

Senate Engrossed House Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 253

HOUSE BILL 2304

AN ACT

AMENDING SECTIONS 33-1434, 33-1452 AND 41-2186, ARIZONA REVISED STATUTES;
RELATING TO THE ARIZONA MOBILE HOME PARKS RESIDENTIAL LANDLORD AND TENANT
ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 33-1434, Arizona Revised Statutes, is amended to
3 read:

4 33-1434. Landlord to maintain fit premises

5 A. The landlord shall:

6 1. Comply with the requirements of all applicable city, county and
7 state codes materially affecting health and safety.

8 2. Make all repairs and do whatever is necessary to put and keep the
9 premises in a fit and habitable condition.

10 3. Keep all common areas of the premises in a clean and safe
11 condition.

12 4. Maintain in good and safe working order and condition all swimming
13 pool, shower, bathhouse, electrical, plumbing and sanitary facilities,
14 including the recreational hall or meeting facilities supplied or required to
15 be supplied or maintained by ~~him~~ THE LANDLORD.

16 5. Provide for removal of garbage, rubbish, ~~and~~ and other waste
17 incidental to the occupancy of the mobile home space.

18 6. Furnish outlets for electric, water and sewer services. The
19 landlord shall also furnish a prospective tenant with information concerning
20 the type, size and power rating of all electrical, water and sewer
21 connections.

22 7. Provide a statement of proposed interruption of utility service to
23 the tenants within a reasonable time frame except in the case of an
24 interruption caused by an emergency. An emergency does not include any
25 failure or refusal on the part of the landlord to fulfill ~~his~~ THE LANDLORD'S
26 duties and obligations as specified in this section. A statement of proposed
27 interruption of utility service may be provided by posting an announcement of
28 the period of the interruption in a conspicuous place within the mobile home
29 park or by individual delivery to each tenant.

30 B. A mobile home park landlord shall not impose any conditions of
31 rental or occupancy ~~which~~ THAT restrict the mobile home owner in ~~his~~ THE
32 MOBILE HOME OWNER'S choice of a seller of fuel, furnishings, goods, services
33 or mobile homes connected with the rental or occupancy of a mobile home space
34 unless such condition is necessary to protect the health, safety, aesthetic
35 value or welfare of mobile home residents in the park. However, the landlord
36 may impose reasonable conditions relating to central gas, oil, electricity,
37 or water meter systems in the park.

38 C. FOR NEW TENANTS WHO ARE MOVING INTO A MOBILE HOME PARK, ANY RENTAL
39 AGREEMENTS THAT ARE EXECUTED OR ADOPTED AFTER DECEMBER 31, 2016 SHALL
40 SPECIFICALLY DISCLOSE IN WRITING ANY REQUIREMENT THAT THE TENANT MAINTAIN ONE
41 OR MORE EXISTING TREES LOCATED ON THE MOBILE HOME SPACE.

42 D. ANY CHANGE REGARDING THE TENANT'S OBLIGATION TO MAINTAIN ANY ONE OR
43 MORE TREES LOCATED ON THE MOBILE HOME SPACE CONSTITUTES A SUBSTANTIAL
44 MODIFICATION OF THE RENTAL AGREEMENT PURSUANT TO SECTION 33-1452.

1 Sec. 2. Section 33-1452, Arizona Revised Statutes, is amended to read:
2 33-1452. Rules and regulations

3 A. A landlord shall adopt written rules or regulations, however
4 described, concerning the tenant's use and occupancy of the premises. Such
5 rules or regulations are enforceable against the tenant only if:

6 1. Their purpose is to promote the convenience, safety or welfare of
7 the tenants on the premises, preserve the landlord's property from abusive
8 use, preserve or upgrade the quality of the mobile home park or make a fair
9 distribution of services and facilities held out for the tenants generally.

10 2. They are reasonably related to the purpose for which adopted.

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

12 4. They are sufficiently explicit in prohibition, direction or
13 limitation of the tenant's conduct to fairly inform the tenant of what must
14 or must not be done to comply.

15 5. They are not for the purpose of evading the obligations of the
16 landlord.

17 6. The prospective tenant has a copy of the current rules and
18 regulations before the prospective tenant enters into the rental agreement.

