

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HOUSE BILL 2168

AN ACT

AMENDING SECTIONS 33-1476.01, 33-1476.04, 33-1476.05, 33-1485.01, 33-2101
AND 33-2149, ARIZONA REVISED STATUTES; RELATING TO THE MOBILE HOME
RELOCATION FUND.

(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
3 to read:

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

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

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

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

16 1. Collect payment from the mobile home relocation fund for the
17 lesser of the actual moving expenses of relocating the mobile home to a
18 new location that is within a ~~fifty-mile~~ ONE HUNDRED-MILE radius of the
19 vacated mobile home park or the maximum of seven thousand five hundred
20 dollars for a single section mobile home or twelve thousand five hundred
21 dollars for a multisection mobile home. Moving expenses include the cost
22 of stabilizing, taking down, moving and setting up the mobile home in the
23 new location.

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

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

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

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

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

14 2. Eight hundred dollars for each mobile home space occupied by a
15 multisection mobile home.

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

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

23 1. Five hundred dollars for each mobile home space occupied by a
24 single section mobile home.

25 2. Eight hundred dollars for each mobile home space occupied by a
26 multisection mobile home.

27 H. The tenant shall submit a contract for relocation of a mobile
28 home for approval to the director within sixty days after the relocation
29 to be eligible for payment of relocation expenses. The director must
30 approve or disapprove the contract within fifteen days after receipt of
31 the contract, or the contract is deemed to be approved.

32 I. If the contract is approved, the payment of relocation expenses
33 shall be made to the installer or contractor when both of the following
34 ~~have been completed~~ ARE COMPLETE:

35 1. The installer or contractor ~~has obtained~~ OBTAINS valid permits
36 to move the mobile or manufactured home to a new location.

37 2. The installer or contractor provides documentation to the
38 department that the installation of the mobile or manufactured home at the
39 new location is complete and has been inspected by the department or its
40 designee and is approved for occupancy.

41 J. If the contract is not approved, the tenant may appeal to an
42 administrative law judge pursuant to title 41, chapter 37, article 5. The
43 tenant shall provide notice pursuant to section 33-1451, subsection A,
44 paragraph 6 if the tenant relocates.

1 K. If this state or a political subdivision of this state exercises
2 eminent domain and the mobile home park is sold or a sale is made to this
3 state or a political subdivision of this state that intends to exercise
4 eminent domain, the state or political subdivision is responsible for the
5 relocation costs of the tenants.

6 L. If a tenant is vacating the premises and has informed the
7 landlord or manager before the ~~change in use~~ CHANGE-IN-USE notice has been
8 given, the tenant is not eligible for compensation under this section.

9 M. A person who purchases a mobile home already situated in a park
10 or moves a mobile home into a park in which a ~~change in use~~ CHANGE-IN-USE
11 notice has been given is not eligible for compensation under this section.

12 N. After delivery of the one hundred eighty-day notice prescribed
13 by subsection A of this section, the landlord and the tenants shall inform
14 any prospective buyer or tenant that closure of the park is pending.

15 O. This section does not apply to a change in use if the landlord
16 moves a tenant to another space in the mobile home park at the landlord's
17 expense.

18 Sec. 2. Section 33-1476.04, Arizona Revised Statutes, is amended to
19 read:

20 33-1476.04. Relocations due to rent increase; mobile home
21 relocation fund; applicability

22 A. A tenant is eligible for payment from the mobile home relocation
23 fund if all of the following conditions are met:

24 1. The tenant resides in a mobile home that is owned by the tenant
25 and that is located in a mobile home park.

26 2. A rent increase will be effective at the expiration or renewal
27 of the tenant's rental agreement.

28 3. The rent increase either singly or in combination during any
29 consecutive twelve-month period is more than a total of ten percent plus
30 the current increase in the consumer price index over the most recent
31 one-year period before the date of the notice of the rent increase. For
32 the purposes of this paragraph, "consumer price index" means the "west-A"
33 index that is published by the United States department of labor, bureau
34 of labor statistics, and that demonstrates changes in prices in certain
35 cities in the western United States.

