

REFERENCE TITLE: **tenant early termination; servicemembers**

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

HB 2673

Introduced by
Representatives Travers: Carter, De Los Santos, Hernandez A, Longdon,
Mathis, Payne, Sun

AN ACT

AMENDING TITLE 33, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 33-1318.02; 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 33-1318.02, to read:

4 33-1318.02. Early lease termination for servicemember
5 tenants; requirements; limitation; definition

6 A. A SERVICEMEMBER TENANT MAY TERMINATE A RENTAL AGREEMENT OF ONE
7 YEAR OR LESS PURSUANT TO THIS SECTION IF ALL OF THE FOLLOWING OCCUR:

8 1. THE SERVICEMEMBER TENANT RECEIVES MILITARY ORDERS REQUIRING THE
9 SERVICEMEMBER TENANT TO VACATE CIVILIAN HOUSING AND MOVE INTO ON-POST
10 GOVERNMENT QUARTERS IF THE FAILURE TO DO SO WILL RESULT IN THE FORFEITURE
11 OF BASIC ALLOWANCE FOR HOUSING.

12 2. THE SERVICEMEMBER TENANT REQUESTS PERMISSION FROM THE
13 SERVICEMEMBER TENANT'S COMMANDING OFFICER TO MAINTAIN THE SERVICEMEMBER
14 TENANT'S HOUSING ALLOWANCE AND IS DENIED.

15 3. THE SERVICEMEMBER TENANT SUBMITS A WRITTEN NOTICE OF INTENT TO
16 VACATE THIRTY DAYS OR MORE BEFORE VACATING THE PREMISES.

17 4. THE SERVICEMEMBER TENANT SUBMITS WRITTEN PROOF THAT THE
18 COMMANDING OFFICER DENIED THE REQUEST TO MAINTAIN THE HOUSING ALLOWANCE
19 AND SUBMITS ONE OF THE FOLLOWING:

20 (a) A COPY OF THE SERVICEMEMBER TENANT'S OFFICIAL MILITARY ORDERS.

21 (b) WRITTEN VERIFICATION FROM THE SERVICEMEMBER TENANT'S COMMANDING
22 OFFICER.

23 B. A SERVICEMEMBER TENANT MAY TERMINATE A MONTH-TO-MONTH RENTAL
24 AGREEMENT PURSUANT TO THIS SECTION IF ALL OF THE FOLLOWING OCCUR:

25 1. THE SERVICEMEMBER TENANT RECEIVES MILITARY ORDERS REQUIRING THE
26 SERVICEMEMBER TENANT TO VACATE CIVILIAN HOUSING AND MOVE INTO ON-POST
27 GOVERNMENT QUARTERS IF THE FAILURE TO DO SO WILL RESULT IN THE FORFEITURE
28 OF BASIC ALLOWANCE FOR HOUSING.

29 2. THE SERVICEMEMBER TENANT REQUESTS PERMISSION FROM THE
30 SERVICEMEMBER TENANT'S COMMANDING OFFICER TO MAINTAIN THE SERVICEMEMBER
31 TENANT'S HOUSING ALLOWANCE AND IS DENIED.

32 3. THE SERVICEMEMBER TENANT SUBMITS A WRITTEN NOTICE OF INTENT TO
33 VACATE FIFTEEN DAYS OR MORE BEFORE VACATING THE PREMISES.

34 4. THE SERVICEMEMBER TENANT SUBMITS WRITTEN PROOF THAT THE
35 COMMANDING OFFICER DENIED THE REQUEST TO MAINTAIN THE HOUSING ALLOWANCE
36 AND SUBMITS ONE OF THE FOLLOWING:

37 (a) A COPY OF THE SERVICEMEMBER TENANT'S OFFICIAL MILITARY ORDERS.

38 (b) WRITTEN VERIFICATION FROM THE SERVICEMEMBER TENANT'S COMMANDING
39 OFFICER.

40 C. IF A SERVICEMEMBER TENANT PASSES AWAY DURING ACTIVE DUTY, AN
41 ADULT FAMILY MEMBER OR THE PERSONAL REPRESENTATIVE OF THE SERVICEMEMBER
42 TENANT'S ESTATE MAY TERMINATE A RENTAL AGREEMENT OF ONE YEAR OR LESS OR A
43 MONTH-TO-MONTH AGREEMENT PURSUANT TO THIS SECTION IF THE ADULT FAMILY
44 MEMBER OR PERSONAL REPRESENTATIVE PROVIDES THE FOLLOWING:

1 1. THE SERVICEMEMBER TENANT'S MILITARY ORDERS OR WRITTEN
2 VERIFICATION FROM THE SERVICEMEMBER TENANT'S COMMANDING OFFICER THAT SHOWS
3 THE SERVICEMEMBER TENANT WAS ON ACTIVE DUTY.

