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

SB 1587

Introduced by
Senator Quezada

AN ACT

AMENDING SECTION 33-1314, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA RESIDENTIAL LANDLORD AND TENANT ACT.

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

Section 1. Section 33-1314, Arizona Revised Statutes, is amended to read:

33-1314. Terms and conditions of rental agreement; contact information; property; pets; rent increase limitation

A. The landlord and tenant may include in a rental agreement terms and conditions not prohibited by this chapter or any other rule of law including rent, term of the agreement and other provisions governing the rights and obligations of the parties.

B. In the absence of a rental agreement, the tenant shall pay as rent the fair rental value for the use and occupancy of the dwelling unit.

C. Rent shall be payable without demand or notice at the time and place agreed on by the parties. Unless otherwise agreed, rent is payable at the dwelling unit and periodic rent is payable at the beginning of any term of one month or less and otherwise in equal monthly installments at the beginning of each month. Unless otherwise agreed, rent shall be uniformly apportionable from day-to-day.

D. Unless the rental agreement fixes a definite term, the tenancy shall be week-to-week in case of a roomer who pays weekly rent, and in all other cases month-to-month.

E. If a municipality that levies a transaction privilege tax on residential rent changes the percentage of that tax, the landlord on thirty days' written notice to the tenant may adjust the amount of rent due to equal the difference caused by the new percentage amount of the tax. The adjustment to rent shall not occur before the date on which the new tax is effective. In order for a landlord to adjust rent pursuant to this subsection, the landlord's right to adjust rent pursuant to this subsection shall be disclosed in the rental agreement.

F. Notwithstanding section 14-3911, the landlord may request and the tenant may provide and routinely update the name and contact information of a person who is authorized by the tenant to enter the tenant's dwelling unit to retrieve and store the tenant's property, including the tenant's animal, if the tenant dies or is otherwise incapacitated. If the landlord is unable to contact the authorized person at the address and telephone number provided to the landlord by the tenant or the authorized person fails to respond to the landlord's request within one day for the animal or ten days for all other property after initial written contact, the landlord may dispose of the property as prescribed in section 33-1370 or may deem the animal abandoned, and if deemed abandoned, shall remove AND RELEASE the animal to an animal shelter or boarding facility as prescribed in section 33-1370, subsection E. The landlord may release the animal to a relative of the deceased or incapacitated tenant if any of the following applies:
1. The landlord was not provided the contact information of a person who is authorized by the tenant to retrieve the tenant's animal.
2. The contact information is no longer valid.
3. The landlord is unable to contact the authorized person after one calendar day.

G. Before removing any of the tenant's personal property or the tenant's animal, the authorized person shall present to the landlord a valid government issued identification that confirms the identity of the authorized person. The authorized person shall have twenty days after the date of initial written contact by the landlord or the last date for which rent is paid, whichever is longer, to remove items from the rental property and return keys to the landlord during regular business hours.

If the landlord allows an authorized person to enter the property to remove the tenant's personal possessions as prescribed by this subsection, the landlord has no further liability to the tenant, the tenant's estate or the tenant's heirs for lost, damaged or stolen items. If the tenant's personal property is not entirely removed from the rental unit by an authorized person, the landlord may dispose of the property as prescribed in section 33-1370.

H. Subsections F and G of this section apply only as follows:
1. To the tenant's personal property if the periodic rent is unpaid and outstanding for at least five days.
2. To the tenant's animal if the tenant is deceased or is otherwise incapacitated.

I. The maximum amount of a permissible rent increase for a tenant is the lesser of the following amounts:
1. Five percent of the lowest rental rate charged during the twelve months immediately preceding the date on which the rental increase takes effect plus the rate of inflation as determined by the gross domestic product price deflator index published by the United States Department of Commerce, Bureau of Economic Analysis.
2. Ten percent of the lowest rental rate charged during the twelve months immediately preceding the date on which the rental increase takes effect.