

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 289
HOUSE BILL 2358

AN ACT

AMENDING SECTIONS 33-1310 AND 33-1371, 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 33-1310, Arizona Revised Statutes, is amended to
3 read:
4 33-1310. General definitions
5 Subject to additional definitions contained in subsequent articles
6 of this chapter ~~which~~ THAT apply to specific articles ~~thereof~~ OF THIS
7 CHAPTER, and unless the context otherwise requires, in this chapter:
8 1. "Action" includes recoupment, counterclaim, setoff, suit in
9 equity and any other proceeding in which rights are determined, including
10 an action for possession.
11 2. "Building and housing codes" ~~include~~ INCLUDES any law, ordinance
12 or governmental regulation concerning fitness for habitation, or the
13 construction, maintenance, operation, occupancy, use or appearance of any
14 premises, ~~or~~ or dwelling unit.
15 3. "Delivery of possession" means returning dwelling unit keys to
16 the landlord and vacating the premises.
17 4. "Dwelling unit" means a structure or the part of a structure
18 that is used as a home, residence, or sleeping place by one person who
19 maintains a household or by two or more persons who maintain a common
20 household. ~~"Dwelling unit" excludes~~ DOES NOT INCLUDE real property used
21 to accommodate a mobile home, unless the mobile home is rented or leased
22 by the landlord.
23 5. "Good faith" means honesty in fact in the conduct or transaction
24 concerned.
25 6. "HOUSING ASSISTANCE PAYMENT" MEANS ANY PAYMENT MADE TO THE
26 LANDLORD BY A GOVERNMENT AGENCY, A PUBLIC HOUSING AUTHORITY OR ANY THIRD
27 PARTY ON BEHALF OF A GOVERNMENT AGENCY, A PUBLIC HOUSING AUTHORITY OR ANY
28 FOR-PROFIT ENTITY PURSUANT TO A SEPARATE WRITTEN RENTAL ASSISTANCE OR
29 SUBSIDY CONTRACT BETWEEN THE LANDLORD AND THE GOVERNMENT AGENCY, PUBLIC
30 HOUSING AUTHORITY OR THIRD PARTY ON BEHALF OF A GOVERNMENT AGENCY, PUBLIC
31 HOUSING AUTHORITY OR FOR-PROFIT ENTITY. HOUSING ASSISTANCE PAYMENT DOES
32 NOT INCLUDE ANY PAYMENT MADE BY A FAITH-BASED ORGANIZATION, A COMMUNITY
33 ACTION AGENCY PROGRAM OR A NONPROFIT ENTITY.
34 ~~6.~~ 7. "Landlord" means the owner, lessor or sublessor of the
35 dwelling unit or the building of which it is a part, and it also means a
36 manager of the premises who fails to disclose as required by section
37 33-1322.
38 ~~7.~~ 8. "Organization" includes a corporation, government,
39 governmental subdivision or agency, business trust, estate, trust,
40 partnership or association, two or more persons having a joint or common
41 interest and any other legal or commercial entity ~~which~~ THAT is a
42 landlord, owner, manager or constructive agent pursuant to section
43 33-1322.

1 agreement shall contain a date on which the balance of the rent is
2 due. The landlord may proceed as provided in THIS article ~~4 of this~~
3 ~~chapter~~ and in title 12, chapter 8 against a tenant in breach of this
4 agreement or any other breach of the original rental agreement. If the
5 landlord has provided the tenant with a notice of failure to pay rent as
6 specified in section 33-1368, subsection B ~~prior to~~ BEFORE the completion
7 of the agreement for partial payment, no additional notice under section
8 33-1368, subsection B is required in case of a breach of the partial
9 payment agreement.

10 B. FOR THE PURPOSES OF THIS SECTION, A LANDLORD'S ACCEPTANCE OF A
11 HOUSING ASSISTANCE PAYMENT DOES NOT CONSTITUTE AN ACCEPTANCE OF A PARTIAL
12 PAYMENT OF RENT OR A WAIVER OF A LANDLORD'S RIGHT TO TERMINATE THE RENTAL
13 AGREEMENT FOR ANY BREACH BY THE TENANT.

14 ~~B.~~ C. Except as specified in ~~subsection~~ SUBSECTIONS A AND B of
15 this section, acceptance of rent, or any portion ~~thereof~~ OF RENT, with
16 knowledge of a default by THE tenant or acceptance of performance by the
17 tenant that varied from the terms of the rental agreement or rules or
18 regulations subsequently adopted by the landlord constitutes a waiver of
19 the right to terminate the rental agreement for that breach.

APPROVED BY THE GOVERNOR JUNE 7, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 7, 2019.