

REFERENCE TITLE: **mobile home park managers; training**

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2189

Introduced by
Representative Bliss

AN ACT

AMENDING SECTIONS 33-1409, 33-1437 AND 33-1476.02, 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 In this chapter unless the context otherwise requires:

6 1. "Action" includes recoupment, counterclaim, setoff, suit in
7 equity and any other proceeding in which rights are determined, including
8 an action for possession.

9 2. "AGENT" MEANS A MOBILE HOME PARK EMPLOYEE, CONTRACTOR, PARK
10 MANAGER OR ASSISTANT MANGER OR A PERSON WHO IS OTHERWISE ACTING IN AN
11 ON-SITE OR OFF-SITE MANAGERIAL CAPACITY OR ROLE.

12 ~~2.~~ 3. "Anniversary date" means an annual date applying to all
13 tenants stated in the rental agreement on which the landlord may adjust
14 the amount of rent.

15 ~~3.~~ 4. "Appurtenances" means awnings, sheds, porches and other
16 attachments to the mobile home.

17 ~~4.~~ 5. "Building and housing codes" includes any law, ordinance or
18 governmental regulation concerning fitness for habitation, or the
19 construction, maintenance, operation, occupancy, use or appearance of any
20 premises, dwelling unit or mobile home space.

21 ~~5.~~ 6. "Change in use" means either of the following:

22 (a) A change in the use of land from the rental of mobile home
23 spaces in a mobile home park to some other use.

24 (b) The redevelopment of the mobile home park.

25 ~~6. "Compatible" means a mobile home that is in a similar condition
26 as the majority of the other mobile homes in the mobile home park, as
27 determined by the maintenance, condition and overall appearance of the
28 mobile home.~~

29 7. "DEPARTMENT" MEANS THE ARIZONA DEPARTMENT OF HOUSING.

30 ~~7.~~ 8. "Director" means the director of the ~~Arizona~~ department of
31 housing.

32 ~~8.~~ 9. "Dwelling unit" ~~excludes~~ DOES NOT INCLUDE real property used
33 to accommodate a mobile home.

34 ~~9.~~ 10. "Educational program" means a class, workshop or
35 educational convention that primarily instructs attendees on issues
36 dealing with the operation of a mobile home park and that is sponsored by
37 a nonprofit organization whose sole or primary purpose is the advocacy and
38 promotion of the rental mobile home parks industry.

39 ~~10.~~ 11. "Fund" means the mobile home relocation fund.

40 ~~11.~~ 12. "Good faith" means honesty in fact in the conduct or
41 transaction concerned.

42 ~~12.~~ 13. "Guest" means a nonresident, over and above the occupancy
43 limit set for the resident's space under the terms of the rental agreement
44 or by park rules, of a mobile home park who stays at the home of a person
45 with constructive possession of the home with the consent of the resident

1 for one or more nights and not more than thirty days in any twelve-month
2 period.

3 ~~13.~~ 14. "Landlord" means the owner, lessor, sublessor or operator,
4 or any combination thereof, of a mobile home park and it also means a
5 manager of the premises who fails to disclose as required by section
6 33-1432.

7 ~~14.~~ 15. "Mobile home":

8 (a) Means either of the following:

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

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

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

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

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

28 ~~15.~~ 16. "Mobile home park" means any parcel of land that contains
29 four or more mobile home spaces.

30 ~~16.~~ 17. "Mobile home space" means a parcel of land for rent that
31 has been designed to accommodate a mobile home and provide the required
32 sewer and utility connections.

33 ~~17.~~ 18. "Moving expenses" means the cost incurred by the tenant
34 whose mobile home is moved for taking down, transporting and setting up
35 the mobile home with the identical, or substantially similar, improvements
36 as were attached to the tenant's mobile home on the mobile home space from
37 which it was removed but does not include the cost of landscaping or the
38 cost of utility lines, trenching or utility connections located in excess
39 of twenty-five feet from the point of hookup on the mobile home.

40 ~~18.~~ 19. "Organization" includes a corporation, limited liability
41 company, government, governmental subdivision or agency, business trust,
42 estate, trust, partnership or association, two or more persons having a
43 joint or common interest and any other legal or commercial entity that is
44 a landlord, owner, manager or designated agent pursuant to section
45 33-1432.

1 ~~19.~~ **20.** "Owner":

2 (a) Means one or more persons, jointly or severally, in whom is
3 vested all or part of the legal title to property or all or part of the
4 beneficial ownership and a right to present use and enjoyment of the
5 premises.

6 (b) Includes a mortgagee in possession.

7 ~~20.~~ **21.** "Park manager" means the person who is primarily
8 responsible for the day-to-day operation of a mobile home park.

9 ~~21.~~ **22.** "Person" includes a company, partnership or firm as well
10 as a natural person.