19 B. BEGINNING MAY 31, 2016, A NEW RULE ADOPTED AFTER THE EXECUTION OF
20 THE TENANT'S INITIAL RENTAL AGREEMENT THAT IMPOSES A REOCCURRING FINANCIAL
21 OBLIGATION ON A TENANT IS NOT ENFORCEABLE AGAINST THE TENANT.

22 ~~B.~~ C. A new tenant who brings a mobile home into a mobile home park
23 or who purchases an existing mobile home in a mobile home park shall comply
24 with all current statements of policy and rules or regulations, including
25 those pertaining to the size, condition and appearance of the mobile home,
26 and exterior materials with which the mobile home has been constructed.

27 ~~C.~~ D. A new tenant who purchases an existing mobile home in a mobile
28 home park shall comply with all current statements of policy and rules and
29 regulations, including those pertaining to the size, condition and appearance
30 of the mobile home and exterior materials with which the mobile home has been
31 constructed, except that the landlord shall not require the replacement of
32 the siding and skirting on a mobile home unless the replacement siding and
33 skirting will significantly change or improve the appearance of the mobile
34 home.

35 ~~D.~~ E. If any mobile home park owner adds, changes, deletes or amends
36 any rule, notice in writing of all such additions, changes, deletions or
37 amendments shall be furnished to all mobile home tenants thirty days before
38 they become effective by first class or certified mail. Any rule or
39 condition of occupancy which is unfair and deceptive or which does not
40 conform to the requirements of this chapter shall be unenforceable. A rule
41 or regulation adopted after the tenant enters into the rental agreement is
42 enforceable against the tenant only if it does not work a substantial
43 modification of the rental agreement.

- 1 E- F. A person who owns or operates a mobile home park shall not:
- 2 1. Deny rental unless the mobile home does not meet the requirements
- 3 of the rules and regulations of the landlord and the statements of policy
- 4 prescribed pursuant to section 33-1436 or the park resident or prospective
- 5 resident cannot conform to park rules and regulations.
- 6 2. Require any person as a precondition to renting, leasing or
- 7 otherwise occupying a space for a mobile home in a mobile home park to pay an
- 8 entrance or exit fee of any kind unless for services actually rendered or
- 9 pursuant to a written agreement.
- 10 3. Deny any resident of a mobile home park the right to sell the
- 11 resident's mobile home at a price of the resident's own choosing during the
- 12 term of the tenant's rental agreement, but the landlord may reserve the right
- 13 to approve the purchaser of such mobile home as a tenant but such permission
- 14 may not be unreasonably withheld, except that the landlord may require,
- 15 notwithstanding paragraph 6 of this subsection, in order to preserve or
- 16 upgrade the quality of the mobile home park, that any mobile home not in
- 17 compliance with the landlord's current rules and regulations and statements
- 18 of policy, in a rundown condition or in disrepair be removed from the park
- 19 within sixty days. Within ten days of a written request by the seller or
- 20 prospective purchaser, a landlord shall notify the seller and the prospective
- 21 purchaser in writing of any reasons for withholding approval of a purchaser
- 22 pursuant to this paragraph. The notice to the prospective purchaser shall
- 23 identify the reasons for disapproval with reasonable specificity. The notice
- 24 to the seller shall identify the reasons in summary fashion consistent with
- 25 applicable federal and state consumer protection laws and shall inform the
- 26 seller that the seller should consult with the prospective purchaser for more
- 27 specific details.
- 28 4. Exact a commission or fee with respect to the price realized by the
- 29 tenant selling the mobile home, unless the park owner or operator has acted
- 30 as agent for the mobile home owner pursuant to a written agreement.
- 31 5. Require a tenant or prospective tenant to use any specific sales
- 32 agency, manufacturer, retailer or broker.
- 33 6. Notwithstanding section 33-1436, subsection C, require an existing
- 34 tenant to furnish permanent improvements which cannot be removed without
- 35 damage thereto or to the mobile home space by a tenant at the expiration of
- 36 the rental agreement. If the landlord includes any requirements for
- 37 permanent improvements in the rules or statements of policy, these
- 38 requirements shall not apply to any mobile home already existing in the
- 39 mobile home park.
- 40 7. Prohibit a tenant from advertising the sale or exchange of the
- 41 tenant's mobile home, including the display of a "for sale" or "open house"
- 42 sign on the dwelling or in the window of the mobile home stating the name,
- 43 address and telephone number of the owner or agent of the mobile home. The
- 44 sign may be no larger than twelve inches wide and eighteen inches long. In
- 45 addition to the display of a sign in the window, the tenants may display the

1 signs on a central posting board in the park which is reasonably accessible
2 to the public seven days a week during daylight hours.

