

Conference Engrossed

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 234

SENATE BILL 1049

AN ACT

AMENDING SECTIONS 33-1413, 33-1452, 33-1476.01, 33-1476.03 AND 41-2186, ARIZONA REVISED STATUTES; AMENDING TITLE 33, CHAPTER 11, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-1485.01; RELATING TO MOBILE HOME LANDLORDS AND TENANTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 33-1413, Arizona Revised Statutes, is amended to
3 read:

4 33-1413. Terms and conditions of rental agreement

5 A. At the beginning of the tenancy, a signed, written rental agreement
6 must be executed by the landlord or designated agent and a tenant. The
7 rental agreement shall be executed in good faith by both parties and shall
8 not provide for the waiver of any rights given to either party by other
9 provisions of this chapter. The rental agreement shall be for a specific
10 period and shall include:

- 11 1. The amount of the rent.
- 12 2. The amount of any security deposit.

13 B. If the landlord and tenant agree to the term of the rental
14 agreement, the rental agreement may be for any term. If the landlord and
15 tenant disagree on the term of the rental agreement, the rental agreement
16 shall be for twelve months. The initial term of a rental agreement may be
17 for less than twelve months if the reason is to ensure conformity with a
18 standard anniversary date. Any written rental agreement shall have all blank
19 spaces completed, and executed copies of the written rental agreement shall
20 be furnished to all parties within ten days of execution.

21 C. The rental agreement may include conditions not prohibited by this
22 chapter or other rule of law governing the rights and obligations of the
23 parties.

24 D. The landlord shall attach to the rental agreement a statement
25 signed by the prospective tenant acknowledging receipt of:

- 26 1. The disclosures required in section 33-1432.
- 27 2. A current copy of this chapter as prescribed in section 33-1432.
- 28 3. A current copy of the rules or regulations adopted pursuant to
29 section 33-1452.

30 E. Rent shall be payable without demand or notice at the time and
31 place agreed upon by the parties. Periodic rent is payable at the beginning
32 of any term of one month or less, and thereafter, unless otherwise agreed,
33 in equal monthly installments at the beginning of each month. Unless
34 otherwise agreed, rent shall be uniformly apportionable from day to day.

35 F. A landlord shall not prohibit a tenant who is a member of the armed
36 forces of the United States from terminating a rental agreement with less
37 than two weeks' notice to the landlord if he receives reassignment orders
38 which do not allow such prior notification.

39 G. Notwithstanding any provision of this article to the contrary, upon
40 the expiration or renewal of any rental agreement, the landlord may increase
41 or decrease the total rent or change payment arrangements. The landlord
42 shall notify the tenant in writing by first class or certified mail or by
43 personal delivery at least ninety days prior to the expiration or renewal of
44 any rental agreement of any such increase or change. Nothing in this

1 subsection requires a landlord to provide cause for any change in rent if the
2 landlord complies with notice requirements.

3 H. On expiration of a written rental agreement for a specified term
4 or written renewal of a rental agreement, tenancy is on a month-to-month
5 basis unless the landlord, its designated agent or the tenant requests a new
6 written rental agreement. If the landlord and tenant agree to the term of
7 the rental agreement, the rental agreement may be for any term. If the
8 landlord and tenant disagree on the term of the rental agreement, the rental
9 agreement shall be for twelve months.

10 I. In addition to any other rental provisions, the landlord is
11 entitled to a rental increase effective at the expiration or renewal of any
12 rental agreement or effective immediately if so provided in a written rental
13 agreement to compensate the landlord for actual costs of insurance, taxes and
14 rate increases for utilities, which shall be substantiated by the landlord
15 in writing to the tenant.

16 J. As a condition of tenancy the rental agreement may require the
17 prospective tenant to make improvements to the mobile home, including all
18 appurtenances owned by the tenant, and to preserve or upgrade the quality of
19 the mobile home park even if the prospective tenant is purchasing a home
20 already located in the mobile home park. The improvements shall not exceed
21 the requirements of the rules or regulations of the mobile home park.

