

House Engrossed

mobile homes; cooling; prohibition

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2146

AN ACT

AMENDING SECTION 33-1452, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA MOBILE HOME PARKS 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 33-1452, Arizona Revised Statutes, is amended to
3 read:

4 33-1452. Rules and regulations

5 A. A landlord shall adopt written rules or regulations, however
6 described, concerning the tenant's use and occupancy of the
7 premises. Such rules or regulations are enforceable against the tenant
8 only if:

9 1. Their purpose is to promote the convenience, safety or welfare
10 of the tenants on the premises, preserve the landlord's property from
11 abusive use, preserve or upgrade the quality of the mobile home park or
12 make a fair distribution of services and facilities held out for the
13 tenants generally.

14 2. They are reasonably related to the purpose for which adopted.

15 3. They apply to all tenants on the premises in a fair manner.

16 4. They are sufficiently explicit in prohibition, direction or
17 limitation of the tenant's conduct to fairly inform the tenant of what
18 must or must not be done to comply.

19 5. They are not for the purpose of evading the obligations of the
20 landlord.

21 6. The prospective tenant has a copy of the current rules and
22 regulations before the prospective tenant enters into the rental
23 agreement.

24 B. Beginning May 31, 2016, a new rule adopted after the execution
25 of the tenant's initial rental agreement that imposes a ~~reoccurring~~
26 **RECURRING** financial obligation on a tenant is not enforceable against the
27 tenant.

28 C. A new tenant who brings a mobile home into a mobile home park or
29 who purchases an existing mobile home in a mobile home park shall comply
30 with all current statements of policy and rules or regulations, including
31 those pertaining to the size, condition and appearance of the mobile home,
32 and exterior materials with which the mobile home has been constructed.

33 D. A new tenant who purchases an existing mobile home in a mobile
34 home park shall comply with all current statements of policy and rules and
35 regulations, including those pertaining to the size, condition and
36 appearance of the mobile home and exterior materials with which the mobile
37 home has been constructed, except that the landlord shall not require the
38 replacement of the siding and skirting on a mobile home unless the
39 replacement siding and skirting will significantly change or improve the
40 appearance of the mobile home.

41 E. If any mobile home park owner adds, changes, deletes or amends
42 any rule, notice in writing of all such additions, changes, deletions or
43 amendments shall be furnished to all mobile home tenants thirty days
44 before they become effective by first class or certified mail. Any rule
45 or condition of occupancy that is unfair and deceptive or that does not

1 conform to the requirements of this chapter shall be unenforceable. A
2 rule or regulation adopted after the tenant enters into the rental
3 agreement is enforceable against the tenant only if it does not work a
4 substantial modification of the rental agreement.

5 F. A person who owns or operates a mobile home park shall not:

6 1. Deny rental unless the mobile home does not meet the
7 requirements of the rules and regulations of the landlord and the
8 statements of policy prescribed pursuant to section 33-1436 or the park
9 resident or prospective resident cannot conform to park rules and
10 regulations.

11 2. Require any person as a precondition to renting, leasing or
12 otherwise occupying a space for a mobile home in a mobile home park to pay
13 an entrance or exit fee of any kind unless for services actually rendered
14 or pursuant to a written agreement.

15 3. Deny any resident of a mobile home park the right to sell the
16 resident's mobile home at a price of the resident's own choosing during
17 the term of the tenant's rental agreement, but the landlord may reserve
18 the right to approve the purchaser of such mobile home as a tenant but
19 such permission may not be unreasonably withheld, except that the landlord
20 may require, notwithstanding paragraph 6 of this subsection, in order to
21 preserve or upgrade the quality of the mobile home park, that any mobile
22 home not in compliance with the landlord's current rules and regulations
23 and statements of policy, in a rundown condition or in disrepair be
24 removed from the park within sixty days. Within ten days of a written
25 request by the seller or prospective purchaser, a landlord shall notify
26 the seller and the prospective purchaser in writing of any reasons for
27 withholding approval of a purchaser pursuant to this paragraph. The
28 notice to the prospective purchaser shall identify the reasons for
29 disapproval with reasonable specificity. The notice to the seller shall
30 identify the reasons in summary fashion consistent with applicable federal
31 and state consumer protection laws and shall inform the seller that the
32 seller should consult with the prospective purchaser for more specific
33 details.

