

REFERENCE TITLE: rental housing; income source discrimination

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2085

Introduced by
Representatives Ortiz: Aguilar, Austin, Contreras P, De Los Santos,
Gutierrez, Hernandez L, Hernandez M, Mathis, Sandoval, Schwiebert, Seaman,
Sun

AN ACT

AMENDING TITLE 33, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 33-1319.01; RELATING TO THE ARIZONA 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. Title 33, chapter 10, article 1, Arizona Revised
3 Statutes, is amended by adding section 33-1319.01, to read:

4 33-1319.01. Income sources; discrimination prohibited;
5 enforcement; definition

6 A. A LANDLORD MAY NOT USE THE SOURCE OF INCOME OF AN OTHERWISE
7 ELIGIBLE PROSPECTIVE OR CURRENT TENANT TO DO ANY OF THE FOLLOWING:

8 1. REFUSE TO RENT A RENTAL PROPERTY TO A PROSPECTIVE OR CURRENT
9 TENANT.

10 2. EVICT OR OTHERWISE TERMINATE THE RENTAL AGREEMENT OF A
11 PROSPECTIVE OR CURRENT TENANT.

12 3. MAKE ANY DISTINCTION OR RESTRICTION OR OTHERWISE DISCRIMINATE
13 AGAINST A PROSPECTIVE OR CURRENT TENANT IN THE PRICE, TERMS, CONDITIONS,
14 FEES OR PRIVILEGES RELATING TO THE RENTAL OR OCCUPANCY OF THE RENTAL
15 PREMISES OR IN THE FURNISHING OF ANY FACILITIES OR SERVICES IN CONNECTION
16 WITH THE RENTAL OF THE PREMISES.

17 4. ATTEMPT TO DISCOURAGE RENTING THE PROPERTY TO A PROSPECTIVE OR
18 CURRENT TENANT.

19 5. REPRESENT TO ANY PERSON THAT THE RENTAL PREMISES ARE NOT
20 AVAILABLE FOR INSPECTION OR RENTAL WHEN THE RENTAL PREMISES ARE AVAILABLE.

21 6. COERCE, INTIMIDATE, THREATEN OR INTERFERE WITH ANY PERSON
22 EXERCISING OR ENJOYING ANY RIGHT GRANTED OR PROTECTED BY THIS SECTION OR
23 AS A RESULT OF THE PERSON HAVING EXERCISED OR ENJOYED OR HAVING AIDED OR
24 ENCOURAGED ANY OTHER PERSON IN THE EXERCISE OR ENJOYMENT OF ANY RIGHT
25 GRANTED OR PROTECTED BY THIS SECTION.

26 7. ASSIST, INDUCE, INCITE OR COERCE ANOTHER PERSON TO COMMIT AN ACT
27 OR ENGAGE IN A PRACTICE THAT VIOLATES THIS SECTION.

28 8. IN ANY OTHER MANNER MAKE UNAVAILABLE OR DENY A RENTAL UNIT TO A
29 PROSPECTIVE OR CURRENT TENANT WHO IS OTHERWISE ELIGIBLE TO RENT THE
30 PROPERTY, EXCEPT FOR THE PERSON'S SOURCE OF INCOME.

31 B. A LANDLORD MAY NOT MAKE, PRINT OR PUBLISH, OR CAUSE TO BE MADE,
32 PRINTED OR PUBLISHED ANY NOTICE, STATEMENT OR ADVERTISEMENT WITH RESPECT
33 TO RENTING A DWELLING UNIT THAT INDICATES ANY PREFERENCE, LIMITATION OR
34 DISCRIMINATION BECAUSE A PERSON RELIES ON RENTAL PAYMENTS DERIVED FROM ANY
35 GOVERNMENT OR PRIVATE ASSISTANCE, GRANT, LOAN PROGRAM OR INCOME DERIVED
36 FROM ANY LAWFUL PROFESSION OR OCCUPATION.

37 C. FOR A LANDLORD THAT REQUIRES THAT A PROSPECTIVE OR CURRENT
38 TENANT MEET A CERTAIN THRESHOLD LEVEL OF INCOME, ANY SOURCE OF INCOME IN
39 THE FORM OF A RENT VOUCHER OR SUBSIDY MUST BE SUBTRACTED FROM THE TOTAL OF
40 THE MONTHLY RENT BEFORE CALCULATING WHETHER THE INCOME CRITERIA HAVE BEEN
41 MET.

42 D. A VIOLATION OF THIS SECTION IS AN UNLAWFUL PRACTICE UNDER
43 SECTION 44-1522. THE ATTORNEY GENERAL MAY INVESTIGATE AND TAKE
44 APPROPRIATE ACTION AS PRESCRIBED BY TITLE 41, CHAPTER 9, ARTICLE 7 OR
45 TITLE 44, CHAPTER 10, ARTICLE 7.

1 E. FOR THE PURPOSES OF THIS SECTION, "SOURCE OF INCOME" MEANS
2 BENEFITS OR SUBSIDY PROGRAMS, INCLUDING SECTION 8 HOUSING CHOICE VOUCHER
3 ASSISTANCE, HOUSING ASSISTANCE, PUBLIC ASSISTANCE, EMERGENCY RENTAL
4 ASSISTANCE, VETERANS BENEFITS, SOCIAL SECURITY OR SUPPLEMENTAL SECURITY
5 INCOME OR BENEFITS OR OTHER RETIREMENT PROGRAMS, AND OTHER PROGRAMS
6 ADMINISTERED BY ANY FEDERAL, STATE, LOCAL, PRIVATE OR NONPROFIT ENTITY.