3 ~~F.~~ G. The landlord or manager of a mobile home park shall include, in
4 rules and regulations, an emergency number to be called when the park is left
5 unattended, regardless of the size of the park.

6 ~~G.~~ H. The landlord shall not prohibit or adopt a rule that prohibits
7 tenants or a tenant association from meeting with permission of the tenant in
8 the tenant's mobile home, assembling at common facilities or areas within the
9 park or meeting with or without invited visiting speakers in the mobile home
10 park to discuss issues relating to mobile home living and affairs including
11 the forming of a tenant association. Such meetings shall be allowed in
12 common facilities if such meetings are held during normal operating hours of
13 the common facility and when the facility is not otherwise in use. The
14 tenant or tenant association shall be allowed to post notice of a meeting on
15 a bulletin board in the mobile home park used for similar ~~notice~~ NOTICES and
16 shall be allowed to include notice of a meeting in a park newsletter.
17 Meeting notices and meetings prescribed in this subsection shall not
18 constitute a solicitation. For the purposes of this subsection, "common
19 facilities" means a recreation hall, A clubhouse, A community center and any
20 outdoor common area meeting location that is utilized by the tenants.

21 ~~H.~~ I. Any improvements made by a tenant such as plants, vines,
22 edgings, gravel, stone or other additions made for the benefit of the tenancy
23 may be removed by the tenant, or by agreement of both parties the landlord
24 may retain the improvements by paying the tenant for their actual cost.

25 ~~I.~~ J. If a tenant dies, any surviving joint tenant or cotenant
26 continues as tenant with the same rights, privileges and liabilities as if
27 the surviving tenant were the original tenant, with the additional right to
28 terminate the rental agreement by giving sixty days' written notice to the
29 landlord within sixty days after the death of the tenant.

30 ~~J.~~ K. If a tenant who was sole owner of the mobile home dies during
31 the term of the rental agreement, the tenant's heirs or legal representative
32 have the right to cancel the lease by giving thirty days' written notice to
33 the landlord with the same rights, privileges and liabilities of the original
34 tenant.

35 ~~K.~~ L. This section does not prohibit a landlord from requiring
36 removal of a mobile home from the mobile home park within sixty days after
37 the sale by a tenant if the mobile home does not meet the current
38 requirements of the rules and regulations and statements of policy, including
39 those pertaining to the size, condition and appearance of the mobile home,
40 and exterior materials with which the mobile home has been constructed.

41 ~~L.~~ M. On the sale of a mobile home that was manufactured after June
42 15, 1976 to a tenant who is otherwise qualified for tenancy, a landlord shall
43 not require removal of that mobile home from the mobile home park solely
44 because of the age of the mobile home. A landlord may require the removal of
45 a mobile home on the sale of the mobile home solely because of the age of the

1 mobile home if the mobile home was manufactured on or before
2 June 15, 1976. This subsection shall not be construed to preclude a landlord
3 from prohibiting a mobile home from being moved into a mobile home park
4 solely because of the age of the mobile home without regard to its date of
5 manufacture.

6 Sec. 3. Section 41-2186, Arizona Revised Statutes, is amended to read:
7 41-2186. Grounds for disciplinary action

8 The deputy director may, on the deputy director's own motion, and
9 shall, on the complaint in writing of any person, cause to be investigated by
10 the office the acts of any manufacturer, dealer, broker, salesperson or
11 installer licensed with the office and may temporarily suspend or permanently
12 revoke any license issued under this article, impose an administrative
13 penalty or place on probation any licensee, if the holder of the license,
14 while a licensee, is guilty of or commits any of the following acts or
15 omissions:

16 1. Failure in any material respect to comply with this article or
17 article 2 of this chapter.

