

REFERENCE TITLE: mobile homes; relocation expenses

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SB 1132

Introduced by
Senator Griffin; Representatives Gowan, Stevens: Livingston

AN ACT

AMENDING SECTIONS 33-1476.01, 33-1476.02, 33-1476.04, 33-1476.05 AND 41-2157,
ARIZONA REVISED STATUTES; RELATING TO MOBILE HOME RELOCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 33-1476.01, Arizona Revised Statutes, is amended to
3 read:

4 33-1476.01. Change in use; notices; compensation for moving
5 expenses; payments by the landlord

6 A. The landlord shall notify the director and all tenants in writing
7 of a change in use at least one hundred eighty days before the change in use.
8 The landlord may not increase rent within ninety days before giving notice of
9 a change in use.

10 B. The landlord shall inform all tenants in writing about the mobile
11 home relocation fund established in section 33-1476.02.

12 C. If a tenant is required to move due to a change in use or
13 redevelopment of the mobile home park, the tenant may do any of the
14 following:

15 1. Collect payment from the mobile home relocation fund for the lesser
16 of the actual moving expenses of relocating the mobile home to a new location
17 that is within a fifty-mile radius of the vacated mobile home park or five
18 thousand dollars for a single section mobile home or ten thousand dollars for
19 a multisection mobile home. Moving expenses include the cost of taking down,
20 moving and setting up the mobile home in the new location.

21 2. Abandon the mobile home in the mobile home park and collect an
22 amount equal to one-fourth of the maximum allowable moving expense for that
23 mobile home from the mobile home relocation fund. To qualify for abandonment
24 payment pursuant to this paragraph, the tenant shall deliver to the landlord
25 the current title to the mobile home with the notarized endorsement of the
26 owner of record together with complete releases of all liens that are shown
27 on the title and proof that all taxes owing on the mobile home have been paid
28 to date. The tenant shall provide a copy of these documents to the
29 department of fire, building and life safety in support of the tenant's
30 application for payment. If the tenant chooses to abandon the mobile home
31 pursuant to this paragraph, the landlord is exempt from making the payments
32 to the fund prescribed in subsection D of this section.

33 3. If a mobile home is relocated to a location outside of the vacated
34 mobile home park and, in the sole judgment of the director, the mobile home
35 was ground set in the mobile home park from which it was removed, the tenant
36 may collect additional monies not to exceed two thousand five hundred dollars
37 for the incremental costs of removing a ground set mobile home. These monies
38 are in addition to any monies provided pursuant to paragraph 1 of this
39 subsection.

40 D. Except as provided in subsection C, paragraph 2 and subsection F of
41 this section and section 33-1476.04, subsection D, if there is a change in
42 use the landlord shall pay five hundred dollars for each single section
43 mobile home and eight hundred dollars for each multisection mobile home
44 relocated to the fund for each tenant filing for relocation assistance with
45 the director.

1 E. If a change in use occurs before the time stated in the statements
2 of policy and the landlord does not comply with subsection A of this section
3 and with section 33-1436 and section 33-1476, subsection H, the landlord
4 shall pay to the fund in addition to the monies prescribed in subsection D of
5 this section:

6 1. Five hundred dollars for each mobile home space occupied by a
7 single-section mobile home.

8 2. Eight hundred dollars for each mobile home space occupied by a
9 multisection mobile home.

10 F. The landlord is not required to make the payments prescribed in
11 subsections D and E of this section for moving mobile homes owned by the
12 landlord or for moving a mobile home under a contract with the tenant if the
13 tenant does not file for relocation assistance with the director.

14 G. If a change in use occurs within two hundred seventy days of
15 relocations under section 33-1476.04, the landlord shall pay to the fund in
16 addition to the monies prescribed in subsection D of this section:

17 1. Five hundred dollars for each mobile home space occupied by a
18 single section mobile home.

19 2. Eight hundred dollars for each mobile home space occupied by a
20 multisection mobile home.

