

Senate Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

CHAPTER 183

SENATE BILL 1132

AN ACT

AMENDING SECTIONS 33-1476.01, 33-1476.02, 33-1476.04, 33-1476.05 AND 41-2157,
ARIZONA REVISED STATUTES; RELATING TO MOBILE HOME RELOCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 33-1476.01, Arizona Revised Statutes, is amended to
3 read:

4 33-1476.01. Change in use; notices; compensation for moving
5 expenses; payments by the landlord

6 A. The landlord shall notify the director and all tenants in writing
7 of a change in use at least one hundred eighty days before the change in use.
8 The landlord may not increase rent within ninety days before giving notice of
9 a change in use.

10 B. The landlord shall inform all tenants in writing about the mobile
11 home relocation fund established in section 33-1476.02.

12 C. If a tenant is required to move due to a change in use or
13 redevelopment of the mobile home park, the tenant may do any of the
14 following:

15 1. Collect payment from the mobile home relocation fund for the lesser
16 of the actual moving expenses of relocating the mobile home to a new location
17 that is within a fifty-mile radius of the vacated mobile home park or five
18 thousand dollars for a single section mobile home or ten thousand dollars for
19 a multisection mobile home. Moving expenses include the cost of taking down,
20 moving and setting up the mobile home in the new location.

21 2. Abandon the mobile home in the mobile home park and collect an
22 amount equal to one-fourth of the maximum allowable moving expense for that
23 mobile home from the mobile home relocation fund. To qualify for abandonment
24 payment pursuant to this paragraph, the tenant shall deliver to the landlord
25 the current title to the mobile home with the notarized endorsement of the
26 owner of record together with complete releases of all liens that are shown
27 on the title and proof that all taxes owing on the mobile home have been paid
28 to date. The tenant shall provide a copy of these documents to the
29 department of fire, building and life safety in support of the tenant's
30 application for payment. If the tenant chooses to abandon the mobile home
31 pursuant to this paragraph, the landlord is exempt from making the payments
32 to the fund prescribed in subsection D of this section.

33 3. If a mobile home is relocated to a location outside of the vacated
34 mobile home park and, in the sole judgment of the director, the mobile home
35 was ground set in the mobile home park from which it was removed, the tenant
36 may collect additional monies not to exceed two thousand five hundred dollars
37 for the incremental costs of removing a ground set mobile home. These monies
38 are in addition to any monies provided pursuant to paragraph 1 of this
39 subsection.

40 D. Except as provided in subsection C, paragraph 2 and subsection F of
41 this section and section 33-1476.04, subsection D, if there is a change in
42 use the landlord shall pay five hundred dollars for each single section
43 mobile home and eight hundred dollars for each multisection mobile home
44 relocated to the fund for each tenant filing for relocation assistance with
45 the director.

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

6 1. Five hundred dollars for each mobile home space occupied by a
7 single-section mobile home.

8 2. Eight hundred dollars for each mobile home space occupied by a
9 multisection mobile home.

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

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

17 1. Five hundred dollars for each mobile home space occupied by a
18 single section mobile home.

19 2. Eight hundred dollars for each mobile home space occupied by a
20 multisection mobile home.

21 H. The tenant shall submit a contract for relocation of a mobile home
22 for approval to the director within sixty days after the relocation to be
23 eligible for payment of relocation expenses. The director must approve or
24 disapprove the contract within fifteen days after receipt of the contract, or
25 the contract is deemed to be approved.

26 I. IF THE CONTRACT IS APPROVED, the payment of RELOCATION expenses
27 shall be made ~~as provided in the rules adopted by the director.~~ TO THE
28 INSTALLER OR CONTRACTOR WHEN BOTH OF THE FOLLOWING HAVE BEEN COMPLETED:

29 1. THE INSTALLER OR CONTRACTOR HAS OBTAINED VALID PERMITS TO MOVE THE
30 MOBILE OR MANUFACTURED HOME TO A NEW LOCATION.

31 2. THE INSTALLER OR CONTRACTOR PROVIDES DOCUMENTATION TO THE
32 DEPARTMENT THAT THE INSTALLATION OF THE MOBILE OR MANUFACTURED HOME AT THE
33 NEW LOCATION IS COMPLETE AND HAS BEEN INSPECTED BY THE DEPARTMENT OR ITS
34 DESIGNEE AND IS APPROVED FOR OCCUPANCY.

35 J. If the contract is not approved, the tenant may appeal to ~~the~~
36 ~~hearing officer~~ AN ADMINISTRATIVE LAW JUDGE PURSUANT TO TITLE 41, CHAPTER 16,
37 ARTICLE 5. THE TENANT SHALL PROVIDE NOTICE PURSUANT TO SECTION 33-1451,
38 SUBSECTION A, PARAGRAPH 6 IF THE TENANT RELOCATES.

