

Senate Engrossed House Bill
mobile homes; recreational vehicles; fund

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

HOUSE BILL 2381

AN ACT

AMENDING SECTIONS 33-1476, 33-1476.01, 33-1476.02, 33-1476.03 AND 33-2149,
ARIZONA REVISED STATUTES; RELATING TO MOBILE HOMES.

(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, Arizona Revised Statutes, is amended to
3 read:

4 33-1476. Termination or nonrenewal of rental agreement by
5 landlord; noncompliance with rental agreement by
6 tenant; failure to pay rent

7 A. The landlord shall specify the reason or reasons for the
8 termination or nonrenewal of any tenancy in the mobile home park. The
9 reason or reasons relied on for the termination or nonrenewal shall be
10 stated in writing with specific facts, so that the date, place and
11 circumstances concerning the reason or reasons for termination or
12 nonrenewal can be determined. Reference to or recital of the language of
13 this chapter, or both, is not sufficient compliance with this subsection.

14 B. The landlord may not terminate or refuse to renew a tenancy
15 without good cause. "Good cause" means:

- 16 1. Noncompliance with any provision of the rental agreement.
- 17 2. Nonpayment of rent.
- 18 3. Change in use of land.

19 4. Clear and convincing evidence that a tenant has repeatedly
20 violated any provision of this chapter and established a pattern of
21 noncompliance with such provisions.

22 C. The landlord's right to terminate or to refuse to renew a
23 tenancy pursuant to subsection B of this section does not arise until the
24 landlord has complied with subsection D, E or H of this section.

25 D. Except as otherwise prohibited by law:

26 1. If there is a material noncompliance by the tenant with the
27 rental agreement, the landlord shall deliver a written notice to the
28 tenant specifying the acts and omissions constituting the breach and that
29 the rental agreement will terminate upon a date not less than thirty days
30 after receipt of the notice if the breach is not remedied in fourteen
31 days. If the tenant remedies the situation within the time specified in
32 the notice, the landlord shall issue a notice to the tenant releasing the
33 tenant from the termination of rental agreement notice. **IF WITHIN
34 FOURTEEN DAYS OF RECEIPT OF THE NOTICE OF THE BREACH THE TENANT PRESENTS
35 TO THE LANDLORD A SIGNED CONTRACT WITH A CONTRACTOR WHO IS LICENSED
36 PURSUANT TO TITLE 32, CHAPTER 10 TO CORRECT THE BREACH SHOWING THE BREACH
37 WILL BE REPAIRED WITHIN SIXTY DAYS OF THE NOTICE, THE LANDLORD SHALL
38 EXTEND THE TIME FOR REPAIRS FROM FOURTEEN DAYS TO SIXTY DAYS.**

39 2. If there is a noncompliance by the tenant with section 33-1451
40 materially affecting health and safety, the landlord may deliver a written
41 notice to the tenant specifying the acts and omissions constituting the
42 breach and that the rental agreement will terminate upon a date not less
43 than twenty days after receipt of the notice if the breach is not remedied
44 in ten days. However, if the breach is remediable by repair or the
45 payment of damages or otherwise, and the tenant adequately remedies the

1 breach before the date specified in the notice, the rental agreement will
2 not terminate. If the tenant remedies the situation within the time
3 specified in the notice, the landlord shall issue a notice to the tenant
4 releasing the tenant from the termination of rental agreement notice.

5 3. If there is a noncompliance that is both material and
6 irreparable and that occurs on the premises, including an illegal
7 discharge of a weapon, homicide as prescribed in sections 13-1102 through
8 13-1105, criminal street gang activity as prescribed in section 13-105,
9 activity as prohibited in section 13-2308, prostitution as defined in
10 section 13-3211, the unlawful manufacturing, selling, transferring,
11 possessing, using or storing of a controlled substance as defined in
12 section 13-3451, threatening or intimidating as prohibited in section
13 13-1202, infliction of serious bodily harm, assault as prohibited in
14 section 13-1203, criminal activity involving serious property damage or
15 acts that have been found to constitute a nuisance pursuant to section
16 12-991, the landlord may deliver a written notice for immediate
17 termination of the rental agreement and proceed pursuant to section
18 33-1485.