22 K. Notwithstanding subsections A, B and H of this section, the tenant
23 may demand in writing and the landlord shall offer a long-term initial or
24 renewal rental agreement that complies with all of the following:

25 1. The long-term initial or renewal rental agreement shall be in
26 writing and shall be for a term of four years. A long-term rental agreement
27 may be for a term of less than four years if the reason is to ensure
28 conformity with a standard park anniversary date.

29 2. All rents and other fees due during the term of the long-term
30 rental agreement shall be clearly identified in the agreement.

31 3. The tenant has ten days from the date of receipt of the long-term
32 rental agreement to accept or reject the agreement. If an agreement is not
33 signed and returned to the landlord within the ten day period, the tenant is
34 deemed to have rejected the agreement. On rejection of the agreement,
35 subsections A, B and H of this section apply.

36 L. THE RENTAL AGREEMENT MAY CONTAIN CONDITIONS REGARDING THE REMOVAL
37 OF A MOBILE HOME FROM THE MOBILE HOME PARK AND THE RESTORATION OF A MOBILE
38 HOME SPACE BY A TENANT OR A TENANT'S SUCCESSOR IN INTEREST AFTER REMOVAL OF
39 THE MOBILE HOME. THE CONDITIONS SHALL NOT INCLUDE ANY PROVISIONS REGARDING
40 ENVIRONMENTAL LIABILITY OR ENVIRONMENTAL REMEDIATION, AND ANY ENVIRONMENTAL
41 LIABILITY OR ENVIRONMENTAL REMEDIATION REQUIREMENTS SHALL BE GOVERNED AS
42 OTHERWISE PROVIDED BY LAW.

1 Sec. 2. Section 33-1452, Arizona Revised Statutes, is amended to read:
2 33-1452. Rules and regulations

3 A. A landlord shall adopt written rules or regulations, however
4 described, concerning the tenant's use and occupancy of the premises. Such
5 rules or regulations are enforceable against the tenant only if:

6 1. Their purpose is to promote the convenience, safety or welfare of
7 the tenants on the premises, preserve the landlord's property from abusive
8 use, preserve or upgrade the quality of the mobile home park or make a fair
9 distribution of services and facilities held out for the tenants generally.

10 2. They are reasonably related to the purpose for which adopted.

11 3. They apply to all tenants on the premises in a fair manner.

12 4. They are sufficiently explicit in prohibition, direction or
13 limitation of the tenant's conduct to fairly inform the tenant of what must
14 or must not be done to comply.

15 5. They are not for the purpose of evading the obligations of the
16 landlord.

17 6. The prospective tenant has a copy of the current rules and
18 regulations before he enters into the rental agreement.

19 B. A new tenant who brings a mobile home into a mobile home park or
20 who purchases an existing mobile home in a mobile home park shall comply with
21 all current statements of policy and rules or regulations, including those
22 pertaining to the size, condition and appearance of the mobile home, and
23 exterior materials with which the mobile home has been constructed.

24 C. A NEW TENANT WHO PURCHASES AN EXISTING MOBILE HOME IN A MOBILE HOME
25 PARK SHALL COMPLY WITH ALL CURRENT STATEMENTS OF POLICY AND RULES AND
26 REGULATIONS, INCLUDING THOSE PERTAINING TO THE SIZE, CONDITION AND APPEARANCE
27 OF THE MOBILE HOME AND EXTERIOR MATERIALS WITH WHICH THE MOBILE HOME HAS BEEN
28 CONSTRUCTED EXCEPT THAT THE LANDLORD SHALL NOT REQUIRE THE REPLACEMENT OF THE
29 SIDING AND SKIRTING ON A MOBILE HOME UNLESS THE REPLACEMENT SIDING AND
30 SKIRTING WILL SIGNIFICANTLY CHANGE OR IMPROVE THE APPEARANCE OF THE MOBILE
31 HOME.