39 ~~I.~~ K. If this state or a political subdivision of this state
40 exercises eminent domain and the mobile home park is sold or a sale is made
41 to this state or a political subdivision of this state that intends to
42 exercise eminent domain, the state or political subdivision is responsible
43 for the relocation costs of the tenants.

1 ~~J.~~ L. If a tenant is vacating the premises and has informed the
2 landlord or manager before the change in use notice has been given, the
3 tenant is not eligible for compensation under this section.

4 ~~K.~~ M. A person who purchases a mobile home already situated in a park
5 or moves a mobile home into a park in which a change in use notice has been
6 given is not eligible for compensation under this section.

7 ~~L.~~ N. This section does not apply to a change in use if the landlord
8 moves a tenant to another space in the mobile home park at the landlord's
9 expense.

10 Sec. 2. Section 33-1476.02, Arizona Revised Statutes, is amended to
11 read:

12 33-1476.02. Mobile home relocation fund; investment of monies

13 A. The mobile home relocation fund is established consisting of monies
14 collected pursuant to section 33-1476.03 and any surcharge collected pursuant
15 to section 33-1437. The director shall administer the fund.

16 B. Fund monies shall be used as prescribed in sections 33-1476.04 and
17 41-2157 and to pay premiums and other costs of purchasing, from a private
18 insurer who is licensed to transact insurance business in this state,
19 insurance coverage for tenant relocation costs due to a change in use as
20 prescribed in section 33-1476.01. Any insurance rebates shall be deposited
21 in the fund. If such insurance is not available, or if the insurance costs
22 exceed the amount available from the fund, the fund shall be used to make
23 direct payments for tenant relocation costs. Monies in the fund in excess of
24 the amount required for these purposes shall be used, as necessary, to
25 support the department of fire, building and life safety's administration of
26 the hearing function ~~under title 41, chapter 16, article 5~~ PURSUANT TO
27 SECTION 41-2198.01, SUBSECTION A and the department of FIRE, building and
28 ~~fire~~ LIFE safety's administration of section 33-1437, subsection C.

29 C. On notice from the director, the state treasurer shall invest and
30 divest monies in the fund as provided by section 35-313, and monies earned
31 from investment shall be credited to the fund. Any unexpended and
32 unencumbered monies remaining in the fund at the end of the fiscal year do
33 not revert to the state general fund but remain in the fund, separately
34 accounted for, as a contingency reserve.

35 D. The director may adopt, amend or repeal rules pursuant to title 41,
36 chapter 6 for the administration of the fund. Fund monies shall be paid to
37 the department of fire, building and life safety to offset the costs of
38 administering the fund, including the direct and indirect costs of processing
39 applications for reimbursement submitted under section 41-2157 and
40 administering the direct and indirect costs of section 33-1437, subsection C.
41 The attorney general shall review the costs charged to the fund.

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Sec. 3. Section 33-1476.04, Arizona Revised Statutes, is amended to read:

33-1476.04. Relocations due to rent increase; mobile home relocation fund; applicability

A. A tenant is eligible for payment from the mobile home relocation fund if all of the following conditions are met:

1. The tenant resides in a mobile home that is owned by the tenant and that is located in a mobile home park.

2. A rent increase will be effective at the expiration or renewal of the tenant's rental agreement.

3. The rent increase either singly or in combination during any consecutive twelve-month period is more than a total of ten per cent plus the current increase in the consumer price index over the most recent one-year period before the date of the notice of the rent increase. For the purposes of this paragraph, "consumer price index" means the "west-A" index that is published by the United States department of labor, bureau of labor statistics, and that demonstrates changes in prices in certain cities in the western United States.

B. A landlord who increases rent as prescribed by subsection A of this section shall give written notice of the applicability of this section to all affected tenants.

C. A tenant is eligible to receive relocation expenses pursuant to subsection A of this section as follows:

1. At least thirty days before the effective date of the rent increase that exceeds the limits prescribed by subsection A of this section, the tenant shall submit a contract for relocation of the mobile home to the director for approval and to the landlord.

2. Before the effective date of the rent increase, the tenant shall ~~relocate the mobile home or~~ have a fully signed contract with a licensed ~~moving company~~ INSTALLER OR CONTRACTOR to move the mobile home to a specific location by a specific date and must have moved the mobile home pursuant to that contract within forty-five days after the effective date of the rent increase.

3. The director shall approve or disapprove the contract submitted within fifteen days after receipt of the contract, and the contract is deemed to be approved on the sixteenth day if the director takes no action.