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

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

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

1 2. Before the effective date of the rent increase, the tenant shall
2 have a fully signed contract with a licensed installer or contractor to
3 move the mobile home to a specific location by a specific date and must
4 have moved the mobile home pursuant to that contract within forty-five
5 days after the effective date of the rent increase.

6 3. The director shall approve or disapprove the contract submitted
7 within fifteen days after receipt of the contract, and the contract is
8 deemed to be approved on the sixteenth day if the director takes no
9 action.

10 4. If the contract is approved, the payment of relocation expenses
11 shall be made to the installer or contractor when both of the following
12 ~~have been completed~~ ARE COMPLETE:

13 (a) The installer or contractor ~~has obtained~~ OBTAINS valid permits
14 to move the mobile or manufactured home to a new location.

15 (b) The installer or contractor provides documentation to the
16 department that the installation of the mobile or manufactured home at the
17 new location is complete and has been inspected by the department or its
18 designee and is approved for occupancy.

19 5. If the contract is not approved, the tenant may appeal to an
20 administrative law judge pursuant to title 41, chapter 37, article 5. The
21 tenant shall provide notice pursuant to section 33-1451, subsection A,
22 paragraph 6 if the tenant relocates.

23 6. On approval, the tenant is eligible for the lesser of the actual
24 moving expenses of relocating the mobile home or ~~five~~ SEVEN thousand FIVE
25 HUNDRED dollars for a single-section mobile home or ~~ten~~ TWELVE thousand
26 FIVE HUNDRED dollars for a multisection mobile home. Compensable moving
27 expenses include the cost of taking down, moving and setting up the mobile
28 home in the new location if the mobile home is relocated to a residential
29 location within a one hundred-mile radius of the vacated mobile home park.

30 D. As an alternative to receiving payment as prescribed in
31 subsection C of this section, a tenant who is eligible to receive payment
32 pursuant to subsection A of this section may abandon the mobile home in
33 the mobile home park and collect an amount equal to one-fourth of the
34 maximum allowable moving expense for that mobile home from the mobile home
35 relocation fund. To qualify for an abandonment payment pursuant to this
36 subsection, the tenant shall deliver to the landlord the current title to
37 the mobile home with the notarized endorsement of the owner of record
38 together with complete releases of all liens that are shown on the title
39 and proof that all taxes owing on the mobile home have been paid to date.
40 The tenant shall provide a copy of these documents to the Arizona
41 department of housing in support of the tenant's application for payment.
42 If the tenant chooses to abandon the mobile home pursuant to this
43 subsection, the landlord is exempt from making the payments to the fund
44 prescribed in section 33-1476.01, subsection D.

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

3 F. ~~Nothing in~~ This section ~~shall be construed to~~ DOES NOT make any
4 rent increase unreasonable.

5 Sec. 3. Section 33-1476.05, Arizona Revised Statutes, is amended to
6 read:

7 33-1476.05. Relocations due to change in age-restricted
8 community use; payment from mobile home
9 relocation fund; applicability

10 A. The landlord shall notify the director and all tenants in
11 writing of a change in use at least sixty days before a change in the ~~age~~
12 ~~restricted~~ AGE-RESTRICTED community to an ~~all age~~ ALL-AGE community use as
13 defined by the housing for older persons act of 1995.

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

16 1. The tenant resides in a mobile home or manufactured home that is
17 owned by the tenant and that is located in an ~~age restricted~~
18 AGE-RESTRICTED mobile home park.

19 2. The landlord implements a change from an ~~age restricted~~
20 AGE-RESTRICTED community to an ~~all age~~ ALL-AGE community as defined by the
21 housing for older persons act of 1995.

22 C. A landlord who changes a mobile home park designation from an
23 ~~age restricted~~ AGE-RESTRICTED community shall give written notice of the
24 applicability of this section to all affected tenants.

