

REFERENCE TITLE: unlawful property occupancy; removal; trespass

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2137

Introduced by
Representatives Way: Lopez

AN ACT

AMENDING TITLE 12, CHAPTER 8, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-1184; AMENDING SECTION 13-1504, ARIZONA REVISED STATUTES; AMENDING TITLE 33, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-1304.01; RELATING TO RESIDENTIAL STRUCTURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 12, chapter 8, article 4, Arizona Revised
3 Statutes, is amended by adding section 12-1184, to read:

4 12-1184. Alternate removal procedure; unlawful occupancy;
5 affidavit; hearing; violation; classification;
6 definition

7 A. FOR ANY CLAIM OF UNLAWFUL OCCUPANCY OF A RESIDENTIAL PROPERTY
8 THAT IS NOT BASED ON A PREVIOUSLY LAWFUL TENANCY OR THAT DOES NOT
9 CONSTITUTE A FORCIBLE ENTRY OR FORCIBLE DETAINER, A PROPERTY OWNER OR THE
10 OWNER'S AUTHORIZED AGENT MAY SUBMIT TO THE LOCAL LAW ENFORCEMENT AGENCY A
11 SWORN AFFIDAVIT THAT ASSERTS THE UNLAWFUL RESIDENTIAL OCCUPANCY OF A
12 PROPERTY. THE AFFIDAVIT MUST STATE ALL OF THE FOLLOWING UNDER PENALTY OF
13 PERJURY:

14 1. THE AFFIANT IS THE LAWFUL OWNER OF THE PREMISES OR THE
15 AUTHORIZED AGENT OF THE LAWFUL OWNER.

16 2. THE PERSON WHO OCCUPIES THE PREMISES IS NOT A LAWFUL TENANT OR
17 OWNER.

18 3. THE AFFIANT HAS NOT RECEIVED RENT PAYMENTS IN ANY FORM,
19 INCLUDING PAYMENTS MADE IN KIND, FROM THE OCCUPANT WITHIN THE THIRTY DAYS
20 IMMEDIATELY PRECEDING THE DATE OF THE AFFIDAVIT.

21 4. THERE IS NO LEASE OR RENTAL AGREEMENT, WHETHER WRITTEN OR ORAL,
22 OR OTHER EVIDENCE OF THE OCCUPANT'S LAWFUL OCCUPANCY.

23 5. THE AFFIANT HAS PROVIDED THE OCCUPANT WITH WRITTEN NOTICE TO
24 VACATE THE PREMISES AT LEAST FORTY-EIGHT HOURS BEFORE THE DATE OF THE
25 AFFIDAVIT.

26 6. THERE IS NO ONGOING CIVIL LITIGATION BETWEEN THE PARTIES
27 REGARDING POSSESSION OF THE PREMISES, WHETHER A FORCIBLE ENTRY AND
28 DETAINER ACTION OR OTHER SIMILAR EVICTION ACTION.

29 7. THE AFFIANT UNDERSTANDS THAT SUBMITTING A FALSE AFFIDAVIT MAY
30 RESULT IN CRIMINAL AND CIVIL PENALTIES AGAINST THE AFFIANT.

31 B. ON RECEIPT OF THE AFFIDAVIT AND REASONABLE PROOF OF OWNERSHIP AS
32 SPECIFIED IN THE AFFIDAVIT ALONG WITH PROOF OF THE AUTHORIZED AGENCY OF
33 THE AFFIANT IF THE AFFIANT IS NOT THE LAWFUL OWNER OF THE PREMISES, THE
34 LOCAL LAW ENFORCEMENT AGENCY SHALL:

35 1. SERVE A NOTICE OF UNLAWFUL OCCUPANCY TO THE OCCUPANT THAT
36 REQUIRES THE OCCUPANT TO VACATE THE PREMISES WITHIN FORTY-EIGHT HOURS
37 AFTER RECEIPT OF THE NOTICE OF UNLAWFUL OCCUPANCY.

38 2. IF THE OCCUPANT DOES NOT VACATE THE PREMISES WITHIN THE
39 FORTY-EIGHT HOURS PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION, REMOVE THE
40 OCCUPANT AND THE OCCUPANT'S PROPERTY.

41 3. ALLOW THE OWNER OR THE OWNER'S AUTHORIZED AGENT TO SECURE THE
42 PREMISES, INCLUDING BY CHANGING THE LOCKS.

43 C. THE LOCAL LAW ENFORCEMENT AGENCY MAY NOT REMOVE THE OCCUPANT IF
44 ANY OCCUPANT OF THE PREMISES PRESENTS CREDIBLE EVIDENCE OF THE OCCUPANT'S
45 LAWFUL TENANCY. THE CREDIBLE EVIDENCE MAY INCLUDE ANY OF THE FOLLOWING:

1 1. A LEASE THAT APPEARS VALID ON ITS FACE, INCLUDING EVIDENCE OF A
2 VERBAL AGREEMENT.

3 2. ONE OR MORE UTILITY BILLS FOR THE PREMISES THAT ARE IN THE NAME
4 OF THE OCCUPANT.

5 3. RECEIPTS FOR RENTAL PAYMENTS OR ELECTRONIC TRANSFERS WITHIN THE
6 THIRTY DAYS IMMEDIATELY PRECEDING THE DATE OF THE AFFIDAVIT.

7 4. EMAILS, TEXTS OR OTHER EVIDENCE OF ELECTRONIC COMMUNICATIONS
8 THAT INDICATE A LANDLORD TENANT RELATIONSHIP.

