

House Engrossed Senate Bill

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

CHAPTER 191

SENATE BILL 1306

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.30; AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-269.10; AMENDING TITLE 33, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-1319; 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. Title 9, chapter 4, article 8, Arizona Revised Statutes, is
3 amended by adding section 9-500.30, to read:

4 9-500.30. Prohibition on adopting landlord tenant bedbug
5 control requirements

6 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, A CITY OR TOWN
7 SHALL NOT ADOPT REQUIREMENTS BY ORDINANCE OR OTHERWISE FOR LANDLORDS OR
8 TENANTS THAT RELATE TO THE CONTROL OF BEDBUGS AS DEFINED IN SECTION 33-1319,
9 OTHER THAN THE REQUIREMENTS PRESCRIBED BY SECTION 33-1319.

10 B. A CITY OR TOWN MAY ADOPT REQUIREMENTS RELATING TO THE PROPER
11 DISPOSAL OF ITEMS THAT ARE INFESTED WITH BEDBUGS.

12 Sec. 2. Title 11, chapter 2, article 4, Arizona Revised Statutes, is
13 amended by adding section 11-269.10, to read:

14 11-269.10. Prohibition on adopting landlord tenant bedbug
15 control requirements

16 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION THE BOARD OF
17 SUPERVISORS AND ANY OTHER PERSON UNDER THE AUTHORITY OF THE BOARD OF
18 SUPERVISORS SHALL NOT ADOPT REQUIREMENTS BY ORDINANCE OR OTHERWISE FOR
19 LANDLORDS OR TENANTS THAT RELATE TO THE CONTROL OF BEDBUGS AS DEFINED IN
20 SECTION 33-1319, OTHER THAN THE REQUIREMENTS PRESCRIBED BY SECTION 33-1319.

21 B. THE BOARD OF SUPERVISORS OR A PERSON UNDER THE AUTHORITY OF THE
22 BOARD OF SUPERVISORS MAY ADOPT REQUIREMENTS RELATING TO THE PROPER DISPOSAL
23 OF ITEMS THAT ARE INFESTED WITH BEDBUGS.

24 Sec. 3. Title 33, chapter 10, article 1, Arizona Revised Statutes, is
25 amended by adding section 33-1319, to read:

26 33-1319. Bedbug control: landlord and tenant obligations:
27 definitions

28 A. A LANDLORD HAS THE FOLLOWING OBLIGATIONS WITH RESPECT TO A BEDBUG
29 INFESTATION:

30 1. THE LANDLORD SHALL PROVIDE BEDBUG EDUCATIONAL MATERIALS TO EXISTING
31 AND NEW TENANTS. EDUCATIONAL MATERIALS MAY INCLUDE:

32 (a) A DESCRIPTION OF MEASURES THAT MAY BE TAKEN TO PREVENT AND CONTROL
33 BEDBUGS.

34 (b) INFORMATION ABOUT BEDBUGS, INCLUDING A DESCRIPTION OF THEIR
35 APPEARANCE.

36 (c) A DESCRIPTION OF BEHAVIORS THAT ARE RISK FACTORS FOR ATTRACTING
37 BEDBUGS SUCH AS PURCHASING RENOVATED MATTRESSES, USING DISCARDED MATTRESSES
38 AND FURNITURE, USING USED OR LEASED FURNITURE, PURCHASING PRE-OWNED CLOTHING
39 AND TRAVELING WITHOUT PROPER PRECAUTIONS.

40 (d) INFORMATION PROVIDED BY THE UNITED STATES CENTERS FOR DISEASE
41 CONTROL AND PREVENTION AND OTHER FEDERAL, STATE OR LOCAL HEALTH AGENCIES.

42 (e) INFORMATION PROVIDED BY FEDERAL, STATE OR LOCAL HOUSING AGENCIES.

43 (f) INFORMATION PROVIDED BY NONPROFIT HOUSING ORGANIZATIONS.

44 (g) INFORMATION DEVELOPED BY THE LANDLORD.

1 2. THE LANDLORD SHALL NOT ENTER INTO ANY LEASE AGREEMENT WITH A TENANT
2 FOR A DWELLING UNIT THAT THE LANDLORD KNOWS TO HAVE A CURRENT BEDBUG
3 INFESTATION.

4 B. A TENANT HAS THE FOLLOWING OBLIGATIONS WITH RESPECT TO A BEDBUG
5 INFESTATION:

6 1. THE TENANT SHALL NOT KNOWINGLY MOVE MATERIALS INTO A DWELLING UNIT
7 THAT ARE INFESTED WITH BEDBUGS.

8 2. A TENANT WHO KNOWS OF THE PRESENCE OF BEDBUGS SHALL PROVIDE THE
9 LANDLORD WRITTEN OR ELECTRONIC NOTIFICATION OF THE PRESENCE OF BEDBUGS.

10 C. THIS SECTION DOES NOT LIMIT ANY OTHER RIGHTS, REMEDIES AND
11 OBLIGATIONS UNDER THIS CHAPTER.

12 D. THE LANDLORD AND TENANT OF A SINGLE FAMILY RESIDENCE ARE EXCLUDED
13 FROM THE PROVISIONS OF THIS SECTION.

14 E. EXCEPT AS SPECIFICALLY PROVIDED IN THIS SECTION, THIS SECTION DOES
15 NOT CREATE A CAUSE OF ACTION AGAINST:

16 1. A LANDLORD OR A LANDLORD'S EMPLOYEES, OFFICERS, AGENTS AND
17 DIRECTORS BY A TENANT OR A TENANT'S GUESTS FOR ANY DAMAGES CAUSED BY BEDBUGS.

18 2. A TENANT BY A LANDLORD FOR ANY DAMAGES CAUSED BY BEDBUGS.

19 F. FOR THE PURPOSES OF THIS SECTION:

20 1. "BEDBUGS" MEANS ANY INSECT IN THE GENUS CIMEX AND ITS EGGS.

21 2. "INFESTATION" OR "INFESTED" MEANS THAT THE PRESENCE OF BEDBUGS IS
22 SUFFICIENT TO MATERIALLY AFFECT THE HEALTH AND SAFETY OF TENANTS AND THEIR
23 GUESTS.

APPROVED BY THE GOVERNOR APRIL 19, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2011.

Passed the House April 11, 2011,

Passed the Senate February 22, 2011,

by the following vote: 51 Ayes,

by the following vote: 18 Ayes,

8 Nays, 1 Not Voting

62 Nays, 0 Not Voting

[Signature]
Speaker of the House
Pro Tempore

[Signature]
President of the Senate

Cheryl Laube
Chief Clerk of the House

Charmion 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

S.B. 1306

**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

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 13, 20 11

by the following vote: 23 Ayes,

6 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

13 day of April, 2011

at 4:25 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 19th day of

April

at 9:04 o'clock A. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 19th day of April, 20 11

S.B. 1306

at 11:12 o'clock a M.

[Signature]
Secretary of State