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

27 1. Within one hundred eighty days after the effective date of
28 notification of the change in the ~~age restricted~~ AGE-RESTRICTED
29 community's use, the tenant shall submit a contract for relocation of the
30 mobile or manufactured home to the director for approval and to the
31 landlord.

32 2. After notice of approval by the director for the payment of
33 relocation expenses, the tenant shall have a fully signed contract with a
34 licensed installer or contractor to move the mobile or manufactured home
35 to a specific location by a specific date and must have moved the mobile
36 or manufactured home pursuant to that contract within forty-five days
37 after notice from the director.

38 3. The director shall approve or disapprove the contract submitted
39 within fifteen days after receipt of the contract, and the contract is
40 deemed to be approved on the sixteenth day if the director takes no
41 action.

42 4. If the contract is approved, the payment of relocation expenses
43 shall be made to the installer or contractor when both of the following
44 ~~have been completed~~ ARE COMPLETE:

1 (a) The installer or contractor ~~has obtained~~ OBTAINS valid permits
2 to move the mobile or manufactured home to a new location.

3 (b) The installer or contractor provides documentation to the
4 department that the installation of the mobile or manufactured home at the
5 new location is complete and has been inspected by the department or its
6 designee and is approved for occupancy.

7 5. If the contract is not approved, the tenant may appeal to an
8 administrative law judge pursuant to title 41, chapter 37, article 5. The
9 tenant shall provide notice pursuant to section 33-1451, subsection A,
10 paragraph 6 if the tenant relocates.

11 6. On approval, the tenant is eligible for the lesser of the actual
12 moving expenses of relocating the mobile home or ~~five~~ SEVEN thousand FIVE
13 HUNDRED dollars for a single-section mobile home or ~~ten~~ TWELVE thousand
14 FIVE HUNDRED dollars for a multisection mobile home. Compensable moving
15 expenses include the cost of taking down, moving and setting up the mobile
16 home in the new location if the mobile home is relocated to another ~~age~~
17 ~~restricted~~ AGE-RESTRICTED community within a one hundred-mile radius of
18 the vacated mobile home park.

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

22 Sec. 4. Section 33-1485.01, Arizona Revised Statutes, is amended to
23 read:

24 33-1485.01. Removal of mobile home from mobile home park:
25 violation; joint and several liability

26 A. A tenant or a tenant's successor in interest shall provide the
27 landlord with a written notification of intent to remove a mobile home
28 from a mobile home space. The notification shall include the date the
29 mobile home will be removed from the mobile home park, the name, address
30 and telephone number of the person or entity that will be removing the
31 mobile home from the mobile home park and the name, address and telephone
32 number of the person or entity that will be the responsible party for
33 restoring the mobile home space in accordance with the rental agreement
34 and the mobile home park rules and regulations. If the responsible party
35 is not licensed by the Arizona department of housing or the registrar of
36 contractors, the landlord may require a security deposit or surety bond of
37 not more than ~~one~~ TWO thousand FIVE HUNDRED dollars minus the amount of
38 any security deposit that was collected at the beginning of the tenant's
39 tenancy. The security deposit or surety bond shall be paid or provided
40 before work begins on restoring the mobile home space and shall secure the
41 cost of restoration if the responsible party fails to completely restore
42 the mobile home space. The landlord shall provide an accounting of any
43 security deposit as prescribed in section 33-1431, subsection C.

1 B. A mobile home shall not be removed from a mobile home park by
2 any tenant, any mobile home owner or any other person or entity unless the
3 person or entity that is removing the mobile home has received from the
4 landlord a written clearance for removal. The landlord shall not
5 interfere with the removal of a mobile home for any reason other than
6 nonpayment of monies due as of the date of removal even if the term of the
7 rental agreement has not expired. The written clearance shall contain
8 both of the following:

9 1. A statement that all monies due for space rent as of the date of
10 removal have been paid or that the landlord and that person or entity have
11 otherwise agreed to the removal.

12 2. The requirements for a mobile home space restoration as
13 prescribed by the rental agreement and by the mobile home park rules and
14 regulations and that shall be performed by the responsible party listed in
15 the removal notification that is required by subsection A of this section.

