

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.