

Senate Engrossed House Bill

FILED

MICHELE REAGAN

SECRETARY OF STATE

State of Arizona
House of Representatives
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2017

CHAPTER 91

HOUSE BILL 2176

AN ACT

AMENDING TITLE 33, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-1419; AMENDING SECTIONS 33-1476.01, 33-1476.02 AND 33-2122, ARIZONA REVISED STATUTES; AMENDING TITLE 33, CHAPTER 19, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 33-2149, 33-2150 AND 33-2151; AMENDING SECTIONS 36-136 AND 41-4004, ARIZONA REVISED STATUTES; RELATING TO MOBILE HOMES AND RECREATIONAL VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 33, chapter 11, article 1, Arizona Revised
3 Statutes, is amended by adding section 33-1419, to read:

4 33-1419. Heir to mobile home; requirements; accounts

5 FOR ANY PERSON WHO INHERITS A MOBILE HOME BY WILL, TRUST OR ANY
6 OTHER TESTAMENTARY CONVEYANCE, ALL OF THE FOLLOWING APPLY:

7 1. THE PERSON MAY DO EITHER OF THE FOLLOWING:

8 (a) RESIDE IN THE MOBILE HOME ON THE PREMISES ONLY IF THE PERSON
9 MEETS THE REQUIREMENTS PRESCRIBED FOR OTHER TENANTS IN THE MOBILE HOME
10 PARK, INCLUDING COMPLIANCE WITH AGE REQUIREMENTS, BACKGROUND CHECKS AND
11 SIGNING THE MOBILE HOME PARK'S STANDARD RENTAL DOCUMENTATION.

12 (b) SELL THE MOBILE HOME IN ACCORDANCE WITH THE PROVISIONS OF THIS
13 ARTICLE AND THE DECEASED TENANT'S RENTAL AGREEMENT.

14 2. THE PERSON SHALL PAY ANY AMOUNT PAST DUE TO THE LANDLORD FROM
15 THE DECEASED TENANT.

16 3. THE LANDLORD SHALL APPLY ALL OF THE DECEASED TENANT'S PREPAID
17 AMOUNTS OR CREDITS, INCLUDING SECURITY DEPOSITS, FOR THE BENEFIT OF THE
18 PERSON INHERITING THE MOBILE HOME.

19 Sec. 2. Section 33-1476.01, Arizona Revised Statutes, is amended to
20 read:

21 33-1476.01. Change in use; notices; compensation for moving
22 expenses; payments by the landlord

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

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

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

32 1. Collect payment from the mobile home relocation fund for the
33 lesser of the actual moving expenses of relocating the mobile home to a
34 new location that is within a fifty-mile radius of the vacated mobile home
35 park or ~~five~~ THE MAXIMUM OF SEVEN thousand FIVE HUNDRED dollars for a
36 single section mobile home or ~~ten~~ TWELVE thousand FIVE HUNDRED dollars for
37 a multisection mobile home. Moving expenses include the cost of
38 STABILIZING, taking down, moving and setting up the mobile home in the new
39 location.

40 2. Abandon the mobile home in the mobile home park and collect an
41 amount equal to one-fourth of the maximum allowable moving expense for
42 that mobile home from the mobile home relocation fund. To qualify for
43 abandonment payment pursuant to this paragraph, the tenant shall deliver
44 to the landlord the current title to the mobile home with the notarized
45 endorsement of the owner of record together with complete releases of all

1 liens that are shown on the title and proof that all taxes owing on the
2 mobile home have been paid to date. The tenant shall provide a copy of
3 these documents to the Arizona department of housing in support of the
4 tenant's application for payment. If the tenant chooses to abandon the
5 mobile home pursuant to this paragraph, the landlord is exempt from making
6 the payments to the fund prescribed in subsection D of this section.

7 3. If a mobile home is relocated to a location outside of the
8 vacated mobile home park and, in the sole judgment of the director, the
9 mobile home was ground set in the mobile home park from which it was
10 removed, the tenant may collect additional monies not to exceed two
11 thousand five hundred dollars for the incremental costs of removing a
12 ground set mobile home. These monies are in addition to any monies
13 provided pursuant to paragraph 1 of this subsection.

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

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

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

27 2. Eight hundred dollars for each mobile home space occupied by a
28 multisection mobile home.

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

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

36 1. Five hundred dollars for each mobile home space occupied by a
37 single section mobile home.

38 2. Eight hundred dollars for each mobile home space occupied by a
39 multisection mobile home.

40 H. The tenant shall submit a contract for relocation of a mobile
41 home for approval to the director within sixty days after the relocation
42 to be eligible for payment of relocation expenses. The director must
43 approve or disapprove the contract within fifteen days after receipt of
44 the contract, or the contract is deemed to be approved.

1 I. If the contract is approved, the payment of relocation expenses
2 shall be made to the installer or contractor when both of the following
3 have been completed:

4 1. The installer or contractor has obtained valid permits to move
5 the mobile or manufactured home to a new location.

6 2. The installer or contractor provides documentation to the
7 department that the installation of the mobile or manufactured home at the
8 new location is complete and has been inspected by the department or its
9 designee and is approved for occupancy.

10 J. If the contract is not approved, the tenant may appeal to an
11 administrative law judge pursuant to title 41, chapter 37, article 5. The
12 tenant shall provide notice pursuant to section 33-1451, subsection A,
13 paragraph 6 if the tenant relocates.

14 K. If this state or a political subdivision of this state exercises
15 eminent domain and the mobile home park is sold or a sale is made to this
16 state or a political subdivision of this state that intends to exercise
17 eminent domain, the state or political subdivision is responsible for the
18 relocation costs of the tenants.

19 L. If a tenant is vacating the premises and has informed the
20 landlord or manager before the change in use notice has been given, the
21 tenant is not eligible for compensation under this section.

