

REFERENCE TITLE: *homeowners' associations; condominiums; actions; meetings*

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
Second Regular Session  
2026

# HB 2128

Introduced by  
Representatives Carter N: Gress

AN ACT

AMENDING SECTIONS 10-3821, 33-1248 AND 33-1804, ARIZONA REVISED STATUTES;  
RELATING TO PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 10-3821, Arizona Revised Statutes, is amended to  
3 read:

4       10-3821. Action without meeting; exception

5       A. Unless the articles of incorporation or bylaws provide  
6 otherwise, action required or ~~permitted~~ ALLOWED by chapters 24 through 40  
7 of this title to be taken at a directors' meeting may be taken without a  
8 meeting if the action is taken by all of the directors. The action must  
9 be evidenced by one or more written consents describing the action taken,  
10 signed by each director and included in the minutes filed with the  
11 corporate records reflecting the action taken.

12       B. Action taken under this section is effective when the last  
13 director signs the consent, unless the consent specifies a different  
14 effective date.

15       C. The consent signed under this section has the effect of a  
16 meeting vote and may be described as such in any document.

17       D. Any director may revoke a consent by delivering a signed  
18 revocation of the consent to the president or secretary before the date  
19 the last director signs the consent.

20       E. For the purposes of this section, a consent may be signed using  
21 an electronic signature as defined in section 44-7002.

22       F. THIS SECTION DOES NOT APPLY TO AN ENTITY THAT IS SUBJECT TO  
23 SECTION 33-1248 OR 33-1804.

24 Sec. 2. Section 33-1248, Arizona Revised Statutes, is amended to  
25 read:

26       33-1248. Open meetings; exceptions; notice; agenda; policy  
27                   statement

28       A. Notwithstanding any provision in the declaration, bylaws or  
29 other documents to the contrary, all meetings of the unit owners'  
30 association and the board of directors, and any regularly scheduled  
31 committee meetings, are open to all members of the association or any  
32 person designated by a member in writing as the member's representative  
33 and all members or designated representatives so desiring shall be allowed  
34 to attend and speak at an appropriate time during the deliberations and  
35 proceedings. The board may place reasonable time restrictions on those  
36 persons speaking during the meeting but shall allow a member or a member's  
37 designated representative to speak once after the board has discussed a  
38 specific agenda item but before the board takes formal action on that item  
39 in addition to any other opportunities to speak. The board shall provide  
40 for a reasonable number of persons to speak on each side of an issue.  
41 Persons attending may audiotape or videotape those portions of the  
42 meetings of the board of directors and meetings of the members that are  
43 open. The board of directors of the association shall not require advance  
44 notice of the audiotaping or videotaping and may adopt reasonable rules  
45 governing the audiotaping or videotaping of open portions of the meetings

1 of the board and the membership, but such rules shall not preclude such  
2 audiotaping or videotaping by those attending, unless the board audiotapes  
3 or videotapes the meeting and makes the unedited audiotapes or videotapes  
4 available to members on request without restrictions on their use as  
5 evidence in any dispute resolution process. If a board records a meeting  
6 that is open to the members, the board shall keep a copy of the recording  
7 for at least six months and make the unedited recording available to any  
8 member on request in compliance with section 33-1258, subsection A. Any  
9 portion of a meeting may be closed only if that portion of the meeting is  
10 limited to consideration of one or more of the following:

11 1. Legal advice from an attorney for the board or the association.  
12 On final resolution of any matter for which the board received legal  
13 advice or that concerned pending or contemplated litigation, the board may  
14 disclose information about that matter in an open meeting except for  
15 matters that are required to remain confidential by the terms of a  
16 settlement agreement or judgment.

17 2. Pending or contemplated litigation.

18 3. Personal, health or financial information about an individual  
19 member of the association, an individual employee of the association or an  
20 individual employee of a contractor for the association, including records  
21 of the association directly related to the personal, health or financial  
22 information about an individual member of the association, an individual  
23 employee of the association or an individual employee of a contractor for  
24 the association.

25 4. Matters relating to the job performance of, compensation of,  
26 health records of or specific complaints against an individual employee of  
27 the association or an individual employee of a contractor of the  
28 association who works under the direction of the association.

