



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
Second Regular Session

House: GE DPA 13-0-0-0

HB2158: homeowners' associations; political; community activity

Sponsor: Representative Kavanagh, LD 23

Caucus & COW

Overview

Stipulates that a unit owner's association or a planned community association (Association) may not prohibit a unit owner or member (member) from peacefully assembling and using private or common elements of the community.

History

An Association may not prohibit door-to-door political activity or circulation of political petitions on property normally open to visitors within the association, except in specified circumstances. Additionally, an Association may not prohibit a member from displaying a political sign on their property; except that they may prohibit the display of political signs earlier than 71 days before the day of an election and later than 15 days after an election day. A *political sign* is defined as 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 ([A.R.S. §§ 33-1261, 33-1808](#)).

Provisions

1. Specifies that an Association cannot prohibit the circulation of community petitions on property normally open to visitors within the Association, except in currently specified circumstances. (Sec. 1, 2)
2. Provides for an Association to prohibit the display of a political sign regarding a Board of Directors candidate or an Association measure that requires a vote of the membership, earlier than the date the Association provides written or absentee ballots to members and later than three days after the community election. (Sec. 1, 2)
3. Authorizes an Association to restrict the use of profanity or racial or sexual bias on political signs. (Sec. 1, 2)
4. Stipulates that an Association may not prohibit or unreasonably restrict a member's ability to peacefully assemble and use private or common elements of the community if done in compliance with reasonable restrictions put in place by the Board of Directors for use of that property. (Sec 1, 2)
5. Allows a member or group of members to organize to discuss or address Association business, including the following:
 - a) Board of Director elections or recalls;
 - b) Potential or actual ballot issues;
 - c) Revisions to the community documents;
 - d) Property maintenance or safety issues; or
 - e) Any other community business or actions. (Sec. 1, 2)

6. Permits a member to invite one political candidate or one non-owner to speak to an assembly of members that has gathered to discuss Association business. (Sec. 1, 2)
7. Prohibits the Association from restricting the posting of notices of informal member meetings on physical or electronic bulletin boards used by the Association. (Sec. 1, 2)
8. Modifies the definition of *political sign*. (Sec. 1, 2)
9. Makes technical and conforming changes. (Sec. 1, 2)

Amendments

Committee on Government & Elections

1. Removes the specification that an Association may not prohibit the circulation of community petitions.
2. Removes the authorization for an Association to prohibit the display of political signs regarding Association candidates or measures and to restrict the use of profanity or racial or sexual bias on political signs.
3. Specifies that an Association may not prohibit or unreasonably restrict the indoor or outdoor display of an association-specific political sign on a member's property, including any limited common elements.
4. Allows an Association to adopt reasonable rules regarding the placement, location and manner of display of association-specific political signs.
5. Outlines the prohibitions of an Association related to the display, number and content of association-specific political signs.
6. Stipulates that an Association may not prohibit a member's ability to peacefully assemble and use common elements of the community to discuss matters related to the community.
7. Removes the prohibition on an Association restricting the posting of notices of informal member meetings.
8. States that an Association may not prohibit a member from posting notices regarding assemblies of members on bulletin boards within the common elements of the community.
9. Specifies that an assembly of members does not constitute an official member meeting unless it is noticed and convened as prescribed in statute and in the community documents.
10. Defines *association-specific political sign*.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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