

REFERENCE TITLE: residential rentals; rent increase notice

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1490

Introduced by
Senators Mendez: Gabaldón, Hernandez, Terán; Representatives Ortiz, Salman

AN ACT

AMENDING SECTION 33-1314, ARIZONA REVISED STATUTES; 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. Section 33-1314, Arizona Revised Statutes, is amended to
3 read:

4 33-1314. Terms and conditions of rental agreement;
5 termination notice; contact information; property;
6 pets

7 A. The landlord and tenant may include in a rental agreement terms
8 and conditions not prohibited by this chapter or any other rule of law
9 including rent, term of the agreement and other provisions governing the
10 rights and obligations of the parties.

11 B. In the absence of a rental agreement, the tenant shall pay as
12 rent the fair rental value for the use and occupancy of the dwelling unit.

13 C. Rent shall be payable without demand or notice at the time and
14 place agreed on by the parties. Unless otherwise agreed, rent is payable
15 at the dwelling unit and periodic rent is payable at the beginning of any
16 term of one month or less and otherwise in equal monthly installments at
17 the beginning of each month. Unless otherwise agreed, rent shall be
18 uniformly apportionable from day-to-day.

19 D. Unless the rental agreement fixes a definite term, the tenancy
20 shall be week-to-week in case of a roomer who pays weekly rent, and in all
21 other cases month-to-month.

22 E. BEFORE A TENANT'S LEASE TERMINATES, THE TENANT'S LANDLORD SHALL
23 PROVIDE WRITTEN NOTICE TO THE TENANT THAT INCLUDES THE AMOUNT THAT THE
24 TENANT'S RENT WILL INCREASE UNDER AN EXTENSION, RENEWAL OR NEW LEASE WITH
25 THE LANDLORD AS FOLLOWS:

26 1. AT LEAST THIRTY DAYS BEFORE THE TENANT'S LEASE TERMINATES IF THE
27 TENANT'S RENT WILL INCREASE TEN PERCENT OR LESS. IF THE TERM OF THE
28 TENANT'S LEASE IS LESS THAN THIRTY DAYS, THE LANDLORD SHALL NOTIFY THE
29 TENANT OF THE PROSPECTIVE RENT INCREASE AND THE RENT INCREASE MAY NOT
30 BECOME EFFECTIVE FOR THIRTY DAYS AFTER THE DATE OF THE WRITTEN NOTICE.

31 2. AT LEAST SIXTY DAYS BEFORE THE TENANT'S LEASE TERMINATES IF THE
32 TENANT'S RENT WILL INCREASE MORE THAN TEN PERCENT. IF THE TERM OF THE
33 TENANT'S LEASE IS LESS THAN SIXTY DAYS, THE LANDLORD SHALL NOTIFY THE
34 TENANT OF THE PROSPECTIVE RENT INCREASE AND THE RENT INCREASE MAY NOT
35 BECOME EFFECTIVE FOR SIXTY DAYS AFTER THE DATE OF THE WRITTEN NOTICE.

36 ~~E.~~ F. If a municipality that levies a transaction privilege tax on
37 residential rent changes the percentage of that tax, the landlord on
38 thirty days' written notice to the tenant may adjust the amount of rent
39 due to equal the difference caused by the new percentage amount of the
40 tax. The adjustment to rent shall not occur before the date on which the
41 new tax is effective. In order for a landlord to adjust rent pursuant to
42 this subsection, the landlord's right to adjust rent pursuant to this
43 subsection shall be disclosed in the rental agreement.

1 ~~F~~. G. Notwithstanding section 14-3911, the landlord may request
2 and the tenant may provide and routinely update the name and contact
3 information of a person who is authorized by the tenant to enter the
4 tenant's dwelling unit to retrieve and store the tenant's property,
5 including the tenant's animal, if the tenant dies or is otherwise
6 incapacitated. If the landlord is unable to contact the authorized person
7 at the address and telephone number provided to the landlord by the tenant
8 or the authorized person fails to respond to the landlord's request within
9 one day for the animal or ten days for all other property after initial
10 written contact, the landlord may dispose of the property as prescribed in
11 section 33-1370 or may deem the animal abandoned, and if deemed abandoned,
12 shall remove AND RELEASE the animal to an animal shelter or boarding
13 facility as prescribed in section 33-1370, subsection E. The landlord may
14 release the animal to a relative of the deceased or incapacitated tenant
15 if any of the following applies:

- 16 1. The landlord was not provided the contact information of a
17 person who is authorized by the tenant to retrieve the tenant's animal.
- 18 2. The contact information is no longer valid.
- 19 3. The landlord is unable to contact the authorized person after
20 one calendar day.

21 ~~G~~. H. Before removing any of the tenant's personal property or the
22 tenant's animal, the authorized person shall present to the landlord a
23 valid government issued identification that confirms the identity of the
24 authorized person. The authorized person shall have twenty days after the
25 date of initial written contact by the landlord or the last date for which
26 rent is paid, whichever is longer, to remove items from the rental
27 property and return keys to the landlord during regular business hours.
28 If the landlord allows an authorized person to enter the property to
29 remove the tenant's personal possessions as prescribed by this subsection,
30 the landlord has no further liability to the tenant, the tenant's estate
31 or the tenant's heirs for lost, damaged or stolen items. If the tenant's
32 personal property is not entirely removed from the rental unit by an
33 authorized person, the landlord may dispose of the property as prescribed
34 in section 33-1370.

35 ~~H~~. I. Subsections ~~F~~ G and ~~G~~ H of this section apply only as
36 follows:

- 37 1. To the tenant's personal property if the periodic rent is unpaid
38 and outstanding for at least five days.
- 39 2. To the tenant's animal if the tenant is deceased or is otherwise
40 incapacitated.