22 M. A person who purchases a mobile home already situated in a park
23 or moves a mobile home into a park in which a change in use notice has
24 been given is not eligible for compensation under this section.

25 N. AFTER DELIVERY OF THE ONE HUNDRED EIGHTY-DAY NOTICE PRESCRIBED
26 BY SUBSECTION A OF THIS SECTION, THE LANDLORD AND THE TENANTS SHALL INFORM
27 ANY PROSPECTIVE BUYER OR TENANT THAT CLOSURE OF THE PARK IS PENDING.

28 ~~N.~~ O. This section does not apply to a change in use if the
29 landlord moves a tenant to another space in the mobile home park at the
30 landlord's expense.

31 Sec. 3. Section 33-1476.02, Arizona Revised Statutes, is amended to
32 read:

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

34 A. The mobile home relocation fund is established consisting of
35 monies collected pursuant to ~~section~~ SECTIONS 33-1476.03 AND 33-2151 and
36 any surcharge collected pursuant to section 33-1437. The director shall
37 administer the fund.

38 B. Fund monies shall be used as prescribed in sections 33-1476.04
39 and 41-4008 and to pay premiums and other costs of purchasing, from a
40 private insurer who is licensed to transact insurance business in this
41 state, insurance coverage for tenant relocation costs due to a change in
42 use as prescribed in ~~section~~ SECTIONS 33-1476.01 AND 33-2149. Any
43 insurance rebates shall be deposited in the fund. If such insurance is
44 not available, or if the insurance costs exceed the amount available from
45 the fund, the fund shall be used to make direct payments for tenant

1 relocation costs. Monies in the fund in excess of the amount required for
2 these purposes shall be used, as necessary, to support the Arizona
3 department of housing's administration of the hearing function pursuant to
4 section 41-4062 and the Arizona department of housing's administration of
5 section 33-1437, subsection C.

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

12 D. The director may adopt, amend or repeal rules pursuant to title
13 41, chapter 6 for the administration of the fund. Fund monies shall be
14 paid to the Arizona department of housing to offset the costs of
15 administering the fund, including the direct and indirect costs of
16 processing applications for reimbursement submitted under section 41-4008
17 and administering the direct and indirect costs of section 33-1437,
18 subsection C. The attorney general shall review the costs charged to the
19 fund.

20 Sec. 4. Section 33-2122, Arizona Revised Statutes, is amended to
21 read:

22 33-2122. Disclosure

23 A. The landlord or any person authorized to enter into a rental
24 agreement on the landlord's behalf shall disclose to the tenant in writing
25 before entering into the rental agreement the name and address of each of
26 the following:

27 1. The person authorized to manage the premises.

28 2. The owner of the premises and, if applicable, a person
29 authorized to act for and on behalf of the owner for the purpose of
30 service of process and for the purpose of receiving and providing receipts
31 for notices and demands.

32 B. The information required to be furnished by this section shall
33 be kept current and refurnished to the tenant on the tenant's request. If
34 there is a new owner or operator this section extends to and is
35 enforceable against any successor landlord, owner or manager.

36 C. Failure to comply with subsection A or B OF THIS SECTION renders
37 the manager, any employee and the owner's agent subject to the following:

38 1. Service of process and receiving and receipting for notices and
39 demands.

40 2. Performing the obligations of the landlord under the rental
41 agreement and spending or making available for the purpose of performing
42 the landlord's obligations all rent collected from the premises.

43 D. Each tenant shall be notified in writing of any rent increase at
44 least sixty days before the increase by first class or certified mail or
45 by personal delivery.

1 E. Except for renewals of a rental agreement, the landlord or any
2 person authorized to enter into a rental agreement on the landlord's
3 behalf shall provide to the tenant before entering into a rental agreement
4 for a recreational vehicle park trailer space THE FOLLOWING:

5 1. A copy of the Arizona recreational vehicle long-term rental
6 space act.

7 2. FOR PERSONS WHO ARE PURCHASING OR PLACING IN THE PARK A
8 RECREATIONAL VEHICLE THAT IS A PARK TRAILER OR PARK MODEL, A NOTICE THAT
9 THE PARK TRAILER OR PARK MODEL IS GOVERNED BY THE ARIZONA RECREATIONAL
10 VEHICLE LONG-TERM RENTAL SPACE ACT AND NOT THE ARIZONA MOBILE HOME PARKS
11 RESIDENTIAL LANDLORD AND TENANT ACT.

12 F. The landlord shall also make available to all tenants a current
13 copy of the Arizona recreational vehicle long-term RENTAL space act.

14 Sec. 5. Title 33, chapter 19, article 4, Arizona Revised Statutes,
15 is amended by adding sections 33-2149, 33-2150 and 33-2151, to read:

16 33-2149. Change in use; notices; compensation for moving
17 expenses; payments by the landlord

18 FOR RECREATIONAL VEHICLES THAT ARE PARK TRAILERS OR PARK MODELS
19 ONLY:

20 1. THE LANDLORD SHALL NOTIFY THE DIRECTOR AND ALL TENANTS IN
21 WRITING OF A CHANGE IN USE AT LEAST ONE HUNDRED EIGHTY DAYS BEFORE THE
22 CHANGE IN USE. THE LANDLORD MAY NOT INCREASE RENT WITHIN NINETY DAYS
23 BEFORE GIVING NOTICE OF A CHANGE IN USE.

24 2. THE LANDLORD SHALL INFORM ALL TENANTS IN WRITING ABOUT THE
25 MOBILE HOME RELOCATION FUND ESTABLISHED BY SECTION 33-1476.02.

