

House Engrossed

long-term RV act; manager education

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HOUSE BILL 2633

AN ACT

AMENDING SECTIONS 33-1409, 33-1476.02 AND 33-2102, ARIZONA REVISED STATUTES; AMENDING TITLE 33, CHAPTER 19, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-2108; AMENDING SECTION 33-2144, ARIZONA REVISED STATUTES; RELATING TO THE RECREATIONAL VEHICLE LONG-TERM RENTAL SPACE ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 33-1409, Arizona Revised Statutes, is amended to
3 read:

4 33-1409. General definitions

5 Subject to additional definitions that are contained in subsequent
6 articles of this chapter and that apply to those specific articles, and
7 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. "Anniversary date" means an annual date applying to all tenants
12 stated in the rental agreement on which the landlord may adjust the amount
13 of rent.

14 3. "Appurtenances" means awnings, sheds, porches and other
15 attachments to the mobile home.

16 4. "Building and housing codes" includes any law, ordinance or
17 governmental regulation concerning fitness for habitation, or the
18 construction, maintenance, operation, occupancy, use or appearance of any
19 premises, dwelling unit or mobile home space.

20 5. "Change in use" means either of the following:

21 (a) A change in the use of land from the rental of mobile home
22 spaces in a mobile home park to some other use.

23 (b) The redevelopment of the mobile home park.

24 6. "Compatible" means a mobile home that is in a similar condition
25 as the majority of the other mobile homes in the mobile home park, as
26 determined by the maintenance, condition and overall appearance of the
27 mobile home.

28 7. "Director" means the director of the Arizona department of
29 housing.

30 8. ~~"Dwelling unit" excludes~~ DOES NOT INCLUDE real property used to
31 accommodate a mobile home.

32 9. "Educational program" means a class, workshop or educational
33 convention that primarily instructs attendees on issues dealing with the
34 operation of a mobile home park OR RECREATIONAL VEHICLE PARK, OR BOTH, and
35 that is sponsored by a nonprofit organization whose sole or primary
36 purpose is the advocacy and promotion of the rental mobile home parks OR
37 RECREATIONAL VEHICLE PARKS industry, OR BOTH.

38 10. "Fund" means the mobile home relocation fund.

39 11. "Good faith" means honesty in fact in the conduct or
40 transaction concerned.

41 12. "Guest" means a nonresident, over and above the occupancy limit
42 set for the resident's space under the terms of the rental agreement or by
43 park rules, of a mobile home park who stays at the home of a person with
44 constructive possession of the home with the consent of the resident for

1 one or more nights and not more than thirty days in any ~~twelve-month~~
2 TWELVE-MONTH period.

3 13. "Landlord" means ANY OF THE FOLLOWING:

4 (a) The owner, lessor, sublessor or operator, or any combination
5 thereof, of a mobile home park. ~~and it also means~~

6 (b) A manager of the premises who fails to disclose as required by
7 section 33-1432.

8 14. "Mobile home":

9 (a) Means either of the following:

10 (i) A residential structure that was manufactured on or before
11 June 15, 1976, that is transportable in one or more sections, eight feet
12 or more in body width, over thirty feet in body length with the hitch,
13 built on an integral chassis, designed to be used as a dwelling when
14 connected to the required utilities and not originally sold as a travel
15 trailer or recreational vehicle and that includes the plumbing, heating,
16 air conditioning and electrical systems in the structure.

17 (ii) A manufactured home built after June 15, 1976, originally
18 bearing an appropriate insignia of approval issued by the United States
19 department of housing and urban development.

20 (b) Does not include either of the following:

21 (i) A recreational vehicle such as a motor home, camping trailer,
22 van, fifth wheel trailer or other type of recreational vehicle.

23 (ii) A structure known as a park model trailer that is a structure
24 built on a single chassis, mounted on wheels and designed to be connected
25 to the utilities necessary for the operation of installed fixtures and
26 appliances and that has a gross interior area of not less than three
27 hundred twenty square feet and not more than four hundred square feet when
28 prepared for occupancy.

29 15. "Mobile home park" means any parcel of land that contains four
30 or more mobile home spaces.

31 16. "Mobile home space" means a parcel of land for rent that has
32 been designed to accommodate a mobile home and provide the required sewer
33 and utility connections.

34 17. "Moving expenses" means the cost incurred by the tenant whose
35 mobile home is moved for taking down, transporting and setting up the
36 mobile home with the identical, or substantially similar, improvements as
37 were attached to the tenant's mobile home on the mobile home space from
38 which it was removed but does not include the cost of landscaping or the
39 cost of utility lines, trenching or utility connections located in excess
40 of twenty-five feet from the point of hookup on the mobile home.