19 4. If a tenant engages in repetitive conduct that is the subject of
20 notices under this subsection, after two incidents of the same type
21 documented by the landlord within a twelve month period or after receipt
22 by the landlord of two written complaints from other tenants about the
23 repetitive conduct within a twelve month period, the landlord may deliver
24 a written notice to the tenant specifying the repetitive conduct and the
25 documentation and advising the tenant that on documentation of the next
26 incident of the same type final notice will be given and the rental
27 agreement or tenancy will be terminated thirty days after the date of the
28 notice.

29 5. If a tenant has been involved in three or more documented
30 incidents of conduct of any type described in this section within a twelve
31 month period, the landlord may deliver a written notice to the tenant
32 specifying the conduct and the documentation and advising the tenant that
33 on documentation of the next incident final notice will be given and the
34 rental agreement or tenancy will be terminated thirty days after the date
35 of the notice.

36 E. If rent is unpaid when due and the tenant fails to pay rent
37 within seven days after written notice by the landlord of nonpayment and
38 the landlord's intention to terminate the rental agreement if the rent is
39 not paid within that period of time, the landlord may terminate the rental
40 agreement. Before judgment in an action brought by the landlord under
41 this subsection, the tenant may have the rental agreement reinstated by
42 tendering the past due but unpaid periodic rent, reasonable attorney's
43 fees incurred by the landlord and court costs, if any.

44 F. Except as provided in this chapter, the landlord may recover
45 actual damages, obtain injunctive relief or recover possession of the

1 premises pursuant to an action in forcible detainer for repeated
2 noncompliance by the tenant with the rental agreement or section 33-1451.

3 G. The remedy provided in subsection F of this section is in
4 addition to any right of the landlord arising under subsection D of this
5 section.

6 H. If a change in use is intended for the land on which a mobile
7 home park or a portion of a mobile home park is located and the landlord
8 intends eviction of a mobile home tenant due to a change in use, the
9 landlord shall notify all tenants in the park in writing that:

10 1. The change in use may subsequently result in the termination of
11 a rental agreement.

12 2. The tenant being terminated due to the change in use will
13 receive a one hundred eighty day notice before the actual termination of
14 the rental agreement.

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

17 33-1476.01. Change in use; notices; compensation for moving
18 expenses; payments by the landlord;
19 applicability

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

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

29 1. Collect payment from the mobile home relocation fund for the
30 lesser of the actual moving expenses of relocating the mobile home to a
31 new location that is within a one hundred-mile radius of the vacated
32 mobile home park or the maximum of ~~seven thousand five hundred dollars~~
33 ~~\$12,500~~ for a single section mobile home or ~~twelve thousand five hundred~~
34 ~~dollars~~ \$20,000 for a multisection mobile home. Moving expenses include
35 the cost of stabilizing, taking down, moving and setting up the mobile
36 home in the new location.

37 2. Abandon the mobile home in the mobile home park and collect an
38 amount equal to ~~one-fourth~~ FORTY PERCENT of the maximum allowable moving
39 expense for that mobile home from the mobile home relocation fund. To
40 qualify for abandonment payment pursuant to this paragraph, the tenant
41 shall deliver to the landlord the current title to the mobile home with
42 the notarized endorsement of the owner of record together with complete
43 releases of all liens that are shown on the title and proof that all taxes
44 owing on the mobile home have been paid to date. The tenant shall provide
45 a copy of these documents to the Arizona department of housing in support

1 of the tenant's application for payment. If the tenant chooses to abandon
2 the mobile home pursuant to this paragraph, the landlord is exempt from
3 making the payments to the fund prescribed in subsection D of this
4 section.

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

12 D. Except as provided in subsection C, paragraph 2 and subsection F
13 of this section and section 33-1476.04, subsection D, if there is a change
14 in use the landlord shall pay ~~five hundred dollars~~ \$500 for each single
15 section mobile home and ~~eight hundred dollars~~ \$800 for each multisection
16 mobile home relocated to the fund for each tenant filing for relocation
17 assistance with the director.