32 D. If any mobile home park owner adds, changes, deletes or amends
33 any rule, notice in writing of all such additions, changes, deletions or
34 amendments shall be furnished to all mobile home tenants thirty days before
35 they become effective by first class or certified mail or by personal
36 delivery. Any rule or condition of occupancy which is unfair and deceptive
37 or which does not conform to the requirements of this chapter shall be
38 unenforceable. A rule or regulation adopted after the tenant enters into the
39 rental agreement is enforceable against the tenant only if it does not work
40 as a substantial modification of his rental agreement.

41 E. A person who owns or operates a mobile home park shall not:

42 1. Deny rental unless the mobile home does not meet the requirements
43 of the rules and regulations of the landlord and the statements of policy
44 prescribed pursuant to section 33-1436 or the park resident or prospective
45 resident cannot conform to park rules and regulations.

1 2. Require any person as a precondition to renting, leasing or
2 otherwise occupying a space for a mobile home in a mobile home park to pay
3 an entrance or exit fee of any kind unless for services actually rendered or
4 pursuant to a written agreement.

5 3. Deny any resident of a mobile home park the right to sell the
6 resident's mobile home at a price of his own choosing during the term of the
7 tenant's rental agreement, but the landlord may reserve the right to approve
8 the purchaser of such mobile home as a tenant but such permission may not be
9 unreasonably withheld, except that the landlord may require, notwithstanding
10 paragraph 6 of this subsection, in order to preserve or upgrade the quality
11 of his mobile home park, that any mobile home not in compliance with the
12 landlord's current rules and regulations and statements of policy, or in a
13 rundown condition or in disrepair be removed from the park within sixty days.
14 Within ten days of a written request by the seller or prospective purchaser,
15 a landlord shall notify the seller and the prospective purchaser in writing
16 of any reasons for withholding approval of a purchaser pursuant to this
17 paragraph.

18 4. Exact a commission or fee with respect to the price realized by the
19 tenant selling the mobile home, unless the park owner or operator has acted
20 as agent for the mobile home owner pursuant to a written agreement.

21 5. Require a tenant or prospective tenant to use any specific sales
22 agency, manufacturer, retailer or broker.

23 6. Notwithstanding section 33-1436, subsection C, require an existing
24 tenant to furnish permanent improvements which cannot be removed without
25 damage thereto or to the mobile home space by a tenant at the expiration of
26 the rental agreement. If the landlord includes any requirements for
27 permanent improvements in the rules or statements of policy, these
28 requirements shall not apply to any mobile home already existing in the
29 mobile home park.

30 7. Prohibit a tenant from advertising the sale or exchange of the
31 tenant's mobile home, including the display of a "for sale" or "open house"
32 sign on the dwelling or in the window of the mobile home stating the name,
33 address and telephone number of the owner or agent of the mobile home. The
34 sign may be no larger than twelve inches wide and eighteen inches long. In
35 addition to the display of a sign in the window, the tenants may display the
36 signs on a central posting board in the park which is reasonably accessible
37 to the public seven days a week during daylight hours.

38 E. F. The landlord or manager of a mobile home park shall include,
39 in rules and regulations, an emergency number to be called when the park is
40 left unattended, regardless of the size of the park.

41 F. G. The landlord shall not prohibit meetings of tenants with or
42 without invited visiting speakers in the mobile home park relating to mobile
43 home living and affairs in the park community or recreational hall if such
44 meetings are held at reasonable hours and when the facility is not otherwise
45 in use.