41 18. "Organization" includes a corporation, limited liability
42 company, government, governmental subdivision or agency, business trust,
43 estate, trust, partnership or association, two or more persons having a
44 joint or common interest and any other legal or commercial entity ~~which~~

1 THAT is a landlord, owner, manager or designated agent pursuant to section
2 33-1432.

3 19. "Owner" means one or more persons, jointly or severally, in
4 whom is vested all or part of the legal title to property or all or part
5 of the beneficial ownership and a right to present use and enjoyment of
6 the premises. ~~The term~~ OWNER includes a mortgagee in possession.

7 20. "Park manager" means the person who is primarily responsible
8 for the day-to-day operation of a mobile home park.

9 21. "Person" includes a company, partnership or firm as well as a
10 natural person.

11 22. "Premises" means the mobile home park and its existing
12 facilities and appurtenances, including furniture and utilities ~~where~~ IF
13 applicable, and grounds, areas and existing facilities held out for the
14 use of tenants generally or whose use is promised to the tenant.

15 23. "Prospective tenant" means a person who desires to become a
16 tenant.

17 24. "Redevelopment of the mobile home park" means that the spaces
18 being redeveloped shall remain vacant for at least one hundred eighty days
19 after the effective date of all change in use notices that are given to
20 the tenants and either of the following applies:

21 (a) A minimum of twenty-five percent of the spaces in the park, in
22 groups of at least five contiguous spaces, are being changed into an
23 upgraded mobile home park.

24 (b) A minimum of twenty-five of the total number of spaces in the
25 park, in groups of at least five contiguous spaces, are being changed into
26 an upgraded mobile home park.

27 25. "Rent" means payments to be made to the landlord or designated
28 agent in full consideration for the rented premises.

29 26. "Rental agreement" means leases or agreements and valid rules
30 adopted under section 33-1452 embodying the terms and conditions
31 concerning the use and occupancy of a mobile home space and premises, and
32 includes month-to-month tenancies that arise out of the expiration of a
33 written rental agreement pursuant to section 33-1413.

34 27. "Resident" means a person entitled under a rental agreement to
35 occupy a mobile home space to the exclusion of others and does not include
36 a person rendering necessary live-in care under section 33-1413.03.

37 28. "Security" or "security deposit" means any refundable money or
38 property given to assure payment or performance under a rental agreement.

39 29. "Tenant" means a person signing a rental agreement or otherwise
40 agreeing with a landlord for the occupancy of a mobile home space.

41 30. "Visitor" means a nonresident of a mobile home park who stays
42 at the home of a resident with the consent of the resident but does not
43 stay overnight.

1 Sec. 2. Section 33-1476.02, Arizona Revised Statutes, is amended to
2 read:

3 33-1476.02. Mobile home relocation fund; investment of monies

4 A. The mobile home relocation fund is established consisting of
5 monies collected pursuant to sections 33-1476.03 and 33-2151 and any
6 surcharge collected pursuant to ~~section~~ SECTIONS 33-1437 AND 33-2108. The
7 director shall administer the fund.

8 B. Fund monies shall be used as prescribed in sections 33-1476.04
9 and 41-4008 and to pay premiums and other costs of purchasing, from a
10 private insurer who is licensed to transact insurance business in this
11 state, insurance coverage for tenant relocation costs due to a change in
12 use as prescribed in sections 33-1476.01, ~~and~~ 33-1476.05, 33-2149 AND
13 33-2150. Any insurance rebates shall be deposited in the fund. If such
14 insurance is not available, or if the insurance costs exceed the amount
15 available from the fund, the fund shall be used to make direct payments
16 for tenant relocation costs. Monies in the fund in excess of the amount
17 required for these purposes shall be used, as necessary, to support the
18 Arizona department of housing's administration of the hearing function
19 pursuant to section 41-4062 and the Arizona department of housing's
20 administration of section 33-1437, subsection C AND SECTION 33-2108,
21 SUBSECTION C.

22 C. On notice from the director, the state treasurer shall invest
23 and divest monies in the fund as provided by section 35-313, and monies
24 earned from investment shall be credited to the fund. Any unexpended and
25 unencumbered monies remaining in the fund at the end of the fiscal year do
26 not revert to the state general fund but remain in the fund, separately
27 accounted for, as a contingency reserve.

