

REFERENCE TITLE: mobile homes; recreational vehicles; fund

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

HB 2381

Introduced by
Representatives Gress: Shah

AN ACT

AMENDING SECTIONS 33-1476.01, 33-1476.02, 33-1476.03 AND 33-2149, ARIZONA
REVISED STATUTES; RELATING TO THE MOBILE HOME RELOCATION FUND.

(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
3 to read:

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

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

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

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

16 1. Collect payment from the ~~mobile home relocation~~ fund for the
17 lesser of the actual moving expenses of relocating the mobile home to a
18 new location that is within a one hundred-mile radius of the vacated
19 mobile home park or the maximum of ~~seven thousand five hundred dollars~~
20 ~~\$12,500~~ \$12,500 for a single section mobile home or ~~twelve thousand five hundred~~
21 ~~dollars~~ \$20,000 for a multisection mobile home. Moving expenses include
22 the cost of stabilizing, taking down, moving and setting up the mobile
23 home in the new location.

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

37 3. If a mobile home is relocated to a location outside of the
38 vacated mobile home park and, in the sole judgment of the director, the
39 mobile home was ground set in the mobile home park from which it was
40 removed, the tenant may collect additional monies not to exceed ~~two~~
41 ~~thousand five hundred dollars~~ \$2,500 for the incremental costs of removing
42 a ground-set mobile home. These monies are in addition to any monies
43 provided pursuant to paragraph 1 of this subsection.

1 D. Except as provided in subsection C, paragraph 2 and subsection F
2 of this section and section 33-1476.04, subsection D, if there is a change
3 in use the landlord shall pay ~~five hundred dollars~~ \$700 for each single
4 section mobile home and ~~eight hundred dollars~~ \$1,000 for each multisection
5 mobile home relocated to the fund for each tenant filing for relocation
6 assistance with the director.

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

12 1. ~~Five hundred dollars~~ \$700 for each mobile home space occupied by
13 a single-section mobile home.

14 2. ~~Eight hundred dollars~~ \$1,000 for each mobile home space occupied
15 by a multisection mobile home.

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

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

23 1. ~~Five hundred dollars~~ \$700 for each mobile home space occupied by
24 a single section mobile home.

25 2. ~~Eight hundred dollars~~ \$1,000 for each mobile home space occupied
26 by a multisection mobile home.

27 H. The tenant shall submit a contract for relocation of a mobile
28 home for approval to the director within sixty days after the relocation
29 to be eligible for payment of relocation expenses. The director must
30 approve or disapprove the contract within fifteen days after receipt of
31 the contract, or the contract is deemed to be approved.

32 I. If the contract is approved, the payment of relocation expenses
33 shall be made to the installer or contractor when both of the following
34 are complete:

35 1. The installer or contractor obtains valid permits to move the
36 mobile or manufactured home to a new location.

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

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

1 K. If this state or a political subdivision of this state exercises
2 eminent domain and the mobile home park is sold or a sale is made to this
3 state or a political subdivision of this state that intends to exercise
4 eminent domain, the state or political subdivision is responsible for the
5 relocation costs of the tenants.

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

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

12 N. After delivery of the one hundred eighty-day notice prescribed
13 by subsection A of this section, the landlord and the tenants shall inform
14 any prospective buyer or tenant that closure of the park is pending.

15 O. This section does not apply to a change in use if the landlord
16 moves a tenant to another space in the mobile home park at the landlord's
17 expense.

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

20 33-1476.02. Mobile home relocation fund; investment of monies

21 A. The mobile home relocation fund is established consisting of
22 monies collected pursuant to sections 33-1476.03 and 33-2151 and any
23 surcharge collected pursuant to section 33-1437. The director shall
24 administer the fund.

