

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

# HOUSE BILL 2345

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 signs; political petitions;  
5 applicability

6 A. Notwithstanding any provision in the condominium documents, an  
7 association shall not prohibit the outdoor display of any of the following:

8 1. The American flag or an official or replica of a flag of the United  
9 States army, navy, air force, marine corps or coast guard by a unit owner on  
10 that unit owner's property if the American flag or military flag is displayed  
11 in a manner consistent with the federal flag code (P.L. 94-344; 90 Stat. 810;  
12 4 United States Code sections 4 through 10).

13 2. The POW/MIA flag.

14 3. The Arizona state flag.

15 4. An Arizona Indian nations flag.

16 B. The association shall adopt reasonable rules and regulations  
17 regarding the placement and manner of display of the American flag, the  
18 military flag, the POW/MIA flag, the Arizona state flag or an Arizona Indian  
19 nations flag. The association rules may regulate the location and size of  
20 flagpoles but shall not prohibit the installation of a flagpole.

21 C. Notwithstanding any provision in the condominium documents, an  
22 association shall not prohibit the indoor or outdoor display of a for sale  
23 sign and a sign rider by a unit owner on that owner's property, including a  
24 sign that indicates the unit owner is offering the property for sale by  
25 owner. The size of a sign offering a property for sale shall be in  
26 conformance with the industry standard size sign, which shall not exceed  
27 eighteen by twenty-four inches, and the industry standard size sign rider,  
28 which shall not exceed six by twenty-four inches. WITH RESPECT TO REAL  
29 ESTATE FOR SALE OR LEASE IN THE CONDOMINIUM, AN ASSOCIATION SHALL NOT  
30 PROHIBIT OR OTHERWISE REGULATE ANY OF THE FOLLOWING:

31 1. TEMPORARY OPEN HOUSE SIGNS OR A UNIT OWNER'S FOR SALE SIGN. THE  
32 ASSOCIATION SHALL NOT REQUIRE THE USE OF PARTICULAR SIGNS INDICATING AN OPEN  
33 HOUSE OR REAL PROPERTY FOR SALE AND MAY NOT FURTHER REGULATE THE USE OF  
34 TEMPORARY OPEN HOUSE OR FOR SALE SIGNS THAT ARE INDUSTRY STANDARD SIZE AND  
35 THAT ARE OWNED OR USED BY THE SELLER OR THE SELLER'S AGENT.

36 2. OPEN HOUSE HOURS. THE ASSOCIATION MAY NOT LIMIT THE HOURS FOR AN  
37 OPEN HOUSE FOR REAL ESTATE THAT IS FOR SALE IN THE CONDOMINIUM, EXCEPT THAT  
38 THE ASSOCIATION MAY PROHIBIT AN OPEN HOUSE BEING HELD BEFORE 8:00 A.M. OR  
39 AFTER 6:00 P.M.

40 3. AN OWNER'S OR AN OWNER'S AGENT'S FOR LEASE SIGN UNLESS AN  
41 ASSOCIATION'S DOCUMENTS PROHIBIT OR RESTRICT LEASING OF A UNIT OR UNITS. AN  
42 ASSOCIATION SHALL NOT FURTHER REGULATE A FOR LEASE SIGN OR REQUIRE THE USE OF  
43 A PARTICULAR FOR LEASE SIGN OTHER THAN THE FOR LEASE SIGN SHALL NOT BE ANY  
44 LARGER THAN THE INDUSTRY STANDARD SIZE SIGN OF EIGHTEEN BY TWENTY FOUR INCHES

1 AND ON OR IN THE UNIT OWNER'S PROPERTY. IF LEASING OF A UNIT IS ALLOWED, THE  
2 ASSOCIATION MAY PROHIBIT OPEN HOUSE LEASING BEING HELD BEFORE 8:00 A.M. OR  
3 AFTER 6:00 P.M.

4 D. Notwithstanding any provision in the condominium documents, an  
5 association shall not prohibit but may reasonably regulate the circulation of  
6 political petitions, including candidate nomination petitions or petitions in  
7 support of or opposition to an initiative, referendum or recall or other  
8 political issue on property dedicated to the public within the association.  
9 A condominium is not required to comply with this ~~section~~ SUBSECTION if the  
10 condominium restricts vehicular or pedestrian access to the condominium.  
11 Nothing in this ~~section~~ SUBSECTION requires a condominium to make its common  
12 elements available for the circulation of political petitions to anyone who  
13 is not an owner or resident of the community.

14 E. This section does not apply to timeshare plans or associations that  
15 are subject to chapter 20 of this title.

16 Sec. 2. Section 33-1808, Arizona Revised Statutes, is amended to read:  
17 33-1808. Flag display; political signs; caution signs; for sale  
18 signs; political petitions

19 A. Notwithstanding any provision in the community documents, an  
20 association shall not prohibit the outdoor display of any of the following:

21 1. The American flag or an official or replica of a flag of the United  
22 States army, navy, air force, marine corps or coast guard by an association  
23 member on that member's property if the American flag or military flag is  
24 displayed in a manner consistent with the federal flag code (P.L. 94-344; 90  
25 Stat. 810; 4 United States Code sections 4 through 10).

