House Engrossed

**FILED**
**KEN BENNETT**
**SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 242

# HOUSE BILL 2471

AN ACT

AMENDING SECTION 33-1261, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 152, SECTION 1, CHAPTER 154, SECTION 2, CHAPTER 156, SECTION 2 AND CHAPTER 292, SECTION 1; REPEALING SECTION 33-1261, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 65, SECTION 3, CHAPTER 152, SECTION 1 AND CHAPTER 154, SECTION 2; AMENDING SECTION 33-1808, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 152, SECTION 2 AND CHAPTER 154, SECTION 3; REPEALING SECTION 33-1808, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 152, SECTION 2 AND CHAPTER 156, SECTION 4; REPEALING SECTION 33-1808, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 152, SECTION 2 AND CHAPTER 292, SECTION 2; REPEALING SECTION 33-1808, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 65, SECTION 6 AND CHAPTER 152, SECTION 2; BLENDING MULTIPLE ENACTMENTS; RELATING TO CONDOMINIUMS AND PLANNED COMMUNITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 33-1261, Arizona Revised Statutes, as amended by Laws 2011, chapter 152, section 1, chapter 154, section 2, chapter 156, section 2 and chapter 292, section 1, is amended to read:

33-1261. Flag display; for sale, rent or lease signs; political activities; applicability

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

1. The American flag or an official or replica of a flag of the United States army, navy, air force, marine corps or coast guard by a unit owner on that unit owner's property if the American flag or military 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).

2. The POW/MIA flag.

3. The Arizona state flag.

4. An Arizona Indian nations flag.

5. The Gadsden flag.

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

C. Notwithstanding any provision in the condominium documents, an association shall not prohibit or charge a fee for the use ~~or~~ OF, THE placement of OR the indoor or outdoor display of a for sale, for rent or for lease sign and a sign rider by a unit owner on that owner's property in any combination, including a sign that indicates the unit owner is offering the property for sale by owner. The size of a sign offering a property for sale, for rent or for lease shall be in conformance with the industry standard size sign, which shall not exceed eighteen by twenty-four inches, and the industry standard size sign rider, which shall not exceed six by twenty-four inches. This subsection applies only to a commercially produced sign and an association may prohibit the use of signs that are not commercially produced. With respect to real estate for sale, for rent or for lease in the condominium, an association shall not prohibit in any way other than as IS specifically authorized by this section or otherwise regulate any of the following:

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

2. Open house hours. The association may not limit the hours for an open house for real estate that is for sale in the condominium, except that the association may prohibit an open house being held before 8:00 a.m. or

after 6:00 p.m. and may prohibit open house signs on the common elements of the condominium.

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

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

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

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

E. An association shall not make any regulations regarding the number of candidates supported, the number of public officers supported or opposed in a recall or the number of propositions supported or opposed on a political sign.

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

G. A condominium is not required to comply with subsection D OF THIS SECTION if the condominium restricts vehicular or pedestrian access to the condominium. Nothing in this section requires a condominium to make its common elements other than roadways and sidewalks that are normally open to visitors available for the circulation of political petitions to anyone who is not an owner or resident of the community.

H. An association or managing agent that violates subsection C of this section~~,~~ forfeits and extinguishes the lien rights authorized under section 33-1256 against that unit for a period of six consecutive months from the date of the violation.

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

Sec. 2. Repeal

Section 33-1261, Arizona Revised Statutes, as amended by Laws 2011, chapter 65, section 3, chapter 152, section 1 and chapter 154, section 2, is repealed.

Sec. 3. Section 33-1808, Arizona Revised Statutes, as amended by Laws 2011, chapter 152, section 2 and chapter 154, section 3, is amended to read:

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

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

1. The American flag or an official or replica of a flag of the United States army, navy, air force, marine corps or coast guard by an association member on that member's property if the American flag or military 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).

2. The POW/MIA flag.

3. The Arizona state flag.

4. An Arizona Indian nations flag.

5. The Gadsden flag.

B. The association shall adopt reasonable rules and regulations regarding the placement and manner of display of the American flag, the military flag, the POW/MIA flag, the Arizona state flag or an Arizona Indian nations flag. The association rules may regulate the location and size of flagpoles, may limit the member to displaying no more than two flags at once and may limit the height of the flagpole to no more than the height of the rooftop of the member's home but shall not prohibit the installation of a flagpole in the front yard or backyard of the member's property.

C. Notwithstanding any provision in the community documents, an association shall not prohibit the indoor or outdoor display of a political sign by an association member on that member's property, except that an association may prohibit the display of political signs earlier than ~~fifty-five~~ SEVENTY-ONE days before the day of an election and later than ~~fifteen~~ THREE days after an election day. An association may regulate the size and number of political signs that may be placed on a member's property if the association's regulation is no more restrictive than any applicable city, town or county ordinance that regulates the size and number of political signs on residential property. If the city, town or county in which the property is located does not regulate the size and number of political signs on residential property, the association shall ~~permit at least one~~ NOT LIMIT THE NUMBER OF political ~~sign with~~ SIGNS, EXCEPT THAT the maximum AGGREGATE TOTAL dimensions of ~~twenty-four inches by twenty-four inches~~ ALL POLITICAL SIGNS on a member's property SHALL NOT EXCEED NINE SQUARE FEET. For the purposes of this subsection, "political sign" means a sign that attempts to influence the outcome of an election, including

supporting or opposing the recall of a public officer or supporting or opposing the circulation of a petition for a ballot measure, question or proposition or the recall of a public officer.

