

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

# HOUSE BILL 2259

AN ACT

AMENDING SECTIONS 33-1451 AND 41-2186, ARIZONA REVISED STATUTES; RELATING TO  
MOBILE HOME TRANSACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 33-1451, Arizona Revised Statutes, is amended to  
3 read:

4 33-1451. Tenant to maintain mobile home space; notice of  
5 vacating; clearance for removal; criminal violation

6 A. A tenant of a mobile home space shall exercise diligence to  
7 maintain that part of the premises ~~which he~~ THAT THE TENANT has rented in as  
8 good condition as when ~~he~~ THE TENANT took possession and shall:

9 1. Comply with all obligations primarily imposed ~~upon~~ ON tenants by  
10 applicable provisions of city, county and state codes materially affecting  
11 health and safety.

12 2. Keep that part of the premises that ~~he~~ THE TENANT occupies and uses  
13 as clean and safe as the condition of the premises permits.

14 3. Dispose from ~~his~~ THE TENANT'S mobile home space all rubbish,  
15 garbage and other waste in a clean and safe manner as prescribed by park  
16 rules.

17 4. Not deliberately or negligently destroy, deface, damage, impair or  
18 remove any part of the premises or knowingly permit any person to do so.

19 5. Conduct himself and require other persons on the premises with ~~his~~  
20 THE TENANT'S consent to conduct themselves in a manner that will not disturb  
21 ~~his~~ THE TENANT'S neighbors' peaceful enjoyment of the premises.

22 6. Inform the landlord or manager of the mobile home park at least  
23 thirty days before the expiration of the rental agreement that the agreement  
24 will not be renewed by the tenant and that the premises will be vacated. If  
25 timely notice is not given prior to moving from the mobile home space, the  
26 tenant ~~then~~ is responsible for rent equal to an amount consistent with the  
27 applicable notice period.

28 B. A tenant shall not remove a mobile home from a mobile home space  
29 unless the tenant has received from the landlord a clearance for removal  
30 showing that all monies due the landlord as of the date of removal have been  
31 paid or that the landlord and tenant have otherwise agreed to the removal.  
32 The landlord shall not interfere with the removal of a mobile home for any  
33 reason other than nonpayment of monies due as of the date of removal even if  
34 the term of the rental agreement has not expired.

35 C. A PERSON SHALL NOT ENTER A MOBILE HOME PARK AND BEGIN WORK ON THE  
36 REMOVAL OF A MOBILE HOME FROM A MOBILE HOME PARK WITHOUT FIRST SATISFYING THE  
37 REQUIREMENTS FOR A CLEARANCE FOR REMOVAL AS PRESCRIBED IN SECTION 33-1485.01.  
38 A PERSON WHO HAS NOT SATISFIED THE REQUIREMENTS FOR A CLEARANCE FOR REMOVAL  
39 AS PRESCRIBED IN SECTION 33-1485.01 AND WHO REFUSES TO LEAVE AND REMOVE THEIR  
40 REMOVAL EQUIPMENT FROM THE MOBILE HOME PARK ON REQUEST FROM THE LANDLORD  
41 COMMITS CRIMINAL TRESPASS IN THE THIRD DEGREE PURSUANT TO SECTION 13-1502.  
42 THIS SUBSECTION DOES NOT APPLY IF THE LANDLORD REFUSES TO PROVIDE THE  
43 CLEARANCE FOR REMOVAL IF THE REQUIREMENTS IN SECTION 33-1485.01 ARE  
44 SATISFIED.

1           Sec. 2. Section 41-2186, Arizona Revised Statutes, is amended to read:  
2           41-2186. Grounds for disciplinary action

3           The deputy director may, on the deputy director's own motion, and  
4 shall, on the complaint in writing of any person, cause to be investigated by  
5 the office the acts of any manufacturer, dealer, broker, salesperson or  
6 installer licensed with the office and may temporarily suspend or permanently  
7 revoke any license issued under this article, impose an administrative  
8 penalty or place on probation any licensee, if the holder of the license,  
9 while a licensee, is guilty of or commits any of the following acts or  
10 omissions:

11           1. Failure in any material respect to comply with this article or  
12 article 2 of this chapter.

13           2. Violation of any rule that is adopted by the board and that  
14 pertains to the construction of any unit or of any rule that is adopted by  
15 the board and that is necessary to effectively carry out the intent of this  
16 article, article 2 of this chapter or the laws of the United States or of  
17 this state.

18           3. Misrepresentation of a material fact by the applicant in obtaining  
19 a license.

20           4. Aiding or abetting an unlicensed person or knowingly combining or  
21 conspiring with an unlicensed person to evade this article or article 2 of  
22 this chapter, or allowing one's license to be used by an unlicensed person or  
23 acting as an agent, partner or associate of an unlicensed person with intent  
24 to evade this article or article 2 of this chapter.

25           5. Conviction of a felony.

26           6. The doing of a wrongful or fraudulent act by a licensee that  
27 relates to this article or article 2 of this chapter, including, beginning  
28 July 1, 2012, failure to comply with section 41-2180, subsection A, **OR THE**  
29 **DOING OF ANY OTHER WRONGFUL OR FRAUDULENT ACT IN CONJUNCTION WITH THE SALE,**  
30 **TRANSFER OR RELOCATION OF A MOBILE HOME IN THIS STATE.**

31           7. Departure from or disregard of any code or any rule adopted by the  
32 board.

33           8. Failure to disclose or subsequent discovery by the office of facts  
34 that, if known at the time of issuance of a license or the renewal of a  
35 license, would have been grounds to deny the issuance or renewal of a  
36 license.

37           9. Knowingly entering into a contract with a person not duly licensed  
38 in the required classification for work to be performed for which a license  
39 is required.

40           10. Acting in the capacity of a licensee under any license issued under  
41 this article in a name other than as set forth on the license.

42           11. Acting as a licensee while the license is under suspension or in  
43 any other invalid status.

44           12. Failure to respond relative to a verified complaint after notice of  
45 such complaint.

1           13. Violation of title 28, chapter 10 or rules adopted pursuant to  
2 title 28, chapter 10, except for the licensing requirements of sections  
3 28-4334, 28-4335, 28-4361, 28-4362, 28-4364, 28-4401 and 28-4402.

4           14. False, misleading or deceptive sales practices by a licensee in the  
5 sale or offer of sale of any unit regulated by this article or article 2 of  
6 this chapter.

7           15. Failure to remit the consumer recovery fund fee pursuant to section  
8 41-2189.

9           16. Acting as a salesperson while not employed by a dealer or broker.

10          17. As a salesperson, representing or attempting to represent a dealer  
11 or broker other than by whom the salesperson is employed.

12          18. Failure by a salesperson to promptly place all cash, checks and  
13 other items of value and any related documents received in connection with a  
14 sales transaction in the care of the employing dealer or broker.

15          19. Failure to provide all agreed on goods and services.

16          20. Failure to manufacture or install in a workmanlike manner all  
17 subassemblies, units and accessory structures that are suitable for their  
18 intended purpose.

19          21. Failure of the licensee to work only within the scope of the  
20 license held.

21          22. An action by a licensee, who is also a mobile home park owner,  
22 manager, agent or representative, that restricts a resident's or prospective  
23 resident's access to buyers, sellers or licensed dealers or brokers in  
24 connection with the sale of a home or the rental of a space, that the  
25 department finds constitutes a violation of section 33-1434, subsection B or  
26 section 33-1452, subsection E or that violates any law or regulation relating  
27 to fair housing or credit practices.