

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 237

HOUSE BILL 2124

AN ACT

AMENDING SECTIONS 33-1315 AND 33-1414, ARIZONA REVISED STATUTES; RELATING TO
RESIDENTIAL 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 33-1315, Arizona Revised Statutes, is amended to
3 read:
4 33-1315. Prohibited provisions in rental agreements
5 A. A rental agreement shall not provide that the tenant does any of
6 the following:
7 1. Agrees to waive or to forego rights or remedies under this chapter.
8 2. Agrees to pay the landlord's attorney fees, except an agreement in
9 writing may provide that attorney fees may be awarded to the prevailing
10 party in the event of court action and except that a prevailing party in a
11 contested forcible detainer action is eligible to be awarded attorney fees
12 pursuant to section 12-341.01 regardless of whether the rental agreement
13 provides for such an award.
14 3. Agrees to the exculpation or limitation of any liability of the
15 landlord arising under law or to indemnify the landlord for that liability or
16 the costs connected therewith.
17 4. Agrees to waive or limit the tenant's right to summon OR ANY OTHER
18 PERSON'S RIGHT TO SUMMON a peace officer or other emergency assistance in
19 response to ~~domestic violence as defined in section 13-3601 or 13-3601.02~~ AN
20 EMERGENCY.
21 5. Agrees to payment of monetary ~~or other~~ penalties OR OTHERWISE
22 PENALIZES THE TENANT for THE TENANT SUMMONING OR FOR ANY OTHER PERSON
23 summoning a peace officer or other emergency assistance in response to
24 ~~domestic violence as defined in section 13-3601 or 13-3601.02~~ AN EMERGENCY.
25 B. A provision THAT IS prohibited by subsection A of this section AND
26 THAT IS included in a rental agreement is unenforceable. If a landlord
27 deliberately uses a rental agreement containing provisions known by ~~him~~ THE
28 LANDLORD to be prohibited, the tenant may recover actual damages sustained by
29 ~~him~~ THE TENANT and not more than two months' periodic rent.
30 C. THIS SECTION DOES NOT LIMIT THE LANDLORD'S RIGHT TO EVICT A TENANT
31 PURSUANT TO SECTION 33-1368.
32 Sec. 2. Section 33-1414, Arizona Revised Statutes, is amended to read:
33 33-1414. Prohibited provisions in rental agreements; late
34 payment penalty
35 A. A rental agreement shall not provide that the tenant agrees to:
36 1. Waive or to forego rights or remedies under this chapter.
37 2. Pay the landlord's ~~attorney's~~ ATTORNEY fees, except an agreement in
38 writing may provide that ~~attorney's~~ ATTORNEY fees may be awarded to the
39 prevailing party in the event of court action.
40 3. The exculpation or limitation of any liability of the landlord
41 arising under law or to indemnify the landlord for that liability or the
42 costs connected therewith.
43 4. Permit the landlord to charge a penalty fee for late payment of
44 rent unless a tenant is allowed a minimum of five days beyond the date the
45 rent is due in which to remit payment.

1 5. Permit the landlord to charge a fee for a guest who does not stay
2 for more than a total of fourteen days in any calendar month.

3 6. WAIVE OR LIMIT THE TENANT'S RIGHT TO SUMMON OR ANY OTHER PERSON'S
4 RIGHT TO SUMMON A PEACE OFFICER OR OTHER EMERGENCY ASSISTANCE IN RESPONSE TO
5 AN EMERGENCY.

6 7. PAYMENT OF MONETARY PENALTIES OR OTHERWISE PENALIZES THE TENANT FOR
7 THE TENANT SUMMONING OR FOR ANY OTHER PERSON SUMMONING A PEACE OFFICER OR
8 OTHER EMERGENCY ASSISTANCE IN RESPONSE TO AN EMERGENCY.

9 B. A provision THAT IS prohibited by subsection A OF THIS SECTION and
10 THAT IS included in a rental agreement is unenforceable. If a landlord
11 deliberately uses a rental agreement containing provisions known to be
12 prohibited, the tenant may recover actual damages sustained and the rental
13 agreement is voidable by the tenant.

14 C. A landlord may charge a penalty fee of not to exceed five dollars
15 per day from the due date of the rent for late payment of rent if the payment
16 is not remitted by the sixth day from the due date.

17 D. THIS SECTION DOES NOT LIMIT THE LANDLORD'S RIGHT TO EVICT A TENANT
18 PURSUANT TO SECTION 33-1476.

APPROVED BY THE GOVERNOR MAY 2, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 2006.