



2007 Legislative Update

MULCAHY Community Association Cheat Sheet®

**BRINGING ANSWERS
TO COMMUNITY
ASSOCIATIONS**

This publication discusses significant points of law as they apply to community associations and is not intended to offer specific legal advice or responses to individual circumstances or problems.

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January, 2008

EFFECTIVE DATE OF 2007 COMMUNITY ASSOCIATION LEGISLATION

In 2007, the Arizona Legislature considered a number of bills pertaining to community associations. Set forth below is a brief summary of the 2007 Arizona legislation pertaining to community associations.

These bills will go into effect on Wednesday, September 19, 2007.

REAL PROPERTY; SIGNAGE; AND SOLAR DEVICES SB1254

Quick Summary: This bill (which applies only to planned communities) states the following: (1) regardless of any provision in the community documents, an association shall not prohibit the installation or use of a solar energy device; however, an association may adopt reasonable rules regarding the placement of a solar energy device if those rules do not (a) prevent the installation, (b) impair the functioning of the device or (c) restrict its use or adversely affect the cost or efficiency of the device; (2) after an association approves a commercial sign, the association, including any subsequently elected board of directors, may not revoke or modify its approval of that sign if the owner or operator of the sign has received approval for the sign from the local or county governing body with jurisdiction over the sign.

Text of the Bill: A.R.S. Section 33-1816. Solar energy devices; reasonable restrictions:

(A) Notwithstanding any provision in the community documents, an association shall not prohibit the installation or use of a solar energy device as defined in section 44-1761.

(B) An association may adopt reasonable rules regarding the placement of a solar energy device if those rules do not prevent the installation, impair the functioning of the device or restrict its use or adversely affect the cost or efficiency of the device.

(C) Notwithstanding any provision of the community documents, the court shall award reasonable attorney fees and costs to any party who substantially prevails in an action against the board of directors of the association for a violation of this section.

Text of the Bill: A.R.S. 33-1815. Association authority; commercial signage:

Notwithstanding any provision in the community documents, after an association has approved a commercial sign, including its registered trademark that is located on properties zoned for commercial use in the planned community, the association, including any subsequently elected board of directors, may not revoke or modify its approval of that sign if the owner or operator of the sign has received approval for the sign from the local or county governing body with jurisdiction over the sign.

FOR SALE SIGNS SB1062

Quick Summary: This bill expands A.R.S. Sections 33-1261 and 33-1808 to allow owners in condominiums and planned communities to place a for sale sign (and a sign rider) on that owner's property.

Text of Bill: A.R.S. Sections 33-1261(C) and 33-1808 (C) . Flag display; for sale signs; applicability:

(C) Notwithstanding any provision in the planned community/condominium documents, an association shall not prohibit the indoor or outdoor display of a for sale sign and a sign rider by a association member/unit owner on that member's/owner's property, including a sign that indicates the member/unit owner is offering the property for sale by owner. The size of a sign offering a property for sale shall be in conformance with the industry standard size sign, which shall not exceed eighteen by twenty-four inches, and the industry standard size sign rider, which shall not exceed six by twenty four inches.

CAUTIONARY SIGNS HB2503

Quick Summary: This bill allows residents in a planned community to use cautionary signs when children are present within 50 feet of the sign and allows children who reside in the association to play on residential roadways in an association.

Text of Bill: A.R.S. Section 33-1808. Flag display; political signs; caution signs:

(D) Notwithstanding any provision in the community documents, an association shall not prohibit the use of cautionary signs regarding children if the signs are used and displayed as follows:

1. The signs are displayed in residential areas only.
2. The signs are removed within one (1) hour of children ceasing to play.
3. The signs are displayed only when children are actually present within fifty feet of the sign.
4. The temporary signs are no taller than three feet in height.
5. The signs are professionally manufactured or produced.

(E) Notwithstanding any provision in the community documents, an association shall not prohibit children who reside in the planned community from engaging in recreational activity on residential roadways that are under the jurisdiction of the association and on which the posted speed limit is twenty-five miles per hour or less.

TELECOMMUNICATION VEHICLES HB2254

Quick Summary: This bill (which applies only to planned communities) expands A.R.S. §33-1809, Parking; public service and public safety emergency vehicles; definition to include telecommunications vehicles and adds subsection (B), definition of telecommunications for the purpose of A.R.S. §33-1809.

Text of Bill: A.R.S. Section 33-1809. Parking; public service and public safety emergency vehicles; definition:

(A) Notwithstanding any provision in the community documents, an association shall not prohibit a resident from parking a motor vehicle on a street or driveway in a planned community if the vehicle is required to be available at designated periods at the person's residence as a condition of the person's employment and either of the following applies:

1. The resident is employed by a public service corporation that is regulated by the corporation commission or a municipal utility and that THE PUBLIC SERVICE CORPORATION OR MUNICIPAL UTILITY is required to prepare for emergency deployments of personnel and equipment for repair or maintenance of natural gas, electrical, TELECOMMUNICATIONS or water infrastructure, the vehicle has a gross vehicle weight rating of twenty thousand pounds or less and is owned or operated by the public service corporation or a municipal utility and the vehicle bears an official emblem or other visible designation of that THE PUBLIC SERVICE corporation or municipal utility.
2. The resident is employed by a public safety agency, including police or fire service for a federal, state, local or tribal agency or a private fire service provider or an ambulance service provider that is regulated pursuant to title 36, chapter 21.1, and the vehicle has a gross vehicle weight rating of ten thousand pounds or less and bears an official emblem or other visible designation of that agency.

(B) For the purposes of this section, "telecommunications" means the transmission of information of the user's choosing between or among points specified by the user without change in the form or content of the information as sent and received. Telecommunications does not include commercial mobile radio services.

CONDOMINIUM RECOVERY FUND SB1546

Quick Summary: This bill creates Article 5.1, Condominium Recovery Fund, A.R.S. Sections 32-2193.31 through 32-2193.43 and establishes a Condominium Recovery Fund within the Arizona Department of Real Estate for the benefit of any buyer aggrieved by the failure of a sub-divider of a condominium to complete the condominium project.