25 B. Fund monies shall be used as prescribed in sections 33-1476.04
26 and 41-4008 and to pay premiums and other costs of purchasing, from a
27 private insurer who is licensed to transact insurance business in this
28 state, insurance coverage for tenant relocation costs due to a change in
29 use as prescribed in sections 33-1476.01, ~~and~~ 33-1476.05, 33-2149 AND
30 33-2150. Any insurance rebates shall be deposited in the fund. If such
31 insurance is not available, or if the insurance costs exceed the amount
32 available from the fund, the fund shall be used to make direct payments
33 for tenant relocation costs. Monies in the fund in excess of the amount
34 required for these purposes shall be used, as necessary, to support the
35 Arizona department of housing's administration of the hearing function
36 pursuant to section 41-4062 and the Arizona department of housing's
37 administration of section 33-1437, subsection C.

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

44 D. The director ~~may~~ SHALL adopt, amend or repeal rules pursuant to
45 title 41, chapter 6 for the administration of the fund. Fund monies shall

1 be paid to the Arizona department of housing to offset the costs of
2 administering the fund, including the direct and indirect costs of
3 processing applications for reimbursement submitted under section 41-4008
4 and administering the direct and indirect costs of section 33-1437,
5 subsection C. The attorney general shall review the costs charged to the
6 fund.

7 Sec. 3. Section 33-1476.03, Arizona Revised Statutes, is amended to
8 read:

9 33-1476.03. Assessments for mobile home relocation fund;
10 waiver

11 A. In order to provide monies for the mobile home relocation fund,
12 each owner of a mobile home located in a mobile home park who does not own
13 the land ~~upon~~ ON which the mobile home is located shall pay each year to
14 the state an assessment equal to a rate of ~~fifty cents~~ \$.50 per ~~one~~
15 ~~hundred dollars~~ \$100 of the taxable assessed valuation, derived by
16 applying the applicable percentage specified in title 42, chapter 15,
17 article 1 to the limited property value, for each mobile home the person
18 owns. The county treasurer shall collect the assessment imposed by this
19 subsection at the same time and in the same manner as personal property
20 taxes. The county treasurer shall separately list the assessment on the
21 tax roll and shall transfer the revenues collected to the state treasurer
22 for deposit in the mobile home relocation fund. The county treasurer
23 shall send to the state treasurer a written notice of the total taxable
24 assessed valuation, derived by applying the applicable percentage
25 specified in title 42, chapter 15, article 1 to the limited property
26 value, of all mobile homes in the county on which the assessment
27 prescribed by this section is assessed. The assessment constitutes a lien
28 on the mobile home.

29 B. The director shall notify all county assessors to waive the
30 assessment for any year if the monies in the fund exceed ~~eight million~~
31 ~~dollars~~ \$8,000,000. The director shall send a copy of the notice to the
32 county treasurers.

33 C. If at the end of a fiscal year the amount of monies in the
34 relocation fund is less than ~~six million dollars~~ \$6,000,000, the director
35 ~~may~~ SHALL notify the county assessors to reinstate the assessment
36 prescribed by this section. If the director notifies the county
37 assessors, the director shall send a copy of the notice to the county
38 treasurers.

39 Sec. 4. Section 33-2149, Arizona Revised Statutes, is amended to
40 read:

41 33-2149. Change in use; notices; compensation for moving
42 expenses; payments by the landlord; applicability

43 For recreational vehicles that are park trailers or park models
44 only:

1 1. The landlord shall notify the director and all tenants in
2 writing of a change in use at least one hundred eighty days before the
3 change in use. The landlord may not increase rent within ninety days
4 before giving notice of a change in use.

5 2. The landlord shall inform all tenants in writing about the
6 mobile home relocation fund established by section 33-1476.02.

7 3. If a tenant is required to move due to a change in use or
8 redevelopment of the park, the tenant may do any of the following:

9 (a) Collect payment from the mobile home relocation fund for the
10 lesser of the actual moving expenses of relocating the park trailer or
11 park model to a new location that is within a one hundred-mile radius of
12 the vacated park or the maximum of ~~four thousand dollars~~ \$6,000. Moving
13 expenses include the cost of stabilizing, taking down, moving and setting
14 up the park trailer or park model in the new location.