1 ~~section mobile home and ten thousand dollars for a multisection mobile home~~
2 THE TENANT MAY DO EITHER OF THE FOLLOWING:

3 1. COLLECT PAYMENT FROM THE MOBILE HOME RELOCATION FUND FOR THE LESSER
4 OF THE ACTUAL MOVING EXPENSES OF RELOCATING THE MOBILE HOME TO A NEW LOCATION
5 THAT IS WITHIN A FIFTY MILE RADIUS OF THE VACATED MOBILE HOME PARK OR FIVE
6 THOUSAND DOLLARS FOR A SINGLE SECTION MOBILE HOME OR TEN THOUSAND DOLLARS FOR
7 A MULTISECTION MOBILE HOME. Moving expenses include the cost of taking down,
8 moving and setting up the mobile home in the new location.

9 2. ABANDON THE MOBILE HOME IN THE MOBILE HOME PARK AND COLLECT AN
10 AMOUNT EQUAL TO ONE-FOURTH OF THE MAXIMUM ALLOWABLE MOVING EXPENSE FOR THAT
11 MOBILE HOME FROM THE MOBILE HOME RELOCATION FUND. TO QUALIFY FOR ABANDONMENT
12 PAYMENT PURSUANT TO THIS PARAGRAPH, THE TENANT SHALL DELIVER TO THE LANDLORD
13 THE CURRENT TITLE TO THE MOBILE HOME WITH THE NOTARIZED ENDORSEMENT OF THE
14 OWNER OF RECORD TOGETHER WITH COMPLETE RELEASES OF ALL LIENS THAT ARE SHOWN
15 ON THE TITLE. THE TENANT SHALL PROVIDE A COPY OF THESE DOCUMENTS TO THE
16 DEPARTMENT OF BUILDING AND FIRE SAFETY IN SUPPORT OF THE TENANT'S APPLICATION
17 FOR PAYMENT. IF THE TENANT CHOOSES TO ABANDON THE MOBILE HOME PURSUANT TO
18 THIS PARAGRAPH, THE LANDLORD IS EXEMPT FROM MAKING THE PAYMENTS TO THE FUND
19 PRESCRIBED IN SUBSECTION D OF THIS SECTION.

20 D. Except as provided in subsection C, PARAGRAPH 2 AND SUBSECTION F
21 of this section, if there is a change in use the landlord shall pay five
22 hundred dollars for each single section mobile home and eight hundred dollars
23 for each multisection mobile home relocated to the fund for each tenant
24 filing for relocation assistance with the director.

25 E. If a change in use occurs before the time stated in the statements
26 of policy and the landlord does not comply with subsection A of this section
27 and with section 33-1436 and section 33-1476, subsection H, the landlord
28 shall pay to the fund in addition to the monies prescribed in subsection D
29 of this section:

30 1. Five hundred dollars for each mobile home space occupied by a
31 single section mobile home.

32 2. Eight hundred dollars for each mobile home space occupied by a
33 multisection mobile home.

34 F. The landlord is not required to make the payments prescribed in
35 subsections D and E of this section for moving mobile homes owned by the
36 landlord or for moving a mobile home under a contract with the tenant if the
37 tenant does not file for relocation assistance with the director.

38 G. If a change in use occurs within two hundred seventy days of
39 relocations under section 33-1476.04, the landlord shall pay to the fund in
40 addition to the monies prescribed in subsection D of this section:

41 1. Five hundred dollars for each mobile home space occupied by a
42 single section mobile home.

43 2. Eight hundred dollars for each mobile home space occupied by a
44 multisection mobile home.

1 H. The tenant shall submit a contract for relocation of a mobile home
2 for approval to the director within sixty days after the relocation to be
3 eligible for payment of relocation expenses. The director must approve or
4 disapprove the contract within fifteen days after receipt of the contract,
5 or the contract is deemed to be approved. The payment of expenses shall be
6 made as provided in the rules adopted by the director. If the contract is
7 not approved, the tenant may appeal to the hearing officer.

8 I. If this state or a political subdivision of this state exercises
9 eminent domain and the mobile home park is sold or a sale is made to this
10 state or a political subdivision of this state that intends to exercise
11 eminent domain, the state or political subdivision is responsible for the
12 relocation costs of the tenants.

