

REFERENCE TITLE: landlord tenant; evictions; assistance

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

HB 2366

Introduced by
Representatives Sun: Cano, Contreras L, Contreras P, Gutierrez, Hernandez
L, Hernandez M, Mathis, Ortiz, Sandoval, Stahl Hamilton, Travers, Tsosie

AN ACT

AMENDING SECTION 12-1178, ARIZONA REVISED STATUTES; APPROPRIATING MONIES;
RELATING TO EVICTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-1178, Arizona Revised Statutes, is amended to
3 read:

4 12-1178. Judgment; writ of restitution; limitation on
5 issuance and enforcement; criminal violation;
6 notice

7 A. If the defendant is found guilty of forcible entry and detainer
8 or forcible detainer, the court shall give judgment for the plaintiff for
9 restitution of the premises, for all charges stated in the rental
10 agreement and for damages, attorney fees, court and other costs and, at
11 the plaintiff's option, all rent found to be due and unpaid through the
12 periodic rental period, as described in section 33-1314, subsection C, as
13 provided for in the rental agreement, and shall grant a writ of
14 restitution. The person designated by the judge to prepare the judgment
15 shall ensure that the defendant's social security number is not contained
16 on the judgment.

17 B. If the defendant is found not guilty of forcible entry and
18 detainer or forcible detainer, judgment shall be given for the defendant
19 against the plaintiff for damages, attorney fees and court and other
20 costs, and if it appears that the plaintiff has acquired possession of the
21 premises since commencement of the action, a writ of restitution shall
22 issue in favor of the defendant.

23 C. ~~No~~ A writ of restitution shall NOT issue until the expiration of
24 five calendar days after the rendition of judgment. The writ of
25 restitution shall NOT be enforced ~~as promptly and expeditiously as~~
26 ~~possible~~ UNTIL AT LEAST SEVEN CALENDAR DAYS AFTER THE DATE THAT THE WRIT
27 OF RESTITUTION IS ISSUED. The issuance or enforcement of a writ of
28 restitution shall not be suspended, delayed or otherwise affected by the
29 filing of a motion to set aside or vacate the judgment or similar motion
30 unless a judge finds good cause.

31 D. A defendant who is lawfully served with a writ of restitution
32 and who remains in or returns to the dwelling unit, as defined in section
33 33-1310, or remains on or returns to the mobile home space, as defined in
34 section 33-1409, or the recreational vehicle space, as defined in section
35 33-2102, without the express permission of the owner of the property or
36 the person with lawful control of the property commits criminal trespass
37 in the third degree pursuant to section 13-1502.

38 E. If the defendant is found guilty of forcible entry and detainer
39 or forcible detainer, the court shall give the defendant notice that a
40 defendant who is lawfully served with a writ of restitution and who
41 remains in or returns to the dwelling unit or remains on or returns to the
42 mobile home space or the recreational vehicle space without the express
43 permission of the owner of the property or the person with lawful control
44 of the property commits criminal trespass in the third degree pursuant to
45 section 13-1502.

1 Sec. 2. Appropriation; department of economic security;
2 rental assistance; exemption

3 A. The sum of \$290,000,000 is appropriated from the state general
4 fund in fiscal year 2023-2024 to the department of economic security to
5 distribute for rental assistance. The department shall allocate at least
6 \$10,000,000 of the amount appropriated pursuant to this section to
7 distribute for rental assistance to persons who are at least sixty-five
8 years of age.

9 B. The appropriation made in subsection A of this section is exempt
10 from the provisions of section 35-190, Arizona Revised Statutes, relating
11 to lapsing of appropriations.