28 D. The director may adopt, amend or repeal rules pursuant to title
29 41, chapter 6 for the administration of the fund. Fund monies shall be
30 paid to the Arizona department of housing to offset the costs of
31 administering the fund, including the direct and indirect costs of
32 processing applications for reimbursement submitted under section 41-4008
33 and administering the direct and indirect costs of section 33-1437,
34 subsection C. The attorney general shall review the costs charged to the
35 fund.

36 Sec. 3. Section 33-2102, Arizona Revised Statutes, is amended to
37 read:

38 33-2102. Definitions

39 In this chapter, unless the context otherwise requires:

40 1. "Action" includes recoupment, counterclaim, setoff, suit in
41 equity and any other proceeding in which rights are determined, including
42 an action for possession.

43 2. "Appurtenances" means awnings, sheds, porches and other
44 attachments to the recreational vehicle.

1 3. "Change in use" means a change in the use of land from the
2 rental of recreational vehicle spaces in a recreational vehicle park to
3 some other use.

4 4. "Compatible" means a recreational vehicle that is in a similar
5 condition as the majority of the other recreational vehicles in the
6 recreational vehicle park, as determined by the maintenance, condition and
7 overall appearance of the recreational vehicle.

8 5. "EDUCATIONAL PROGRAM" MEANS A CLASS, WORKSHOP OR EDUCATIONAL
9 CONVENTION THAT PRIMARILY INSTRUCTS ATTENDEES ON ISSUES DEALING WITH THE
10 OPERATION OF A MOBILE HOME PARK OR RECREATIONAL VEHICLE PARK, OR BOTH, AND
11 THAT IS SPONSORED BY A NONPROFIT ORGANIZATION WHOSE SOLE OR PRIMARY
12 PURPOSE IS THE ADVOCACY AND PROMOTION OF THE RENTAL MOBILE HOME PARKS OR
13 RECREATIONAL VEHICLE PARKS INDUSTRY, OR BOTH.

14 ~~5.~~ 6. "Factory-built building" means a residential or
15 nonresidential building, including a dwelling unit or habitable room of
16 the building, that is either wholly or in substantial part manufactured at
17 an off-site location to be assembled on site, except that it does not
18 include a manufactured home, recreational vehicle or mobile home as
19 defined in section 41-4001.

20 ~~6.~~ 7. "Good faith" means honesty in fact in the conduct or
21 transaction concerned.

22 ~~7.~~ 8. "Guest" means a nonresident of a recreational vehicle park,
23 over and above the limit set for the resident's space under the terms of
24 the rental agreement or by park rules, who stays at the home of a person
25 with constructive possession of the home with the consent of the resident
26 for one or more nights and not more than fourteen days in any ~~twelve-month~~
27 TWELVE-MONTH period.

28 ~~8.~~ 9. "Landlord" means:

29 (a) The owner, lessor, sublessor or operator, or any combination of
30 these persons, of a recreational vehicle park.

31 (b) A manager of the premises.

32 ~~9.~~ 10. "Mobile home" means either of the following:

33 (a) A residential structure that was manufactured on or before
34 June 15, 1976, that is transportable in one or more sections, eight feet
35 or more in body width, over thirty feet in body length with the hitch,
36 built on an integral chassis, designed to be used as a dwelling when
37 connected to the required utilities and not originally sold as a travel
38 trailer or recreational vehicle and that includes the plumbing, heating,
39 air conditioning and electrical systems in the structure.

40 (b) A manufactured home built after June 15, 1976, originally
41 bearing an appropriate insignia of approval issued by the United States
42 department of housing and urban development.

43 ~~10.~~ 11. "Mobile home park" means any parcel of land that contains
44 four or more mobile home spaces and two or more recreational vehicle
45 spaces.

1 ~~11.~~ 12. "Mobile home space" means a parcel of land for rent that
2 has been designed to accommodate a mobile home and provide the required
3 sewer and utility connections.

4 ~~12.~~ 13. "Notice" means delivery by hand or mailed by registered or
5 certified mail to the last known address of the landlord or tenant. If
6 notice is mailed by registered or certified mail, the landlord or tenant
7 is deemed to have received the notice on the date the notice is actually
8 received or five days after the date the notice is mailed, whichever
9 occurs first.

10 ~~13.~~ 14. "Organization" includes a corporation, government,
11 governmental subdivision or agency, business trust, estate, trust,
12 partnership or association, two or more persons having a joint or common
13 interest and any other legal or commercial entity that is a landlord,
14 owner, manager or designated agent.

