

House Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 53

HOUSE BILL 2264

AN ACT

AMENDING SECTIONS 12-1178 AND 33-361, ARIZONA REVISED STATUTES; RELATING TO
LANDLORD AND TENANT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-1178, Arizona Revised Statutes, is amended to
3 read:

4 12-1178. Judgment; writ of restitution; limitation on issuance

5 A. If the defendant is found guilty, the court shall give judgment for
6 the plaintiff for restitution of the premises, for all charges stated in the
7 rental agreement and for DAMAGES, ATTORNEY FEES, COURT AND OTHER costs and,
8 at the plaintiff's option, for all rent found to be due and unpaid through
9 the periodic rental period, as described in section 33-1314, subsection C,
10 as provided for in the rental agreement, and shall grant a writ of
11 restitution. If the defendant's social security number is contained on the
12 complaint at the time of judgment, the person designated by the judge to
13 prepare the judgment shall ensure THAT the defendant's social security number
14 is contained on the judgment.

15 B. If the defendant is found not guilty, judgment shall be given for
16 the defendant against the plaintiff for DAMAGES, ATTORNEY FEES, COURT AND
17 OTHER costs, and if it appears that the plaintiff has acquired possession of
18 the premises since commencement of the action, a writ of restitution shall
19 issue in favor of the defendant.

20 C. No writ of restitution shall issue until the expiration of five
21 calendar days after the rendition of judgment. The writ of restitution shall
22 be enforced as promptly and expeditiously as possible. The issuance or
23 enforcement of a writ of restitution shall not be suspended, delayed, or
24 otherwise affected by the filing of a motion to set aside or vacate the
25 judgment or similar motion unless a judge finds good cause.

26 Sec. 2. Section 33-361, Arizona Revised Statutes, is amended to read:

27 33-361. Violation of lease by tenant; right of landlord to
28 reenter; summary action for recovery of premises;
29 appeal; lien for unpaid rent; enforcement

30 A. When a tenant neglects or refuses to pay rent when due and in
31 arrears for five days, or when A tenant violates any provision of the lease,
32 the landlord or person to whom the rent is due, or his THE agent OF THE
33 LANDLORD OR PERSON TO WHOM THE RENT IS DUE, may re-enter REENTER and take
34 possession, or, without formal demand or re-entry REENTRY, commence an action
35 for recovery of possession of the premises.

36 B. The action shall be commenced, conducted and governed as provided
37 for actions for forcible entry or detainer, and shall be tried not less than
38 five nor more than thirty days after its commencement. IN ADDITION TO
39 DETERMINING THE RIGHT TO ACTUAL POSSESSION, THE COURT MAY ASSESS DAMAGES,
40 ATTORNEY FEES AND COSTS PURSUANT TO SECTION 12-1178.

41 C. If judgment is given for the plaintiff, the defendant, in order to
42 perfect an appeal, shall file a bond with the court in an amount fixed and
43 approved by the court AND payable to the clerk of the superior court,
44 conditioned that THE appellant will prosecute the appeal to effect and will

1 pay the rental value of the premises pending the appeal and all damages,
2 ATTORNEY FEES, costs, and rent adjudged against him THE APPELLANT.

3 D. If the tenant refuses or fails to pay rent owing and due, the
4 landlord shall have a lien upon and may seize as much personal property of
5 the tenant located on the premises and not exempted by law as is necessary
6 to secure payment of the rent. If the rent is not paid and satisfied within
7 sixty days after seizure as provided for in this section, the landlord may
8 sell the seized personal property in the manner provided by section 33-1023.

9 E. When premises are sublet or the lease IS assigned, the landlord
10 shall have a like lien against the sublessee or assignee as he THE LANDLORD
11 has against the tenant and may enforce it in the same manner.

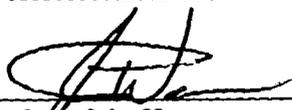
APPROVED BY THE GOVERNOR APRIL 20, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 2002.

Passed the House March 21, 2002,

by the following vote: 53 Ayes,

3 Nays, 4 Not Voting

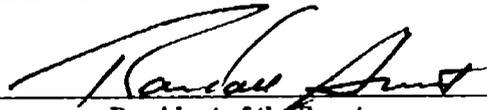

Speaker of the House


Chief Clerk of the House

Passed the Senate April 15, 2002,

by the following vote: 27 Ayes,

0 Nays, 3 Not Voting


President of the Senate

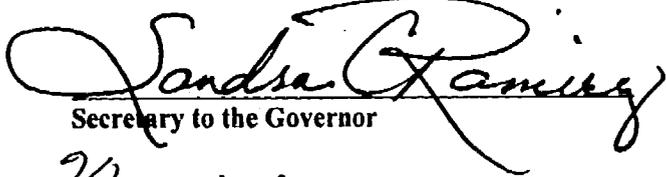

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

16 day of April, 2002

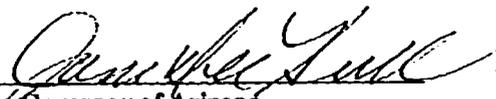
at 1:31 o'clock P M.


Secretary to the Governor

Approved this 20 day of

April, 2002

at 3:31 o'clock P M.


Governor of Arizona

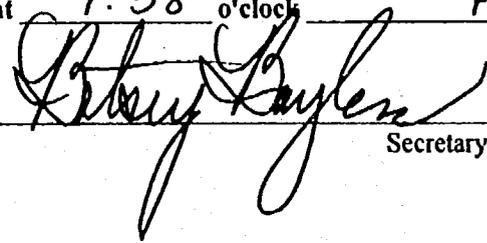
H.B. 2264

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 22 day of April, 2002

at 1:38 o'clock P M.


Secretary of State