9 D. ANY PERSON WHO IS REMOVED FROM A PREMISES PURSUANT TO THIS
10 SECTION MAY PETITION FOR AN EXPEDITED HEARING FROM THE APPROPRIATE
11 SUPERIOR COURT OR THE JUSTICE COURT WITH JURISDICTION OVER THE PREMISES.
12 IF THE COURT FINDS THE OCCUPANT IS A LAWFUL TENANT OR OTHERWISE HAD THE
13 RIGHT TO POSSESS THE PREMISES, THE COURT SHALL:

14 1. ORDER THE IMMEDIATE REINSTATEMENT OF POSSESSION BY THE OCCUPANT.

15 2. AWARD TO THE OCCUPANT THE OCCUPANT'S ACTUAL DAMAGES, COURT COSTS
16 AND REASONABLE ATTORNEY FEES.

17 E. ANY PERSON WHO IS WRONGFULLY REMOVED FROM A PREMISES PURSUANT TO
18 THIS SECTION MAY FILE AN ACTION TO RECOVER TREBLE DAMAGES, ATTORNEY FEES
19 AND COSTS AND INJUNCTIVE RELIEF.

20 F. A PERSON WHO KNOWINGLY SUBMITS A MATERIALLY FALSE AFFIDAVIT TO A
21 LOCAL LAW ENFORCEMENT AGENCY PURSUANT TO THIS SECTION IS GUILTY OF A CLASS
22 1 MISDEMEANOR.

23 G. A LOCAL LAW ENFORCEMENT AGENCY AND ITS OFFICERS AND EMPLOYEES
24 ARE IMMUNE FROM CIVIL LIABILITY FOR ANY GOOD FAITH ACTIONS TAKEN UNDER
25 THIS SECTION.

26 H. FOR THE PURPOSES OF THIS SECTION, "LOCAL LAW ENFORCEMENT AGENCY"
27 MEANS THE COUNTY SHERIFF FOR ANY PROPERTY THAT IS NOT LOCATED IN A CITY OR
28 TOWN OR THE CITY OR TOWN POLICE DEPARTMENT FOR ANY PROPERTY THAT IS
29 LOCATED IN A CITY OR TOWN.

30 Sec. 2. Section 13-1504, Arizona Revised Statutes, is amended to
31 read:

32 13-1504. Criminal trespass in the first degree:
33 classification

34 A. A person commits criminal trespass in the first degree by
35 knowingly:

36 1. Entering or remaining unlawfully in or on a residential
37 structure, INCLUDING BY EITHER OF THE FOLLOWING: ~~—~~

38 (a) OCCUPYING A RESIDENTIAL STRUCTURE WITHOUT A LEGAL RIGHT, A
39 LAWFUL TENANCY OR AN OWNERSHIP INTEREST IN THE RESIDENTIAL STRUCTURE,
40 INCLUDING THROUGH FORGED, EXPIRED OR FICTITIOUS DOCUMENTATION.

41 (b) CONTINUING TO REMAIN AT THE RESIDENTIAL STRUCTURE AFTER
42 RECEIVING NOTICE FROM THE OWNER, THE OWNER'S AUTHORIZED AGENT OR A LAW
43 ENFORCEMENT OFFICER THAT THE PERSON IS UNLAWFULLY PRESENT, HAS NO RIGHTS
44 AS A TENANT AND MUST VACATE THE RESIDENTIAL STRUCTURE.

45 2. Entering or remaining unlawfully in a fenced residential yard.

3. Entering any residential yard and, without lawful authority, looking into the residential structure thereon in reckless disregard of infringing on the inhabitant's right of privacy.

4. Entering unlawfully on real property that is subject to a valid mineral claim or lease with the intent to hold, work, take or explore for minerals on the claim or lease.

5. Entering or remaining unlawfully on the property of another and burning, defacing, mutilating or otherwise desecrating a religious symbol or other religious property of another without the express permission of the owner of the property.

6. Entering or remaining unlawfully in or on a critical public service facility.

B. Criminal trespass in the first degree under subsection A, paragraph 6 of this section is a class 5 felony. Criminal trespass in the first degree under subsection A, paragraph 1 or 5 of this section is a class 6 felony. Criminal trespass in the first degree under subsection A, paragraph 2, 3 or 4 of this section is a class 1 misdemeanor.

Sec. 3. Title 33, chapter 10, article 1, Arizona Revised Statutes, is amended by adding section 33-1304.01, to read:

33-1304.01. Law enforcement action; no tenancy; lawful tenant rights

THIS CHAPTER DOES NOT:

1. PRECLUDE A LAW ENFORCEMENT OFFICER FROM ENFORCING LAWS RELATING TO CRIMINAL TRESPASS OR OTHER APPLICABLE CRIMINAL LAWS.

2. PROHIBIT A LAW ENFORCEMENT OFFICER FROM REMOVING A PERSON FROM A PROPERTY PURSUANT TO SECTION 12-1184 IF THERE IS PROBABLE CAUSE TO BELIEVE THAT THE PERSON IS UNLAWFULLY OCCUPYING THE PROPERTY AND THERE WAS NO LANDLORD TENANT RELATIONSHIP BETWEEN THE OWNER AND THE OCCUPANT.

3. DIMINISH THE RIGHTS OF A LAWFUL TENANT UNDER A VALID LEASE OR OTHER RENTAL AGREEMENT AND UNDER ANY STATE OR FEDERAL HOUSING LAW.

Sec. 4. Effective date

Section 12-1184, Arizona Revised Statutes, as added by this act, section 13-1504, Arizona Revised Statutes, as amended by this act, and section 33-1304.01, Arizona Revised Statutes, as added by this act, are effective from and after December 31, 2026.

Sec. 5. Severability

If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.