

REFERENCE TITLE: *homeowners' associations; allied countries' flags*

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

# **SB 1808**

Introduced by  
Senator Gowan

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 uniformed services of the United States by a unit owner on that unit  
12 owner'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       9. **A FLAG FROM A NATION THAT IS ALLIED WITH THE UNITED STATES.**

27      B. The association shall adopt reasonable rules and regulations  
28 regarding the placement and manner of display of the flags prescribed by  
29 subsection A of this section. The association rules may regulate the  
30 location and size of flagpoles but shall not prohibit installing a  
31 flagpole.

32      C. Notwithstanding any provision in the condominium documents, an  
33 association shall not prohibit or charge a fee for the use of, the  
34 placement of or the indoor or outdoor display of a for sale, for rent or  
35 for lease sign and a sign rider by a unit owner on that owner's property  
36 in any combination, including a sign that indicates the unit owner is  
37 offering the property for sale by owner. The size of a sign offering a  
38 property for sale, for rent or for lease shall be in conformance with the  
39 industry standard size sign, which shall not exceed eighteen by  
40 twenty-four inches, and the industry standard size sign rider, which shall  
41 not exceed six by twenty-four inches. This subsection applies only to a  
42 commercially produced sign and an association may prohibit using signs  
43 that are not commercially produced. With respect to real estate for sale,  
44 for rent or for lease in the condominium, an association shall not

1 prohibit in any way other than as is specifically authorized by this  
2 section or otherwise regulate any of the following:

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

8       2. Open house hours. The association may not limit the hours for  
9 an open house for real estate that is for sale in the condominium, except  
10 that the association may prohibit an open house being held before  
11 8:00 a.m. or after 6:00 p.m. and may prohibit open house signs on the  
12 common elements of the condominium.

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

22       D. Notwithstanding any provision in the condominium documents, an  
23 association shall not prohibit door-to-door political activity, including  
24 solicitations of support or opposition regarding candidates or ballot  
25 issues, and shall not prohibit circulating political petitions, including  
26 candidate nomination petitions or petitions in support of or opposition to  
27 an initiative, referendum or recall or other political issue on property  
28 normally open to visitors within the association, except that an  
29 association may do the following:

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

32       2. Require the prominent display of an identification tag for each  
33 person engaged in the activity, along with the prominent identification of  
34 the candidate or ballot issue that is the subject of the support or  
35 opposition.

36       3. Prohibit a person who is not accompanied by a unit owner or  
37 resident of the condominium from entering the condominium premises if the  
38 condominium restricts vehicular or pedestrian access.

39       E. Notwithstanding any provision in the condominium documents, an  
40 association shall not prohibit the indoor or outdoor display of a  
41 political sign by a unit owner by placement of a sign on that unit owner's  
42 property, including any limited common elements for that unit that are  
43 doors, walls or patios or other limited common elements that touch the  
44 unit, other than the roof. An association may prohibit the display of  
45 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       F. An association may regulate the size and number of political  
8 signs that may be placed in the common element ground, on a unit owner's  
9 property or on a limited common element for that unit if the association's  
10 regulation is not more restrictive than any applicable city, town or  
11 county ordinance that regulates the size and number of political signs on  
12 residential property. If the city, town or county in which the property  
13 is located does not regulate the size and number of political signs on  
14 residential property, the association shall not limit the number of  
15 political signs, except that the maximum aggregate total dimensions of all  
16 political signs on a unit owner's property shall not exceed nine square  
17 feet. An association shall not make any regulations regarding the number  
18 of candidates supported, the number of public officers supported or  
19 opposed in a recall or the number of propositions supported or opposed on  
20 a political sign.

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

24       H. Notwithstanding any provision in the condominium documents, an  
25 association may not prohibit or unreasonably restrict the indoor or  
26 outdoor display of an association-specific political sign by a unit owner  
27 by placement of a sign on that unit owner's property, including any  
28 limited common elements for that unit that are doors, walls or patios or  
29 other limited common elements that touch the unit, other than the  
30 roof. An association may adopt reasonable rules regarding the placement,  
31 location and manner of display of association-specific political signs,  
32 except an association shall not do any of the following:

33       1. Prohibit the display of association-specific political signs  
34 between the date that the association provides written or absentee ballots  
35 to unit owners and three days after the condominium election.

36       2. Limit the number of association-specific political signs, except  
37 that the association may limit the aggregate total dimensions of all  
38 association-specific political signs on a unit owner's property to not  
39 more than nine square feet.

40       3. Require association-specific political signs to be commercially  
41 produced or professionally manufactured or prohibit using both sides of  
42 the sign.

43       4. Regulate the number of candidates supported or opposed, the  
44 number of board members supported or opposed in a recall or the number of

1 ballot measures supported or opposed on an association-specific political  
2 sign.