16 C. A person or entity who violates subsection B of this section
17 shall be liable for two times the amount of any rents due.

18 D. The responsible party identified in the removal notification
19 that is removing a mobile home from a mobile home space shall also remove
20 all accessory structures unless the landlord has agreed in writing to
21 allow those structures to remain. The responsible party identified in the
22 removal notification that is removing the mobile home shall also remove
23 all construction debris, trash and personal property on the rental space
24 from the mobile home park and shall be responsible for restoring the space
25 in accordance with the rental agreement and the mobile home park rules and
26 regulations. The rules and regulations may contain conditions regarding
27 the removal of a mobile home from the mobile home park and the restoration
28 of a mobile home space by a tenant or a tenant's successor in interest
29 after removal of the mobile home. The conditions shall not include any
30 provisions regarding environmental liability or environmental remediation,
31 and any environmental liability or environmental remediation requirements
32 shall be governed as otherwise provided by law. If a rental space does
33 not satisfy the requirements of this section following removal of a mobile
34 home, the landlord may provide the last tenant, the tenant's successor in
35 interest or the mobile home owner and the responsible party identified in
36 the removal notification with written notice that specifies what must be
37 done to bring the space into compliance and that requests that the parties
38 remedy the condition within ten days. If the work is not completed within
39 ten days, the landlord may cause the work to be done and shall prepare an
40 itemized bill for the actual and reasonable cost or the fair and
41 reasonable value of the work and submit it to the last tenant, the
42 tenant's successor in interest or the mobile home owner and the
43 responsible party identified in the removal notification. All of those
44 persons shall be jointly and severally liable for the expenses.

1 Sec. 5. Section 33-2101, Arizona Revised Statutes, is amended to
2 read:

3 33-2101. Application; duration of stay; exclusions; notice
4 and pleading requirements

5 A. This chapter applies to, regulates and determines rights,
6 obligations and remedies for a recreational vehicle space **THAT IS** rented
7 in a recreational vehicle park or mobile home park by the same tenant
8 under a rental agreement for more than one hundred eighty consecutive
9 days. **FOR A PARK MODEL OR PARK TRAILER THAT IS LOCATED IN A RECREATIONAL**
10 **VEHICLE PARK OR MOBILE HOME PARK, THIS CHAPTER APPLIES IF THE SPACE IS**
11 **RENTED BY THE SAME TENANT FOR MORE THAN ONE HUNDRED EIGHTY CONSECUTIVE**
12 **DAYS WITHOUT REGARD TO WHETHER A RENTAL AGREEMENT IS EXECUTED.**

13 B. This chapter does not apply to mobile homes, manufactured homes
14 and factory-built buildings or to a property with one or two recreational
15 vehicle rental spaces.

16 C. Notwithstanding any other law, an agency of this state and an
17 individual court may not adopt or enforce a rule or policy that requires a
18 mandatory or technical form for providing notice or for pleadings in an
19 action for forcible entry or forcible or special detainer. The form of
20 any notice or pleading that meets statutory requirements for content and
21 formatting of a notice or pleading is sufficient to provide notice and to
22 pursue an action for forcible entry or forcible or special detainer.

23 Sec. 6. Section 33-2149, Arizona Revised Statutes, is amended to
24 read:

25 33-2149. Change in use; notices; compensation for moving
26 expenses; payments by the landlord; applicability

27 For recreational vehicles that are park trailers or park models
28 only:

29 1. The landlord shall notify the director and all tenants in
30 writing of a change in use at least one hundred eighty days before the
31 change in use. The landlord may not increase rent within ninety days
32 before giving notice of a change in use.

33 2. The landlord shall inform all tenants in writing about the
34 mobile home relocation fund established by section 33-1476.02.

35 3. If a tenant is required to move due to a change in use or
36 redevelopment of the park, the tenant may do any of the following:

37 (a) Collect payment from the mobile home relocation fund for the
38 lesser of the actual moving expenses of relocating the park trailer or
39 park model to a new location that is within a ~~fifty-mile~~ **ONE HUNDRED-MILE**
40 radius of the vacated park or the maximum of four thousand dollars.
41 Moving expenses include the cost of stabilizing, taking down, moving and
42 setting up the park trailer or park model in the new location.