21 H. The tenant shall submit a contract for relocation of a mobile home
22 for approval to the director within sixty days after the relocation to be
23 eligible for payment of relocation expenses. The director must approve or
24 disapprove the contract within fifteen days after receipt of the contract, or
25 the contract is deemed to be approved. The payment of RELOCATION expenses
26 shall be made ON COMPLETION OF THE RELOCATED MOBILE OR MANUFACTURED HOME
27 INSTALLATION as provided in the rules OR POLICIES adopted by the director.
28 If the contract is not approved, the tenant may appeal to ~~the hearing officer~~
29 AN ADMINISTRATIVE LAW JUDGE PURSUANT TO TITLE 41, CHAPTER 16, ARTICLE 5. THE
30 TENANT SHALL PROVIDE NOTICE PURSUANT TO SECTION 33-1451, SUBSECTION A,
31 PARAGRAPH 6 IF THE TENANT RELOCATES.

32 I. If this state or a political subdivision of this state exercises
33 eminent domain and the mobile home park is sold or a sale is made to this
34 state or a political subdivision of this state that intends to exercise
35 eminent domain, the state or political subdivision is responsible for the
36 relocation costs of the tenants.

37 J. If a tenant is vacating the premises and has informed the landlord
38 or manager before the change in use notice has been given, the tenant is not
39 eligible for compensation under this section.

40 K. A person who purchases a mobile home already situated in a park or
41 moves a mobile home into a park in which a change in use notice has been
42 given is not eligible for compensation under this section.

43 L. This section does not apply to a change in use if the landlord
44 moves a tenant to another space in the mobile home park at the landlord's
45 expense.

1 period before the date of the notice of the rent increase. For the purposes
2 of this paragraph, "consumer price index" means the "west-A" index that is
3 published by the United States department of labor, bureau of labor
4 statistics, and that demonstrates changes in prices in certain cities in the
5 western United States.

6 B. A landlord who increases rent as prescribed by subsection A of this
7 section shall give written notice of the applicability of this section to all
8 affected tenants.

9 C. A tenant is eligible to receive relocation expenses pursuant to
10 subsection A of this section as follows:

11 1. At least thirty days before the effective date of the rent increase
12 that exceeds the limits prescribed by subsection A of this section, the
13 tenant shall submit a contract for relocation of the mobile home to the
14 director for approval and to the landlord.

15 2. Before the effective date of the rent increase, the tenant shall
16 relocate the mobile home or have a fully signed contract with a licensed
17 moving company to move the mobile home to a specific location by a specific
18 date and must have moved the mobile home pursuant to that contract within
19 forty-five days after the effective date of the rent increase.

20 3. The director shall approve or disapprove the contract submitted
21 within fifteen days after receipt of the contract, and the contract is deemed
22 to be approved on the sixteenth day if the director takes no action. The
23 payment of relocation expenses shall be made ~~at or before the time of~~
24 ~~relocation~~ ON COMPLETION OF THE RELOCATED MOBILE OR MANUFACTURED HOME
25 INSTALLATION as provided in rules OR POLICIES adopted by the director. If
26 the contract is not approved, the tenant may appeal to an administrative law
27 judge pursuant to title 41, chapter 16, article 5. The tenant shall provide
28 notice pursuant to section 33-1451, subsection A, paragraph 6 if the tenant
29 relocates.

30 4. On approval, the tenant is eligible for the lesser of the actual
31 moving expenses of relocating the mobile home or five thousand dollars for a
32 single-section mobile home or ten thousand dollars for a multisection mobile
33 home. Compensable moving expenses include the cost of taking down, moving
34 and setting up the mobile home in the new location if the mobile home is
35 relocated to a residential location within a one hundred-mile radius of the
36 vacated mobile home park.

37 D. As an alternative to receiving payment as prescribed in subsection
38 C of this section, a tenant who is eligible to receive payment pursuant to
39 subsection A of this section may abandon the mobile home in the mobile home
40 park and collect an amount equal to one-fourth of the maximum allowable
41 moving expense for that mobile home from the mobile home relocation fund. To
42 qualify for an abandonment payment pursuant to this subsection, the tenant
43 shall deliver to the landlord the current title to the mobile home with the
44 notarized endorsement of the owner of record together with complete releases
45 of all liens that are shown on the title and proof that all taxes owing on

1 the mobile home have been paid to date. The tenant shall provide a copy of
2 these documents to the department of FIRE, building and fire LIFE safety in
3 support of the tenant's application for payment. If the tenant chooses to
4 abandon the mobile home pursuant to this subsection, the landlord is exempt
5 from making the payments to the fund prescribed in section 33-1476.01,
6 subsection D.

