

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

HOUSE BILL 2335

AN ACT

AMENDING SECTIONS 33-1452 AND 33-2132, ARIZONA REVISED STATUTES; RELATING TO
MOBILE HOME PARKS AND RECREATIONAL VEHICLE PARKS.

(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 premises. Such
7 rules or regulations are enforceable against the tenant only if:

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

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

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

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

17 5. They are not for the purpose of evading the obligations of the
18 landlord.

19 6. The prospective tenant has a copy of the current rules and
20 regulations before the prospective tenant enters into the rental agreement.

21 B. A new tenant who brings a mobile home into a mobile home park or
22 who purchases an existing mobile home in a mobile home park shall comply with
23 all current statements of policy and rules or regulations, including those
24 pertaining to the size, condition and appearance of the mobile home, and
25 exterior materials with which the mobile home has been constructed.

26 C. A new tenant who purchases an existing mobile home in a mobile home
27 park shall comply with all current statements of policy and rules and
28 regulations, including those pertaining to the size, condition and appearance
29 of the mobile home and exterior materials with which the mobile home has been
30 constructed, except that the landlord shall not require the replacement of
31 the siding and skirting on a mobile home unless the replacement siding and
32 skirting will significantly change or improve the appearance of the mobile
33 home.

34 D. If any mobile home park owner adds, changes, deletes or amends any
35 rule, notice in writing of all such additions, changes, deletions or
36 amendments shall be furnished to all mobile home tenants thirty days before
37 they become effective by first class or certified mail. Any rule or
38 condition of occupancy which is unfair and deceptive or which does not
39 conform to the requirements of this chapter shall be unenforceable. A rule
40 or regulation adopted after the tenant enters into the rental agreement is
41 enforceable against the tenant only if it does not work a substantial
42 modification of the rental agreement.

43 E. A person who owns or operates a mobile home park shall not:

44 1. Deny rental unless the mobile home does not meet the requirements
45 of the rules and regulations of the landlord and the statements of policy

1 prescribed pursuant to section 33-1436 or the park resident or prospective
2 resident cannot conform to park rules and regulations.

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

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

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

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

30 6. Notwithstanding section 33-1436, subsection C, require an existing
31 tenant to furnish permanent improvements which cannot be removed without
32 damage thereto or to the mobile home space by a tenant at the expiration of
33 the rental agreement. If the landlord includes any requirements for
34 permanent improvements in the rules or statements of policy, these
35 requirements shall not apply to any mobile home already existing in the
36 mobile home park.

37 7. Prohibit a tenant from advertising the sale or exchange of the
38 tenant's mobile home, including the display of a "for sale" or "open house"
39 sign on the dwelling or in the window of the mobile home stating the name,
40 address and telephone number of the owner or agent of the mobile home. The
41 sign may be no larger than twelve inches wide and eighteen inches long. In
42 addition to the display of a sign in the window, the tenants may display the
43 signs on a central posting board in the park which is reasonably accessible
44 to the public seven days a week during daylight hours.

1 F. The landlord or manager of a mobile home park shall include, in
2 rules and regulations, an emergency number to be called when the park is left
3 unattended, regardless of the size of the park.

4 G. The landlord shall not prohibit ~~OR ADOPT A RULE THAT PROHIBITS~~
5 ~~TENANTS OR A TENANT ASSOCIATION FROM MEETING WITH PERMISSION OF THE TENANT IN~~
6 ~~THE TENANT'S MOBILE HOME, ASSEMBLING AT COMMON FACILITIES OR AREAS WITHIN THE~~
7 ~~PARK OR meetings of tenants MEETING~~ with or without invited visiting speakers
8 in the mobile home park ~~TO DISCUSS ISSUES~~ relating to mobile home living and
9 affairs ~~in the park community or recreational hall~~ ~~INCLUDING THE FORMING OF A~~
10 ~~TENANT ASSOCIATION.~~ ~~SUCH MEETINGS SHALL BE ALLOWED IN COMMON FACILITIES~~ if
11 such meetings are held ~~at reasonable hours~~ ~~DURING NORMAL OPERATING HOURS OF~~
12 ~~THE COMMON FACILITY~~ and when the facility is not otherwise in use. ~~THE~~
13 ~~TENANT OR TENANT ASSOCIATION SHALL BE ALLOWED TO POST NOTICE OF A MEETING ON~~
14 ~~A BULLETIN BOARD IN THE MOBILE HOME PARK USED FOR SIMILAR NOTICE AND SHALL BE~~
15 ~~ALLOWED TO INCLUDE NOTICE OF A MEETING IN A PARK NEWSLETTER.~~ ~~MEETING NOTICES~~
16 ~~AND MEETINGS PRESCRIBED IN THIS SUBSECTION SHALL NOT CONSTITUTE A~~
17 ~~SOLICITATION.~~ ~~FOR THE PURPOSES OF THIS SUBSECTION, "COMMON FACILITIES" MEANS~~
18 ~~A RECREATION HALL, CLUBHOUSE, COMMUNITY CENTER AND ANY OUTDOOR COMMON AREA~~
19 ~~MEETING LOCATION THAT IS UTILIZED BY THE TENANTS.~~