26 3. IF A TENANT IS REQUIRED TO MOVE DUE TO A CHANGE IN USE OR
27 REDEVELOPMENT OF THE PARK, THE TENANT MAY DO ANY OF THE FOLLOWING:

28 (a) COLLECT PAYMENT FROM THE MOBILE HOME RELOCATION FUND FOR THE
29 LESSER OF THE ACTUAL MOVING EXPENSES OF RELOCATING THE PARK TRAILER OR
30 PARK MODEL TO A NEW LOCATION THAT IS WITHIN A FIFTY-MILE RADIUS OF THE
31 VACATED PARK OR THE MAXIMUM OF FOUR THOUSAND DOLLARS. MOVING EXPENSES
32 INCLUDE THE COST OF STABILIZING, TAKING DOWN, MOVING AND SETTING UP THE
33 PARK TRAILER OR PARK MODEL IN THE NEW LOCATION.

34 (b) ABANDON THE PARK TRAILER OR PARK MODEL IN THE PARK AND COLLECT
35 AN AMOUNT EQUAL TO ONE-FORTH OF THE MAXIMUM ALLOWABLE MOVING EXPENSE FOR
36 THAT PARK TRAILER OR PARK MODEL FROM THE MOBILE HOME RELOCATION FUND. TO
37 QUALIFY FOR ABANDONMENT PAYMENT PURSUANT TO THIS SUBDIVISION, THE TENANT
38 SHALL DELIVER TO THE LANDLORD THE CURRENT TITLE TO THE PARK TRAILER OR
39 PARK MODEL WITH THE NOTARIZED ENDORSEMENT OF THE OWNER OF RECORD TOGETHER
40 WITH COMPLETE RELEASES OF ALL LIENS THAT ARE SHOWN ON THE TITLE AND PROOF
41 THAT ALL TAXES OWING HAVE BEEN PAID TO DATE. THE TENANT SHALL PROVIDE A
42 COPY OF THESE DOCUMENTS TO THE ARIZONA DEPARTMENT OF HOUSING IN SUPPORT OF
43 THE TENANT'S APPLICATION FOR PAYMENT. IF THE TENANT CHOOSES TO ABANDON
44 THE PARK TRAILER OR PARK MODEL PURSUANT TO THIS SUBDIVISION, THE LANDLORD

1 IS EXEMPT FROM MAKING THE PAYMENTS TO THE FUND PRESCRIBED IN PARAGRAPH 4
2 OF THIS SECTION.

3 (c) IF A PARK TRAILER OR PARK MODEL IS RELOCATED TO A LOCATION
4 OUTSIDE OF THE VACATED PARK AND, IN THE SOLE JUDGMENT OF THE DIRECTOR, THE
5 PARK TRAILER OR PARK MODEL WAS GROUND SET IN THE PARK FROM WHICH IT WAS
6 REMOVED, THE TENANT MAY COLLECT ADDITIONAL MONIES NOT TO EXCEED TWO
7 THOUSAND FIVE HUNDRED DOLLARS FOR THE INCREMENTAL COSTS OF REMOVING A
8 GROUND SET PARK TRAILER OR PARK MODEL. THESE MONIES ARE IN ADDITION TO
9 ANY MONIES PROVIDED PURSUANT TO SUBDIVISION (a) OF THIS PARAGRAPH.

10 4. EXCEPT AS PROVIDED IN PARAGRAPH 3, SUBDIVISION (b) AND PARAGRAPH
11 6 OF THIS SECTION, IF THERE IS A CHANGE IN USE THE LANDLORD SHALL PAY TWO
12 HUNDRED FIFTY DOLLARS FOR EACH PARK TRAILER OR PARK MODEL RELOCATED TO THE
13 FUND FOR EACH TENANT FILING FOR RELOCATION ASSISTANCE WITH THE DIRECTOR.

14 5. IF A CHANGE IN USE OCCURS AND THE LANDLORD DOES NOT COMPLY WITH
15 PARAGRAPH 1 OF THIS SECTION, THE LANDLORD SHALL PAY TO THE FUND IN
16 ADDITION TO THE MONIES PRESCRIBED IN PARAGRAPH 4 OF THIS SECTION TWO
17 HUNDRED FIFTY DOLLARS FOR EACH SPACE OCCUPIED BY A PARK TRAILER OR PARK
18 MODEL.

19 6. THE LANDLORD IS NOT REQUIRED TO MAKE THE PAYMENTS PRESCRIBED IN
20 PARAGRAPHS 4 AND 5 OF THIS SECTION FOR MOVING A PARK TRAILER OR PARK MODEL
21 OWNED BY THE LANDLORD OR FOR MOVING A PARK TRAILER OR PARK MODEL UNDER A
22 CONTRACT WITH THE TENANT IF THE TENANT DOES NOT FILE FOR RELOCATION
23 ASSISTANCE WITH THE DIRECTOR.

24 7. THE TENANT SHALL SUBMIT A CONTRACT FOR RELOCATION OF A PARK
25 TRAILER OR PARK MODEL FOR APPROVAL TO THE DIRECTOR WITHIN SIXTY DAYS AFTER
26 THE RELOCATION TO BE ELIGIBLE FOR PAYMENT OF RELOCATION EXPENSES. THE
27 DIRECTOR MUST APPROVE OR DISAPPROVE THE CONTRACT WITHIN FIFTEEN DAYS AFTER
28 RECEIPT OF THE CONTRACT, OR THE CONTRACT IS DEEMED TO BE APPROVED.

29 8. IF THE CONTRACT IS APPROVED, THE PAYMENT OF RELOCATION EXPENSES
30 SHALL BE MADE TO THE INSTALLER OR CONTRACTOR WHEN BOTH OF THE FOLLOWING
31 HAVE BEEN COMPLETED:

32 (a) THE INSTALLER OR CONTRACTOR HAS OBTAINED VALID PERMITS TO MOVE
33 THE PARK TRAILER OR PARK MODEL TO A NEW LOCATION.

34 (b) THE INSTALLER OR CONTRACTOR PROVIDES DOCUMENTATION TO THE
35 DEPARTMENT THAT THE INSTALLATION OF THE PARK TRAILER OR PARK MODEL AT THE
36 NEW LOCATION IS COMPLETE AND HAS BEEN INSPECTED BY THE DEPARTMENT OR ITS
37 DESIGNEE AND IS APPROVED FOR OCCUPANCY.