7 E. This section does not apply to rent increases that are prescribed
8 in a written rental agreement.

9 F. Nothing in this section shall be construed to make any rent
10 increase unreasonable.

11 Sec. 4. Section 33-1476.05, Arizona Revised Statutes, is amended to
12 read:

13 33-1476.05. Relocations due to change in age restricted
14 community use; payment from mobile home
15 relocation fund; applicability

16 A. The landlord shall notify the director and all tenants in writing
17 of a change in use at least sixty days before a change in the age restricted
18 community to an all age community use as defined by the housing for older
19 persons act of 1995.

20 B. A tenant is eligible for payment from the mobile home relocation
21 fund if both of the following conditions are met:

22 1. The tenant resides in a mobile home or manufactured home that is
23 owned by the tenant and that is located in an age restricted mobile home
24 park.

25 2. The landlord implements a change from an age restricted community
26 to an all age community as defined by the housing for older persons act of
27 1995.

28 C. A landlord who changes a mobile home park designation from an age
29 restricted community shall give written notice of the applicability of this
30 section to all affected tenants.

31 D. A tenant is eligible to receive relocation expenses pursuant to
32 subsection B of this section as follows:

33 1. Within one hundred eighty days after the effective date of
34 notification of the change in the age restricted community's use, the tenant
35 shall submit a contract for relocation of the mobile or manufactured home to
36 the director for approval and to the landlord.

37 2. After notice of approval by the director for the payment of
38 relocation expenses, the tenant shall relocate the mobile or manufactured
39 home or have a fully signed contract with a licensed moving company to move
40 the mobile or manufactured home to a specific location by a specific date and
41 must have moved the mobile or manufactured home pursuant to that contract
42 within forty-five days after notice from the director.

43 3. The director shall approve or ~~not approve~~ DISAPPROVE the contract
44 submitted within fifteen days after receipt of the contract, and the contract
45 is deemed to be approved on the sixteenth day if the director takes no

1 action. The payment of relocation expenses shall be made ~~at or before the~~
2 ~~time of relocation~~ ON COMPLETION OF THE RELOCATED MOBILE OR MANUFACTURED HOME
3 INSTALLATION as provided in rules OR POLICIES adopted by the director. If
4 the contract is not approved, the tenant may appeal to an administrative law
5 judge pursuant to title 41, chapter 16, article 5. The tenant shall provide
6 notice pursuant to section 33-1451, subsection A, paragraph 6 if the tenant
7 relocates.

8 4. On approval, the tenant is eligible for the lesser of the actual
9 moving expenses of relocating the mobile home or five thousand dollars for a
10 single-section mobile home or ten thousand dollars for a multisection mobile
11 home. Compensable moving expenses include the cost of taking down, moving
12 and setting up the mobile home in the new location if the mobile home is
13 relocated to another age restricted community within a one hundred-mile
14 radius of the vacated mobile home park.

15 E. The landlord shall not be responsible for making any payment into
16 the mobile home relocation fund for any mobile or manufactured home moved
17 pursuant to this section.

18 Sec. 5. Section 41-2157, Arizona Revised Statutes, is amended to read:
19 41-2157. Costs of complying with standards; reimbursement from
20 relocation fund; definition

21 A. The costs of bringing a mobile home into compliance with the
22 requirements of this article may be reimbursed to the owner from the mobile
23 home relocation fund established ~~under~~ BY section 33-1476.02 if all of the
24 following are true:

25 1. The mobile home is moved from one mobile home park in this state to
26 another mobile home park in this state.

27 2. The household income of the owner of the mobile home is at or below
28 one hundred per cent of the current federal poverty level guidelines as
29 published annually by the United States department of health and human
30 services.

31 3. The mobile home is not being relocated as the result of a judgment
32 in a forcible detainer or special detainer action requiring the owner to
33 vacate the mobile home park in which the mobile home is located.

34 B. The amount of the reimbursement pursuant to this section shall not
35 exceed one thousand FIVE HUNDRED dollars for the costs related to any mobile
36 home.

37 C. The fund shall have a claim for reimbursement of sums received
38 under this section by an individual who fails to reside in the mobile home
39 for six months following its relocation, unless the failure was due to the
40 death or disability of a resident.

41 ~~It~~ FOR THE PURPOSES OF this section, "owner" means an individual
42 whose primary residence has been the mobile home continuously for the
43 six-month period preceding an application for reimbursement, or an individual
44 who has purchased the mobile home and who intends to reside in the mobile
45 home as the individual's primary residence after the relocation.