4 2. THE SERVICEMEMBER TENANT'S DEATH CERTIFICATE.

5 D. IF THE SERVICEMEMBER TENANT IS NOT THE SOLE TENANT TO A RENTAL
6 AGREEMENT, THE LANDLORD MAY NOT TERMINATE THE AGREEMENT IF THE REMAINING
7 TENANT DEMONSTRATES THE ABILITY AND WILLINGNESS TO PAY THE RENT. IF THE
8 REMAINING TENANT DOES NOT DEMONSTRATE THE ABILITY OR WILLINGNESS TO PAY
9 THE RENT, THE LANDLORD MAY PROVIDE AT LEAST A THIRTY-DAY TERMINATION
10 NOTICE TO THE REMAINING TENANT. IF THE REMAINING TENANT VACATES THE
11 DWELLING WITHIN THE TIME PERIOD PROVIDED IN THE TERMINATION NOTICE, THE
12 REMAINING TENANT IS NOT LIABLE FOR FUTURE RENT OR OBLIGATIONS AND DOES NOT
13 INCUR ANY EARLY TERMINATION PENALTIES OR FEES. THE LANDLORD SHALL APPLY OR
14 REFUND THE TENANT'S PRORATED SECURITY DEPOSITS AND ANY PREPAID RENT AS
15 PRESCRIBED IN SECTION 33-1321.

16 E. IF THE REQUIREMENTS OF SUBSECTION A, B OR C OF THIS SECTION ARE
17 MET, THE SERVICEMEMBER TENANT'S RIGHTS AND OBLIGATIONS UNDER THE RENTAL
18 AGREEMENT ARE TERMINATED AND THE TENANT, THE FAMILY MEMBER OR THE PERSONAL
19 REPRESENTATIVE, AS APPLICABLE, SHALL VACATE THE DWELLING AND IS NOT LIABLE
20 FOR FUTURE RENT AND DOES NOT INCUR EARLY TERMINATION PENALTIES OR FEES.
21 THE LANDLORD SHALL APPLY OR REFUND THE SERVICEMEMBER TENANT'S PRORATED
22 SECURITY DEPOSITS AND ANY PREPAID RENT AS PRESCRIBED IN SECTION 33-1321.

23 F. SUBSECTIONS A AND B OF THIS SECTION DO NOT NOT APPLY IF THE
24 SERVICEMEMBER TENANT'S ORDERS ARE A RESULT OF DISCIPLINARY ACTION OR A
25 COURT ORDER.

26 G. THIS SECTION DOES NOT ELIMINATE OR REDUCE THE SERVICEMEMBER
27 TENANT'S LIABILITY FOR UNPAID RENT OR OTHER UNPAID AMOUNTS OWED TO THE
28 LANDLORD BEFORE THE DATE THE RENTAL AGREEMENT IS TERMINATED PURSUANT TO
29 THIS SECTION.

30 H. THIS SECTION DOES NOT LIMIT THE PROTECTIONS AFFORDED TO
31 SERVICEMEMBER TENANTS UNDER THE SERVICEMEMBERS CIVIL RELIEF ACT
32 (P.L. 108-189; 117 STAT. 2835; 50 UNITED STATES CODE CHAPTER 50).

33 I. FOR THE PURPOSES OF THE SECTION, "SERVICEMEMBER TENANT" MEANS AN
34 ACTIVE DUTY MEMBER OF THE REGULAR OR RESERVE COMPONENT OF THE UNITED
35 STATES ARMED FORCES, THE UNITED STATES COAST GUARD OR THE ARIZONA NATIONAL
36 GUARD WHO IS ORDERED TO FEDERAL DUTY FOR A PERIOD OF NINETY DAYS OR MORE
37 AND WHO MAINTAINS A RENTAL AGREEMENT GOVERNED BY THIS CHAPTER.

38 Sec. 2. Applicability

39 Section 33-1318.02, Arizona Revised Statutes, as added by this act,
40 applies to servicemember tenant terminations that occur on or after the
41 effective date of this act.