4. ~~IF THE CONTRACT IS APPROVED, the payment of relocation expenses shall be made at or before the time of relocation as provided in rules adopted by the director.~~ TO THE INSTALLER OR CONTRACTOR WHEN BOTH OF THE FOLLOWING HAVE BEEN COMPLETED:

(a) THE INSTALLER OR CONTRACTOR HAS OBTAINED VALID PERMITS TO MOVE THE MOBILE OR MANUFACTURED HOME TO A NEW LOCATION.

(b) THE INSTALLER OR CONTRACTOR PROVIDES DOCUMENTATION TO THE DEPARTMENT THAT THE INSTALLATION OF THE MOBILE OR MANUFACTURED HOME AT THE

1 NEW LOCATION IS COMPLETE AND HAS BEEN INSPECTED BY THE DEPARTMENT OR ITS
2 DESIGNEE AND IS APPROVED FOR OCCUPANCY.

3 5. If the contract is not approved, the tenant may appeal to an
4 administrative law judge pursuant to title 41, chapter 16, article 5. The
5 tenant shall provide notice pursuant to section 33-1451, subsection A,
6 paragraph 6 if the tenant relocates.

7 ~~4.~~ 6. On approval, the tenant is eligible for the lesser of the
8 actual moving expenses of relocating the mobile home or five thousand dollars
9 for a single-section mobile home or ten thousand dollars for a multisection
10 mobile home. Compensable moving expenses include the cost of taking down,
11 moving and setting up the mobile home in the new location if the mobile home
12 is relocated to a residential location within a one hundred-mile radius of
13 the vacated mobile home park.

14 D. As an alternative to receiving payment as prescribed in subsection
15 C of this section, a tenant who is eligible to receive payment pursuant to
16 subsection A of this section may abandon the mobile home in the mobile home
17 park and collect an amount equal to one-fourth of the maximum allowable
18 moving expense for that mobile home from the mobile home relocation fund. To
19 qualify for an abandonment payment pursuant to this subsection, the tenant
20 shall deliver to the landlord the current title to the mobile home with the
21 notarized endorsement of the owner of record together with complete releases
22 of all liens that are shown on the title and proof that all taxes owing on
23 the mobile home have been paid to date. The tenant shall provide a copy of
24 these documents to the department of FIRE, building and ~~fire~~ LIFE safety in
25 support of the tenant's application for payment. If the tenant chooses to
26 abandon the mobile home pursuant to this subsection, the landlord is exempt
27 from making the payments to the fund prescribed in section 33-1476.01,
28 subsection D.

29 E. This section does not apply to rent increases that are prescribed
30 in a written rental agreement.

31 F. Nothing in this section shall be construed to make any rent
32 increase unreasonable.

33 Sec. 4. Section 33-1476.05, Arizona Revised Statutes, is amended to
34 read:

35 33-1476.05. Relocations due to change in age restricted
36 community use; payment from mobile home
37 relocation fund; applicability

38 A. The landlord shall notify the director and all tenants in writing
39 of a change in use at least sixty days before a change in the age restricted
40 community to an all age community use as defined by the housing for older
41 persons act of 1995.

42 B. A tenant is eligible for payment from the mobile home relocation
43 fund if both of the following conditions are met:

- 1 1. The tenant resides in a mobile home or manufactured home that is
2 owned by the tenant and that is located in an age restricted mobile home
3 park.
- 4 2. The landlord implements a change from an age restricted community
5 to an all age community as defined by the housing for older persons act of
6 1995.
- 7 C. A landlord who changes a mobile home park designation from an age
8 restricted community shall give written notice of the applicability of this
9 section to all affected tenants.
- 10 D. A tenant is eligible to receive relocation expenses pursuant to
11 subsection B of this section as follows:
- 12 1. Within one hundred eighty days after the effective date of
13 notification of the change in the age restricted community's use, the tenant
14 shall submit a contract for relocation of the mobile or manufactured home to
15 the director for approval and to the landlord.
- 16 2. After notice of approval by the director for the payment of
17 relocation expenses, the tenant shall ~~relocate the mobile or manufactured~~
18 ~~home or~~ have a fully signed contract with a licensed ~~moving company~~ INSTALLER
19 OR CONTRACTOR to move the mobile or manufactured home to a specific location
20 by a specific date and must have moved the mobile or manufactured home
21 pursuant to that contract within forty-five days after notice from the
22 director.
- 23 3. The director shall approve or ~~not approve~~ DISAPPROVE the contract
24 submitted within fifteen days after receipt of the contract, and the contract
25 is deemed to be approved on the sixteenth day if the director takes no
26 action.
- 27 4. IF THE CONTRACT IS APPROVED, the payment of relocation expenses
28 shall be made ~~at or before the time of relocation as provided in rules~~
29 ~~adopted by the director.~~ TO THE INSTALLER OR CONTRACTOR WHEN BOTH OF THE
30 FOLLOWING HAVE BEEN COMPLETED:
- 31 (a) THE INSTALLER OR CONTRACTOR HAS OBTAINED VALID PERMITS TO MOVE THE
32 MOBILE OR MANUFACTURED HOME TO A NEW LOCATION.
- 33 (b) THE INSTALLER OR CONTRACTOR PROVIDES DOCUMENTATION TO THE
34 DEPARTMENT THAT THE INSTALLATION OF THE MOBILE OR MANUFACTURED HOME AT THE
35 NEW LOCATION IS COMPLETE AND HAS BEEN INSPECTED BY THE DEPARTMENT OR ITS
36 DESIGNEE AND IS APPROVED FOR OCCUPANCY.
- 37 5. If the contract is not approved, the tenant may appeal to an
38 administrative law judge pursuant to title 41, chapter 16, article 5. The
39 tenant shall provide notice pursuant to section 33-1451, subsection A,
40 paragraph 6 if the tenant relocates.
- 41 ~~4.~~ 6. On approval, the tenant is eligible for the lesser of the
42 actual moving expenses of relocating the mobile home or five thousand dollars
43 for a single-section mobile home or ten thousand dollars for a multisection
44 mobile home. Compensable moving expenses include the cost of taking down,
45 moving and setting up the mobile home in the new location if the mobile home