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

1. The signs are displayed in residential areas only.

2. The signs are removed within one hour of children ceasing to play.

3. The signs are displayed only when children are actually present within fifty feet of the sign.

4. The temporary signs are no taller than three feet in height.

5. The signs are professionally manufactured or produced.

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

F. Notwithstanding any provision in the community documents, an association shall not prohibit OR CHARGE A FEE FOR THE USE OF, PLACEMENT OF OR the indoor or outdoor display of a for sale, FOR RENT OR FOR LEASE sign and a sign rider by an association member on that member's property IN ANY COMBINATION, including a sign that indicates the member is offering the property for sale by owner. The size of a sign offering a property for sale, FOR RENT OR FOR LEASE shall be in conformance with the industry standard size sign, which shall not exceed eighteen by twenty-four inches, and the industry standard size sign rider, which shall not exceed six by twenty-four inches. THIS SUBSECTION APPLIES ONLY TO A COMMERCIALLY PRODUCED SIGN, AND AN ASSOCIATION MAY PROHIBIT THE USE OF SIGNS THAT ARE NOT COMMERCIALLY PRODUCED. With respect to real estate for sale, FOR RENT or FOR lease in the planned community, an association shall not prohibit IN ANY WAY OTHER THAN AS IS SPECIFICALLY AUTHORIZED BY THIS SECTION or otherwise regulate any of the following:

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

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

3. An owner's or an owner's agent's FOR RENT OR for lease sign unless an association's documents prohibit or restrict leasing of a member's property. An association shall not further regulate a FOR RENT OR for lease

sign or require the use of a particular FOR RENT OR for lease sign other than the FOR RENT OR for lease sign shall not be any larger than the industry standard size sign of eighteen by twenty-four inches on or in the member's property. If RENTAL OR leasing of a member's property is not prohibited or restricted, the association may prohibit AN open house FOR RENTAL OR leasing being held before 8:00 a.m. or after 6:00 p.m.

G. Notwithstanding any provision in the community documents, an association shall not prohibit door to door political activity, including solicitations of support or opposition regarding candidates or ballot issues, and shall not prohibit the circulation of political petitions, including candidate nomination petitions or petitions in support of or opposition to an initiative, referendum or recall or other political issue on property normally open to visitors within the association, except that an association may do the following:

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

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

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

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

J. A planned community is not required to comply with subsection G if the planned community restricts vehicular or pedestrian access to the planned community. Nothing in this section requires a planned community to make its common elements other than roadways and sidewalks that are normally open to visitors available for the circulation of political petitions to anyone who is not an owner or resident of the community.

K. AN ASSOCIATION OR MANAGING AGENT THAT VIOLATES SUBSECTION F OF THIS SECTION FORFEITS AND EXTINGUISHES THE LIEN RIGHTS AUTHORIZED UNDER SECTION 33-1807 AGAINST THAT MEMBER'S PROPERTY FOR A PERIOD OF SIX CONSECUTIVE MONTHS FROM THE DATE OF THE VIOLATION.

Sec. 4. Repeal

A. Section 33-1808, Arizona Revised Statutes, as amended by Laws 2011, chapter 152, section 2 and chapter 156, section 4, is repealed.

B. Section 33-1808, Arizona Revised Statutes, as amended by Laws 2011, chapter 152, section 2 and chapter 292, section 2, is repealed.

C. Section 33-1808, Arizona Revised Statutes, as amended by Laws 2011, chapter 65, section 6 and chapter 152, section 2, is repealed.

APPROVED BY THE GOVERNOR APRIL 11, 2012.



FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 12, 2012.

Passed the House February 16, 2012

by the following vote: 43 Ayes,

13 Nays, 3 Not Voting 1 vacant

Speaker of the House

Pro Tempore

Cheryl Laube

Chief Clerk of the House

Passed the Senate April 5, 2012

by the following vote: 24 Ayes,

5 Nays, 1 Not Voting

President of the Senate

Charmaine Billington

Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA**
**OFFICE OF GOVERNOR**

This Bill received by the Governor this

9 day of April, 2012

at 4:00 o'clock P M.

Secretary to the Governor

Approved this 11th day of

April

at 2:20 o'clock P. M.

Janice K. Brewer

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA**
**OFFICE OF SECRETARY OF STATE**

This Bill received by the Secretary of State

this 12th day of April, 2012

at 8:07 o'clock a M.

Ken Bennett

Secretary of State

H.B. 2471