

Senate Engrossed House Bill

~~Arizona board of regents; continuation~~
(now: homestead exemptions; increase)

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2351

AN ACT

AMENDING SECTION 33-1101, ARIZONA REVISED STATUTES; RELATING TO HOMESTEAD EXEMPTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 33-1101, Arizona Revised Statutes, is amended to
3 read:

4 33-1101. Homestead exemptions; persons entitled to hold
5 homesteads; equity

6 A. Any person WHO IS AT LEAST eighteen years of age ~~or over~~,
7 married or single, AND who resides within this state may hold as a
8 homestead exempt from execution and forced sale, not exceeding ~~\$250,000~~
9 \$450,000 in value, any one of the following:

10 1. The person's interest in real property in one compact body on
11 which exists a dwelling house in which the person resides.

12 2. The person's interest in one condominium or cooperative in which
13 the person resides.

14 3. A mobile home in which the person resides.

15 4. A mobile home in which the person resides plus the land on which
16 that mobile home is located.

17 B. Only one homestead exemption may be held by a married couple or
18 a single person under this section. The value as specified in this
19 section refers to the equity of a single person or married couple. If a
20 married couple lived together in a dwelling house, a condominium or
21 cooperative, a mobile home or a mobile home plus land on which the mobile
22 home is located and are then divorced, the total exemption THAT IS allowed
23 for that residence to either or both persons shall not exceed ~~\$250,000~~
24 \$450,000 in value.

25 C. The homestead exemption, not exceeding the value provided for in
26 subsection A of this section, automatically attaches to the person's
27 interest in identifiable cash proceeds from the voluntary or involuntary
28 sale of the property. The homestead exemption in identifiable cash
29 proceeds continues for eighteen months after the date of the sale of the
30 property or until the person establishes a new homestead with the
31 proceeds, whichever period is shorter. The homestead exemption does not
32 attach to the person's interest in identifiable cash proceeds from
33 refinancing the homestead property. Only one homestead exemption at a
34 time may be held by a person under this section.

35 D. For purposes of determining the amount of equity in a homestead
36 property that is sold or for determining whether the property owner is
37 receiving cash back from refinancing the homestead property, the parties
38 may rely on the valuation of the property in the final closing document
39 disclosure that is used for that transaction.

40 Sec. 2. Applicability

41 The increase in the amount of the homestead exemption prescribed by
42 section 33-1101, Arizona Revised Statutes, as amended by this act, applies
43 on the effective date of this act:

44 1. To any recorded and otherwise valid claim of homestead, whether
45 recorded before or after the effective date of this act, against any

1 creditor who attempts to enforce a judgment or lien on or after the
2 effective date of this act.

3 2. To any homestead exemption that is claimed by operation of law
4 pursuant to section 33-1102, Arizona Revised Statutes, against any
5 creditor who attempts to enforce a judgment or lien on or after the
6 effective date of this act.