

New Arizona HOA Statutes & Case Law

All Statutes listed below become effective on September 24, 2022

Political Signs

HB2158 – A.R.S. §33-1261 & §33-1808

- Members can place “Association-specific” political signs on their Lot/Unit;
- For example:
 - Vote for/remove Board member
 - Vote for/against CC&R Amendment
- Members can display sign from the date the ballot is provided until 3 days after the election.

Political Assemblies

HB2158 – A.R.S. §33-1261 & §33-1808

- Members can peaceably assemble on common areas/ common elements and may also discuss HOA business;
- Members can invite one political candidate or one non-member to speak to an assembly of owners about HOA matters; and
- Members can post notice of the above assemblies on bulletin boards in the common areas/elements.

Condominium Termination

HB2275 – A.R.S. §33-1228 (Residential Condominiums only)

- For newly created condominiums, 95% of the members must vote to terminate.
- For existing condominiums, 80% of the members must vote to terminate.

Flags

HB2010 – A.R.S. §33-1261 & §33-1808

- The following additional Military Flags are now permitted, regardless of the HOA’s governing documents:



- The following 1st Responder Flags and other variations are now permitted, regardless of the HOA’s governing documents:



Artificial Turf

HB2131 – A.R.S. §33-1819 (Planned Communities only)

- Artificial turf cannot be prohibited by the HOA unless one of the following applies:
 - Under Declarant Control;
 - Natural grass is prohibited on Lots;
 - “Unique vegetation/geologic characteristics” exist; or
 - The HOA irrigates/maintains the portion of the Lot where the artificial turf will be installed.
- HOAs can adopt reasonable rules regarding artificial turf.

New Arizona Case Law

Arizona Supreme Court Case: *Kalway v. Calabria Ranch HOA LLC, et. al CV-20-0152-PR*

- CC&R Amendment case - HOA adopted new use restrictions after having obtained requisite percentage vote of the members. Court nonetheless struck down use restrictions that it determined to be either new or not reasonable and foreseeable.

Arizona Court of Appeals Case: *Cao v. PFP Dorsey Investments, LLC, No. 1 CA-CV 21-0275*

- Condominium termination case - Court held that the amendments to the Condominium Act regarding termination did not apply to owners who purchased their Unit prior to the amendments.

*This New Law Guide is provided for reference purposes only. If a particular legal issue is confronted by a community association, please reach out to any attorney at Carpenter Hazlewood for further legal advice.

