

REFERENCE TITLE: landlord; tenant; evictions; forms.

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

SB 1571

Introduced by
Senators Terán: Alston, Gabaldón, Mendez; Representative Salman

AN ACT

AMENDING SECTIONS 12-1175, 33-361, 33-1305, 33-1404 AND 33-2101, ARIZONA
REVISED STATUTES; RELATING TO FORCIBLE ENTRY AND DETAINER ACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-1175, Arizona Revised Statutes, is amended to
3 read:

4 12-1175. Complaint and answer; service and return; notice and
5 pleading requirements

6 A. When a party aggrieved files a complaint of forcible entry or
7 forcible detainer, in writing and under oath, with the clerk of the
8 superior court or a justice of the peace, summons shall issue ~~no~~ NOT later
9 than the next judicial day.

10 B. The complaint shall contain a description of the premises of
11 which possession is claimed in sufficient detail to identify ~~them~~ THE
12 PREMISES and shall also state the facts that entitle the plaintiff to
13 possession and authorize the action.

14 C. The summons shall be served at least two days before the return
15 day, and return made thereof on the day assigned for trial.

16 ~~D. Notwithstanding any other law, an agency of this state and an~~
17 ~~individual court may not adopt or enforce a rule or policy that requires a~~
18 ~~mandatory or technical form for providing notice or for pleadings in an~~
19 ~~action for forcible entry or forcible or special detainer. The form of~~
20 ~~any notice or pleading that meets statutory requirements for content and~~
21 ~~formatting of a notice or pleading is sufficient to provide notice and to~~
22 ~~pursue an action for forcible entry or forcible or special detainer.~~

23 Sec. 2. Section 33-361, Arizona Revised Statutes, is amended to
24 read:

25 33-361. Violation of lease by tenant; right of landlord to
26 reenter; summary action for recovery of premises;
27 appeal; lien for unpaid rent; enforcement

28 A. When a tenant neglects or refuses to pay rent when due and in
29 arrears for five days, or when a tenant violates any provision of the
30 lease, the landlord or person to whom the rent is due, or the agent of the
31 landlord or person to whom the rent is due, may reenter and take
32 possession or, without formal demand or reentry, commence an action for
33 recovery of possession of the premises.

34 B. The action shall be commenced, conducted and governed as
35 provided for actions for forcible entry or detainer and shall be tried not
36 less than five ~~nor~~ OR more than thirty days after its commencement. In
37 addition to determining the right to actual possession, the court may
38 assess damages, attorney fees and costs pursuant to section 12-1178.

39 C. If judgment is given for the plaintiff, the defendant, in order
40 to perfect an appeal, shall file a bond with the court in an amount fixed
41 and approved by the court and payable to the clerk of the superior court,
42 conditioned that the appellant will prosecute the appeal to effect and
43 will pay the rental value of the premises pending the appeal and all
44 damages, attorney fees, costs and rent adjudged against the appellant.

1 D. If the tenant refuses or fails to pay rent owing and due, the
2 landlord shall have a lien on and may seize as much personal property of
3 the tenant located on the premises and not exempted by law as is necessary
4 to secure payment of the rent. If the rent is not paid and satisfied
5 within sixty days after seizure as provided for in this section, the
6 landlord may sell the seized personal property in the manner provided by
7 section 33-1023.

8 E. When premises are sublet or the lease is assigned, the landlord
9 shall have a like lien against the sublessee or assignee as the landlord
10 has against the tenant and may enforce it in the same manner.

11 ~~F. Notwithstanding any other law, an agency of this state and an~~
12 ~~individual court may not adopt or enforce a rule or policy that requires a~~
13 ~~mandatory or technical form for providing notice or for pleadings in an~~
14 ~~action for forcible entry or forcible or special detainer. The form of~~
15 ~~any notice or pleading that meets statutory requirements for content and~~
16 ~~formatting of a notice or pleading is sufficient to provide notice and to~~
17 ~~pursue an action for forcible entry or forcible or special detainer.~~

18 Sec. 3. Section 33-1305, Arizona Revised Statutes, is amended to
19 read:

20 33-1305. Administration of remedies; enforcement

21 A. The remedies provided by this chapter shall be so administered
22 that the aggrieved party may recover appropriate damages. The aggrieved
23 party has a duty to mitigate damages.

24 B. Any right or obligation declared by this chapter is enforceable
25 by action unless the provision declaring it specifies a different and
26 limited effect.

27 ~~C. Notwithstanding any other law, an agency of this state and an~~
28 ~~individual court may not adopt or enforce a rule or policy that requires a~~
29 ~~mandatory or technical form for providing notice or for pleadings in an~~
30 ~~action for forcible entry or forcible or special detainer. The form of~~
31 ~~any notice or pleading that meets statutory requirements for content and~~
32 ~~formatting of a notice or pleading is sufficient to provide notice and to~~
33 ~~pursue an action for forcible entry or forcible or special detainer.~~

34 Sec. 4. Section 33-1404, Arizona Revised Statutes, is amended to
35 read:

36 33-1404. Administration of remedies; enforcement

37 A. The remedies provided by this chapter shall be so administered
38 that the aggrieved party may recover appropriate damages. The aggrieved
39 party has a duty to mitigate damages.

40 B. Any right or obligation declared by this chapter is enforceable
41 by action unless the provision declaring it specifies a different and
42 limited effect.

43 C. This chapter does not affect any rights under chapter 8, article
44 1 of this title.

1 ~~D. Notwithstanding any other law, an agency of this state and an~~
2 ~~individual court may not adopt or enforce a rule or policy that requires a~~
3 ~~mandatory or technical form for providing notice or for pleadings in an~~
4 ~~action for forcible entry or forcible or special detainer. The form of~~
5 ~~any notice or pleading that meets statutory requirements for content and~~
6 ~~formatting of a notice or pleading is sufficient to provide notice and to~~
7 ~~pursue an action for forcible entry or forcible or special detainer.~~

8 Sec. 5. Section 33-2101, Arizona Revised Statutes, is amended to
9 read:

10 33-2101. Application; duration of stay; exclusions

11 A. This chapter applies to, regulates and determines rights,
12 obligations and remedies for a recreational vehicle space that is rented
13 in a recreational vehicle park or mobile home park by the same tenant
14 under a rental agreement for more than one hundred eighty consecutive
15 days. For a park model or park trailer that is located in a recreational
16 vehicle park or mobile home park, this chapter applies if the space is
17 rented by the same tenant for more than one hundred eighty consecutive
18 days without regard to whether a rental agreement is executed.

19 B. This chapter does not apply to mobile homes, manufactured homes
20 and factory-built buildings or to a property with one or two recreational
21 vehicle rental spaces.

22 ~~C. Notwithstanding any other law, an agency of this state and an~~
23 ~~individual court may not adopt or enforce a rule or policy that requires a~~
24 ~~mandatory or technical form for providing notice or for pleadings in an~~
25 ~~action for forcible entry or forcible or special detainer. The form of~~
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