13 J. If a tenant is vacating the premises and has informed the landlord
14 or manager before the change in use notice has been given, the tenant is not
15 eligible for compensation under this section.

16 K. A person who purchases a mobile home already situated in a park or
17 moves a mobile home into a park in which a change in use notice has been
18 given is not eligible for compensation under this section.

19 L. This section does not apply to a change in use if the landlord
20 moves a tenant to another space in the mobile home park at the landlord's
21 expense.

22 ~~M. If a tenancy is terminated due to a redevelopment of the mobile
23 home park, the tenant may do either of the following:~~

24 ~~1. Collect payment from the mobile home relocation fund as described
25 in this section.~~

26 ~~2. Abandon the mobile home in the mobile home park and collect an
27 amount equal to one-fourth of the maximum allowable moving expenses for the
28 mobile home from the mobile home relocation fund. If the tenant chooses this
29 option, the landlord is not required to make the payments prescribed in
30 subsection D of this section. To be eligible, the tenant shall deliver to
31 the landlord the current title to the mobile home duly endorsed by the owner
32 of record and notarized together with valid releases of all liens shown on
33 the title. A copy of these documents shall be delivered to the department
34 of building and fire safety to support the application for payment.~~

35 Sec. 4. Section 33-1476.03, Arizona Revised Statutes, is amended to
36 read:

37 33-1476.03. Assessments for mobile home relocation fund; waiver

38 A. Each owner of a mobile home LOCATED IN A MOBILE HOME PARK who does
39 not own the land upon which the mobile home is located shall pay each year
40 to the state an assessment equal to a rate of fifty cents per one hundred
41 dollars of the taxable assessed valuation, derived by applying the applicable
42 percentage specified in title 42, chapter 15, article 1 to the limited
43 property value, for each mobile home the person owns, for the purpose of
44 providing monies for the mobile home relocation fund. The county treasurer
45 shall collect the assessment imposed by this subsection at the same time and

1 in the same manner as unsecured personal property taxes, separately listed
2 on the tax roll, shall transfer the revenues collected to the state treasurer
3 for deposit in the mobile home relocation fund and shall send to the state
4 treasurer a written notice of the total taxable assessed valuation, derived
5 by applying the applicable percentage specified in title 42, chapter 15,
6 article 1 to the limited property value, of all mobile homes in the county
7 on which the assessment prescribed by this section is assessed. The
8 assessment constitutes a lien on the mobile home.

9 B. The director shall notify all county assessors to waive the
10 assessment for any year if the monies in the fund exceed four EIGHT million
11 dollars.

12 C. If at the end of a fiscal year the amount of monies in the
13 relocation fund is less than two SIX million five hundred thousand dollars,
14 the director may reinstate the assessment prescribed by this section.

15 Sec. 5. Title 33, chapter 11, article 4, Arizona Revised Statutes, is
16 amended by adding section 33-1485.01, to read:

17 33-1485.01. Removal of mobile home from mobile home park;
18 violation; joint and several liability