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

32 B. Notwithstanding any provision in the condominium documents, all  
33 meetings of the unit owners' association and the board shall be held in  
34 this state. A meeting of the unit owners' association shall be held at  
35 least once each year. Special meetings of the unit owners' association  
36 may be called by the president, by a majority of the board of directors or  
37 by unit owners having at least twenty-five percent, or any lower  
38 percentage specified in the bylaws, of the votes in the association. Not  
39 fewer than ten or more than fifty days in advance of any meeting of the  
40 unit owners, the secretary shall cause notice to be hand delivered or sent  
41 prepaid by United States mail to the mailing address of each unit or to  
42 any other mailing address designated in writing by the unit owner. The  
43 notice of any meeting of the unit owners shall state the date, time and  
44 place of the meeting. The notice of any annual, regular or special  
45 meeting of the unit owners shall also state the purpose for which the

1 meeting is called, including the general nature of any proposed amendment  
2 to the declaration or bylaws, any changes in assessments that require  
3 approval of the unit owners and any proposal to remove a director or  
4 officer. The secretary shall also provide an agenda for any meeting of  
5 the unit owners' association by hand delivery, mail, website posting,  
6 email or other electronic means or posting at a community center or other  
7 similar location. The failure of any unit owner to receive actual notice  
8 of a meeting of the unit owners or the meeting agenda does not affect the  
9 validity of any action taken at that meeting.

10 C. Before entering into any closed portion of a meeting of the  
11 board of directors, or on notice of a meeting under subsection D of this  
12 section that will be closed, the board shall identify the paragraph under  
13 subsection A of this section that authorizes the board to close the  
14 meeting.

15 D. Notwithstanding any provision in the declaration, bylaws or  
16 other condominium documents, for meetings of the board of directors that  
17 are held after the termination of declarant control of the association,  
18 notice to unit owners of meetings of the board of directors and meeting  
19 agendas shall be given at least forty-eight hours in advance of the  
20 meeting by newsletter, conspicuous posting or any other reasonable means  
21 as determined by the board of directors. An affidavit of notice by an  
22 officer of the association is *prima facie* evidence that notice was given  
23 as prescribed by this section. Notice to unit owners of meetings of the  
24 board of directors is not required if emergency circumstances require  
25 action by the board before notice can be given. Any notice of a board  
26 meeting shall state the date, time and place of the meeting. The failure  
27 of any unit owner to receive actual notice of a meeting of the board of  
28 directors or a meeting agenda does not affect the validity of any action  
29 taken at that meeting.

30 E. Notwithstanding any provision in the declaration, bylaws or  
31 other condominium documents, for meetings of the board of directors that  
32 are held after the termination of declarant control of the association,  
33 all of the following apply:

34 1. The agenda shall be available in advance for all unit owners  
35 attending.

36 2. An emergency meeting of the board of directors may be called to  
37 discuss business or take action that cannot be delayed for the forty-eight  
38 hours required for notice. At any emergency meeting called by the board  
39 of directors, the board of directors may act only on emergency matters.  
40 The minutes of the emergency meeting shall state the reason necessitating  
41 the emergency meeting. The minutes of the emergency meeting shall be read  
42 and approved at the next regularly scheduled meeting of the board of  
43 directors.

44 3. A quorum of the board of directors may meet by means of a  
45 telephone conference if a speakerphone is available in the meeting room

1 that allows board members and unit owners to hear all parties who are  
2 speaking during the meeting.

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

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

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

23       H. THE UNIT OWNERS' ASSOCIATION OR THE BOARD OF DIRECTORS THAT IS  
24 SUBJECT TO THIS SECTION IS NOT SUBJECT TO SECTION 10-3821.

25       Sec. 3. Section 33-1804, Arizona Revised Statutes, is amended to  
26 read:

27       33-1804. Open meetings: exceptions: notice: agenda: policy  
28                   statement

29       A. Notwithstanding any provision in the declaration, bylaws or  
30 other documents to the contrary, all meetings of the members' association  
31 and the board of directors, and any regularly scheduled committee  
32 meetings, are open to all members of the association or any person  
33 designated by a member in writing as the member's representative and all  
34 members or designated representatives so desiring shall be allowed to  
35 attend and speak at an appropriate time during the deliberations and  
36 proceedings. The board may place reasonable time restrictions on those  
37 persons speaking during the meeting but shall allow a member or member's  
38 designated representative to speak once after the board has discussed a  
39 specific agenda item but before the board takes formal action on that item  
40 in addition to any other opportunities to speak. The board shall provide  
41 for a reasonable number of persons to speak on each side of an issue.  
42 Persons attending may audiotape or videotape those portions of the  
43 meetings of the board of directors and meetings of the members that are  
44 open. The board of directors of the association shall not require advance  
45 notice of the audiotaping or videotaping and may adopt reasonable rules

1 governing the audiotaping and videotaping of open portions of the meetings  
2 of the board and the membership, but such rules shall not preclude such  
3 audiotaping or videotaping by those attending, unless the board audiotapes  
4 or videotapes the meeting and makes the unedited audiotapes or videotapes  
5 available to members on request without restrictions on their use as  
6 evidence in any dispute resolution process. If a board records a meeting  
7 that is open to the members, the board shall keep a copy of the recording  
8 for at least six months and make the unedited recording available to any  
9 member on request in compliance with section 33-1805, subsection A. Any  
10 portion of a meeting may be closed only if that closed portion of the  
11 meeting is limited to consideration of one or more of the following:

12 1. Legal advice from an attorney for the board or the association.  
13 On final resolution of any matter for which the board received legal  
14 advice or that concerned pending or contemplated litigation, the board may  
15 disclose information about that matter in an open meeting except for  
16 matters that are required to remain confidential by the terms of a  
17 settlement agreement or judgment.

