

REFERENCE TITLE: rental property; dog breeds

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1439

Introduced by
Senators Fernandez: Alston, Diaz, Gabaldón, Gowan, Hernandez, Sundareshan

AN ACT

AMENDING SECTION 33-1315, 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 33-1315, Arizona Revised Statutes, is amended to
3 read:

4 33-1315. Prohibited provisions in rental agreements

5 A. A rental agreement shall not provide that the tenant does any of
6 the following:

7 1. Agrees to waive or to ~~forego~~ FORGO rights or remedies under this
8 chapter.

9 2. Agrees to pay the landlord's attorney fees, except an agreement
10 in writing may provide that attorney fees may be awarded to the prevailing
11 party in the event of court action and except that a prevailing party in a
12 contested forcible detainer action is eligible to be awarded attorney fees
13 pursuant to section 12-341.01 regardless of whether the rental agreement
14 provides for such an award.

15 3. Agrees to the exculpation or limitation of any liability of the
16 landlord arising under law or to indemnify the landlord for that liability
17 or the costs connected ~~therewith~~ WITH THAT LIABILITY.

18 4. Agrees to waive or limit the tenant's right to summon or any
19 other person's right to summon a peace officer or other emergency
20 assistance in response to an emergency.

21 5. Agrees to ~~payment of~~ PAY monetary penalties or otherwise
22 penalizes the tenant for the tenant summoning or for any other person
23 summoning a peace officer or other emergency assistance in response to an
24 emergency.

25 B. IF A LANDLORD ALLOWS A TENANT TO HOUSE A DOG IN OR ON THE
26 TENANT'S PREMISES, THE LANDLORD MAY NOT PROHIBIT SPECIFIC BREEDS OR TYPES
27 OF DOGS.

28 ~~B.~~ C. A provision that is prohibited by subsection A of this
29 section and that is included in a rental agreement is unenforceable. If a
30 landlord deliberately uses a rental agreement containing provisions known
31 by the landlord to be prohibited, the tenant may recover actual damages
32 sustained by the tenant and not more than two months' periodic rent.

33 ~~C.~~ D. This section does not limit the landlord's right to evict a
34 tenant pursuant to section 33-1368.