18 2. Violation of any rule that is adopted by the board and that
19 pertains to the construction of any unit or of any rule that is adopted by
20 the board and that is necessary to effectively carry out the intent of this
21 article, article 2 of this chapter or the laws of the United States or of
22 this state.

23 3. Misrepresentation of a material fact by the applicant in obtaining
24 a license.

25 4. Aiding or abetting an unlicensed person or knowingly combining or
26 conspiring with an unlicensed person to evade this article or article 2 of
27 this chapter, or allowing one's license to be used by an unlicensed person or
28 acting as an agent, partner or associate of an unlicensed person with intent
29 to evade this article or article 2 of this chapter.

30 5. Conviction of a felony.

31 6. The doing of a wrongful or fraudulent act by a licensee that
32 relates to this article or article 2 of this chapter, including, beginning
33 July 1, 2012, failure to comply with section 41-2180, subsection A.

34 7. Departure from or disregard of any code or any rule adopted by the
35 board.

36 8. Failure to disclose or subsequent discovery by the office of facts
37 that, if known at the time of issuance of a license or the renewal of a
38 license, would have been grounds to deny the issuance or renewal of a
39 license.

40 9. Knowingly entering into a contract with a person not duly licensed
41 in the required classification for work to be performed for which a license
42 is required.

43 10. Acting in the capacity of a licensee under any license issued under
44 this article in a name other than as set forth on the license.

- 1 11. Acting as a licensee while the license is under suspension or in
2 any other invalid status.
- 3 12. Failure to respond relative to a verified complaint after notice of
4 such complaint.
- 5 13. Violation of title 28, chapter 10 or rules adopted pursuant to
6 title 28, chapter 10, except for the licensing requirements of sections
7 28-4334, 28-4335, 28-4361, 28-4362, 28-4364, 28-4401 and 28-4402.
- 8 14. False, misleading or deceptive sales practices by a licensee in the
9 sale or offer of sale of any unit regulated by this article or article 2 of
10 this chapter.
- 11 15. Failure to remit the consumer recovery fund fee pursuant to section
12 41-2189.
- 13 16. Acting as a salesperson while not employed by a dealer or broker.
- 14 17. As a salesperson, representing or attempting to represent a dealer
15 or broker other than by whom the salesperson is employed.
- 16 18. Failure by a salesperson to promptly place all cash, checks and
17 other items of value and any related documents received in connection with a
18 sales transaction in the care of the employing dealer or broker.
- 19 19. Failure to provide all agreed on goods and services.
- 20 20. Failure to manufacture or install in a workmanlike manner all
21 subassemblies, units and accessory structures that are suitable for their
22 intended purpose.
- 23 21. Failure of the licensee to work only within the scope of the
24 license held.
- 25 22. An action by a licensee, who is also a mobile home park owner,
26 manager, agent or representative, that restricts a resident's or prospective
27 resident's access to buyers, sellers or licensed dealers or brokers in
28 connection with the sale of a home or the rental of a space, that the
29 department finds constitutes a violation of section 33-1434, subsection B or
30 section 33-1452, subsection E- F or that violates any law or regulation
31 relating to fair housing or credit practices.
- 32 Sec. 4. Retroactivity
- 33 Section 33-1452, Arizona Revised Statutes, as amended by this act,
34 applies retroactively to from and after May 30, 2016.

APPROVED BY THE GOVERNOR MAY 17, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 17, 2016.

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

_____ May 6 , 20 16,

by the following vote: _____ 35 _____ Ayes,

_____ 18 _____ Nays, _____ 7 _____ Not Voting

_____ [Signature]
Speaker of the House

_____ [Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ 6 day of _____ May , 20 16

at _____ 8:18 o'clock _____ P. M.

_____ [Signature]
Secretary to the Governor

Approved this _____ 17th _____ day of

_____ May _____ , 20 16 ,

at _____ 10:43 o'clock _____ A. M.

_____ [Signature]
Governor of Arizona

H.B. 2304

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ 17th day of _____ May , 20 16 ,

at _____ 11:40 o'clock _____ A _____ M.

_____ [Signature]
Secretary of State