19 A. A TENANT OR A TENANT'S SUCCESSOR IN INTEREST SHALL PROVIDE THE
20 LANDLORD WITH A WRITTEN NOTIFICATION OF INTENT TO REMOVE A MOBILE HOME FROM
21 A MOBILE HOME SPACE. THE NOTIFICATION SHALL INCLUDE THE DATE THE MOBILE HOME
22 WILL BE REMOVED FROM THE MOBILE HOME PARK AND THE NAME, ADDRESS AND TELEPHONE
23 NUMBER OF THE PERSON OR ENTITY THAT WILL BE REMOVING THE MOBILE HOME FROM THE
24 MOBILE HOME PARK AND THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE PERSON OR
25 ENTITY THAT WILL BE THE RESPONSIBLE PARTY FOR RESTORING THE MOBILE HOME SPACE
26 IN ACCORDANCE WITH THE RENTAL AGREEMENT AND THE MOBILE HOME PARK RULES AND
27 REGULATIONS. IF THE RESPONSIBLE PARTY IS NOT LICENSED BY THE DEPARTMENT OF
28 BUILDING AND FIRE SAFETY OR THE REGISTRAR OF CONTRACTORS, THE LANDLORD MAY
29 REQUIRE A SECURITY DEPOSIT OR SURETY BOND OF NOT MORE THAN ONE THOUSAND
30 DOLLARS MINUS THE AMOUNT OF ANY SECURITY DEPOSIT THAT WAS COLLECTED AT THE
31 BEGINNING OF THE TENANT'S TENANCY. THE SECURITY DEPOSIT OR SURETY BOND SHALL
32 BE PAID OR PROVIDED BEFORE WORK BEGINS ON RESTORING THE MOBILE HOME SPACE AND
33 SHALL SECURE THE COST OF RESTORATION IF THE RESPONSIBLE PARTY FAILS TO
34 COMPLETELY RESTORE THE MOBILE HOME SPACE. THE LANDLORD SHALL PROVIDE AN
35 ACCOUNTING OF ANY SECURITY DEPOSIT AS PRESCRIBED IN SECTION 33-1431,
36 SUBSECTION C.

37 B. A MOBILE HOME SHALL NOT BE REMOVED FROM A MOBILE HOME PARK BY ANY
38 TENANT, ANY MOBILE HOME OWNER OR ANY OTHER PERSON OR ENTITY UNLESS THE PERSON
39 OR ENTITY THAT IS REMOVING THE MOBILE HOME HAS RECEIVED FROM THE LANDLORD A
40 WRITTEN CLEARANCE FOR REMOVAL. THE LANDLORD SHALL NOT INTERFERE WITH THE
41 REMOVAL OF A MOBILE HOME FOR ANY REASON OTHER THAN NONPAYMENT OF MONIES DUE
42 AS OF THE DATE OF REMOVAL EVEN IF THE TERM OF THE RENTAL AGREEMENT HAS NOT
43 EXPIRED. THE WRITTEN CLEARANCE SHALL CONTAIN BOTH OF THE FOLLOWING:

1 1. A STATEMENT THAT ALL MONIES DUE FOR SPACE RENT AS OF THE DATE OF
2 REMOVAL HAVE BEEN PAID OR THAT THE LANDLORD AND THAT PERSON OR ENTITY HAVE
3 OTHERWISE AGREED TO THE REMOVAL.

4 2. THE REQUIREMENTS FOR A MOBILE HOME SPACE RESTORATION AS PRESCRIBED
5 BY THE RENTAL AGREEMENT AND BY THE MOBILE HOME PARK RULES AND REGULATIONS AND
6 THAT SHALL BE PERFORMED BY THE RESPONSIBLE PARTY LISTED IN THE REMOVAL
7 NOTIFICATION THAT IS REQUIRED BY SUBSECTION A OF THIS SECTION.

8 C. A PERSON OR ENTITY WHO VIOLATES SUBSECTION B OF THIS SECTION SHALL
9 BE LIABLE FOR TWO TIMES THE AMOUNT OF ANY RENTS DUE.

