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## New Legislation Pertaining to Homeowners Associations

*During this year's session, the Legislature passed the following law, which will become effective July 29, 2010.*

### REAL ESTATE SIGNS AND OPEN HOUSE SIGNS AND HOURS

*HB 2345 was signed into law by the Governor on April 14, 2010. This bill amends both the Planned Community Act and the Condominium Act by expanding the protections afforded real estate signs and open houses for both sale and rental properties. This new legislation applies to both planned communities (including gated communities) and condominiums.*

#### Open House and For Sale Signs

Under the amended law, associations cannot prohibit or otherwise regulate temporary open house signs or for sale signs so long as they are not larger than industry standard size. Specifically, "[t]he association shall not require the use of particular signs indicating an open house or real property for sale and may not further regulate the use of temporary open house or for sale signs that are industry standard size and that are owned or used by the seller or the seller's agent." See A.R.S. § 33-1808(F)(1) (for planned communities); A.R.S. § 33-1261(C)(1) (for condominiums). In other words, associations cannot force owners to use pre-approved open house or for sale signs or signs that are a particular color or design. It is important to note, however, that associations may still prohibit open house signs on its common areas or common elements.

#### Open House Hours

The amended law also limits the restrictions an association may place on open house hours. An association may not limit the hours for an open house for real estate that is for sale, except that the association may prohibit open house being held before 8:00 A.M. or after 6:00 P.M. See A.R.S. § 33-1808(F)(2) (for planned communities); A.R.S. § 33-1261(C)(2) (for condominiums).

#### For Lease Signs and Open Houses for Rental Properties

The amended law also now protects for lease signs. Under the new law, an association may not prohibit or otherwise regulate "an owner's or an owner's agent's for lease sign unless an association's documents prohibit or restrict leasing of a member's property." See A.R.S. § 33-1808(F)(3) (for planned communities); A.R.S. § 33-1261(C)(3) (for condominiums). Moreover, "[a]n association shall not further regulate a for lease sign or require the use of a particular for lease sign other than the for lease sign shall not be any larger than the industry standard size sign of eighteen by twenty four inches on or in the member's property." Id. However, an association may prohibit such signs on its common areas or common elements. Finally, the new law also limits the restrictions an association may place on open houses for rental properties: "[i]f leasing of a member's property is not prohibited or restricted [under the association's documents], the association may prohibit open house leasing being held before 8:00 A.M. or after 6:00 P.M." Id.

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