

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 B. The association shall adopt reasonable rules and regulations  
24 regarding the placement and manner of display of the flags prescribed by  
25 subsection A of this section. The association rules may regulate the  
26 location and size of flagpoles but shall not prohibit installing a  
27 flagpole.

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

43 1. Temporary open house signs or a unit owner's for sale sign. The  
44 association shall not require the use of particular signs indicating an  
45 open house or real property for sale and may not further regulate the use

The Special Meeting of the Members is subject to the quorum requirements found in the Planned Community's Bylaws. The question passes if a majority of a quorum, voting in person or by ballot, approves of retaining all on-street parking provisions found in the Declaration (CC&Rs). If the matter passes, the Board of Directors of the Planned Community must record, in the office of the applicable county recorder, a document confirming that the Planned Community continues to regulate the on-street parking.

If the Planned Community either fails to hold the Special Meeting of the Members by June 30, 2025 or if, after holding the Special Meeting of the Members, a majority of a quorum voting in person or by ballot, does not approve, then the Planned Community no longer has the authority to regulate on-street parking in the Planned Community.

**II. HB 2301 – POLITICAL ACTIVITY IN HOMEOWNER ASSOCIATIONS - New A.R.S. §33-1261(D)(3) (Condominiums) and A.R.S. §33-1808(H)(3) (Planned Communities) – Deletion of A.R.S. §33-1261(I) (Condominiums) and A.R.S. §33-1808(L) (Planned Communities)**

HB 2301 serves to allow all owners in Arizona Homeowner Associations to engage in door-to-door political activity, including solicitations of support or opposition regarding candidates or ballot issues and circulating political petitions, which include: candidate nomination petitions; petitions in support of or in opposition to an initiative, referendum or recall; or other political issue.

Arizona Homeowner Associations may prohibit non-Association owners, who are not accompanied by an Association owner, from engaging in door-to-door political activity if the Association restricts vehicular or pedestrian access (i.e., is a gated community or has private streets).

**III. HB 2607 – BOARD REMOVAL - New Provisions A.R.S. §33-1243(H)(4)(d) (Condominiums) and A.R.S. §33-1813(A)(4)(d) (Planned Communities).....4**

HB 2607 adds new requirements HOAs must consider when effectuating the removal of members of the Board of Directors. New A.R.S. §33-1243(H)(4)(d) (Condominiums) and new A.R.S. §33-1813(A)(4)(d) (Planned Communities) states:

If all of the requirements... for calling a special meeting are met and the board of directors fails to call, notice and hold a special meeting within thirty days after receipt of the petition, the members of the board of directors are deemed removed from office effective at midnight of the thirty-first day.

— HB 2607 makes it imperative that HOAs ensure that the special meeting of the Members to potentially remove a Board member is called within 30 days of receipt of the removal petition.

**IV. SB 1049 – DISPLAY OF HISTORIC AMERICAN FLAGS - Amending A.R.S. §33-1261 (Condominiums) and A.R.S. §33-1808 (Planned Communities)**

SB 1049 adds new flags to the list of flags that HOAs must allow be displayed on an owner's property. Pursuant to new A.R.S. §33-1261(A)(8) (Condominiums) and new A.R.S. §33-1808(A)(8) (Planned Communities), Arizona Homeowners Associations must allow "[A]ny historic version of the American Flag, including the Betsy Ross Flag, without regard to how the stars and stripes are arranged on the Flag."

Pursuant to new A.R.S. §33-1261(N)(2) (Condominiums) and new A.R.S. §33-1808(O)(2), the "'Betsy Ross Flag" means an historic flag of the United States that consists of thirteen stripes alternating between red and white stripes and thirteen five-pointed white stars arranged in a circle against a blue background."