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

8 I. Notwithstanding any provision in the condominium documents, an  
9 association may not prohibit or unreasonably restrict a unit owner's  
10 ability to peacefully assemble and use common elements of the condominium  
11 if done in compliance with reasonable restrictions for the use of that  
12 property adopted by the board of directors. An individual unit owner or  
13 group of unit owners may assemble to discuss matters related to the  
14 condominium, including board of director elections or recalls, potential  
15 or actual ballot issues or revisions to the condominium documents,  
16 property maintenance or safety issues or any other condominium matters. A  
17 unit owner may invite one political candidate or one non-unit owner guest  
18 to speak to an assembly of unit owners about matters related to the  
19 condominium. The association shall not prohibit a unit owner from posting  
20 notices regarding those assemblies of unit owners on bulletin boards  
21 located on the common elements or within common element facilities. An  
22 assembly of unit owners prescribed by this subsection does not constitute  
23 an official unit owners' meeting unless the meeting is noticed and  
24 convened as prescribed in the condominium documents and this chapter.

25 J. An association or managing agent that violates subsection C of  
26 this section forfeits and extinguishes the lien rights authorized under  
27 section 33-1256 against that unit for a period of six consecutive months  
28 after the date of the violation.

29 K. This section does not apply to timeshare plans or associations  
30 that are subject to chapter 20 of this title.

31 L. An association or managing agent that violates subsection C of  
32 this section forfeits and extinguishes the lien rights authorized under  
33 section 33-1256 against that unit for a period of six consecutive months  
34 after the date of the violation.

35 M. For the purposes of this section:

36 1. "Association-specific political sign" means a sign that supports  
37 or opposes a candidate for the board of directors, the recall of a board  
38 member or a condominium ballot measure that requires a vote of the  
39 association unit owners.

40 2. "Betsy Ross flag" means a historic flag of the United States  
41 that consists of thirteen stripes alternating between red and white  
42 stripes and thirteen five-pointed white stars arranged in a circle against  
43 a blue background.

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

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

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

13           4. "Political sign" means a sign or flag that attempts to influence  
14 the outcome of an election, including supporting or opposing the recall of  
15 a public officer or supporting or opposing the circulation of a petition  
16 for a ballot measure, question or proposition or the recall of a public  
17 officer.

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

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

23           A. Notwithstanding any provision in the community documents, an  
24 association shall not prohibit the outdoor front yard or backyard display  
25 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 by an association member on that member's property if the American flag or 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).

## 31 2. The POW/MIA flag.

### 32 3. The Arizona state flag.

33 4. An Arizona Indian nations flag.

## 5. The Gadsden flag.

35           6. A first responder flag. A first responder flag may incorporate  
36 the design of one or two other first responder flags to form a combined  
37 flag.

38 7. A blue star service flag or a gold star service flag.

39       8. Any historic version of the American flag, including the Betsy  
40 Ross flag, without regard to how the stars and stripes are arranged on the  
41 flag.

9. A FLAG FROM A NATION THAT IS ALIED WITH THE UNITED STATES.

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

- 1       1. May regulate the location and size of flagpoles.
- 2       2. May limit the member to two wall-mounted flagpole holders.
- 3       3. May limit the member to displaying not more than two flags at  
4 once.
- 5       4. May limit the height of the flagpole to not more than the height  
6 of the rooftop of the member's home.
- 7       5. Shall not prohibit installing a flagpole in the front yard or  
8 backyard of the member's property.
- 9       C. Notwithstanding any provision in the community documents, an  
10 association shall not prohibit the indoor or outdoor display of a  
11 political sign by an association member on that member's property, except  
12 that an association may prohibit the display of political signs as  
13 follows:
  - 14       1. Earlier than seventy-one days before the day of a primary  
15 election.
  - 16       2. Later than fifteen days after the day of the general election.
  - 17       3. For a sign for a candidate in a primary election who does not  
18 advance to the general election, later than fifteen days after the primary  
19 election.
- 20       D. An association may regulate the size and number of political  
21 signs that may be placed on a member's property if the association's  
22 regulation is not more restrictive than any applicable city, town or  
23 county ordinance that regulates the size and number of political signs on  
24 residential property. If the city, town or county in which the property  
25 is located does not regulate the size and number of political signs on  
26 residential property, the association shall not limit the number of  
27 political signs, except that the maximum aggregate total dimensions of all  
28 political signs on a member's property shall not exceed nine square feet.
- 29       E. Notwithstanding any provision in the community documents, an  
30 association shall not prohibit using cautionary signs regarding children  
31 if the signs are used and displayed as follows:
  - 32       1. The signs are displayed in residential areas only.
  - 33       2. The signs are removed within one hour of children ceasing to  
34 play.
  - 35       3. The signs are displayed only when children are actually present  
36 within fifty feet of the sign.
  - 37       4. The temporary signs are not taller than three feet in height.
  - 38       5. The signs are professionally manufactured or produced.
- 39       F. Notwithstanding any provision in the community documents, an  
40 association shall not prohibit children who reside in the planned  
41 community from engaging in recreational activity on residential roadways  
42 that are under the jurisdiction of the association and on which the posted  
43 speed limit is twenty-five miles per hour or less.
- 44       G. Notwithstanding any provision in the community documents, an  
45 association shall not prohibit or charge a fee for the use of, the

