

House Engrossed Senate Bill

unlawful occupants; forcible entry; detainer

State of Arizona  
Senate  
Fifty-seventh Legislature  
Second Regular Session  
2026

## **CHAPTER 69**

# **SENATE BILL 1426**

AN ACT

AMENDING SECTIONS 12-1171 AND 12-1173, ARIZONA REVISED STATUTES; RELATING TO FORCIBLE ENTRY AND DETAINER ACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-1171, Arizona Revised Statutes, is amended to  
3 read:

4 12-1171. Acts which constitute forcible entry or detainer

5 A person is guilty of forcible entry and detainer, or of forcible  
6 detainer, as the case may be, if ~~he~~ THE PERSON:

7 1. Makes an entry into any lands, tenements or other real property,  
8 except in cases where entry is given by law.

9 2. Makes such an entry by force.

10 3. Wilfully and without force holds over any lands, tenements or  
11 other real property after termination of the time for which such lands,  
12 tenements or other real property were let to him or to the person under  
13 whom he claims, after demand made ~~in writing~~ for the possession ~~thereof~~ OF  
14 THE LANDS, TENEMENTS OR OTHER REAL PROPERTY by the person entitled to such  
15 possession.

16 Sec. 2. Section 12-1173, Arizona Revised Statutes, is amended to  
17 read:

18 12-1173. Definition of forcible detainer; substitution of  
19 parties; applicability

20 A. There is a forcible detainer if:

21 1. A tenant at will or by sufferance or a tenant from month to  
22 month or a lesser period whose tenancy has been terminated retains  
23 possession after his tenancy has been terminated or after he receives  
24 written demand of possession by the landlord.

25 2. The tenant of a person who has made a forcible entry refuses for  
26 five days after written demand to give possession to the person ~~upon~~ ON  
27 whose possession the forcible entry was made.

28 3. A person who has made a forcible entry ~~upon~~ ON the possession of  
29 one who acquired such possession by forcible entry:

30 (a) Refuses for five days after written demand to give possession  
31 to the person ~~upon~~ ON whose possession the first forcible entry was made;  
32 OR ~~—~~

33 (b) REFUSES AFTER A REASONABLE REQUEST TO LEAVE AND TO GIVE  
34 POSSESSION TO THE PERSON ON WHOSE POSSESSION THE FIRST FORCIBLE ENTRY WAS  
35 MADE IF ALL OF THE FOLLOWING APPLY:

36 (i) THE REQUESTING PERSON IS THE PROPERTY OWNER OR THE PROPERTY  
37 OWNER'S AUTHORIZED AGENT.

38 (ii) THE PROPERTY INCLUDES A RESIDENTIAL DWELLING OR IS BEING USED  
39 FOR RESIDENTIAL PURPOSES.

40 (iii) AN UNAUTHORIZED PERSON IS UNLAWFULLY OCCUPYING THE PROPERTY.

41 (iv) THE PROPERTY OWNER HAS DIRECTED THE UNAUTHORIZED PERSON TO  
42 LEAVE.

43 (v) THE PROPERTY WAS NOT OPEN TO THE PUBLIC AT THE TIME THE  
44 UNAUTHORIZED PERSON ENTERED THE PROPERTY.

1 (vi) THE UNAUTHORIZED PERSON IS NOT A CURRENT OR FORMER TENANT AT  
2 THAT PROPERTY.

3 (vii) THE UNAUTHORIZED PERSON DID NOT HAVE A PRIOR VERBAL OR  
4 WRITTEN AGREEMENT TO COHABITATE WITH THE PROPERTY OWNER IN THAT  
5 RESIDENTIAL DWELLING.

6 (viii) THE UNAUTHORIZED PERSON IS NOT AN IMMEDIATE FAMILY MEMBER OF  
7 THE PROPERTY OWNER.

8 (ix) THERE IS NO LITIGATION PENDING BETWEEN THE PROPERTY OWNER AND  
9 THE UNAUTHORIZED PERSON.

10 (c) THIS SECTION DOES NOT APPLY TO OR MODIFY THE RIGHTS AND  
11 REMEDIES AVAILABLE TO LANDLORDS AND TENANTS PURSUANT TO TITLE 33,  
12 CHAPTER 10.

13 4. A person who has made a forcible entry ~~upon~~ ON the possession of  
14 a tenant for a term refuses to deliver possession to the landlord for five  
15 days after written demand, after the term expires. If the term expires  
16 while a writ of forcible entry applied for by the tenant is pending, the  
17 landlord ~~may~~, at his own cost and for his own benefit, MAY prosecute it in  
18 the name of the tenant.

19 B. THE SUPREME COURT SHALL ADOPT RULES TO ALLOW FOR THE EXPEDITIOUS  
20 RESOLUTION OF CLAIMS CONSISTENT WITH THIS SECTION. FOR A FORCIBLE DETAINER  
21 ACTION BROUGHT PURSUANT SUBSECTION A, PARAGRAPH 3, SUBDIVISION (b) OF THIS  
22 SECTION AGAINST AN UNAUTHORIZED PERSON, A WRIT OF RESTITUTION SHALL BE  
23 ISSUED IMMEDIATELY AFTER THE COURT SIGNS ANY JUDGMENT AGAINST THE  
24 UNAUTHORIZED PERSON.

APPROVED BY THE GOVERNOR MAY 29, 2026.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 29, 2026.