11 ~~22.~~ **23.** "Premises" means the mobile home park and its existing
12 facilities and appurtenances, including furniture and utilities where
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.~~ **24.** "Prospective tenant" means a person who desires to become
16 a tenant.

17 ~~24.~~ **25.** "Redevelopment of the mobile home park" means that the
18 spaces being redeveloped shall remain vacant for at least one hundred
19 eighty days after the effective date of all change in use notices that are
20 given to 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.~~ **26.** "Rent" means payments to be made to the landlord or
28 designated agent in full consideration for the rented premises.

29 ~~26.~~ **27.** "Rental agreement" means leases or agreements and valid
30 rules 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.~~ **28.** "Resident" means a person entitled under a rental
35 agreement to occupy a mobile home space to the exclusion of others and
36 does not include a person rendering necessary care or services under
37 section 33-1413.03.

38 ~~28.~~ **29.** "Security" or "security deposit" means any refundable
39 money or property given to assure payment or performance under a rental
40 agreement.

41 ~~29.~~ **30.** "Tenant" means a person signing a rental agreement or
42 otherwise agreeing with a landlord for the occupancy of a mobile home
43 space.

1 30. 31. "Visitor" means a nonresident of a mobile home park who
2 stays at the home of a resident with the consent of the resident but does
3 not stay overnight.

4 Sec. 2. Section 33-1437, Arizona Revised Statutes, is amended to
5 read:

6 33-1437. Agents; education and training requirements;
7 third-party providers; review; certification;
8 posting; complaints; civil penalty; surcharge

9 A. ~~Within six months after employment as a park manager, a park~~
10 ~~manager shall complete at least six hours of educational programs and~~
11 ~~shall complete at least six additional hours of educational programs every~~
12 ~~two years.~~

13 A. EITHER DIRECTLY OR THROUGH ITS AGENT, EACH LANDLORD SHALL
14 COMPLETE APPROPRIATE EDUCATION AND TRAINING EVERY TWO YEARS AS PRESCRIBED
15 BY THIS SECTION. THE EDUCATION AND TRAINING MAY USE VARIOUS METHODS OF
16 INSTRUCTION, INCLUDING LECTURES, INSTRUCTIONAL VIDEOS AND ONLINE COURSES.

17 B. THE PRIMARY FOCUS OF THE REQUIRED EDUCATION AND TRAINING SHALL
18 BE THE FOLLOWING:

- 19 1. THE RIGHTS AND RESPONSIBILITIES OF HOMEOWNERS AND MANAGEMENT.
- 20 2. MANAGEMENT'S RESPONSE TO HOMEOWNER COMPLAINTS.
- 21 3. COMMUNICATION WITH HOMEOWNERS.

22 4. ANY CHANGES OR UPDATES TO THE ARIZONA MOBILE HOME PARKS
23 RESIDENTIAL LANDLORD AND TENANT ACT PRESCRIBED IN THIS CHAPTER FROM THE
24 TWO PRIOR CALENDAR YEARS.

25 C. THE EDUCATION AND TRAINING PRESCRIBED BY THIS SECTION SHALL
26 REFERENCE, AT A MINIMUM, THE FOLLOWING PROVISIONS OF THIS CHAPTER:

27 1. THE RENTAL AGREEMENT AS PRESCRIBED IN SECTIONS 33-1413, 33-1414,
28 33-1415 AND 33-1432.

29 2. TENANT OBLIGATIONS AS PRESCRIBED IN ARTICLE 3 OF THIS CHAPTER,
30 INCLUDING SECTION 33-1452 RELATING TO RULES AND REGULATIONS.

31 3. LANDLORD OBLIGATIONS AS PRESCRIBED IN THIS ARTICLE, INCLUDING
32 SECTION 33-1434, RELATING TO THE LANDLORD'S OBLIGATION TO MAINTAIN FIT
33 PREMISES.

34 4. SECTION 33-1413.01 RELATING TO UTILITY CHARGES.

35 5. REMEDIES FOR LANDLORDS AND TENANTS AS PRESCRIBED IN ARTICLE 4 OF
36 THIS CHAPTER.

37 D. THE DIRECTOR SHALL ALLOW A THIRD-PARTY PROVIDER TO OFFER THE
38 EDUCATION AND TRAINING PRESCRIBED BY THIS SECTION FOR THE PERIOD OF TIME
39 THE DIRECTOR DETERMINES THAT THE THIRD-PARTY PROVIDER IS QUALIFIED AND
40 THAT THE PROVIDER'S TRAINING CURRICULUM AND MATERIALS ARE IN COMPLIANCE
41 WITH THIS SECTION. AFTER A THIRD-PARTY PROVIDER IS ALLOWED TO OFFER THIS
42 TRAINING, THE DEPARTMENT SHALL REVIEW THE THIRD-PARTY PROVIDER'S TRAINING
43 CURRICULUM AND MATERIALS EVERY TWO YEARS FOR CONTINUED COMPLIANCE WITH
44 THIS SECTION. IN APPROVING THE TRAINING CURRICULUM AND MATERIALS, THE
45 DEPARTMENT SHALL CONSIDER THE MOST PREVALENT OR COMMON COMPLAINTS

1 RECEIVED, AND, BASED ON THE FINDINGS OF ITS REVIEW, THE DEPARTMENT MAY
2 REQUIRE REVISIONS TO THE CONTENT FOR THE TRAINING CURRICULUM AND
3 MATERIALS.

