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**COMMUNITY ASSOCIATION
GUIDE TO
THE 2009 CHANGES IN THE LAWS
AFFECTING COMMUNITY
ASSOCIATIONS**

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This document is intended to provide general information. It does not and cannot provide specific legal advice. For additional information or answers to questions, you may contact our office at 480-456-1500.

I. INTRODUCTION

This Community Association Guide to the 2009 Changes in the Laws Affecting Community Associations (hereafter, the “Guide”) is meant to provide a summary of the recent revisions to the Arizona Planned Community Act and the Arizona Condominium Act. The Guide also contains tips to understand and abide by the new changes. This Guide is available to download from our website at www.shawlines.com.

A. CHANGES IN THE LAW REGARDING THE DISPLAY OF “FOR SALE” SIGNS – SENATE BILL 1148 – NEW SECTION A.R.S. § 33-441

Note: This bill was signed by the Governor on July 10, 2009. It will become effective September 29, 2009.

Quick Summary: This new law change applies to both planned communities and condominiums. The new law would serve to allow an owner the right to display a “for sale” sign on his or her property, as long as the size of the “for sale” sign conforms to industry standards.

Senate Bill 1148 provides a property owner the right to display a “for sale” sign anywhere on their property, so long as the “for sale” sign does not exceed the industry standard size; which is defined by Senate Bill 1148 as a sign with the dimensions of eighteen inches by twenty-four inches. An industry size sign rider may also be displayed, but may not exceed six by twenty-four inches.

A homeowner’s association cannot prohibit a homeowner from displaying an industry size “for sale sign” and rider on his or her property. If a sign does not meet the dimensions provided in Senate Bill 1148, said sign may be regulated by the association.

ASSOCIATION “BEST PRACTICE” CONCERNING SENATE BILL 1148

Community associations that restrict the display of “for sale” signs may want to review their current CC&Rs and Rules and Regulations for any provisions that prohibit the display of an industry sized “for sale” sign.

I. SERIOUS CONSIDERATIONS TO CHANGES IN THE LAW FOR 2009

Note: The following bills were not transmitted to the Governor prior to the end of the 2009 Legislative Session and as such, will not become law unless a Special Session of the Legislature is called to discuss said bills. It is important to be aware of these bills as they may be reintroduced in the 2010 Legislative Session.

A. THE PLACEMENT OF SOLAR SCREENS AS ENERGY SAVING DEVICES– HOUSE BILL 2141

Quick Summary: This new law change would have applied to Condominium and Planned Communities and would have restricted an association's ability to prohibit the installation of solar screens for energy saving purposes within an association.

B. THE PLACEMENT OF SOLAR SCREENS AS ENERGY SAVING DEVICES AND DECLARANT FAILURE TO OPERATE AS A MEMBER – HOUSE BILL 2391

Quick Summary: House Bill 2141 discussed previously, was tacked on to House Bill 2391. This new law would have affected Planned Communities and require that the members of the association adopt bylaws within 90 days of the Declarant ceasing to act as a member of the association.

C. AMATEUR RADIO ACCOMMODATION – HOUSE BILL 2514

Quick Summary: This bill would require county and municipality zoning regulations to make reasonable provisions for the height and dimension of amateur radio station emergency service communications antennae and related structures.

D. DECLARANT'S VOTING ELIGIBILITY/FORECLOSURES – SENATE BILL 1363

Quick Summary: This bill would bar a declarant's right to vote for members of an HOA's board of directors when the declarant is not the original declarant, but obtained title to the property through foreclosure.

II. APPENDIX

A. SENATE BILL 1148

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SENATE BILL 1148

AN ACT

AMENDING TITLE 33, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-441; RELATING TO DEED RESTRICTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 33, chapter 4, article 3, Arizona Revised Statutes,
3 is amended by adding section 33-441, to read:

4 33-441. For sale signs; restrictions unenforceable

5 A. A COVENANT, RESTRICTION OR CONDITION CONTAINED IN ANY DEED,
6 CONTRACT, SECURITY AGREEMENT OR OTHER INSTRUMENT AFFECTING THE TRANSFER OR
7 SALE OF ANY INTEREST IN REAL PROPERTY SHALL NOT BE APPLIED TO PROHIBIT THE
8 INDOOR OR OUTDOOR DISPLAY OF A FOR SALE SIGN AND A SIGN RIDER BY A PROPERTY
9 OWNER ON THAT PERSON'S PROPERTY, INCLUDING A SIGN THAT INDICATES THE PERSON
10 IS OFFERING THE PROPERTY FOR SALE BY OWNER. THE SIZE OF A SIGN OFFERING A
11 PROPERTY FOR SALE SHALL BE IN CONFORMANCE WITH THE INDUSTRY STANDARD SIZE
12 SIGN, WHICH SHALL NOT EXCEED EIGHTEEN BY TWENTY-FOUR INCHES, AND THE INDUSTRY
13 STANDARD SIZE SIGN RIDER, WHICH SHALL NOT EXCEED SIX BY TWENTY-FOUR INCHES.

14 B. THIS SECTION APPLIES TO ANY COVENANT, RESTRICTION OR CONDITION
15 WITHOUT REGARD TO THE DATE THE COVENANT, RESTRICTION OR CONDITION WAS
16 CREATED, SIGNED OR RECORDED. THIS SECTION DOES NOT APPLY TO TIMESHARE
17 PROPERTY AND TIMESHARE INTEREST AS DEFINED IN SECTION 33-2202.

18 C. THIS SECTION DOES NOT APPLY TO A COVENANT, RESTRICTION OR CONDITION
19 IN A DEED, CONTRACT, SECURITY AGREEMENT OR OTHER INSTRUMENT AFFECTING THE
20 TRANSFER OR SALE OF AN INTEREST IN REAL PROPERTY THAT DOES NOT PROHIBIT OR
21 RESTRICT THE DISPLAY OF A FOR SALE SIGN OR A SIGN RIDER ON THE REAL PROPERTY.