

House Engrossed Senate Bill

State of Arizona  
Senate  
Forty-sixth Legislature  
Second Regular Session  
2004

CHAPTER 183

# SENATE BILL 1234

AN ACT

AMENDING SECTION 33-1902, ARIZONA REVISED STATUTES; RELATING TO RESIDENTIAL RENTAL PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 33-1902, Arizona Revised Statutes, is amended to  
3 read:

4 33-1902. Residential rental property; recording with the  
5 assessor; agent designation; civil penalty

6 A. An owner of residential rental property shall maintain with the  
7 assessor in the county where the property is located information required by  
8 this section in a manner to be determined by the assessor. The owner shall  
9 update any information required by this section within ten days after a  
10 change in the information occurs. The following information shall be  
11 maintained:

- 12 1. The name, address and telephone number of the property owner.
- 13 2. If the property is owned by a corporation, limited liability  
14 company, partnership, limited partnership, trust or real estate investment  
15 trust, the name, address and telephone number of any of the following:
  - 16 (a) For a corporation, a corporate officer.
  - 17 (b) For a partnership, a general partner.
  - 18 (c) For a limited liability company, the managing or administrative  
19 member.
  - 20 (d) For a limited partnership, a general partner.
  - 21 (e) For a trust, a trustee.
  - 22 (f) For a real estate investment trust, a general partner or an  
23 officer.

- 24 3. The street address and parcel number of the property.
- 25 4. The year the building was built.

26 B. An owner of residential rental property who lives outside this  
27 state shall designate and record with the assessor a statutory agent who  
28 lives in this state and who will accept legal service on behalf of the owner.  
29 The owner shall designate the agent in a manner to be determined by the  
30 assessor. The information shall include the name, address and telephone  
31 number of the agent.

32 C. Residential rental property shall not be occupied if the  
33 information required by this section is not on file with the county assessor.  
34 IF THE OWNER HAS NOT FILED THE INFORMATION REQUIRED BY THIS SECTION WITH THE  
35 COUNTY ASSESSOR AND THE RESIDENTIAL RENTAL PROPERTY IS OCCUPIED BY A TENANT  
36 AND THE TENANT CHOOSES TO TERMINATE THE TENANCY, THE TENANT SHALL DELIVER TO  
37 THE LANDLORD, OWNER OR MANAGING AGENT OF THE PROPERTY A WRITTEN TEN DAY  
38 NOTICE TO COMPLY WITH THIS SECTION. THE NOTICE SHALL BE DELIVERED BY  
39 CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY HAND DELIVERY. IF THE OWNER  
40 DOES NOT COMPLY WITH THIS SECTION WITHIN TEN DAYS AFTER RECEIPT OF THE  
41 NOTICE, THE TENANT MAY TERMINATE THE RENTAL AGREEMENT AND THE LANDLORD SHALL  
42 RETURN ALL PREPAID RENT TO THE TENANT. SECURITY DEPOSITS SHALL BE RETURNED  
43 IN ACCORDANCE WITH SECTION 33-1321, SUBSECTION D. THE LANDLORD SHALL RETURN  
44 THOSE MONIES BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY HAND DELIVERY  
45 TO THE TENANT WITHIN TEN DAYS AFTER THE TERMINATION OF THE RENTAL AGREEMENT.

1 This subsection ~~does not affect any existing lease~~ APPLIES TO ANY EXISTING  
2 LEASE AND TO ANY NEW LEASE AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS  
3 SECTION. NOTWITHSTANDING THIS SUBSECTION, AN OWNER IS IN COMPLIANCE WITH  
4 THIS SUBSECTION ONLY IF THE OWNER HAD FILED THE INFORMATION REQUIRED BY  
5 SUBSECTION A OF THIS SECTION WITH THE COUNTY ASSESSOR.

6 D. All records, files and documents that are required by this section  
7 are public records.

8 E. A person who fails to comply with ~~any provision~~ of this section  
9 shall be assessed a civil penalty of one thousand dollars, plus an additional  
10 one hundred dollars for each month after the date of the original violation  
11 until compliance occurs. The court shall not suspend any portion of the  
12 civil penalty provided by this subsection.

13 F. Notwithstanding subsection E of this section, if a person complies  
14 within ten days after receiving the complaint that notices the violation, the  
15 court shall dismiss the complaint and shall not impose a civil penalty.

16 G. In carrying out ~~the provisions~~ of this section the county assessor  
17 shall have immunity as provided in section 12-820.01.

APPROVED BY THE GOVERNOR MAY 3, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 3, 2004.

Passed the House April 20, 20 04

by the following vote: 31 Ayes,

25 Nays, 4 Not Voting

Jake Flake  
Speaker of the House

Norman L. Moore  
Chief Clerk of the House

Passed the Senate March 1, 20 04

by the following vote: 25 Ayes,

2 Nays, 3 Not Voting

Ken Blumenthal  
President of the Senate

Charmaine Bellinger  
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

**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

S.B. 1234

SENATE CONCURS IN HOUSE AMENDMENTS  
AND FINAL PASSAGE

Passed the Senate April 27, 2004,

by the following vote: 18 Ayes,

7 Nays, 5 Not Voting

[Signature]  
President of the Senate  
[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

27th day of April, 2004,

at 1 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 3 day of

May, 2004,

at 2:45 o'clock P M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 3 day of May, 2004,

at 3:51 o'clock PM M.

[Signature]  
Secretary of State