15 ~~14.~~ 15. "Owner" means one or more persons, jointly or severally,
16 in whom is vested all or part of the legal title to property or all or
17 part of the beneficial ownership and a right to present use and enjoyment
18 of the premises. Owner includes a mortgagee in possession.

19 16. "PARK MANAGER" MEANS THE PERSON WHO IS PRIMARILY RESPONSIBLE
20 FOR THE DAY-TO-DAY OPERATION OF A MOBILE HOME PARK OR RECREATIONAL VEHICLE
21 PARK, OR BOTH.

22 17. "PARK MODEL PARK" MEANS A RECREATIONAL VEHICLE PARK WITH FOUR
23 OR MORE PARK MODEL SPACES.

24 ~~15.~~ 18. "Person" includes a company, partnership or firm as well
25 as a natural person.

26 ~~16.~~ 19. "Premises" means the recreational vehicle park and
27 existing facilities and appurtenances in the park, including furniture and
28 utilities, if applicable, and grounds, areas and existing facilities held
29 out for the use of tenants generally or whose use is promised to the
30 tenant.

31 ~~17.~~ 20. "Prospective tenant" means a person who expresses an
32 interest to a landlord in becoming a tenant.

33 ~~18.~~ 21. "Recreational vehicle" means a ~~vehicular-type~~
34 VEHICULAR-TYPE unit that is any of the following:

35 (a) A portable camping trailer mounted on wheels and constructed
36 with collapsible partial sidewalls that fold for towing by another vehicle
37 and unfold for camping.

38 (b) A motor home designed to provide temporary living quarters for
39 recreational, camping or travel use and built on or permanently attached
40 to a self-propelled motor vehicle chassis or on a chassis cab or van that
41 is an integral part of the completed vehicle.

42 (c) A park trailer or park model built on a single chassis, mounted
43 on wheels or originally mounted on wheels and from which the wheels have
44 been removed and designed to be connected to utilities necessary for
45 operation of installed fixtures and appliances and has a gross trailer

1 area of not less than three hundred twenty square feet and not more than
2 four hundred square feet when it is set up, except that it does not
3 include fifth wheel trailers.

4 (d) A travel trailer mounted on wheels, designed to provide
5 temporary living quarters for recreational, camping or travel use and of a
6 size or weight that may or may not require special highway movement
7 permits when towed by a motorized vehicle and that has a trailer area of
8 less than three hundred twenty square feet. This subdivision includes
9 fifth wheel trailers. If a unit requires a size or weight permit, it shall
10 be manufactured to the standards for park trailers in section A 119.5 of
11 the American national standards institute code.

12 (e) A portable truck camper constructed to provide temporary living
13 quarters for recreational, camping or travel use and consisting of a roof,
14 floor and sides designed to be loaded onto and unloaded from the bed of a
15 pickup truck.

16 ~~19.~~ 22. "Recreational vehicle space" means a parcel of land for
17 rent that has been designed to accommodate a recreational vehicle and
18 provide the required sewer and utility connections.

19 ~~20.~~ 23. "Rent" means payments to be made to the landlord or
20 designated agent in full consideration for the rented premises.

21 ~~21.~~ 24. "Rental agreement" means oral or written leases or
22 agreements and valid rules embodying the terms and conditions concerning
23 the use and occupancy of a recreational vehicle space.

24 ~~22.~~ 25. "Resident" means a person entitled under a rental
25 agreement to occupy a recreational vehicle space to the exclusion of
26 others.

27 ~~23.~~ 26. "Security deposit" means money or property given to assure
28 payment or performance under a rental agreement.

29 ~~24.~~ 27. "Tenant" means a person signing a rental agreement or
30 otherwise agreeing with a landlord for the occupancy of a recreational
31 vehicle space for more than one hundred eighty days.

32 ~~25.~~ 28. "Visitor" means a nonresident of a recreational vehicle
33 park who stays at the home of a resident with the consent of the resident
34 but does not stay overnight.

35 Sec. 4. Title 33, chapter 19, article 1, Arizona Revised Statutes,
36 is amended by adding section 33-2108, to read:

37 33-2108. Education requirements for park managers; complaint;
38 civil penalty

39 A. WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, A
40 PARK MANAGER IN A PARK MODEL PARK THAT IS SUBJECT TO THIS CHAPTER SHALL
41 COMPLETE AT LEAST SIX HOURS OF EDUCATIONAL PROGRAMS AND SHALL COMPLETE AT
42 LEAST SIX ADDITIONAL HOURS OF EDUCATIONAL PROGRAMS EVERY TWO YEARS. FOR A
43 NEWLY EMPLOYED PARK MANAGER IN A PARK MODEL PARK THAT IS SUBJECT TO THIS
44 CHAPTER, THE PARK MANAGER SHALL COMPLETE THE INITIAL SIX HOURS OF
45 EDUCATIONAL PROGRAMS WITHIN SIX MONTHS AFTER BEGINNING EMPLOYMENT AND

