Senate Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 107

SENATE BILL 1146

AN ACT

AMENDING SECTIONS 33-2102 AND 33-2132, ARIZONA REVISED STATUTES; RELATING TO RECREATIONAL VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 33-2102, Arizona Revised Statutes, is amended to read:

33-2102. Definitions

In this chapter, unless the context otherwise requires:

1. "Action" includes recoupment, counterclaim, setoff, suit in equity and any other proceeding in which rights are determined, including an action for possession.

2. "Appurtenances" means awnings, sheds, porches and other attachments to the recreational vehicle.

3. "Change in use" means a change in the use of land from the rental of recreational vehicle spaces in a recreational vehicle park to some other use.

4. "Compatible" means a recreational vehicle that is in a similar condition as the majority of the other recreational vehicles in the recreational vehicle park, as determined by the maintenance, condition and overall appearance of the recreational vehicle.

5. "Factory-built building" means a residential or nonresidential building, including a dwelling unit or habitable room of the building, that is either wholly or in substantial part manufactured at an off-site location to be assembled on site, except that it does not include a manufactured home, recreational vehicle or mobile home as defined in section 41-2142.

6. "Good faith" means honesty in fact in the conduct or transaction concerned.

7. "Guest" means a nonresident of a recreational vehicle park, over and above the limit set for the resident's space under the terms of the rental agreement or by park rules, who stays at the home of a person with constructive possession of the home with the consent of the resident for one or more nights and not more than fourteen days in any twelve month period.

8. "Landlord" means:

(a) The owner, lessor, sublessor or operator, or any combination of these persons, of a recreational vehicle park.

(b) A manager of the premises.

9. "Mobile home" means either of the following:

(a) A residential structure THAT WAS manufactured on or before June 15, 1976, that is transportable in one or more sections, eight feet or more in body width, over thirty feet in body length with the hitch, built on an integral chassis, designed to be used as a dwelling when connected to the required utilities and not originally sold as a travel trailer or recreational vehicle and that includes the plumbing, heating, air conditioning and electrical systems in the structure.

(b) A manufactured home built after June 15, 1976, originally bearing an appropriate insignia of approval issued by the United States department of housing and urban development.

10. "Mobile home park" means any parcel of land that contains four or more mobile home spaces and two or more recreational vehicle spaces.

11. "Mobile home space" means a parcel of land for rent that has been designed to accommodate a mobile home and provide the required sewer and utility connections.

12. "Notice" means delivery by hand or mailed by registered or certified mail to the last known address of the landlord or tenant. If notice is mailed by registered or certified mail, the landlord or tenant is deemed to have received the notice on the date the notice is actually received or five days after the date the notice is mailed, whichever occurs first.

13. "Organization" includes a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest and any other legal or commercial entity that is a landlord, owner, manager or designated agent.

14. "Owner" means one or more persons, jointly or severally, in whom is vested all or part of the legal title to property or all or part of the beneficial ownership and a right to present use and enjoyment of the premises. Owner includes a mortgagee in possession.

15. "Person" includes a company, partnership or firm as well as a natural person.

16. "Premises" means the recreational vehicle park and existing facilities and appurtenances in the park, including furniture and utilities, if applicable, and grounds, areas and existing facilities held out for the use of tenants generally or whose use is promised to the tenant.

17. "Prospective tenant" means a person who expresses an interest to a landlord in becoming a tenant.

18. "Recreational vehicle" means a vehicular type unit that is any of the following:

(a) A portable camping trailer mounted on wheels and constructed with collapsible partial sidewalls that fold for towing by another vehicle and unfold for camping.

(b) A motor home designed to provide temporary living quarters for recreational, camping or travel use and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

(c) A park trailer OR PARK MODEL built on a single chassis, mounted on wheels OR ORIGINALLY MOUNTED ON WHEELS AND FROM WHICH THE WHEELS HAVE BEEN REMOVED and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than three hundred twenty square feet and not more than four hundred square feet when it is set up, except that it does not include fifth wheel trailers.

(d) A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of a size or

weight that may or may not require special highway movement permits when towed by a motorized vehicle and that has a trailer area of less than three hundred twenty square feet. This ~~paragraph~~ SUBDIVISION includes fifth wheel trailers. If a unit requires a size or weight permit, it shall be manufactured to the standards for park trailers in section A 119.5 of the American national standards institute code.

(e) A portable truck camper constructed to provide temporary living quarters for recreational, camping or travel use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

19. "Recreational vehicle space" means a parcel of land for rent that has been designed to accommodate a recreational vehicle and provide the required sewer and utility connections.

20. "Rent" means payments to be made to the landlord or designated agent in full consideration for the rented premises.

21. "Rental agreement" means oral or written leases or agreements and valid rules embodying the terms and conditions concerning the use and occupancy of a recreational vehicle space.

22. "Resident" means a person entitled under a rental agreement to occupy a recreational vehicle space to the exclusion of others.

23. "Security deposit" means money or property given to assure payment or performance under a rental agreement.

24. "Tenant" means a person signing a rental agreement or otherwise agreeing with a landlord for the occupancy of a recreational vehicle space for more than one hundred eighty days.

25. "Visitor" means a nonresident of a recreational vehicle park who stays at the home of a resident with the consent of the resident but does not stay overnight.

