

Senate Engrossed

REFERENCE TITLE: mobile home parks; caregivers

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SENATE BILL 1259

AN ACT

AMENDING SECTIONS 33-1409 AND 33-1413.03, ARIZONA REVISED STATUTES;
RELATING TO THE ARIZONA MOBILE HOME PARKS 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 33-1409, Arizona Revised Statutes, is amended to
3 read:

4 33-1409. 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 IN THIS CHAPTER 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 real property used to accommodate a
31 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 and that is sponsored by a nonprofit
35 organization whose sole or primary purpose is the advocacy and promotion
36 of the rental mobile home parks industry.

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

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

40 12. "Guest" means a nonresident, over and above the occupancy limit
41 set for the resident's space under the terms of the rental agreement or by
42 park rules, of a mobile home park who stays at the home of a person with
43 constructive possession of the home with the consent of the resident for
44 one or more nights and not more than thirty days in any ~~twelve-month~~
45 TWELVE-MONTH period.

1 13. "Landlord" means the owner, lessor, sublessor or operator, or
2 any combination thereof, of a mobile home park and it also means a manager
3 of the premises who fails to disclose as required by section 33-1432.

4 14. "Mobile home":

5 (a) Means either of the following:

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

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

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

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

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

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

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

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

37 18. "Organization" includes a corporation, limited liability
38 company, government, governmental subdivision or agency, business trust,
39 estate, trust, partnership or association, two or more persons having a
40 joint or common interest and any other legal or commercial entity **which**
41 **THAT** is a landlord, owner, manager or designated agent pursuant to section
42 33-1432.

43 19. "Owner":

44 (a) Means one or more persons, jointly or severally, in whom is
45 vested all or part of the legal title to property or all or part of the

1 beneficial ownership and a right to present use and enjoyment of the
2 premises. ~~The term~~

3 (b) Includes a mortgagee in possession.

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

6 21. "Person" includes a company, partnership or firm as well as a
7 natural person.

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

12 23. "Prospective tenant" means a person who desires to become a
13 tenant.

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

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

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

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

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

31 27. "Resident" means a person entitled under a rental agreement to
32 occupy a mobile home space to the exclusion of others and does not include
33 a person rendering necessary ~~five-in~~ care **OR SERVICES** under section
34 33-1413.03.

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

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

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

1 Sec. 2. Section 33-1413.03, Arizona Revised Statutes, is amended to
2 read:
3 33-1413.03. Care givers
4 ~~A resident may have one person at least eighteen years of age occupy~~
5 PURSUANT TO STATE AND FEDERAL FAIR HOUSING LAWS, A RESIDENT WHO HAS A
6 DISABILITY AS DEFINED IN SECTION 41-1491 MAY HAVE ONE OR MORE PERSONS
7 OCCUPY the resident's mobile home ~~on a temporary basis~~ to provide
8 necessary live-in health care ~~to the resident pursuant to a written~~
9 ~~treatment plan prepared by the resident's physician. The landlord may~~
10 ~~require the resident to provide a written renewal of the physician's~~
11 ~~treatment plan every six months,~~ PERSONAL CARE OR SUPPORTIVE SERVICES IF
12 THE CARE OR SERVICES ARE NECESSARY TO AFFORD THE RESIDENT WITH A
13 DISABILITY AN EQUAL OPPORTUNITY TO USE AND ENJOY THE DWELLING. The
14 landlord shall not charge a fee for the ~~person~~ PERSONS rendering LIVE-IN
15 HEALTH care, PERSONAL CARE OR SUPPORTIVE SERVICES. The ~~person~~ PERSONS
16 rendering LIVE-IN HEALTH care ~~has,~~ PERSONAL CARE OR SUPPORTIVE SERVICES
17 HAVE no rights of tenancy, and any agreement between the resident and
18 ~~person~~ THE PERSONS rendering LIVE-IN HEALTH care ~~in no way modifies,~~
19 PERSONAL CARE OR SUPPORTIVE SERVICES DOES NOT MODIFY any term or condition
20 of the rental agreement between the landlord and tenant. The ~~person~~
21 PERSONS rendering LIVE-IN HEALTH care, PERSONAL CARE OR SUPPORTIVE
22 SERVICES shall comply with the rules and regulations of the mobile home
23 park.