

REFERENCE TITLE: long-term RV act; manager education

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

## **HB 2633**

Introduced by  
Representative Blackman

### **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.

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

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

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

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

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

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

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

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

(b) A manager of the premises.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) A park trailer or park model built on a single chassis, mounted on wheels or originally mounted on wheels and from which the wheels have been removed and designed to be connected to utilities necessary for 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 EMPLOYMENT AS A PARK MANAGER IN A PARK  
40 MODEL PARK THAT IS SUBJECT TO THIS CHAPTER, A PARK MANAGER SHALL COMPLETE  
41 AT LEAST SIX HOURS OF EDUCATIONAL PROGRAMS AND SHALL COMPLETE AT LEAST SIX  
42 ADDITIONAL HOURS OF EDUCATIONAL PROGRAMS EVERY TWO YEARS.

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



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

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

33-2144. Abandonment

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

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