18 2. Pending or contemplated litigation.

19 3. Personal, health or financial information about an individual  
20 member of the association, an individual employee of the association or an  
21 individual employee of a contractor for the association, including records  
22 of the association directly related to the personal, health or financial  
23 information about an individual member of the association, an individual  
24 employee of the association or an individual employee of a contractor for  
25 the association.

26 4. Matters relating to the job performance of, compensation of,  
27 health records of or specific complaints against an individual employee of  
28 the association or an individual employee of a contractor of the  
29 association who works under the direction of the association.

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

33 B. Notwithstanding any provision in the community documents, all  
34 meetings of the members' association and the board shall be held in this  
35 state. A meeting of the members' association shall be held at least once  
36 each year. Special meetings of the members' association may be called by  
37 the president, by a majority of the board of directors or by members  
38 having at least twenty-five percent, or any lower percentage specified in  
39 the bylaws, of the votes in the association. Not fewer than ten or more  
40 than fifty days in advance of any meeting of the members the secretary  
41 shall cause notice to be hand delivered or sent prepaid by United States  
42 mail to the mailing address for each lot, parcel or unit owner or to any  
43 other mailing address designated in writing by a member. The notice shall  
44 state the date, time and place of the meeting. A notice of any annual,  
45 regular or special meeting of the members shall also state the purpose for

1 which the meeting is called, including the general nature of any proposed  
2 amendment to the declaration or bylaws, changes in assessments that  
3 require approval of the members and any proposal to remove a director or  
4 an officer. The secretary shall also provide an agenda for any meeting of  
5 the members' association by hand delivery, mail, website posting, email or  
6 other electronic means or posting at a community center or other similar  
7 location. The failure of any member to receive actual notice of a meeting  
8 of the members or the meeting agenda does not affect the validity of any  
9 action taken at that meeting.

10 C. Before entering into any closed portion of a meeting of the  
11 board of directors, or on notice of a meeting under subsection D of this  
12 section that will be closed, the board shall identify the paragraph under  
13 subsection A of this section that authorizes the board to close the  
14 meeting.

15 D. Notwithstanding any provision in the declaration, bylaws or  
16 other community documents, for meetings of the board of directors that are  
17 held after the termination of declarant control of the association, notice  
18 to members of meetings of the board of directors and meeting agendas shall  
19 be given at least forty-eight hours in advance of the meeting by  
20 newsletter, conspicuous posting or any other reasonable means as  
21 determined by the board of directors. An affidavit of notice by an  
22 officer of the corporation is *prima facie* evidence that notice was given  
23 as prescribed by this section. Notice to members of meetings of the board  
24 of directors is not required if emergency circumstances require action by  
25 the board before notice can be given. Any notice of a board meeting shall  
26 state the date, time and place of the meeting. The failure of any member  
27 to receive actual notice of a meeting of the board of directors or a  
28 meeting agenda does not affect the validity of any action taken at that  
29 meeting.

30 E. Notwithstanding any provision in the declaration, bylaws or  
31 other community documents, for meetings of the board of directors that are  
32 held after the termination of declarant control of the association, all of  
33 the following apply:

34 1. The agenda shall be available in advance for all members  
35 attending.

36 2. An emergency meeting of the board of directors may be called to  
37 discuss business or take action that cannot be delayed for the forty-eight  
38 hours required for notice. At any emergency meeting called by the board  
39 of directors, the board of directors may act only on emergency matters.  
40 The minutes of the emergency meeting shall state the reason necessitating  
41 the emergency meeting. The minutes of the emergency meeting shall be read  
42 and approved at the next regularly scheduled meeting of the board of  
43 directors.

44 3. A quorum of the board of directors may meet by means of a  
45 telephone conference if a speakerphone is available in the meeting room

1 that allows board members and association members to hear all parties who  
2 are speaking during the meeting.

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

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

21       G. THE MEMBERS' ASSOCIATION OR THE BOARD OF DIRECTORS THAT IS  
22 SUBJECT TO THIS SECTION IS NOT SUBJECT TO SECTION 10-3821.