43 (b) Abandon the park trailer or park model in the park and collect
44 an amount equal to one-fourth of the maximum allowable moving expense for
45 that park trailer or park model from the mobile home relocation fund. To

1 qualify for abandonment payment pursuant to this subdivision, the tenant
2 shall deliver to the landlord the current title to the park trailer or
3 park model with the notarized endorsement of the owner of record together
4 with complete releases of all liens that are shown on the title and proof
5 that all taxes owing have been paid to date. The tenant shall provide a
6 copy of these documents to the Arizona department of housing in support of
7 the tenant's application for payment. If the tenant chooses to abandon
8 the park trailer or park model pursuant to this subdivision, the landlord
9 is exempt from making the payments to the fund prescribed in paragraph 4
10 of this section.

11 (c) If a park trailer or park model is relocated to a location
12 outside of the vacated park and, in the sole judgment of the director, the
13 park trailer or park model was ground set in the park from which it was
14 removed, the tenant may collect additional monies not to exceed two
15 thousand five hundred dollars for the incremental costs of removing a
16 ~~ground-set~~ GROUND-SET park trailer or park model. These monies are in
17 addition to any monies provided pursuant to subdivision (a) of this
18 paragraph.

19 4. Except as provided in paragraph 3, subdivision (b) and paragraph
20 6 of this section, if there is a change in use the landlord shall pay two
21 hundred fifty dollars for each park trailer or park model relocated to the
22 fund for each tenant filing for relocation assistance with the director.

23 5. If a change in use occurs and the landlord does not comply with
24 paragraph 1 of this section, the landlord shall pay to the fund in
25 addition to the monies prescribed in paragraph 4 of this section two
26 hundred fifty dollars for each space occupied by a park trailer or park
27 model.

28 6. The landlord is not required to make the payments prescribed in
29 paragraphs 4 and 5 of this section for moving a park trailer or park model
30 owned by the landlord or for moving a park trailer or park model under a
31 contract with the tenant if the tenant does not file for relocation
32 assistance with the director.

33 7. The tenant shall submit a contract for relocation of a park
34 trailer or park model for approval to the director within sixty days after
35 the relocation to be eligible for payment of relocation expenses. The
36 director must approve or disapprove the contract within fifteen days after
37 receipt of the contract, or the contract is deemed to be approved.

38 8. If the contract is approved, the payment of relocation expenses
39 shall be made to the installer or contractor when both of the following
40 ~~have been completed~~ ARE COMPLETE:

41 (a) The installer or contractor ~~has obtained~~ OBTAINS valid permits
42 to move the park trailer or park model to a new location.

1 (b) The installer or contractor provides documentation to the
2 department that the installation of the park trailer or park model at the
3 new location is complete and has been inspected by the department or its
4 designee and is approved for occupancy.

5 9. If the contract is not approved, the tenant may appeal to an
6 administrative law judge pursuant to title 41, chapter 37, article 5. The
7 tenant shall provide notice pursuant to section 33-2105, subsection I, if
8 the tenant relocates.

9 10. If this state or a political subdivision of this state
10 exercises eminent domain and the park is sold or a sale is made to this
11 state or a political subdivision of this state that intends to exercise
12 eminent domain, the state or political subdivision is responsible for the
13 relocation costs of the tenants.

14 11. If a tenant is vacating the premises and has informed the
15 landlord or manager before the ~~change in use~~ CHANGE-IN-USE notice has been
16 given, the tenant is not eligible for compensation under this section.

17 12. A person who purchases a park trailer or park model already
18 situated in a park or moves a park trailer or park model into a park in
19 which a ~~change in use~~ CHANGE-IN-USE notice has been given is not eligible
20 for compensation under this section.

21 13. This section does not apply to a change in use if the landlord
22 moves a tenant to another space in the park at the landlord's expense.