20 H. Any improvements made by a tenant such as plants, vines, edgings,
21 gravel, stone or other additions made for the benefit of the tenancy may be
22 removed by the tenant, or by agreement of both parties the landlord may
23 retain the improvements by paying the tenant for their actual cost.

24 I. If a tenant dies, any surviving joint tenant or cotenant continues
25 as tenant with the same rights, privileges and liabilities as if the
26 surviving tenant were the original tenant, with the additional right to
27 terminate the rental agreement by giving sixty days' written notice to the
28 landlord within sixty days after the death of the tenant.

29 J. If a tenant who was sole owner of the mobile home dies during the
30 term of the rental agreement, the tenant's heirs or legal representative have
31 the right to cancel the lease by giving thirty days' written notice to the
32 landlord with the same rights, privileges and liabilities of the original
33 tenant.

34 K. This section does not prohibit a landlord from requiring removal of
35 a mobile home from the mobile home park within sixty days after the sale by a
36 tenant if the mobile home does not meet the current requirements of the rules
37 and regulations and statements of policy, including those pertaining to the
38 size, condition and appearance of the mobile home, and exterior materials
39 with which the mobile home has been constructed.

40 L. On the sale of a mobile home that was manufactured after June 15,
41 1976 to a tenant who is otherwise qualified for tenancy, a landlord shall not
42 require removal of that mobile home from the mobile home park solely because
43 of the age of the mobile home. A landlord may require the removal of a
44 mobile home on the sale of the mobile home solely because of the age of the
45 mobile home if the mobile home was manufactured on or before

1 June 15, 1976. This subsection shall not be construed to preclude a landlord
2 from prohibiting a mobile home from being moved into a mobile home park
3 solely because of the age of the mobile home without regard to its date of
4 manufacture.

5 Sec. 2. Section 33-2132, Arizona Revised Statutes, is amended to read:
6 33-2132. Rules

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

10 1. They apply to all tenants on the premises in a fair manner.

11 2. They are sufficiently explicit in prohibition, direction or
12 limitation of the tenant's conduct to fairly inform the tenant of what the
13 tenant must or must not do to comply.

14 3. They are not for the purpose of evading the obligations of the
15 landlord.

16 4. The prospective tenant has a copy of the current rules before
17 entering into the rental agreement.

18 B. If the owner or agent adds, changes, deletes or amends any rule,
19 the owner or agent shall provide notice in writing of all additions, changes,
20 deletions or amendments to all tenants thirty days before they become
21 effective. Any rule or condition of occupancy that is unfair and deceptive
22 or that does not conform to the requirements of this chapter is
23 unenforceable. A rule adopted after the tenant enters into the rental
24 agreement is enforceable against the tenant only if the rule does not
25 substantially modify the rental agreement. For purposes of this subsection,
26 notice shall be by personal delivery or mailed by first class or certified
27 mail.

28 C. A landlord shall not:

29 1. Deny rental unless the prospective resident cannot conform to park
30 rules. A landlord is not required to enter into an initial recreational
31 vehicle space agreement in excess of one hundred seventy-nine days.

32 2. Charge an exit fee to a tenant whose rental agreement has expired.

33 3. Require a person as a precondition to renting, leasing or otherwise
34 occupying a recreational vehicle space in a recreational vehicle or mobile
35 home park to pay an entrance or exit fee, unless the fee is for services that
36 are actually rendered or pursuant to a written agreement.