10 D. THE RESPONSIBLE PARTY IDENTIFIED IN THE REMOVAL NOTIFICATION THAT
11 IS REMOVING A MOBILE HOME FROM A MOBILE HOME SPACE SHALL ALSO REMOVE ALL
12 ACCESSORY STRUCTURES UNLESS THE LANDLORD HAS AGREED IN WRITING TO ALLOW THOSE
13 STRUCTURES TO REMAIN. THE RESPONSIBLE PARTY IDENTIFIED IN THE REMOVAL
14 NOTIFICATION THAT IS REMOVING THE MOBILE HOME SHALL ALSO REMOVE ALL
15 CONSTRUCTION DEBRIS, TRASH AND PERSONAL PROPERTY ON THE RENTAL SPACE FROM THE
16 MOBILE HOME PARK AND SHALL BE RESPONSIBLE FOR RESTORING THE SPACE IN
17 ACCORDANCE WITH THE RENTAL AGREEMENT AND THE MOBILE HOME PARK RULES AND
18 REGULATIONS. THE RULES AND REGULATIONS MAY CONTAIN CONDITIONS REGARDING THE
19 REMOVAL OF A MOBILE HOME FROM THE MOBILE HOME PARK AND THE RESTORATION OF A
20 MOBILE HOME SPACE BY A TENANT OR A TENANT'S SUCCESSOR IN INTEREST AFTER
21 REMOVAL OF THE MOBILE HOME. THE CONDITIONS SHALL NOT INCLUDE ANY PROVISIONS
22 REGARDING ENVIRONMENTAL LIABILITY OR ENVIRONMENTAL REMEDIATION, AND ANY
23 ENVIRONMENTAL LIABILITY OR ENVIRONMENTAL REMEDIATION REQUIREMENTS SHALL BE
24 GOVERNED AS OTHERWISE PROVIDED BY LAW. IF A RENTAL SPACE DOES NOT SATISFY
25 THE REQUIREMENTS OF THIS SECTION FOLLOWING REMOVAL OF A MOBILE HOME, THE
26 LANDLORD MAY PROVIDE THE LAST TENANT, THE TENANT'S SUCCESSOR IN INTEREST OR
27 THE MOBILE HOME OWNER AND THE RESPONSIBLE PARTY IDENTIFIED IN THE REMOVAL
28 NOTIFICATION WITH WRITTEN NOTICE THAT SPECIFIES WHAT MUST BE DONE TO BRING
29 THE SPACE INTO COMPLIANCE AND THAT REQUESTS THAT THE PARTIES REMEDY THE
30 CONDITION WITHIN TEN DAYS. IF THE WORK IS NOT COMPLETED WITHIN TEN DAYS, THE
31 LANDLORD MAY CAUSE THE WORK TO BE DONE AND SHALL PREPARE AN ITEMIZED BILL FOR
32 THE ACTUAL AND REASONABLE COST OR THE FAIR AND REASONABLE VALUE OF THE WORK
33 AND SUBMIT IT TO THE LAST TENANT, THE TENANT'S SUCCESSOR IN INTEREST OR THE
34 MOBILE HOME OWNER AND THE RESPONSIBLE PARTY IDENTIFIED IN THE REMOVAL
35 NOTIFICATION. ALL OF THOSE PERSONS SHALL BE JOINTLY AND SEVERALLY LIABLE FOR
36 THE EXPENSES.

37 Sec. 6. Section 41-2186, Arizona Revised Statutes, is amended to read:
38 41-2186. Grounds for disciplinary action

39 The assistant director may, upon the assistant director's own motion,
40 and shall, upon the complaint in writing of any person, cause to be
41 investigated by the office the acts of any manufacturer, dealer, broker,
42 salesperson or installer licensed with the office and may temporarily suspend
43 or permanently revoke any license issued under this article, impose an
44 administrative penalty or place on probation any licensee, if the holder of

1 the license, while a licensee, is guilty of or commits any of the following
2 acts or omissions:

3 1. Failure in any material respect to comply with the provisions of
4 this article or article 2 of this chapter.

5 2. Violation of any rule that is adopted by the board and that
6 pertains to the construction of any unit or of any rule that is adopted by
7 the board and that is necessary to effectively carry out the provisions and
8 intent of this article, article 2 of this chapter or the laws of the United
9 States or of this state.

10 3. Misrepresentation of a material fact by the applicant in obtaining
11 a license.

12 4. Aiding or abetting an unlicensed person or knowingly combining or
13 conspiring with an unlicensed person to evade the provisions of this article
14 or article 2 of this chapter, or allowing one's license to be used by an
15 unlicensed person or acting as an agent, partner or associate of an
16 unlicensed person with intent to evade the provisions of this article or
17 article 2 of this chapter.