38 9. IF THE CONTRACT IS NOT APPROVED, THE TENANT MAY APPEAL TO AN
39 ADMINISTRATIVE LAW JUDGE PURSUANT TO TITLE 41, CHAPTER 37, ARTICLE 5. THE
40 TENANT SHALL PROVIDE NOTICE PURSUANT TO SECTION 33-2105, SUBSECTION I, IF
41 THE TENANT RELOCATES.

42 10. IF THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE
43 EXERCISES EMINENT DOMAIN AND THE PARK IS SOLD OR A SALE IS MADE TO THIS
44 STATE OR A POLITICAL SUBDIVISION OF THIS STATE THAT INTENDS TO EXERCISE

1 EMINENT DOMAIN, THE STATE OR POLITICAL SUBDIVISION IS RESPONSIBLE FOR THE
2 RELOCATION COSTS OF THE TENANTS.

3 11. IF A TENANT IS VACATING THE PREMISES AND HAS INFORMED THE
4 LANDLORD OR MANAGER BEFORE THE CHANGE IN USE NOTICE HAS BEEN GIVEN, THE
5 TENANT IS NOT ELIGIBLE FOR COMPENSATION UNDER THIS SECTION.

6 12. A PERSON WHO PURCHASES A PARK TRAILER OR PARK MODEL ALREADY
7 SITUATED IN A PARK OR MOVES A PARK TRAILER OR PARK MODEL INTO A PARK IN
8 WHICH A CHANGE IN USE NOTICE HAS BEEN GIVEN IS NOT ELIGIBLE FOR
9 COMPENSATION UNDER THIS SECTION.

10 13. THIS SECTION DOES NOT APPLY TO A CHANGE IN USE IF THE LANDLORD
11 MOVES A TENANT TO ANOTHER SPACE IN THE PARK AT THE LANDLORD'S EXPENSE.

12 33-2150. Relocations due to change in age-restricted
13 community use; payment from mobile home relocation
14 fund; applicability

15 FOR RECREATIONAL VEHICLES THAT ARE PARK TRAILERS OR PARK MODELS
16 ONLY:

17 1. THE LANDLORD SHALL NOTIFY THE DIRECTOR AND ALL TENANTS IN
18 WRITING OF A CHANGE IN USE AT LEAST SIXTY DAYS BEFORE A CHANGE IN THE
19 AGE-RESTRICTED COMMUNITY TO AN ALL-AGE COMMUNITY USE AS DEFINED BY THE
20 HOUSING FOR OLDER PERSONS ACT OF 1995.

21 2. A TENANT IS ELIGIBLE FOR PAYMENT FROM THE MOBILE HOME RELOCATION
22 FUND IF BOTH OF THE FOLLOWING CONDITIONS ARE MET:

23 (a) THE TENANT RESIDES IN A PARK TRAILER OR PARK MODEL THAT IS
24 OWNED BY THE TENANT AND THAT IS LOCATED IN AN AGE-RESTRICTED PARK.

25 (b) THE LANDLORD IMPLEMENTS A CHANGE FROM AN AGE-RESTRICTED
26 COMMUNITY TO AN ALL-AGE COMMUNITY AS DEFINED BY THE HOUSING FOR OLDER
27 PERSONS ACT OF 1995.

28 3. A LANDLORD WHO CHANGES A PARK DESIGNATION FROM AN AGE-RESTRICTED
29 COMMUNITY SHALL GIVE WRITTEN NOTICE OF THE APPLICABILITY OF THIS SECTION
30 TO ALL AFFECTED TENANTS.

31 4. A TENANT IS ELIGIBLE TO RECEIVE RELOCATION EXPENSES PURSUANT TO
32 PARAGRAPH 2 OF THIS SECTION AS FOLLOWS:

33 (a) WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF
34 NOTIFICATION OF THE CHANGE IN THE AGE-RESTRICTED COMMUNITY'S USE, THE
35 TENANT SHALL SUBMIT A CONTRACT FOR RELOCATION OF THE PARK TRAILER OR PARK
36 MODEL TO THE DIRECTOR FOR APPROVAL AND TO THE LANDLORD.

37 (b) AFTER NOTICE OF APPROVAL BY THE DIRECTOR FOR THE PAYMENT OF
38 RELOCATION EXPENSES, THE TENANT SHALL HAVE A FULLY SIGNED CONTRACT WITH A
39 LICENSED INSTALLER OR CONTRACTOR TO MOVE THE PARK TRAILER OR PARK MODEL TO
40 A SPECIFIC LOCATION BY A SPECIFIC DATE AND MUST HAVE MOVED THE PARK
41 TRAILER OR PARK MODEL PURSUANT TO THAT CONTRACT WITHIN FORTY-FIVE DAYS
42 AFTER NOTICE FROM THE DIRECTOR.

43 (c) THE DIRECTOR SHALL APPROVE OR DISAPPROVE THE CONTRACT SUBMITTED
44 WITHIN FIFTEEN DAYS AFTER RECEIPT OF THE CONTRACT, AND THE CONTRACT IS

1 DEEMED TO BE APPROVED ON THE SIXTEENTH DAY IF THE DIRECTOR TAKES NO
2 ACTION.

3 (d) IF THE CONTRACT IS APPROVED, THE PAYMENT OF RELOCATION EXPENSES
4 SHALL BE MADE TO THE INSTALLER OR CONTRACTOR WHEN BOTH OF THE FOLLOWING
5 HAVE BEEN COMPLETED:

6 (i) THE INSTALLER OR CONTRACTOR HAS OBTAINED VALID PERMITS TO MOVE
7 THE PARK TRAILER OR PARK MODEL TO A NEW LOCATION.

