
6 information about an individual member of the association, an individual  
7 employee of the association or an individual employee of a contractor for  
8 the association.

9           4. Matters relating to the job performance of, compensation of,  
10 health records of or specific complaints against an individual employee of  
11 the association or an individual employee of a contractor of the  
12 association who works under the direction of the association.

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

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

38           C. Before entering into any closed portion of a meeting of the  
39 board of directors, or on notice of a meeting under subsection D of this  
40 section that will be closed, the board shall identify the paragraph under  
41 subsection A of this section that authorizes the board to close the  
42 meeting.

1       D. Notwithstanding any provision in the declaration, bylaws or  
2 other community documents, for meetings of the board of directors that are  
3 held after the termination of declarant control of the association, notice  
4 to members of meetings of the board of directors and meeting agendas shall  
5 be given at least forty-eight hours in advance of the meeting by  
6 newsletter, conspicuous posting or any other reasonable means as  
7 determined by the board of directors. An affidavit of notice by an  
8 officer of the corporation is *prima facie* evidence that notice was given  
9 as prescribed by this section. Notice to members of meetings of the board  
10 of directors is not required if emergency circumstances require action by  
11 the board before notice can be given. Any notice of a board meeting shall  
12 state the date, time and place of the meeting. The failure of any member  
13 to receive actual notice of a meeting of the board of directors or a  
14 meeting agenda does not affect the validity of any action taken at that  
15 meeting.

16     E. Notwithstanding any provision in the declaration, bylaws or  
17 other community documents, for meetings of the board of directors that are  
18 held after the termination of declarant control of the association, all of  
19 the following apply:

20       1. The agenda shall be available in advance for all members  
21 attending.

22       2. An emergency meeting of the board of directors may be called to  
23 discuss business or take action that cannot be delayed for the forty-eight  
24 hours required for notice. At any emergency meeting called by the board  
25 of directors, the board of directors may act only on emergency matters.  
26 The minutes of the emergency meeting shall state the reason necessitating  
27 the emergency meeting. The minutes of the emergency meeting shall be read  
28 and approved at the next regularly scheduled meeting of the board of  
29 directors.

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

34       4. Any quorum of the board of directors that meets ~~informally~~ to  
35 discuss association business, including workshops, shall comply with the  
36 open meeting and notice provisions of this section ~~without regard to~~  
37 ~~whether~~ IF the board votes or takes any action on any matter at that  
38 ~~informal~~ meeting.

39       F. THE PROVISIONS OF THIS SECTION REGARDING OPEN MEETINGS AND  
40 NOTICES DO NOT APPLY TO CASUAL DISCUSSION OF ASSOCIATION ISSUES IN  
41 INFORMAL GATHERINGS, EVEN IF A QUORUM OF THE BOARD OF DIRECTORS  
42 PARTICIPATES, IF THE DIRECTORS ARE ACTING IN THEIR INDIVIDUAL CAPACITIES  
43 AS MEMBERS OF THE ASSOCIATION AND NOT IN THEIR CAPACITY AS DIRECTORS.

1        ~~F.~~ **G.** It is the policy of this state as reflected in this section  
2 that all meetings of a planned community, whether meetings of the members'  
3 association or meetings of the board of directors of the association, be  
4 conducted openly and that notices and agendas be provided in advance for  
5 those meetings that contain the information that is reasonably necessary  
6 to inform the members of the matters to be discussed or decided and to  
7 ensure that members have the ability to speak after discussion of agenda  
8 items, but before a vote of the board of directors or members is taken.  
9 Toward this end, any person or entity that is charged with the  
10 interpretation of these provisions, including members of the board of  
11 directors and any community manager, shall take into account this  
12 declaration of policy and shall construe any provision of this section in  
13 favor of open meetings.