

Senate Engrossed

homeowners' associations; allied countries' flags

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

SENATE BILL 1808

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 AS A
27 MAJOR NON-NATO ALLY AND THAT WAS ESTABLISHED ON MAY 14, 1948.

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

33 C. Notwithstanding any provision in the condominium documents, an
34 association shall not prohibit or charge a fee for the use of, the
35 placement of or the indoor or outdoor display of a for sale, for rent or
36 for lease sign and a sign rider by a unit owner on that owner's property
37 in any combination, including a sign that indicates the unit owner is
38 offering the property for sale by owner. The size of a sign offering a
39 property for sale, for rent or for lease shall be in conformance with the
40 industry standard size sign, which shall not exceed eighteen by
41 twenty-four inches, and the industry standard size sign rider, which shall
42 not exceed six by twenty-four inches. This subsection applies only to a
43 commercially produced sign and an association may prohibit using signs
44 that are not commercially produced. With respect to real estate for sale,
45 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.

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

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

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

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

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

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

22 33-1808. Flag display; political signs; caution signs; for
23 sale, rent or lease signs; political and community
24 activities; definitions

25 A. Notwithstanding any provision in the community documents, an
26 association shall not prohibit the outdoor front yard or backyard display
27 of any of the following:

28 1. The American flag or an official or replica of a flag of the
29 uniformed services of the United States by an association member on that
30 member's property if the American flag or a uniformed services flag is
31 displayed in a manner consistent with the federal flag code (P.L. 94-344;
32 90 Stat. 810; 4 United States Code sections 4 through 10).

33 2. The POW/MIA flag.

34 3. The Arizona state flag.

35 4. An Arizona Indian nations flag.

36 5. The Gadsden flag.

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

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

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

44 9. A FLAG FROM A NATION THAT IS ALLIED WITH THE UNITED STATES AS A
45 MAJOR NON-NATO ALLY AND THAT WAS ESTABLISHED ON MAY 14, 1948.

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

- 4 1. May regulate the location and size of flagpoles.
- 5 2. May limit the member to two wall-mounted flagpole holders.
- 6 3. May limit the member to displaying not more than two flags at
7 once.
- 8 4. May limit the height of the flagpole to not more than the height
9 of the rooftop of the member's home.
- 10 5. Shall not prohibit installing a flagpole in the front yard or
11 backyard of the member's property.

12 C. Notwithstanding any provision in the community documents, an
13 association shall not prohibit the indoor or outdoor display of a
14 political sign by an association member on that member's property, except
15 that an association may prohibit the display of political signs as
16 follows:

- 17 1. Earlier than seventy-one days before the day of a primary
18 election.
- 19 2. Later than fifteen days after the day of the general election.
- 20 3. For a sign for a candidate in a primary election who does not
21 advance to the general election, later than fifteen days after the primary
22 election.

23 D. An association may regulate the size and number of political
24 signs that may be placed on a member's property if the association's
25 regulation is not more restrictive than any applicable city, town or
26 county ordinance that regulates the size and number of political signs on
27 residential property. If the city, town or county in which the property
28 is located does not regulate the size and number of political signs on
29 residential property, the association shall not limit the number of
30 political signs, except that the maximum aggregate total dimensions of all
31 political signs on a member's property shall not exceed nine square feet.

32 E. Notwithstanding any provision in the community documents, an
33 association shall not prohibit using cautionary signs regarding children
34 if the signs are used and displayed as follows:

- 35 1. The signs are displayed in residential areas only.
- 36 2. The signs are removed within one hour of children ceasing to
37 play.
- 38 3. The signs are displayed only when children are actually present
39 within fifty feet of the sign.
- 40 4. The temporary signs are not taller than three feet in height.
- 41 5. The signs are professionally manufactured or produced.

42 F. Notwithstanding any provision in the community documents, an
43 association shall not prohibit children who reside in the planned
44 community from engaging in recreational activity on residential roadways

1 that are under the jurisdiction of the association and on which the posted
2 speed limit is twenty-five miles per hour or less.

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

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

23 2. Open house hours. The association may not limit the hours for
24 an open house for real estate that is for sale in the planned community,
25 except that the association may prohibit an open house being held before
26 8:00 a.m. or after 6:00 p.m. and may prohibit open house signs on the
27 common areas of the planned community.

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

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

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

3 2. Require the prominent display of an identification tag for each
4 person engaged in the activity, along with the prominent identification of
5 the candidate or ballot issue that is the subject of the support or
6 opposition.

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

10 I. A planned community shall not make any regulations regarding the
11 number of candidates supported, the number of public officers supported or
12 opposed in a recall or the number of propositions supported or opposed on
13 a political sign.

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

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

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

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

31 3. Require association-specific political signs to be commercially
32 produced or professionally manufactured or prohibit using both sides of
33 the sign.

34 4. Regulate the number of candidates supported or opposed, the
35 number of board members supported or opposed in a recall or the number of
36 ballot measures supported or opposed on an association-specific political
37 sign.

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

1 L. Notwithstanding any provision in the community documents, an
2 association may not prohibit or unreasonably restrict a member's ability
3 to peacefully assemble and use common areas of the planned community if
4 done in compliance with reasonable restrictions for the use of that
5 property adopted by the board of directors. An individual member or group
6 of members may assemble to discuss matters related to the planned
7 community, including board elections or recalls, potential or actual
8 ballot issues or revisions to the community documents, property
9 maintenance or safety issues or any other planned community matters. A
10 member may invite one political candidate or one non-member guest to speak
11 to an assembly of members about matters related to the community. The
12 association shall not prohibit a member from posting notices regarding
13 those assemblies of members on bulletin boards located on the common areas
14 or within common area facilities. An assembly of members prescribed by
15 this subsection does not constitute an official members' meeting unless
16 the meeting is noticed and convened as prescribed in the community
17 documents and this chapter.

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

22 N. For the purposes of this section:

23 1. "Association-specific political sign" means a sign that supports
24 or opposes a candidate for the board of directors, the recall of a board
25 member or a planned community ballot measure that requires a vote of the
26 association members.

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

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

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

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

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

1 4. "Political sign" means a sign or flag that attempts to influence
2 the outcome of an election, including supporting or opposing the recall of
3 a public officer or supporting or opposing the circulation of a petition
4 for a ballot measure, question or proposition or the recall of a public
5 officer.