8 (ii) THE INSTALLER OR CONTRACTOR PROVIDES DOCUMENTATION TO THE
9 DEPARTMENT THAT THE INSTALLATION OF THE PARK TRAILER OR PARK MODEL AT THE
10 NEW LOCATION IS COMPLETE AND HAS BEEN INSPECTED BY THE DEPARTMENT OR ITS
11 DESIGNEE AND IS APPROVED FOR OCCUPANCY.

12 (e) IF THE CONTRACT IS NOT APPROVED, THE TENANT MAY APPEAL TO AN
13 ADMINISTRATIVE LAW JUDGE PURSUANT TO TITLE 41, CHAPTER 37, ARTICLE 5. THE
14 TENANT SHALL PROVIDE NOTICE PURSUANT TO SECTION 33-2105, SUBSECTION I, IF
15 THE TENANT RELOCATES.

16 (f) ON APPROVAL, THE TENANT IS ELIGIBLE FOR THE LESSER OF THE
17 ACTUAL MOVING EXPENSES OF RELOCATING THE PARK TRAILER OR PARK MODEL OR
18 FOUR THOUSAND DOLLARS. COMPENSABLE MOVING EXPENSES INCLUDE THE COST OF
19 STABILIZING, TAKING DOWN, MOVING AND SETTING UP THE PARK TRAILER OR PARK
20 MODEL IN THE NEW LOCATION IF THE PARK TRAILER OR PARK MODEL IS RELOCATED
21 TO ANOTHER AGE-RESTRICTED COMMUNITY WITHIN THIS STATE.

22 5. THE LANDLORD SHALL NOT BE RESPONSIBLE FOR MAKING ANY PAYMENT
23 INTO THE MOBILE HOME RELOCATION FUND FOR ANY PARK TRAILER OR PARK MODEL
24 MOVED PURSUANT TO THIS SECTION.

25 33-2151. Assessments for mobile home relocation fund; waiver
26 FOR RECREATIONAL VEHICLES THAT ARE PARK TRAILERS OR PARK MODELS
27 ONLY:

28 1. IN ORDER TO PROVIDE MONIES FOR THE MOBILE HOME RELOCATION FUND,
29 EACH OWNER OF A PARK TRAILER OR PARK MODEL LOCATED IN A PARK WHO DOES NOT
30 OWN THE LAND ON WHICH THE PARK TRAILER OR PARK MODEL IS LOCATED SHALL PAY
31 EACH YEAR TO THE STATE AN ASSESSMENT IN AN AMOUNT DETERMINED BY MAKING THE
32 ASSESSMENT AS PRESCRIBED BY SECTION 33-1476.03. THE COUNTY TREASURER
33 SHALL COLLECT THE ASSESSMENT IMPOSED BY THIS PARAGRAPH AT THE SAME TIME
34 AND IN THE SAME MANNER AS PERSONAL PROPERTY TAXES. THE COUNTY TREASURER
35 SHALL SEPARATELY LIST THE ASSESSMENT ON THE TAX ROLL AND SHALL TRANSFER
36 THE REVENUES COLLECTED TO THE STATE TREASURER FOR DEPOSIT IN THE MOBILE
37 HOME RELOCATION FUND. THE COUNTY TREASURER SHALL SEND TO THE STATE
38 TREASURER A WRITTEN NOTICE OF THE TOTAL TAXABLE ASSESSED VALUATION,
39 DERIVED BY APPLYING THE APPLICABLE PERCENTAGE SPECIFIED IN TITLE 42,
40 CHAPTER 15, ARTICLE 1 TO THE LIMITED PROPERTY VALUE, OF ALL PARK TRAILERS
41 OR PARK MODELS IN THE COUNTY ON WHICH THE ASSESSMENT PRESCRIBED BY THIS
42 SECTION IS ASSESSED. THE ASSESSMENT CONSTITUTES A LIEN ON THE PARK
43 TRAILER OR PARK MODEL.

1 may inspect any person or property in transportation through the state,
2 and any car, boat, train, trailer, airplane or other vehicle in which that
3 person or property is transported, and may enforce detention or
4 disinfection as reasonably necessary for the public health if there exists
5 a violation of any health law or rule.

6 C. The director may deputize, in writing, any qualified officer or
7 employee in the department to do or perform on the director's behalf any
8 act the director is by law empowered to do or charged with the
9 responsibility of doing.

10 D. The director may delegate to a local health department, county
11 environmental department or public health services district any functions,
12 powers or duties that the director believes can be competently,
13 efficiently and properly performed by the local health department, county
14 environmental department or public health services district if:

15 1. The director or superintendent of the local health agency,
16 environmental agency or public health services district is willing to
17 accept the delegation and agrees to perform or exercise the functions,
18 powers and duties conferred in accordance with the standards of
19 performance established by the director.

20 2. Monies appropriated or otherwise made available to the
21 department for distribution to or division among counties or public health
22 services districts for local health work may be allocated or reallocated
23 in a manner designed to ensure the accomplishment of recognized local
24 public health activities and delegated functions, powers and duties in
25 accordance with applicable standards of performance. Whenever in the
26 director's opinion there is cause, the director may terminate all or a
27 part of any delegation and may reallocate all or a part of any funds that
28 may have been conditioned on the further performance of the functions,
29 powers or duties conferred.

30 E. The compensation of all personnel shall be as determined
31 pursuant to section 38-611.

32 F. The director may make and amend rules necessary for the proper
33 administration and enforcement of the laws relating to the public health.

34 G. Notwithstanding subsection H, paragraph 1 of this section, the
35 director may define and prescribe emergency measures for detecting,
36 reporting, preventing and controlling communicable or infectious diseases
37 or conditions if the director has reasonable cause to believe that a
38 serious threat to public health and welfare exists. Emergency measures
39 are effective for no longer than eighteen months.

