

REFERENCE TITLE: homeowners' associations; for sale signs

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1062

Introduced by
Senator Tibshraeny

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; applicability

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

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

12 2. The POW/MIA flag.

13 3. The Arizona state flag.

14 4. An Arizona Indian nations flag.

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

20 C. NOTWITHSTANDING ANY PROVISION IN THE CONDOMINIUM DOCUMENTS, AN
21 ASSOCIATION SHALL NOT PROHIBIT THE INDOOR OR OUTDOOR DISPLAY OF A FOR SALE
22 SIGN BY A UNIT OWNER ON THAT OWNER'S PROPERTY, INCLUDING A SIGN THAT
23 INDICATES THE UNIT OWNER IS OFFERING THE PROPERTY FOR SALE BY OWNER. AN
24 ASSOCIATION MAY ADOPT REASONABLE REGULATIONS REGARDING THE SIZE AND NUMBER OF
25 FOR SALE SIGNS THAT MAY BE PLACED ON A UNIT OWNER'S PROPERTY.

26 ~~C.~~ D. This section does not apply to timeshare plans or associations
27 that are subject to chapter 20 of this title.

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

29 33-1808. Flag display; political signs; for sale signs

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

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

37 2. The POW/MIA flag.

38 3. the Arizona state flag.

39 4. An Arizona Indian nations flag.

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

1 C. Notwithstanding any provision in the community documents, an
2 association shall not prohibit the indoor or outdoor display of a political
3 sign by an association member on that member's property, except that an
4 association may prohibit the display of political signs earlier than
5 forty-five days before the day of an election and later than seven days after
6 an election day. An association may regulate the size and number of
7 political signs that may be placed on a member's property if the
8 association's regulation is no more restrictive than any applicable city,
9 town or county ordinance that regulates the size and number of political
10 signs on residential property. If the city, town or county in which the
11 property is located does not regulate the size and number of political signs
12 on residential property, the association shall permit at least one political
13 sign with the maximum dimensions of twenty-four inches by twenty-four inches
14 on a member's property. For the purposes of this paragraph, "political sign"
15 means a sign that attempts to influence the outcome of an election, including
16 supporting or opposing the recall of a public officer or supporting or
17 opposing the circulation of a petition for a ballot measure, question or
18 proposition or the recall of a public officer.

19 D. NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, AN
20 ASSOCIATION SHALL NOT PROHIBIT THE INDOOR OR OUTDOOR DISPLAY OF A FOR SALE
21 SIGN BY AN ASSOCIATION MEMBER ON THAT MEMBER'S PROPERTY, INCLUDING A SIGN
22 THAT INDICATES THE MEMBER IS OFFERING THE PROPERTY FOR SALE BY OWNER. AN
23 ASSOCIATION MAY ADOPT REASONABLE REGULATIONS REGARDING THE SIZE AND NUMBER OF
24 FOR SALE SIGNS THAT MAY BE PLACED ON A MEMBER'S PROPERTY.