Senate Engrossed

long-term recreational vehicle parks; caregivers

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 16

SENATE BILL 1257

AN ACT

AMENDING SECTION 33-2132, ARIZONA REVISED STATUTES; RELATING TO THE RECREATIONAL VEHICLE LONG-TERM RENTAL SPACE ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 33-2132, Arizona Revised Statutes, is amended to read:

33-2132. Rules
A. A landlord shall adopt written rules, however described, concerning the tenant’s use and occupancy of the premises. Rules are enforceable against the tenant only if:
    1. They apply to all tenants on the premises in a fair manner.
    2. They are sufficiently explicit in prohibition, direction or limitation of the tenant’s conduct to fairly inform the tenant of what the tenant must or must not do to comply.
    3. They are not for the purpose of evading the obligations of the landlord.
    4. The prospective tenant has a copy of the current rules before entering into the rental agreement.

B. If the owner or agent adds, changes, deletes or amends any rule, the owner or agent shall provide notice in writing of all additions, changes, deletions or amendments to all tenants thirty days before they become effective. Any rule or condition of occupancy that is unfair and deceptive or that does not conform to the requirements of this chapter is unenforceable. A rule adopted after the tenant enters into the rental agreement is enforceable against the tenant only if the rule does not substantially modify the rental agreement. For purposes of this subsection, notice shall be by personal delivery or mailed by first class or certified mail.

C. A landlord shall not:
    1. Deny rental unless the prospective resident cannot conform to park rules. A landlord is not required to enter into an initial recreational vehicle space agreement in excess of one hundred seventy-nine days.
    2. Charge an exit fee to a tenant whose rental agreement has expired.
    3. Require a person as a precondition to renting, leasing or otherwise occupying a recreational vehicle space in a recreational vehicle or mobile home park to pay an entrance or exit fee, unless the fee is for services that are actually rendered or pursuant to a written agreement.
    4. Deny any resident of a recreational vehicle park the right to sell the recreational vehicle at a price of the resident’s own choosing during the term of the tenant’s rental agreement, but the landlord may reserve the right to approve the purchaser of the recreational vehicle as a tenant. This permission shall not be unreasonably withheld, except that the landlord may require, in order to preserve or upgrade the quality of the recreational vehicle park, that any recreational vehicle not compatible with the other recreational vehicles in the park, in a rundown condition or in disrepair be removed from the park within sixty days.
Within ten days after a written request by the seller or prospective purchaser, a landlord shall notify the seller and the prospective purchaser in writing of any reasons for withholding approval of a purchase pursuant to this paragraph. The notice to the prospective purchaser shall identify the reasons for disapproval with reasonable specificity. The notice to the seller shall identify the reasons in summary fashion consistent with applicable federal and state consumer protection laws and shall inform the seller that the seller should consult with the prospective purchaser for more specific details.

5. Require an existing tenant to furnish permanent improvements that cannot be removed without damage to the improvements or to the recreational vehicle space by a tenant at the expiration of the rental agreement.

6. Prohibit a tenant from advertising the sale or exchange of the tenant's recreational vehicle, including the display of a for sale or open house sign on the recreational vehicle or in the window of the recreational vehicle stating the name and contact information of the owner or agent of the recreational vehicle. In addition, a tenant may display a sign on a central posting board in the park that is reasonably accessible to the public seven days a week during daylight hours.

7. Require a tenant or prospective tenant to use any specific sales agency, manufacturer, retailer or broker.

8. Require a tenant to place any additional person's name on the title to the recreational vehicle as a condition of tenancy or residency for that additional person or pay a fee or other form of penalty for failing to place an additional person's name on the title to the recreational vehicle.

D. The landlord shall not prohibit or adopt a rule that prohibits tenants or a tenant association from meeting with permission of the tenant in the tenant's recreational vehicle or from assembling or meeting with or without invited speakers in the park to discuss issues relating to recreational vehicle or mobile home living and affairs, including the forming of a tenant association. Such meetings shall be allowed in common facilities if such meetings are held during normal operating hours of the common facility and when the facility is not otherwise in use. The tenant or tenant association shall be allowed to post notice of a meeting on a bulletin board in the park used for similar notices and shall be allowed to include notice of a meeting in a park newsletter. Meeting notices and meetings prescribed in this subsection shall not constitute a solicitation. For the purposes of this subsection, "common facilities" means a recreation hall, a clubhouse, a community center and any outdoor common area meeting location that is utilized by the tenants.

E. If a tenant dies, any surviving joint tenant or cotenant continues as a tenant with the same rights, privileges and liabilities as if the surviving tenant were the original tenant.
F. A new tenant who brings a recreational vehicle into a park or who purchases an existing recreational vehicle or mobile home shall comply with all rules then in effect.

G. A resident may have one person who is at least eighteen years of age occupy PURSUANT TO STATE AND FEDERAL FAIR HOUSING LAWS, A RESIDENT WHO HAS A DISABILITY AS DEFINED IN SECTION 41-1491 MAY HAVE ONE OR MORE PERSONS OCCUPY the recreational vehicle on a temporary basis to provide necessary live-in health care, to the resident pursuant to a written treatment plan prepared by the resident's physician. The landlord may require the resident to provide a written renewal of the physician's treatment plan every six months. PERSONAL CARE OR SUPPORTIVE SERVICES IF THE CARE OR SERVICES ARE NECESSARY TO AFFORD THE RESIDENT WITH A DISABILITY AN EQUAL OPPORTUNITY TO USE AND ENJOY THE DWELLING. The landlord shall not charge a fee for the person PERSONS rendering LIVE-IN HEALTH care, PERSONAL CARE OR SUPPORTIVE SERVICES. The person PERSONS rendering LIVE-IN HEALTH care, has PERSONAL CARE OR SUPPORTIVE SERVICES HAVE no rights of tenancy. Any agreement between the resident and the person PERSONS rendering LIVE-IN HEALTH care, PERSONAL CARE OR SUPPORTIVE SERVICES does not modify the rental agreement between the landlord and tenant. The person PERSONS rendering LIVE-IN HEALTH care, PERSONAL CARE OR SUPPORTIVE SERVICES shall comply with the rules of the park.

APPROVED BY THE GOVERNOR MARCH 18, 2022.