40 H. The director, by rule, shall:

41 1. Define and prescribe reasonably necessary measures for
42 detecting, reporting, preventing and controlling communicable and
43 preventable diseases. The rules shall declare certain diseases
44 reportable. The rules shall prescribe measures, including isolation or
45 quarantine, that are reasonably required to prevent the occurrence of, or

1 to seek early detection and alleviation of, disability, insofar as
2 possible, from communicable or preventable diseases. The rules shall
3 include reasonably necessary measures to control animal diseases
4 transmittable to humans.

5 2. Define and prescribe reasonably necessary measures, in addition
6 to those prescribed by law, regarding the preparation, embalming,
7 cremation, interment, disinterment and transportation of dead human bodies
8 and the conduct of funerals, relating to and restricted to communicable
9 diseases and regarding the removal, transportation, cremation, interment
10 or disinterment of any dead human body.

11 3. Define and prescribe reasonably necessary procedures that are
12 not inconsistent with law in regard to the use and accessibility of vital
13 records, delayed birth registration and the completion, change and
14 amendment of vital records.

15 4. Except as relating to the beneficial use of wildlife meat by
16 public institutions and charitable organizations pursuant to title 17,
17 prescribe reasonably necessary measures to ensure that all food or drink,
18 including meat and meat products and milk and milk products sold at the
19 retail level, provided for human consumption is free from unwholesome,
20 poisonous or other foreign substances and filth, insects or
21 disease-causing organisms. The rules shall prescribe reasonably necessary
22 measures governing the production, processing, labeling, storing,
23 handling, serving and transportation of these products. The rules shall
24 prescribe minimum standards for the sanitary facilities and conditions
25 that shall be maintained in any warehouse, restaurant or other premises,
26 except a meat packing plant, slaughterhouse, wholesale meat processing
27 plant, dairy product manufacturing plant or trade product manufacturing
28 plant. The rules shall prescribe minimum standards for any truck or other
29 vehicle in which food or drink is produced, processed, stored, handled,
30 served or transported. The rules shall provide for the inspection and
31 licensing of premises and vehicles so used, and for abatement as public
32 nuisances of any premises or vehicles that do not comply with the rules
33 and minimum standards. The rules shall provide an exemption relating to
34 food or drink that is:

35 (a) Served at a noncommercial social event such as a potluck.

36 (b) Prepared at a cooking school that is conducted in an
37 owner-occupied home.

38 (c) Not potentially hazardous and prepared in a kitchen of a
39 private home for occasional sale or distribution for noncommercial
40 purposes.

41 (d) Prepared or served at an employee-conducted function that lasts
42 less than four hours and is not regularly scheduled, such as an employee
43 recognition, an employee fund-raising or an employee social event.

1 (e) Offered at a child care facility and limited to commercially
2 prepackaged food that is not potentially hazardous and whole fruits and
3 vegetables that are washed and cut on site for immediate consumption.

4 (f) Offered at locations that sell only commercially prepackaged
5 food or drink that is not potentially hazardous.

6 (g) Baked and confectionary goods that are not potentially
7 hazardous and that are prepared in a kitchen of a private home for
8 commercial purposes if packaged with a label that clearly states the
9 address of the maker, includes contact information for the maker, lists
10 all the ingredients in the product and discloses that the product was
11 prepared in a home. The label must be given to the final consumer of the
12 product. If the product was made in a facility for individuals with
13 developmental disabilities, the label must also disclose that fact. The
14 person preparing the food or supervising the food preparation must obtain
15 a food handler's card or certificate if one is issued by the local county
16 and must register with an online registry established by the department
17 pursuant to paragraph 13 of this subsection. For the purposes of this
18 subdivision, "potentially hazardous" means baked and confectionary goods
19 that meet the requirements of the food code published by the United States
20 food and drug administration, as modified and incorporated by reference by
21 the department by rule.

22 (h) A whole fruit or vegetable grown in a public school garden that
23 is washed and cut on-site for immediate consumption.

24 5. Prescribe reasonably necessary measures to ensure that all meat
25 and meat products for human consumption handled at the retail level are
26 delivered in a manner and from sources approved by the Arizona department
27 of agriculture and are free from unwholesome, poisonous or other foreign
28 substances and filth, insects or disease-causing organisms. The rules
29 shall prescribe standards for sanitary facilities to be used in identity,
30 storage, handling and sale of all meat and meat products sold at the
31 retail level.

32 6. Prescribe reasonably necessary measures regarding production,
33 processing, labeling, handling, serving and transportation of bottled
34 water to ensure that all bottled drinking water distributed for human
35 consumption is free from unwholesome, poisonous, deleterious or other
36 foreign substances and filth or disease-causing organisms. The rules
37 shall prescribe minimum standards for the sanitary facilities and
38 conditions that shall be maintained at any source of water, bottling plant
39 and truck or vehicle in which bottled water is produced, processed, stored
40 or transported and shall provide for inspection and certification of
41 bottled drinking water sources, plants, processes and transportation and
42 for abatement as a public nuisance of any water supply, label, premises,
43 equipment, process or vehicle that does not comply with the minimum
44 standards. The rules shall prescribe minimum standards for

1 bacteriological, physical and chemical quality for bottled water and for
2 the submission of samples at intervals prescribed in the standards.

3 7. Define and prescribe reasonably necessary measures governing ice
4 production, handling, storing and distribution to ensure that all ice sold
5 or distributed for human consumption or for the preservation or storage of
6 food for human consumption is free from unwholesome, poisonous,
7 deleterious or other foreign substances and filth or disease-causing
8 organisms. The rules shall prescribe minimum standards for the sanitary
9 facilities and conditions and the quality of ice that shall be maintained
10 at any ice plant, storage and truck or vehicle in which ice is produced,
11 stored, handled or transported and shall provide for inspection and
12 licensing of the premises and vehicles, and for abatement as public
13 nuisances of ice, premises, equipment, processes or vehicles that do not
14 comply with the minimum standards.