26 2. The POW/MIA flag.

27 3. The Arizona state flag.

28 4. An Arizona Indian nations flag.

29 B. The association shall adopt reasonable rules and regulations  
30 regarding the placement and manner of display of the American flag, the  
31 military flag, the POW/MIA flag, the Arizona state flag or an Arizona Indian  
32 nations flag. The association rules may regulate the location and size of  
33 flagpoles but shall not prohibit the installation of a flagpole.

34 C. Notwithstanding any provision in the community documents, an  
35 association shall not prohibit the indoor or outdoor display of a political  
36 sign by an association member on that member's property, except that an  
37 association may prohibit the display of political signs earlier than  
38 forty-five days before the day of an election and later than seven days after  
39 an election day. An association may regulate the size and number of  
40 political signs that may be placed on a member's property if the  
41 association's regulation is no more restrictive than any applicable city,  
42 town or county ordinance that regulates the size and number of political  
43 signs on residential property. If the city, town or county in which the  
44 property is located does not regulate the size and number of political signs

1 on residential property, the association shall permit at least one political  
2 sign with the maximum dimensions of twenty-four inches by twenty-four inches  
3 on a member's property. For the purposes of this subsection, "political  
4 sign" means a sign that attempts to influence the outcome of an election,  
5 including supporting or opposing the recall of a public officer or supporting  
6 or opposing the circulation of a petition for a ballot measure, question or  
7 proposition or the recall of a public officer.

8 D. Notwithstanding any provision in the community documents, an  
9 association shall not prohibit the use of cautionary signs regarding children  
10 if the signs are used and displayed as follows:

- 11 1. The signs are displayed in residential areas only.
- 12 2. The signs are removed within one hour of children ceasing to play.
- 13 3. The signs are displayed only when children are actually present  
14 within fifty feet of the sign.
- 15 4. The temporary signs are no taller than three feet in height.
- 16 5. The signs are professionally manufactured or produced.

17 E. Notwithstanding any provision in the community documents, an  
18 association shall not prohibit children who reside in the planned community  
19 from engaging in recreational activity on residential roadways that are under  
20 the jurisdiction of the association and on which the posted speed limit is  
21 twenty-five miles per hour or less.

22 F. Notwithstanding any provision in the community documents, an  
23 association shall not prohibit the indoor or outdoor display of a for sale  
24 sign and a sign rider by an association member on that member's property,  
25 including a sign that indicates the member is offering the property for sale  
26 by owner. The size of a sign offering a property for sale shall be in  
27 conformance with the industry standard size sign, which shall not exceed  
28 eighteen by twenty-four inches, and the industry standard size sign rider,  
29 which shall not exceed six by twenty-four inches. WITH RESPECT TO REAL  
30 ESTATE FOR SALE OR LEASE IN THE PLANNED COMMUNITY, AN ASSOCIATION SHALL NOT  
31 PROHIBIT OR OTHERWISE REGULATE ANY OF THE FOLLOWING:

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34 HOUSE OR REAL PROPERTY FOR SALE AND MAY NOT FURTHER REGULATE THE USE OF  
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37 2. OPEN HOUSE HOURS. THE ASSOCIATION MAY NOT LIMIT THE HOURS FOR AN  
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39 THAT THE ASSOCIATION MAY PROHIBIT AN OPEN HOUSE BEING HELD BEFORE 8:00 A.M.  
40 OR AFTER 6:00 P.M.

41 3. AN OWNER'S OR AN OWNER'S AGENT'S FOR LEASE SIGN UNLESS AN  
42 ASSOCIATION'S DOCUMENTS PROHIBIT OR RESTRICT LEASING OF A MEMBER'S PROPERTY.  
43 AN ASSOCIATION SHALL NOT FURTHER REGULATE A FOR LEASE SIGN OR REQUIRE THE USE  
44 OF A PARTICULAR FOR LEASE SIGN OTHER THAN THE FOR LEASE SIGN SHALL NOT BE ANY

1 LARGER THAN THE INDUSTRY STANDARD SIZE SIGN OF EIGHTEEN BY TWENTY FOUR INCHES  
2 ON OR IN THE MEMBER'S PROPERTY. IF LEASING OF A MEMBER'S PROPERTY IS NOT  
3 PROHIBITED OR RESTRICTED, THE ASSOCIATION MAY PROHIBIT OPEN HOUSE LEASING  
4 BEING HELD BEFORE 8:00 A.M. OR AFTER 6:00 P.M.

5 G. Notwithstanding any provision in the community documents, an  
6 association shall not prohibit but may reasonably regulate the circulation of  
7 political petitions, including candidate nomination petitions or petitions in  
8 support of or opposition to an initiative, referendum or recall or other  
9 political issue on property dedicated to the public within the association.  
10 A planned community is not required to comply with this ~~section~~ SUBSECTION if  
11 the planned community restricts vehicular or pedestrian access to the planned  
12 community. Nothing in this ~~section~~ SUBSECTION requires a planned community  
13 to make its common elements available for the circulation of political  
14 petitions to anyone who is not an owner or resident of the community.