18 5. Conviction of a felony.

19 6. The doing of a wrongful or fraudulent act by a licensee which
20 relates to this article or article 2 of this chapter.

21 7. Departure from or disregard of any code or any rule adopted by the
22 board.

23 8. Failure to disclose or subsequent discovery by the office of facts
24 which, if known at the time of issuance of a license or the renewal of a
25 license, would have been grounds to deny the issuance or renewal of a
26 license.

27 9. Knowingly entering into a contract with a person not duly licensed
28 in the required classification for work to be performed for which a license
29 is required.

30 10. Acting in the capacity of a licensee under any license issued under
31 this article in a name other than as set forth upon the license.

32 11. Acting as a licensee while the license is under suspension.

33 12. Failure to respond relative to a verified complaint after notice
34 of such complaint.

35 13. Violation of the ~~provisions of~~ title 28, chapter 10 or rules
36 adopted pursuant to such TITLE 28, chapter 10, except for the licensing
37 requirements of sections 28-4334, 28-4335, 28-4361, 28-4362, 28-4364, 28-4401
38 and 28-4402.

39 14. False, misleading or deceptive sales practices by a licensee in the
40 sale or offer of sale of any unit regulated by this article or article 2 of
41 this chapter.

42 15. Failure to remit the consumer recovery fund fee pursuant to section
43 41-2189.

44 16. Acting as a salesperson while not employed by a dealer or broker.

1 17. As a salesperson, representing or attempting to represent a dealer
2 or broker other than by whom the salesperson is employed.

3 18. Failure by a salesperson to promptly place all cash, checks and
4 other items of value and any related documents received in connection with
5 a sales transaction in the care of the employing dealer or broker.

6 19. Failure to provide all agreed on goods and services.

7 20. Failure to manufacture or install in a workmanlike manner all
8 subassemblies, units and accessory structures which are suitable for their
9 intended purpose.

10 21. Failure of the licensee to work only within the scope of the
11 license held.

12 22. An action by a licensee, who is also a mobile home park owner,
13 manager, agent or representative, that restricts a resident's or prospective
14 resident's access to buyers, sellers or licensed dealers or brokers in
15 connection with the sale of a home or the rental of a space, that the
16 department finds constitutes a violation of section 33-1434, subsection B or
17 section 33-1452, subsection D- E or that violates any law or regulation
18 relating to fair housing or credit practices.

APPROVED BY THE GOVERNOR MAY 19, 2003.

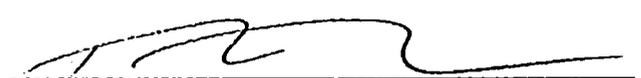
FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 20, 2003.



Passed the House April 14, 20 03

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting


Speaker of the House
Pro Tempore

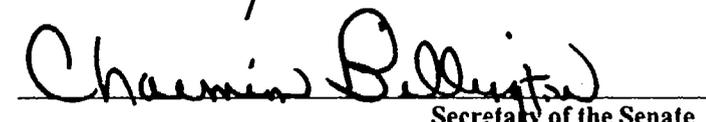

Chief Clerk of the House

Passed the Senate March 12, 20 03

by the following vote: 29 Ayes,

0 Nays, 1 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

~~_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

~~Approved this _____ day of~~

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

S.B. 1049

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 12, 2003,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

Jake Flake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate May 7, 2003,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Ken Bennett
President of the Senate

Charmain Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 13 day of May, 2003

at 11:35 o'clock A M.

Andre Hamrey
Secretary to the Governor

Approved this 19 day of

May, 2003,

at 4:30 o'clock P. M.

Jt. Nye
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 20 day of May, 2003,

at 10:53 o'clock A M.

Janice L. Brewer
Secretary of State

S.B. 1049