15 (b) Abandon the park trailer or park model in the park and collect
16 an amount equal to ~~one-fourth~~ FORTY PERCENT of the maximum allowable
17 moving expense for that park trailer or park model from the mobile home
18 relocation fund. To qualify for abandonment payment pursuant to this
19 subdivision, the tenant shall deliver to the landlord the current title to
20 the park trailer or park model with the notarized endorsement of the owner
21 of record together with complete releases of all liens that are shown on
22 the title and proof that all taxes owing have been paid to date. The
23 tenant shall provide a copy of these documents to the Arizona department
24 of housing in support of the tenant's application for payment. If the
25 tenant chooses to abandon the park trailer or park model pursuant to this
26 subdivision, the landlord is exempt from making the payments to the fund
27 prescribed in paragraph 4 of this section.

28 (c) If a park trailer or park model is relocated to a location
29 outside of the vacated park and, in the sole judgment of the director, the
30 park trailer or park model was ground set in the park from which it was
31 removed, the tenant may collect additional monies not to exceed ~~two~~
32 ~~thousand five hundred dollars~~ \$2,500 for the incremental costs of removing
33 a ground-set park trailer or park model. These monies are in addition to
34 any monies provided pursuant to subdivision (a) of this paragraph.

35 4. Except as provided in paragraph 3, subdivision (b) and paragraph
36 6 of this section, if there is a change in use the landlord shall pay ~~two~~
37 ~~hundred fifty dollars~~ \$250 for each park trailer or park model relocated
38 to the fund for each tenant filing for relocation assistance with the
39 director.

40 5. If a change in use occurs and the landlord does not comply with
41 paragraph 1 of this section, the landlord shall pay to the fund in
42 addition to the monies prescribed in paragraph 4 of this section ~~two~~
43 ~~hundred fifty dollars~~ \$250 for each space occupied by a park trailer or
44 park model.

1 6. The landlord is not required to make the payments prescribed in
2 paragraphs 4 and 5 of this section for moving a park trailer or park model
3 owned by the landlord or for moving a park trailer or park model under a
4 contract with the tenant if the tenant does not file for relocation
5 assistance with the director.

6 7. The tenant shall submit a contract for relocation of a park
7 trailer or park model for approval to the director within sixty days after
8 the relocation to be eligible for payment of relocation expenses. The
9 director must approve or disapprove the contract within fifteen days after
10 receipt of the contract, or the contract is deemed to be approved.

11 8. If the contract is approved, the payment of relocation expenses
12 shall be made to the installer or contractor when both of the following
13 are complete:

14 (a) The installer or contractor obtains valid permits to move the
15 park trailer or park model to a new location.

16 (b) The installer or contractor provides documentation to the
17 department that the installation of the park trailer or park model at the
18 new location is complete and has been inspected by the department or its
19 designee and is approved for occupancy.

20 9. If the contract is not approved, the tenant may appeal to an
21 administrative law judge pursuant to title 41, chapter 37, article 5. The
22 tenant shall provide notice pursuant to section 33-2105, subsection I, if
23 the tenant relocates.

24 10. If this state or a political subdivision of this state
25 exercises eminent domain and the park is sold or a sale is made to this
26 state or a political subdivision of this state that intends to exercise
27 eminent domain, the state or political subdivision is responsible for the
28 relocation costs of the tenants.

29 11. If a tenant is vacating the premises and has informed the
30 landlord or manager before the change-in-use notice has been given, the
31 tenant is not eligible for compensation under this section.

32 12. A person who purchases a park trailer or park model already
33 situated in a park or moves a park trailer or park model into a park in
34 which a change-in-use notice has been given is not eligible for
35 compensation under this section.

36 13. This section does not apply to a change in use if the landlord
37 moves a tenant to another space in the park at the landlord's expense.