34 4. Exact a commission or fee with respect to the price realized by
35 the tenant selling the mobile home, unless the park owner or operator has
36 acted as agent for the mobile home owner pursuant to a written agreement.

37 5. Require a tenant or prospective tenant to use any specific sales
38 agency, manufacturer, retailer or broker.

39 6. Notwithstanding section 33-1436, subsection C, require an
40 existing tenant to furnish permanent improvements that cannot be removed
41 without damage thereto or to the mobile home space by a tenant at the
42 expiration of the rental agreement. If the landlord includes any
43 requirements for permanent improvements in the rules or statements of
44 policy, these requirements shall not apply to any mobile home already
45 existing in the mobile home park.

1 7. Prohibit a tenant from advertising the sale or exchange of the
2 tenant's mobile home, including the display of a "for sale" or "open
3 house" sign on the dwelling or in the window of the mobile home stating
4 the name, address and telephone number of the owner or agent of the mobile
5 home. The sign may be no larger than twelve inches wide and eighteen
6 inches long. In addition to the display of a sign in the window, the
7 tenants may display the signs on a central posting board in the park that
8 is reasonably accessible to the public seven days a week during daylight
9 hours.

10 8. Require a tenant to place any additional person's name on the
11 title to the mobile home as a condition of tenancy or residency for that
12 additional person or pay a fee or other form of penalty for failing to
13 place an additional person's name on the title to the mobile home.

14 9. PROHIBIT A TENANT FROM INSTALLING REASONABLY NECESSARY
15 COMMERCIAL COOLING METHODS ON THE TENANT'S MOBILE HOME.

16 G. The landlord or manager of a mobile home park shall include, in
17 rules and regulations, an emergency number to be called when the park is
18 left unattended, regardless of the size of the park.

19 H. The landlord shall not prohibit or adopt a rule that prohibits
20 tenants or a tenant association from meeting with permission of the tenant
21 in the tenant's mobile home, assembling at common facilities or areas
22 within the park or meeting with or without invited visiting speakers in
23 the mobile home park to discuss issues relating to mobile home living and
24 affairs including the forming of a tenant association. Such meetings
25 shall be allowed in common facilities if such meetings are held during
26 normal operating hours of the common facility and when the facility is not
27 otherwise in use. The tenant or tenant association shall be allowed to
28 post notice of a meeting on a bulletin board in the mobile home park used
29 for similar notices and shall be allowed to include notice of a meeting in
30 a park newsletter. Meeting notices and meetings prescribed in this
31 subsection shall not constitute a solicitation. For the purposes of this
32 subsection, "common facilities" means a recreation hall, a clubhouse, a
33 community center and any outdoor common area meeting location that is
34 utilized by the tenants.

35 I. Any improvements made by a tenant such as plants, vines,
36 edgings, gravel, stone or other additions made for the benefit of the
37 tenancy may be removed by the tenant, or by agreement of both parties the
38 landlord may retain the improvements by paying the tenant for their actual
39 cost.

40 J. If a tenant dies, any surviving joint tenant or cotenant
41 continues as tenant with the same rights, privileges and liabilities as if
42 the surviving tenant were the original tenant, with the additional right
43 to terminate the rental agreement by giving sixty days' written notice to
44 the landlord within sixty days after the death of the tenant.

1 K. If a tenant who was sole owner of the mobile home dies during
2 the term of the rental agreement, the tenant's heirs or legal
3 representative have the right to cancel the lease by giving thirty days'
4 written notice to the landlord with the same rights, privileges and
5 liabilities of the original tenant.

6 L. This section does not prohibit a landlord from requiring removal
7 of a mobile home from the mobile home park within sixty days after the
8 sale by a tenant if the mobile home does not meet the current requirements
9 of the rules and regulations and statements of policy, including those
10 pertaining to the size, condition and appearance of the mobile home, and
11 exterior materials with which the mobile home has been constructed.

12 M. On the sale of a mobile home that was manufactured after June
13 15, 1976 to a tenant who is otherwise qualified for tenancy, a landlord
14 shall not require removal of that mobile home from the mobile home park
15 solely because of the age of the mobile home. A landlord may require the
16 removal of a mobile home on the sale of the mobile home solely because of
17 the age of the mobile home if the mobile home was manufactured on or
18 before June 15, 1976. This subsection shall not be construed to preclude
19 a landlord from prohibiting a mobile home from being moved into a mobile
20 home park solely because of the age of the mobile home without regard to
21 its date of manufacture.