37 4. Deny any resident of a recreational vehicle park the right to sell
38 the recreational vehicle at a price of the resident's own choosing during the
39 term of the tenant's rental agreement, but the landlord may reserve the right
40 to approve the purchaser of the recreational vehicle as a tenant. This
41 permission shall not be unreasonably withheld, except that the landlord may
42 require, in order to preserve or upgrade the quality of the recreational
43 vehicle park, that any recreational vehicle not compatible with the other
44 recreational vehicles in the park, in a rundown condition or in disrepair be
45 removed from the park within sixty days. Within ten days of a written

1 request by the seller or prospective purchaser, a landlord shall notify the
2 seller and the prospective purchaser in writing of any reasons for
3 withholding approval of a purchase pursuant to this paragraph. The notice to
4 the prospective purchaser shall identify the reasons for disapproval with
5 reasonable specificity. The notice to the seller shall identify the reasons
6 in summary fashion consistent with applicable federal and state consumer
7 protection laws and shall inform the seller that the seller should consult
8 with the prospective purchaser for more specific details.

9 5. Require an existing tenant to furnish permanent improvements that
10 cannot be removed without damage to the improvements or to the recreational
11 vehicle space by a tenant at the expiration of the rental agreement.

12 6. Prohibit a tenant from advertising the sale or exchange of the
13 tenant's recreational vehicle, including the display of a for sale or open
14 house sign on the recreational vehicle or in the window of the recreational
15 vehicle stating the name and contact information of the owner or agent of the
16 recreational vehicle. In addition, a tenant may display a sign on a central
17 posting board in the park that is reasonably accessible to the public seven
18 days a week during daylight hours.

19 7. Require a tenant or prospective tenant to use any specific sales
20 agency, manufacturer, retailer or broker.

21 D. THE LANDLORD SHALL NOT PROHIBIT OR ADOPT A RULE THAT PROHIBITS
22 TENANTS OR A TENANT ASSOCIATION FROM MEETING WITH PERMISSION OF THE TENANT IN
23 THE TENANT'S RECREATIONAL VEHICLE OR FROM, ASSEMBLING OR MEETING WITH OR
24 WITHOUT INVITED SPEAKERS IN THE PARK TO DISCUSS ISSUES RELATING TO
25 RECREATIONAL VEHICLE OR MOBILE HOME LIVING AND AFFAIRS, INCLUDING THE FORMING
26 OF A TENANT ASSOCIATION. SUCH MEETINGS SHALL BE ALLOWED IN COMMON FACILITIES
27 IF SUCH MEETINGS ARE HELD DURING NORMAL OPERATING HOURS OF THE COMMON
28 FACILITY AND WHEN THE FACILITY IS NOT OTHERWISE IN USE. THE TENANT OR TENANT
29 ASSOCIATION SHALL BE ALLOWED TO POST NOTICE OF A MEETING ON A BULLETIN BOARD
30 IN THE PARK USED FOR SIMILAR NOTICES AND SHALL BE ALLOWED TO INCLUDE NOTICE
31 OF A MEETING IN A PARK NEWSLETTER. MEETING NOTICES AND MEETINGS PRESCRIBED
32 IN THIS SUBSECTION SHALL NOT CONSTITUTE A SOLICITATION. FOR THE PURPOSES OF
33 THIS SUBSECTION, "COMMON FACILITIES" MEANS A RECREATION HALL, CLUBHOUSE,
34 COMMUNITY CENTER AND ANY OUTDOOR COMMON AREA MEETING LOCATION THAT IS
35 UTILIZED BY THE TENANTS.

36 ~~D.~~ E. If a tenant dies, any surviving joint tenant or cotenant
37 continues as tenant with the same rights, privileges and liabilities as if
38 the surviving tenant were the original tenant.

39 ~~E.~~ F. A new tenant who brings a recreational vehicle into a park or
40 who purchases an existing recreational vehicle or mobile home shall comply
41 with all rules then in effect.

42 ~~F.~~ G. A resident may have one person who is at least eighteen years
43 of age occupy the recreational vehicle on a temporary basis to provide
44 necessary live-in health care to the resident pursuant to a written treatment
45 plan prepared by the resident's physician. The landlord may require the

1 resident to provide a written renewal of the physician's treatment plan every
2 six months. The landlord shall not charge a fee for the person rendering
3 care. The person rendering care has no rights of tenancy. Any agreement
4 between the resident and the person rendering care does not modify the rental
5 agreement between the landlord and tenant. The person rendering care shall
6 comply with the rules of the park.