4 E. ON SUBMITTING DOCUMENTATION OF THE INITIAL REQUIRED EDUCATION
5 AND TRAINING, THE DEPARTMENT SHALL ISSUE THE LANDLORD OR AGENT A
6 CERTIFICATE THAT IS VALID FOR TWO YEARS. ON OR BEFORE THE CERTIFICATE'S
7 EXPIRATION DATE, THE CERTIFICATE HOLDER SHALL SUBMIT A RENEWAL REQUEST ON
8 A FORM PROVIDED BY THE DEPARTMENT THAT INCLUDES DOCUMENTATION OF THE
9 HOLDER'S SUBSEQUENT ADDITIONAL REQUIRED EDUCATION AND TRAINING.

10 ~~B. F. A park manager either directly or through its agent, each~~ LANDLORD shall post proof of completion of and compliance with the ~~educational program~~ EDUCATION AND TRAINING requirements prescribed by this section in a conspicuous place at the mobile home park.

11 ~~C. G. A tenant may file a complaint with the director if, on request from the tenant, the tenant's park manager cannot produce proof of completion of the requirements prescribed in this section.~~ IF A MOBILE HOME PARK IS FOUND TO BE OUT OF COMPLIANCE WITH THIS SECTION AS A RESULT OF A TENANT COMPLAINT FILED WITH THE DIRECTOR OR ON THE DIRECTOR'S OWN INVESTIGATION, the director shall issue a show cause order to the landlord directing the landlord to provide proof that the EDUCATION AND TRAINING requirements of ~~subsection A~~ THIS SECTION have been satisfied. 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 ~~five hundred dollar~~ civil penalty OF \$500, with an additional ~~five hundred dollar~~ \$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. Otherwise, the matter shall be referred to the attorney general for enforcement and collection of the civil penalties and a ten ~~per cent~~ PERCENT surcharge on the total amount of the civil penalties collected. All civil penalties shall be deposited, PURSUANT TO SECTIONS 35-146 AND 35-147, in the state general fund and the ten ~~per cent~~ PERCENT surcharge shall be deposited, PURSUANT TO SECTIONS 35-146 AND 35-147, in the mobile home relocation fund.

37 Sec. 3. Section 33-1476.02, Arizona Revised Statutes, is amended to
38 read:

39 33-1476.02. Mobile home relocation fund: investment of monies
40 A. The mobile home relocation fund is established consisting of monies collected pursuant to sections 33-1476.03 and 33-2151 and any surcharge collected pursuant to section 33-1437. The director shall administer the fund.

41 B. Fund monies shall be used as prescribed in sections 33-1476.04 and 41-4008 and to pay premiums and other costs of purchasing, from a

1 private insurer who is licensed to transact insurance business in this
2 state, insurance coverage for tenant relocation costs due to a change in
3 use as prescribed in sections 33-1476.01, 33-1476.05, 33-2149 and
4 33-2150. Any insurance rebates shall be deposited in the fund. If such
5 insurance is not available, or if the insurance costs exceed the amount
6 available from the fund, the fund shall be used to make direct payments
7 for tenant relocation costs. Monies in the fund in excess of the amount
8 required for these purposes shall be used, as necessary, to support the
9 ~~Arizona department of housing's~~ DEPARTMENT'S administration of the hearing
10 function pursuant to section 41-4062 and the ~~Arizona department of~~
11 ~~housing's~~ DEPARTMENT'S administration of SHOW CAUSE HEARINGS REGARDING
12 COMPLIANCE WITH section 33-1437, subsection c.

13 C. On notice from the director, the state treasurer shall invest
14 and divest monies in the fund as provided by section 35-313, and monies
15 earned from investment shall be credited to the fund. Any unexpended and
16 unencumbered monies remaining in the fund at the end of the fiscal year do
17 not revert to the state general fund but remain in the fund, separately
18 accounted for, as a contingency reserve.

19 D. The director shall adopt, amend or repeal rules pursuant to
20 title 41, chapter 6 for the administration of the fund. Fund monies shall
21 be paid to the ~~Arizona~~ department ~~of housing~~ to offset the costs of
22 administering the fund, including the direct and indirect costs of
23 processing applications for reimbursement submitted under section 41-4008
24 and administering the direct and indirect costs of ENSURING COMPLIANCE
25 WITH section 33-1437, subsection c. The attorney general shall review the
26 costs charged to the fund.