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

23 1. ~~Five hundred dollars~~ \$500 for each mobile home space occupied by
24 a single-section mobile home.

25 2. ~~Eight hundred dollars~~ \$800 for each mobile home space occupied
26 by a multisection mobile home.

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

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

34 1. ~~Five hundred dollars~~ \$500 for each mobile home space occupied by
35 a single section mobile home.

36 2. ~~Eight hundred dollars~~ \$800 for each mobile home space occupied
37 by a multisection mobile home.

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

43 I. If the contract is approved, the payment of relocation expenses
44 shall be made to the installer ~~or contractor~~ when both of the following
45 are complete:

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

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

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

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

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

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

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

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

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

30 33-1476.02. Mobile home relocation fund; investment of monies

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

35 B. Fund monies shall be used as prescribed in sections 33-1476.04
36 and 41-4008 and to pay premiums and other costs of purchasing, from a
37 private insurer who is licensed to transact insurance business in this
38 state, insurance coverage for tenant relocation costs due to a change in
39 use as prescribed in sections 33-1476.01, ~~and~~ 33-1476.05, 33-2149 ~~AND~~
40 33-2150. Any insurance rebates shall be deposited in the fund. If such
41 insurance is not available, or if the insurance costs exceed the amount
42 available from the fund, the fund shall be used to make direct payments
43 for tenant relocation costs. Monies in the fund in excess of the amount
44 required for these purposes shall be used, as necessary, to support the
45 Arizona department of housing's administration of the hearing function

1 pursuant to section 41-4062 and the Arizona department of housing's
2 administration of section 33-1437, subsection C.

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

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

17 Sec. 4. Section 33-1476.03, Arizona Revised Statutes, is amended to
18 read:

19 33-1476.03. Assessments for mobile home relocation fund;
20 waiver

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

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

43 C. If at the end of a fiscal year the amount of monies in the
44 relocation fund is less than ~~six million dollars~~ \$6,000,000, the director
45 ~~may~~ SHALL notify the county assessors to reinstate the assessment

1 prescribed by this section. If the director notifies the county
2 assessors, the director shall send a copy of the notice to the county
3 treasurers.

4 Sec. 5. Section 33-2149, Arizona Revised Statutes, is amended to
5 read:

6 33-2149. Change in use; notices; compensation for moving
7 expenses; payments by the landlord; applicability

8 For recreational vehicles that are park trailers or park models
9 only:

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

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

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

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

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

37 (c) If a park trailer or park model is relocated to a location
38 outside of the vacated park and, in the sole judgment of the director, the
39 park trailer or park model was ground set in the 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 park trailer or park model. These monies are in addition to
43 any monies provided pursuant to subdivision (a) of this paragraph.

1 4. Except as provided in paragraph 3, subdivision (b) and paragraph
2 6 of this section, if there is a change in use the landlord shall pay ~~two~~
3 ~~hundred fifty dollars~~ \$250 for each park trailer or park model relocated
4 to the fund for each tenant filing for relocation assistance with the
5 director.

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

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

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

21 8. If the contract is approved, the payment of relocation expenses
22 shall be made to the installer ~~or contractor~~ when both of the following
23 are complete:

24 (a) The installer ~~or contractor~~ obtains valid permits to move the
25 park trailer or park model to a new location.

26 (b) The installer ~~or contractor~~ provides documentation to the
27 department that the installation of the park trailer or park model at the
28 new location is complete and has been inspected by the department or its
29 designee and is approved for occupancy.

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

34 10. If this state or a political subdivision of this state
35 exercises eminent domain and the park is sold or a sale is made to this
36 state or a political subdivision of this state that intends to exercise
37 eminent domain, the state or political subdivision is responsible for the
38 relocation costs of the tenants.

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

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

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

3 Sec. 6. Retroactivity

4 This act applies retroactively to from and after April 15, 2022.

5 Sec. 7. Emergency

6 This act is an emergency measure that is necessary to preserve the
7 public peace, health or safety and is operative immediately as provided by
8 law.