15 8. Define and prescribe reasonably necessary measures concerning
16 sewage and excreta disposal, garbage and trash collection, storage and
17 disposal, and water supply for recreational and summer camps, campgrounds,
18 motels, tourist courts, trailer coach parks and hotels. The rules shall
19 prescribe minimum standards for preparation of food in community kitchens,
20 adequacy of excreta disposal, garbage and trash collection, storage and
21 disposal and water supply for recreational and summer camps, campgrounds,
22 motels, tourist courts, trailer coach parks and hotels and shall provide
23 for inspection of these premises and for abatement as public nuisances of
24 any premises or facilities that do not comply with the rules. Primitive
25 camp and picnic grounds offered by this state or a political subdivision
26 of this state are exempt from rules adopted pursuant to this paragraph but
27 are subject to approval by a county health department under sanitary
28 regulations adopted pursuant to section 36-183.02. For the purposes of
29 this paragraph, "primitive camp and picnic grounds" means camp and picnic
30 grounds that are remote in nature and without accessibility to public
31 infrastructure such as water, electricity and sewer. RULES ADOPTED
32 PURSUANT TO THIS PARAGRAPH DO NOT APPLY TO TWO OR FEWER RECREATIONAL
33 VEHICLES AS DEFINED IN SECTION 33-2102 THAT ARE NOT PARK MODELS OR PARK
34 TRAILERS, THAT ARE PARKED ON OWNER-OCCUPIED RESIDENTIAL PROPERTY FOR LESS
35 THAN SIXTY DAYS AND FOR WHICH NO RENT OR OTHER COMPENSATION IS PAID.

36 9. Define and prescribe reasonably necessary measures concerning
37 the sewage and excreta disposal, garbage and trash collection, storage and
38 disposal, water supply and food preparation of all public schools. The
39 rules shall prescribe minimum standards for sanitary conditions that shall
40 be maintained in any public school and shall provide for inspection of
41 these premises and facilities and for abatement as public nuisances of any
42 premises that do not comply with the minimum standards.

43 10. Prescribe reasonably necessary measures to prevent pollution of
44 water used in public or semipublic swimming pools and bathing places and
45 to prevent deleterious health conditions at these places. The rules shall

1 prescribe minimum standards for sanitary conditions that shall be
2 maintained at any public or semipublic swimming pool or bathing place and
3 shall provide for inspection of these premises and for abatement as public
4 nuisances of any premises and facilities that do not comply with the
5 minimum standards. The rules shall be developed in cooperation with the
6 director of the department of environmental quality and shall be
7 consistent with the rules adopted by the director of the department of
8 environmental quality pursuant to section 49-104, subsection B,
9 paragraph 12.

10 11. Prescribe reasonably necessary measures to keep confidential
11 information relating to diagnostic findings and treatment of patients, as
12 well as information relating to contacts, suspects and associates of
13 communicable disease patients. In no event shall confidential information
14 be made available for political or commercial purposes.

15 12. Prescribe reasonably necessary measures regarding human
16 immunodeficiency virus testing as a means to control the transmission of
17 that virus, including the designation of anonymous test sites as dictated
18 by current epidemiologic and scientific evidence.

19 13. Establish an online registry of food preparers that are
20 authorized to prepare food for commercial purposes pursuant to paragraph 4
21 of this subsection.

22 I. The rules adopted under the authority conferred by this section
23 shall be observed throughout the state and shall be enforced by each local
24 board of health or public health services district, but this section does
25 not limit the right of any local board of health or county board of
26 supervisors to adopt ordinances and rules as authorized by law within its
27 jurisdiction, provided that the ordinances and rules do not conflict with
28 state law and are equal to or more restrictive than the rules of the
29 director.

30 J. The powers and duties prescribed by this section do not apply in
31 instances in which regulatory powers and duties relating to public health
32 are vested by the legislature in any other state board, commission, agency
33 or instrumentality, except that with regard to the regulation of meat and
34 meat products, the department of health services and the Arizona
35 department of agriculture within the area delegated to each shall adopt
36 rules that are not in conflict.

37 K. The director, in establishing fees authorized by this section,
38 shall comply with title 41, chapter 6. The department shall not set a fee
39 at more than the department's cost of providing the service for which the
40 fee is charged. State agencies are exempt from all fees imposed pursuant
41 to this section.

42 L. After consultation with the state superintendent of public
43 instruction, the director shall prescribe the criteria the department
44 shall use in deciding whether or not to notify a local school district
45 that a pupil in the district has tested positive for the human

1 immunodeficiency virus antibody. The director shall prescribe the
2 procedure by which the department shall notify a school district if,
3 pursuant to these criteria, the department determines that notification is
4 warranted in a particular situation. This procedure shall include a
5 requirement that before notification the department shall determine to its
6 satisfaction that the district has an appropriate policy relating to
7 nondiscrimination of the infected pupil and confidentiality of test
8 results and that proper educational counseling has been or will be
9 provided to staff and pupils.

10 M. Until the department adopts exemptions by rule as required by
11 subsection H, paragraph 4, subdivision (f) of this section, food and drink
12 are exempt from the rules prescribed in subsection H of this section if
13 offered at locations that sell only commercially prepackaged food or drink
14 that is not potentially hazardous, without a limitation on its display
15 area.

16 N. Until the department adopts exemptions by rule as required by
17 subsection H, paragraph 4, subdivision (h) of this section, a whole fruit
18 or vegetable grown in a public school garden that is washed and cut
19 on-site for immediate consumption is exempt from the rules prescribed in
20 subsection H of this section.

21 Sec. 7. Section 41-4004, Arizona Revised Statutes, is amended to
22 read:

23 41-4004. Powers and duties of the deputy director; work by
24 unlicensed person; inspection agreement; permit

25 A. The deputy director under the authority and direction of the
26 director shall administer ~~the provisions of~~ this article and the rules
27 adopted by the board.

