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**HOMEOWNER ASSOCIATIONS AND THE OPEN MEETING LAW**

The Attorney General's Open Meeting Law Enforcement Team (OMLET) receives a number of calls each year alleging that homeowner associations have violated Arizona's Open Meeting Law (ARS. §§ 38-431 through -431.09). Because the Open Meeting Law does not apply to homeowner associations, OMLET created this quick information guide to help identify the laws that currently do apply to meetings of homeowner associations.

Under the Open Meeting law, "[a]ll meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings." A.R.S. § 38-431.01(A). Arizona law defines a "public body" as:

the legislature, all boards and commissions of the state or political subdivisions, all multi-member governing bodies of departments, agencies, institutions and instrumentalities of the state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by the state or political subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, such public body.

ARS. § 38-431(6). A homeowner association does not satisfy the definition of "public body" because it is not a political subdivision, is neither a multi-member governing body nor an instrumentality of a political subdivision, and is neither a corporation nor an instrumentality whose board of directors is elected by a political subdivision. *See* Ariz. Att'y Gen. Op. 188-055. Because a homeowner association does not meet the definition of a "public body" in ARS. § 38-431(6), it is not subject to the Open Meeting Law. *Id.*

However, in 1994 the Arizona Legislature enacted ARS. § 33-1804 and required that "all meetings of the [homeowner] association and board of directors are open to all members of the association" except for any portions of a meeting relating to four exempted topics (employment, legal advice, litigation, and enforcement matters). Also, the homeowner association must supply notice of its meetings to all members, unless the articles of incorporation and bylaws provide otherwise. *See* ARS. § 33-1804(B). The Attorney General, County Attorneys, and other public lawyers are not authorized to enforce the laws relating to homeowner associations.

A homeowner association can have great influence in community affairs, and because its decisions affect its members, its members should always be invited to attend and observe the association's deliberations. Thus, although not subject to Arizona's Open Meeting Law, homeowner associations are strongly encouraged to always conduct public meetings which are properly noticed. *See* Ariz. Att'y Gen. Op. 197-012.

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