1 SHALL COMPLETE AT LEAST SIX ADDITIONAL HOURS OF EDUCATIONAL PROGRAMS EVERY
2 TWO YEARS THEREAFTER.

3 B. A PARK MANAGER SHALL POST PROOF OF COMPLETION OF AND COMPLIANCE
4 WITH THE EDUCATIONAL PROGRAM REQUIREMENTS PRESCRIBED BY THIS SECTION IN A
5 CONSPICUOUS PLACE AT THE RECREATIONAL VEHICLE PARK.

6 C. A TENANT MAY FILE A COMPLAINT WITH THE DIRECTOR OF THE ARIZONA
7 DEPARTMENT OF HOUSING IF, ON REQUEST FROM THE TENANT, THE TENANT'S PARK
8 MANAGER CANNOT PRODUCE PROOF OF COMPLETION OF THE REQUIREMENTS PRESCRIBED
9 IN THIS SECTION. THE DIRECTOR OF THE ARIZONA DEPARTMENT OF HOUSING SHALL
10 ISSUE A SHOW CAUSE ORDER TO THE LANDLORD DIRECTING THE LANDLORD TO PROVIDE
11 PROOF THAT THE PARK MANAGER IS IN COMPLIANCE WITH SUBSECTION A OF THIS
12 SECTION. IF THE LANDLORD FAILS TO PRODUCE SATISFACTORY EVIDENCE OF
13 COMPLIANCE OR FAILS TO RESPOND WITHIN THIRTY DAYS AFTER SERVICE BY
14 CERTIFIED MAIL OF THE SHOW CAUSE ORDER, THE DIRECTOR SHALL IMPOSE A \$500
15 CIVIL PENALTY ON THE LANDLORD, WITH AN ADDITIONAL \$500 PER MONTH CIVIL
16 PENALTY TO ACCRUE EACH FULL CALENDAR MONTH BEGINNING WITH THE SECOND MONTH
17 FOLLOWING SERVICE OF THE NOTICE OF IMPOSITION OF CIVIL PENALTY. ALL CIVIL
18 PENALTIES SHALL BE EXONERATED IF, WITHIN SIX MONTHS AFTER SERVICE OF THE
19 NOTICE OF IMPOSITION OF CIVIL PENALTY, THE LANDLORD FURNISHES SATISFACTORY
20 EVIDENCE OF COMPLIANCE. IF THE LANDLORD DOES NOT FURNISH SATISFACTORY
21 EVIDENCE OF COMPLIANCE, THE DIRECTOR SHALL REFER THE MATTER TO THE
22 ATTORNEY GENERAL FOR ENFORCEMENT AND COLLECTION OF THE CIVIL PENALTIES AND
23 A TEN PERCENT SURCHARGE ON THE TOTAL AMOUNT OF THE CIVIL PENALTIES
24 COLLECTED. ALL CIVIL PENALTIES SHALL BE DEPOSITED IN THE STATE GENERAL
25 FUND AND THE TEN PERCENT SURCHARGE SHALL BE DEPOSITED IN THE MOBILE HOME
26 RELOCATION FUND ESTABLISHED BY SECTION 33-1476.02.

27 Sec. 5. Section 33-2144, Arizona Revised Statutes, is amended to
28 read:

29 33-2144. Abandonment

30 A. If a tenant abandons a recreational vehicle on the RECREATIONAL
31 VEHICLE space, the landlord shall notify the owner and lienholder of
32 record of the recreational vehicle within fifteen days about the owner's
33 or lienholder's liability for any costs incurred for the rental space
34 including rent and utility costs due. Before notice is provided to the
35 legal owner or lienholder, the landlord is entitled to a maximum of sixty
36 days' rent. After notice is provided, the legal owner or lienholder is
37 responsible for all costs. The recreational vehicle shall not be removed
38 from the RECREATIONAL VEHICLE space without a signed statement from the
39 landlord, owner or park manager that shows clearance for removal of the
40 recreational vehicle, that all monies due have been paid in full or that
41 the legal owner and landlord have agreed to allow removal.

42 B. This section applies only to recreational vehicles THAT ARE PARK
43 TRAILERS OR PARK MODELS as defined in section 33-2102, paragraph ~~18~~ 21,
44 subdivision (c).