1 is relocated to another age restricted community within a one hundred-mile
2 radius of the vacated mobile home park.

3 E. The landlord shall not be responsible for making any payment into
4 the mobile home relocation fund for any mobile or manufactured home moved
5 pursuant to this section.

6 Sec. 5. Section 41-2157, Arizona Revised Statutes, is amended to read:
7 41-2157. Costs of complying with standards; reimbursement from
8 relocation fund; definition

9 A. The costs of bringing a mobile home into compliance with the
10 requirements of this article may be reimbursed to the owner from the mobile
11 home relocation fund established under BY section 33-1476.02 if all of the
12 following are true:

13 1. The mobile home is moved from one mobile home park in this state to
14 another mobile home park in this state.

15 2. The household income of the owner of the mobile home is at or below
16 one hundred per cent of the current federal poverty level guidelines as
17 published annually by the United States department of health and human
18 services.

19 3. The mobile home is not being relocated as the result of a judgment
20 in a forcible detainer or special detainer action requiring the owner to
21 vacate the mobile home park in which the mobile home is located.

22 B. The amount of the reimbursement pursuant to this section shall not
23 exceed one thousand FIVE HUNDRED dollars for the costs related to any mobile
24 home.

25 C. The fund shall have a claim for reimbursement of sums received
26 under this section by an individual who fails to reside in the mobile home
27 for six months following its relocation, unless the failure was due to the
28 death or disability of a resident.

29 D. ~~IN~~ FOR THE PURPOSES OF this section, "owner" means an individual
30 whose primary residence has been the mobile home continuously for the
31 six-month period preceding an application for reimbursement, or an individual
32 who has purchased the mobile home and who intends to reside in the mobile
33 home as the individual's primary residence after the relocation.

APPROVED BY THE GOVERNOR APRIL 23, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2014.

Failed

Passed the House April 15, 2014,

by the following vote: 24 Ayes,

36 Nays, 0 Not Voting

Speaker of the House

Cheryl Laube

Chief Clerk of the House

Passed the Senate February 20, 2014,

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting

President of the Senate

Boji

Charmian Bellington

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.

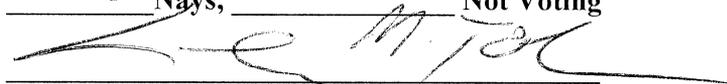
Secretary of State

S.B. 1132

Passed the House April 17, 20 14

by the following vote: 50 Ayes,

8 Nays, 2 Not Voting


Speaker of the House

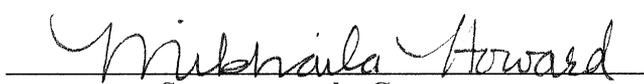

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

21 day of April, 20 14

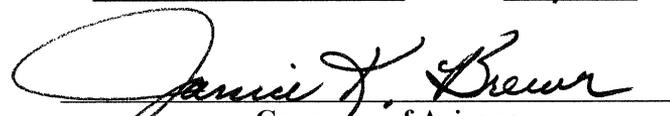
at 3:00 o'clock P M.


Secretary to the Governor

Approved this 23rd day of

April

at 10:55 o'clock A-M.


Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 24th day of April, 20 14

ON RECONSIDERATION
S.B. 1132

at 8:57 o'clock a M.


Secretary of State