

Conference Engrossed

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HOUSE BILL 2281

AN ACT

AMENDING SECTION 33-1331, 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 33-1331, Arizona Revised Statutes, is amended to
3 read:

4 33-1331. Notice of foreclosure; effect on lease; damages

5 A. If a rental agreement is entered into after the foreclosure action
6 was initiated, the owner shall include written notice of possible foreclosure
7 with the rental agreement with the tenant. The notice shall include a
8 statement that is substantially in the following form:

9 This property is undergoing foreclosure. For more
10 information on this action, you should contact _____
11 (name, address and phone number of the court where the action is
12 filed or trustee, attorney or other responsible party).

13 A sale at auction may or may not occur as a result of this
14 foreclosure. Currently, the sale of this property has been set
15 for _____ (time, date and place) or no date for sale of this
16 property has been established.

17 B. IF THE OWNER RECEIVES A NOTICE OF TRUSTEE'S SALE OR OTHER NOTICE OF
18 FORECLOSURE ON THE PROPERTY AFTER A TENANT HAS ENTERED INTO A RENTAL
19 AGREEMENT ON THE PROPERTY, THE OWNER SHALL PROVIDE THE TENANT WITH WRITTEN
20 NOTICE AS PRESCRIBED IN SUBSECTION A OF THIS SECTION WITHIN FIVE BUSINESS
21 DAYS AFTER RECEIPT OF THE NOTICE OF TRUSTEE'S SALE. THIS SUBSECTION APPLIES
22 ONLY TO THE FIRST NOTICE OF TRUSTEE'S SALE OR THE FIRST NOTICE OF FORECLOSURE
23 RECEIVED BY THE OWNER AFTER THE TENANT HAS ENTERED INTO THE RENTAL AGREEMENT.

24 ~~B.~~ C. If the owner fails to provide notice as prescribed in this
25 section the tenant may deliver a written notice pursuant to section 33-1361
26 and recover damages and obtain injunctive relief. The security deposit shall
27 be returned to the tenant as prescribed in SECTION 33-1321.

28 ~~C.~~ D. This section shall not apply to multifamily residential rental
29 units consisting of four or more connected units.