Sec. 2. Section 33-2132, Arizona Revised Statutes, is amended to read:

33-2132. Rules

A. A landlord shall adopt written rules, however described, concerning the tenant's use and occupancy of the premises. Rules are enforceable against the tenant only if:

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

2. They are sufficiently explicit in prohibition, direction or limitation of the tenant's conduct to fairly inform the tenant of what the tenant must or must not do to comply.

3. They are not for the purpose of evading the obligations of the landlord.

4. The prospective tenant has a copy of the current rules before entering into the rental agreement.

B. If the owner or agent adds, changes, deletes or amends any rule, the owner or agent shall provide notice in writing of all additions, changes, deletions or amendments to all tenants thirty days before they become effective. Any rule or condition of occupancy that is unfair and deceptive

or that does not conform to the requirements of this chapter is unenforceable. A rule adopted after the tenant enters into the rental agreement is enforceable against the tenant only if the rule does not substantially modify the rental agreement. For purposes of this subsection, notice shall be by personal delivery or mailed by first class or certified mail.

C. A landlord shall not:

1. Deny rental unless the prospective resident cannot conform to park rules. A landlord is not required to enter into an initial recreational vehicle space agreement in excess of one hundred seventy-nine days.

2. Charge an exit fee to a tenant whose rental agreement has expired.

3. Require a person as a precondition to renting, leasing or otherwise occupying a recreational vehicle space in a recreational vehicle or mobile home park to pay an entrance or exit fee, unless the fee is for services that are actually rendered or pursuant to a written agreement.

4. Deny any resident of a recreational vehicle park the right to sell the recreational vehicle at a price of the resident's own choosing during the term of the tenant's rental agreement, but the landlord may reserve the right to approve the purchaser of the recreational vehicle as a tenant. This permission shall not be unreasonably withheld, except that the landlord may require, in order to preserve or upgrade the quality of the recreational vehicle park, that any recreational vehicle not compatible with the other recreational vehicles in the park, in a rundown condition or in disrepair be removed from the park within sixty days. WITHIN TEN DAYS OF A WRITTEN REQUEST BY THE SELLER OR PROSPECTIVE PURCHASER, A LANDLORD SHALL NOTIFY THE SELLER AND THE PROSPECTIVE PURCHASER IN WRITING OF ANY REASONS FOR WITHHOLDING APPROVAL OF A PURCHASE PURSUANT TO THIS PARAGRAPH. THE NOTICE TO THE PROSPECTIVE PURCHASER SHALL IDENTIFY THE REASONS FOR DISAPPROVAL WITH REASONABLE SPECIFICITY. THE NOTICE TO THE SELLER SHALL IDENTIFY THE REASONS IN SUMMARY FASHION CONSISTENT WITH APPLICABLE FEDERAL AND STATE CONSUMER PROTECTION LAWS AND SHALL INFORM THE SELLER THAT THE SELLER SHOULD CONSULT WITH THE PROSPECTIVE PURCHASER FOR MORE SPECIFIC DETAILS.

5. Require an existing tenant to furnish permanent improvements that cannot be removed without damage to the improvements or to the recreational vehicle space by a tenant at the expiration of the rental agreement.

6. Prohibit a tenant from advertising the sale or exchange of the tenant's recreational vehicle, INCLUDING THE DISPLAY OF A "FOR SALE" OR "OPEN HOUSE" SIGN ON THE RECREATIONAL VEHICLE OR IN THE WINDOW OF THE RECREATIONAL VEHICLE STATING THE NAME AND CONTACT INFORMATION OF THE OWNER OR AGENT OF THE RECREATIONAL VEHICLE. IN ADDITION, a tenant may display a sign on a central posting board in the park that is reasonably accessible to the public seven days a week during daylight hours.

7. REQUIRE A TENANT OR PROSPECTIVE TENANT TO USE ANY SPECIFIC SALES AGENCY, MANUFACTURER, RETAILER OR BROKER.

D. If a tenant dies, any surviving joint tenant or cotenant continues as tenant with the same rights, privileges and liabilities as if the surviving tenant were the original tenant.

E. A new tenant who brings a recreational vehicle into a park or who purchases an existing recreational vehicle or mobile home shall comply with all rules then in effect.

F. A resident may have one person who is at least eighteen years of age occupy the recreational vehicle on a temporary basis to provide necessary live-in health care to the resident pursuant to a written treatment plan prepared by the resident's physician. The landlord may require the resident to provide a written renewal of the physician's treatment plan every six months. The landlord shall not charge a fee for the person rendering care. The person rendering care has no rights of tenancy. Any agreement between the resident and the person rendering care does not modify the rental agreement between the landlord and tenant. The person rendering care shall comply with the rules of the park.

APPROVED BY THE GOVERNOR APRIL 20, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 21, 2010.

Passed the House April 13, 2010,

by the following vote: 45 Ayes,

9 Nays, 6 Not Voting

Speaker of the House

Cheryl Laube

Chief Clerk of the House

Passed the Senate March 3, 2010,

by the following vote: 28 Ayes,

0 Nays, 1 Not Voting

1 VACANT

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

15 day of April, 2010

at 2:05 o'clock P. M.

Secretary to the Governor

Approved this 20th day of

April, 2010,

at 5:38 o'clock P. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 21st day of April, 2010,

at 10:06 o'clock a M.

Secretary of State

S.B. 1146