1 placement of or the indoor or outdoor display of a for sale, for rent or  
2 for lease sign and a sign rider by an association member on that member's  
3 property in any combination, including a sign that indicates the member is  
4 offering the property for sale by owner. The size of a sign offering a  
5 property for sale, for rent or for lease shall be in conformance with the  
6 industry standard size sign, which shall not exceed eighteen by  
7 twenty-four inches, and the industry standard size sign rider, which shall  
8 not exceed six by twenty-four inches. This subsection applies only to a  
9 commercially produced sign, and an association may prohibit using signs  
10 that are not commercially produced. With respect to real estate for sale,  
11 for rent or for lease in the planned community, an association shall not  
12 prohibit in any way other than as is specifically authorized by this  
13 section or otherwise regulate any of the following:

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

19 2. Open house hours. The association may not limit the hours for  
20 an open house for real estate that is for sale in the planned community,  
21 except that the association may prohibit an open house being held before  
22 8:00 a.m. or after 6:00 p.m. and may prohibit open house signs on the  
23 common areas of the planned community.

24 3. An owner's or an owner's agent's for rent or for lease sign  
25 unless an association's documents prohibit or restrict leasing of a  
26 member's property. An association shall not further regulate a for rent  
27 or for lease sign or require the use of a particular for rent or for lease  
28 sign other than the for rent or for lease sign shall not be any larger  
29 than the industry standard size sign of eighteen by twenty-four inches on  
30 or in the member's property. If rental or leasing of a member's property  
31 is not prohibited or restricted, the association may prohibit an open  
32 house for rental or leasing being held before 8:00 a.m. or after 6:00 p.m.

33 H. Notwithstanding any provision in the community documents, an  
34 association shall not prohibit door-to-door political activity, including  
35 solicitations of support or opposition regarding candidates or ballot  
36 issues, and shall not prohibit circulating political petitions, including  
37 candidate nomination petitions or petitions in support of or opposition to  
38 an initiative, referendum or recall or other political issue on property  
39 normally open to visitors within the association, except that an  
40 association may do the following:

41 1. Restrict or prohibit the door-to-door political activity from  
42 sunset to sunrise.

43 2. Require the prominent display of an identification tag for each  
44 person engaged in the activity, along with the prominent identification of

1 the candidate or ballot issue that is the subject of the support or  
2 opposition.

3 3. Prohibit a person who is not accompanied by a member or resident  
4 of the planned community from entering the planned community if the  
5 planned community restricts vehicular or pedestrian access.

6 I. A planned community shall not make any regulations regarding the  
7 number of candidates supported, the number of public officers supported or  
8 opposed in a recall or the number of propositions supported or opposed on  
9 a political sign.

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

13 K. Notwithstanding any provision in the community documents, an  
14 association may not prohibit or unreasonably restrict the indoor or  
15 outdoor display of an association-specific political sign by a member by  
16 placement of a sign on that member's property. An association may adopt  
17 reasonable rules regarding the placement, location and manner of display  
18 of association-specific political signs, except an association shall not  
19 do any of the following:

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

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

27 3. Require association-specific political signs to be commercially  
28 produced or professionally manufactured or prohibit using both sides of  
29 the sign.

30 4. Regulate the number of candidates supported or opposed, the  
31 number of board members supported or opposed in a recall or the number of  
32 ballot measures supported or opposed on an association-specific political  
33 sign.

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

39 L. Notwithstanding any provision in the community documents, an  
40 association may not prohibit or unreasonably restrict a member's ability  
41 to peacefully assemble and use common areas of the planned community if  
42 done in compliance with reasonable restrictions for the use of that  
43 property adopted by the board of directors. An individual member or group  
44 of members may assemble to discuss matters related to the planned  
45 community, including board elections or recalls, potential or actual

1 ballot issues or revisions to the community documents, property  
2 maintenance or safety issues or any other planned community matters. A  
3 member may invite one political candidate or one non-member guest to speak  
4 to an assembly of members about matters related to the community. The  
5 association shall not prohibit a member from posting notices regarding  
6 those assemblies of members on bulletin boards located on the common areas  
7 or within common area facilities. An assembly of members prescribed by  
8 this subsection does not constitute an official members' meeting unless  
9 the meeting is noticed and convened as prescribed in the community  
10 documents and this chapter.

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

15 N. For the purposes of this section:

16 1. "Association-specific political sign" means a sign that supports  
17 or opposes a candidate for the board of directors, the recall of a board  
18 member or a planned community ballot measure that requires a vote of the  
19 association members.

20 2. "Betsy Ross flag" means a historic flag of the United States  
21 that consists of thirteen stripes alternating between red and white  
22 stripes and thirteen five-pointed white stars arranged in a circle against  
23 a blue background.

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

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

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

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

38 4. "Political sign" means a sign or flag that attempts to influence  
39 the outcome of an election, including supporting or opposing the recall of  
40 a public officer or supporting or opposing the circulation of a petition  
41 for a ballot measure, question or proposition or the recall of a public  
42 officer.