28 B. The deputy director shall:

29 1. Establish a state inspection and design approval bureau within
30 the office.

31 2. Enter into reciprocity agreements and compacts with other states
32 or private organizations that adopt and maintain standards of construction
33 reasonably consistent with those adopted pursuant to this article on
34 determining that such standards are being enforced. The deputy director
35 may void such agreements on determining such standards are not being
36 maintained.

37 3. Authorize affixment of insignia to indicate compliance with the
38 construction and installation requirements of this article.

39 4. Enter and inspect or investigate premises at reasonable times,
40 after presentation of credentials by the deputy director or personnel of
41 the office or under contract with the office, where units regulated by
42 this article are manufactured, sold or installed, to determine if any
43 person has violated this article or the rules adopted pursuant to this
44 article.

1 5. Enter into agreements with local enforcement agencies to enforce
2 the installation standards in their jurisdiction provided the deputy
3 director is monitoring their performance to be consistent with the
4 installation standards of the office.

5 6. If an inspection reveals that a mobile home entering this state
6 for sale or installation is in violation of this chapter, order its use
7 discontinued and the mobile home or any portion of the mobile home
8 vacated. The order to vacate shall be served on the person occupying the
9 mobile home and copies of the order shall be posted at or on each exit of
10 the mobile home. The order to vacate shall include a reasonable period of
11 time in which the violation can be corrected.

12 7. If an inspection of a new installation of any mobile home or
13 manufactured home reveals that the natural gas or electrical connections
14 of the installation do not conform to the installation standards
15 promulgated pursuant to this article and the nonconformance constitutes an
16 immediate danger to life and property, the inhabitants of the home shall
17 be notified immediately and in their absence a notice citing the
18 violations shall be posted in a conspicuous location. The deputy director
19 may order that the public service corporation, municipal corporation or
20 other entity or individual supplying the service to the unit discontinue
21 such service. If the danger is not immediate, the deputy director shall
22 allow at least twenty-four hours to correct the condition before ordering
23 any discontinuation of service.

24 8. If construction, installation, rebuilding or any other work is
25 performed in violation of this chapter or any rule adopted pursuant to
26 this chapter, order the work stopped. The order to stop work shall be
27 served on the person doing the work or on the person causing the work to
28 be done. The person served with the order shall immediately cease the
29 work until authorized by the office to continue.

30 9. Verify written complaints filed with the office by purchasers
31 within one year after the date of purchase or installation of units.
32 Complaints shall be accepted from consumers which allege violations by any
33 dealer, broker, salesperson, installer or manufacturer of this chapter or
34 the rules adopted pursuant to this chapter.

35 10. On verification of a complaint pursuant to paragraph 9 of this
36 subsection, serve notice to the dealer, broker, salesperson, installer or
37 manufacturer that such verified complaint shall be satisfied as specified
38 by the office.

39 11. PROVIDE TO THE BOARD EVERY SIX MONTHS THE YEAR TO DATE FUND
40 BALANCE OF AND A LISTING OF THE YEAR TO DATE REVENUES AND EXPENDITURES
41 FROM THE MOBILE HOME RELOCATION FUND ESTABLISHED BY SECTION 33-1476.02.
42 THE INFORMATION SHALL BE UPDATED AND POSTED ON THE DEPARTMENT'S WEBSITE.

43 C. Any dealer, broker, salesperson, installer or manufacturer
44 licensed by the office shall respond within thirty days to a notice served

1 pursuant to subsection B, paragraph 10 of this section. Failure to
2 respond is grounds for disciplinary action pursuant to section 41-4039.

3 D. If an inspection or an investigation reveals that any work that
4 is required to be performed by a licensee was performed by an unlicensed
5 person required to be licensed pursuant to this chapter, the deputy
6 director, an employee or a person under contract with the office may cite
7 the unlicensed person. The citation may be issued and served pursuant to
8 section 13-3903. The action shall be filed in the justice court in the
9 precinct where the unlicensed activity occurred.

10 E. The deputy director may enter into agreements with acceptable
11 qualified building inspection personnel or inspection organizations for
12 enforcement of inspection requirements provided the deputy director is
13 monitoring their performance to be consistent with this article, rules
14 adopted pursuant to this article and the established procedures of the
15 office. If the deputy director determines that the person's or
16 organization's performance is not consistent with this article, rules
17 adopted pursuant to this article and the established procedures of the
18 office, the person or organization may not enforce the contract and the
19 aggrieved person shall be entitled to a refund of the consideration paid
20 under the agreement.

21 F. If a mobile or manufactured home or factory-built building is
22 installed without first obtaining an installation permit, the deputy
23 director shall send a written notice to the purchaser specifying that a
24 permit is required. If a permit is not obtained within thirty days after
25 receipt of the written notice, the department shall issue and serve by
26 personal service or certified mail a citation on the purchaser. Service
27 of the citation by certified mail is complete after forty-eight hours
28 after the time of deposit in the mail. On failure of the purchaser to
29 comply with the citation within twenty days after its receipt, the deputy
30 director shall file an action in the justice court in the precinct where
31 installation occurred for violation of this subsection.

APPROVED BY THE GOVERNOR MARCH 29, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2017.

Passed the House February 13, 20 17

Passed the Senate March 20, 20 17

by the following vote: 58 Ayes,

by the following vote: 29 Ayes,

1 Nays, 1 Not Voting

0 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

Pro Tempore

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____ M.

Secretary of State

H.B. 2176

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

March 23, 20 17,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

U. R. Boyce
Speaker of the House

Jim Drake
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
23rd day of March, 2017,

at 3:31 o'clock P. M.

Trista Grogan
Secretary to the Governor

Approved this 29th day of

March, 20 17,

at 1:52 o'clock P. M.

Jon R. Roney
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 29 day of March, 20 17,

at 4:59 o'clock P. M.

Michelle Reagan
Secretary of State

H.B. 2176